

**TOWN OF CLAYTON**  
**SUBDIVISION ORDINANCE**  
**TOWN OF CLAYTON**

Winnebago County Wisconsin  
Chapter 7.10

Adopted August 15th, 2012

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**Key to Proposed Changes:**

**Changes proposed to remain compliant with 2025 Act 68 law changes.**

**Changes proposed to update references related to County Shoreland jurisdictional changes.**

**Changes proposed to update references to existing code, statute, policies, and other administrative edits.**

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7.10.01 INTRODUCTION

Note: To facilitate the best possible understanding by those who intend to plat and develop land within the Town of Clayton, this Subdivision Ordinance is based on the Winnebago County Subdivision Ordinance that went into effect (as amended) on March 22, 1989. The County Ordinance is being used as the basis for the Clayton Subdivision Ordinance because all platting in the Town must be consistent with County regulations.

(1) AUTHORITY

The provisions of this chapter are adopted by the Town of Clayton Town Board which has adopted Village Powers pursuant to the authority granted by Chapters 61 and 236, Wisconsin Statutes. This ordinance shall require either a Certified Survey Map or Subdivision Plat to create new land parcels or lots in the Town of Clayton.

(2) TITLE

This chapter shall be known as, referred to, or cited as the "Town of Clayton Subdivision Ordinance."

(3) PURPOSE AND INTENT

The purpose of this chapter is to regulate and control the division of land within the unincorporated areas of the Town of Clayton to:

- (a) Promote the public health, safety, and general welfare.
- (b) Further the orderly layout and use of land.
- ~~(c)~~ Prevent the overcrowding of land Ensure that land is developed in a manner that supports healthy, livable communities.
- ~~(d)~~ Lessen congestion in streets and highways Foster the development of a range of housing types.
- ~~(d)~~(e) Advance complete streets that prioritize safety, comfort, and accessibility for pedestrians, cyclists, transit riders, and motorists alike.
- ~~(e)~~(f) Provide for adequate light and air.
- ~~(g)~~ Facilitate adequate provisions for water, sewerage, and other public requirements.
- ~~(f)~~(h) Encourage development patterns that provide safe and convenient transportation choices for a variety of users;
- ~~(g)~~(i) Provide for proper ingress and egress.
- ~~(h)~~(j) Promote proper monumenting of subdivided land and conveyance by accurate legal description.
- ~~(i)~~(k) Protect adjacent farms and other uses from adverse secondary effects of development.

(4) ABROGATION AND GREATER RESTRICTIONS

It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing

easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, when this chapter imposes greater restrictions, the provisions of this chapter shall govern.

(5) INTERPRETATION

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

(6) SEVERABILITY

It is hereby declared to be the legislative intent that should any provision of this ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance in its entirety or any part thereof, other than that so declared to be invalid.

7.10.02 GENERAL PROVISIONS

(1) JURISDICTION

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

- (a) Transfers of interest in land by will or pursuant to court order.
- (b) Leases for a term not to exceed 10 years, mortgages or easements.
- (c) Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the resultant lots are not reduced below the minimum size required by these regulations, the CountyTown of Clayton 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 not combined with the adjoining parcel by means of a new legal description in accordance with Subpart (3).

(2) COMBINING LOTS

Lots shall be combined into one parcel according to Subpart (3) when one or more of the following occurs:

- (a) The requirements of Subpart (1) are not met.
- (b) A use, structure, or structural addition occupies more than one lot under the same ownership.
- (c) When existing substandard lots of record are platted according to Ch. 236 Wis. Stats., and the County-Town Zoning Administrator determines that the intent of the district will not be maintained at the time of construction.

(3) COMBINING DESCRIPTION

Land described in Subpart (2) shall be combined into one parcel by Certified Survey Map procedures and recorded in the County Register of Deeds office.

#### (4) COMPLIANCE

Any division of land 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 improvements to the land unless it is in compliance with all the requirements of this chapter and with the following that are in effect when an application for the division of land is received by the Town of Clayton:

- (a) Adopted County Shoreland Zoning, Floodplain Zoning, Sanitarytion, Stormwater and Erosion Control, and Subdivision and Platting Ordinances.
- (b) Town and County Access Control Ordinances.
- (c) Applicable Town Ordinances, including the Town of Clayton Zoning Ordinance.
- (d) The provisions of Chapter 236, Wisconsin Statutes.
- (e) Provisions of the Winnebago County Land Records Ordinance as enumerated in Section 8.05 of the Winnebago County Code.
- (f) Town of Clayton Comprehensive Plan.
- (g) Town of Clayton Official Map.

#### (5) LAND SUITABILITY

No land shall be divided which is held unsuitable for any proposed use by the Town Board for reason of flooding, inadequate drainage, soil and water formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or inadequate 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. The Town Board, 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 shall afford the applicant an opportunity to present evidence regarding such suitability at a public hearing. Thereafter, the Town Board may affirm, modify or withdraw its determination of unsuitability.

#### (6) VARIANCES

- (a) 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 and unnecessary hardship, the Town Board may vary 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 and County.
- (b) The Town Board, at its discretion, if it determines it necessary for the public good, may conduct a public hearing to permit parties interested to comment on the variance request.
- (c) If a hearing is determined necessary, the applicant shall be responsible for payment of a hearing fee as established by the Town of Clayton. The Town Board shall then fix a reasonable time and place for the hearing. Notice of the time and place of such hearing shall be given by publication as a Class 2 notice of the local newspaper according to Ch.

985, Wisconsin Statutes. All property owners within 300 feet of the subject site, as listed on official tax property rolls as of the date of application, shall be notified by first class mail with an Affidavit of Mailing at least 10 days prior to the date of such hearing.

- (d) A majority vote of the entire membership of the Town Board shall be required to grant any modification to these regulations, and any modification that is granted shall be entered in the minutes of the Town Board setting forth the reasons which, in the opinion of the Town Board, justified the modification.

## (7) VIOLATIONS

No person shall build upon, divide, convey, record, or monument any land in violation of this chapter or of the Wisconsin Statutes. No permit shall be issued authorizing the building on or improvement of any lot, or the improvement or development of any subdivision, re-plat or condominium plat within the jurisdiction of this chapter 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 of the applicable Wisconsin Statutes.

## (8) PENALTIES

- (a) Recordation improperly made shall be subject to the provisions of Sec. 236.30, Wisconsin Statutes.
- (b) Conveyance of lots in unrecorded plats shall be subject to the provisions of Sec. 236.31, Wisconsin Statutes.
- (c) Monuments disturbed or not placed shall be subject to the provisions of Sec. 236.32, Wisconsin Statutes.
- (d) An Assessor's plat may be ordered by the Town when a subdivision is created by successive divisions as provided in Sec. 236.31(2), Wisconsin Statutes.
- (e) Any person failing to comply with the provisions of this chapter shall be subject to a penalty as provided in Article 14, Enforcement, of the Town of Clayton Zoning Code, as adopted by reference herein~~Sec. 25.04 of the Winnebago County General Code.~~

## (9) APPEALS

Any person aggrieved by an objection to a plat or failure to approve a plat may appeal therefrom as provided in Sections 236.13(5) and 62.23(7), Wisconsin Statutes.

### 7.10.03 RECREATIONAL TRAILS

#### (1) TRAIL REQUIREMENTS

The subdivider shall dedicate land for and construct recreational trails as provided herein.

- (a) Recreational trails shall conform to the Town of Clayton Official Map and the Town of Clayton Comprehensive Plan, if applicable, the City of Neenah Official Map. In areas for which an official map does not apply, the recreational trail layout shall recognize the functional classification of trail types and shall be developed and located in proper

relation to existing and proposed trails in the Town of Clayton and adjacent communities, with due regard to topographical conditions, natural features, parks and community facilities.

- (b) Recreational trails may be located within street rights-of-way or along the rear of lots as determined by the Plan Commission.

## (2) TRAIL STANDARDS

The minimum right-of-way width and minimum surface width shall comply with trail specifications contained in the Town of Clayton **Minimum Road Design Standards Policy Development Ordinance** and Town of Clayton Official Map.

### 7.10.04 ENVIRONMENTAL SETBACK CORRIDORS

#### (1) PURPOSE

Environmental setback corridors shall be provided for the purpose of conveying stormwater runoff, filtering pollutants from upslope overland flow areas, providing flood storage, and maintaining habitat. Sufficient vegetative cover shall be preserved and maintained to provide bank stability within the environmental setback area. Placements of fill material, construction of permanent structures, buildings, and improvements shall be prohibited within the environmental setback corridor except for road and utility crossings. Construction of stormwater management facilities may be permitted within the environmental setback corridor provided these facilities are based on sound engineering practices and do not interfere with the purpose of the environmental corridors.

#### (2) SETBACK STANDARDS

The minimum setback for the environmental setback corridor shall be provided on each side of the watercourse centerline as follows:

- (a) 25 feet for watercourses with watersheds less than 81 acres,
- (b) 35 feet for watercourses with watersheds of 81-350 acres,
- (c) 45 feet for watercourses with watersheds greater than 350 acres.

~~(d) 100 feet for the main channel of the Neenah Slough downstream from County Road GG; in no case will the setback exceed the mapped floodplain boundary.~~

#### (3) APPLICABILITY

Applicable watercourses are those shown on the official Winnebago County **Shoreland Water Course** Map. Additions or deletions to the Winnebago County **Shoreland Water Course** Map must be field verified by the Winnebago County **Land Conservation Department** or its designee.

Environmental setback corridors also apply to lands upslope from designated wetlands adjacent to applicable watercourses. Environmental setback corridors for wetlands shall be the same distances described above.

#### (4) ENVIRONMENTAL SETBACK CORRIDOR PROTECTIONS

The environmental setback corridor setback line shall be shown on the face of the plat. The environmental setback corridor shall be protected by the following provisions expressly noted on the face of the plat:

The following uses, structures and activities are prohibited: filling, grading and excavating except in connection with public street and utility crossings and drainage improvements and facilities; construction of any building or structure including fences; the dumping of trash, garbage or compost; the storage of vehicles or equipment of any kind; the removal of native vegetation; and the mowing or cutting of vegetation lower than eight (8) inches. These restrictions shall run with the land and be binding upon the owner and his/her/its successors and assigns. These restrictions may be enforced by any lot owner, Homeowners' Association or the Town of Clayton by proceedings in law or equity against any person violating or attempting to violate these restrictions. These restrictions shall not be amended, waived or terminated without a recorded written instrument and the express written consent of the Town of Clayton.

#### 7.10.05 DRAINAGE AND STORMWATER MANAGEMENT

##### (1) GENERAL CONSIDERATIONS

The following considerations shall be observed in managing surface water and stormwater runoff:

- (a) Natural topography and land cover features (such as natural watercourses, natural swales, natural depressions, native soil infiltrating capacity and natural groundwater recharge areas) shall be preserved and used to the maximum extent possible.
- (b) Emergency overland flow for all stormwater facilities shall be provided to prevent exceeding safe capacity of downstream drainage facilities and to prevent endangerment of downstream property or public safety.
- (c) Drainage ways shall conform to the Town's plans and obligations for MS4 compliance. ~~Official Map for Waterways.~~
- (d) The design of stormwater facilities shall implement the Wisconsin Best Management Practices and shall address water quality as well as water quantity.

##### (2) DRAINAGE PARAMETERS

Storm drainage facilities shall be designed to permit the unimpeded flow of natural watercourses, to insure the drainage of all points along the line of streets, and to provide positive drainage away from on-site sewage disposal facilities. In designing storm drainage facilities, special consideration shall be given to protect against shoreland erosion, siltation of surface waters, and excess water runoff onto adjacent property. The Town may require that easements or drainage ways of sufficient width to accommodate anticipated stormwater runoff be provided. All stormwater facilities shall be constructed in accordance with plans and specifications approved by Winnebago County.

### (3) STORMWATER MANAGEMENT

Stormwater management standards and stormwater management plans shall comply with the Winnebago County Erosion Control and Stormwater Management Ordinance. No land division or subdivision shall be given final approval unless and until a stormwater management plan has been approved by the Town of Clayton and a permit issued by Winnebago County.

### (4) SUBMITTALS

Preliminary dDrainage and stormwater management plans required in connection with the standards and requirements of the Winnebago County Erosion Control and Stormwater Management Ordinance shall also be submitted to the Town of Clayton for review and comment at the time of preliminary plat submittal for major subdivisions and prior to Certified Survey Map approval for minor subdivisions. Submittal of final plans and reports may be a condition of approval of the preliminary plat, and shall be required for final plat review.

### (5) SURFACE WATER AND STORMWATER DRAINAGE FACILITY PROTECTIONS

The surface water and stormwater drainage facility protections required by this section shall be expressly noted on the face of the final plat or certified survey map with the purpose, location, and dimensions clearly shown on the plat or certified survey map. The protections shall expressly grant to the Town the right to enforce the protections. The Town may, in its discretion, also require such protections and the right of Town enforcement to be separately set forth in an easement/restrictive covenant recorded with the Winnebago County Register of Deeds office.

(a) Drainage ways. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within a street or road right-of-way, the drainage way shall be protected by a perpetual unobstructed easement not less than 20 feet in width with satisfactory access to a public right-of-way. Drainage way easements shall be protected by the following express provisions:

1. Drainage Easement Restrictions. The following uses and structures are prohibited within all drainage easements: filling, grading and excavating except for construction of drainage ways and drainage facilities; the cultivation of crops, fruits or vegetables; the dumping or depositing of ashes, waste, compost or materials of any kind; the storage of vehicles, equipment, materials or personal property of any kind; and constructing, erecting or moving any building or structure, including fences, within the drainage easement unless such structure will protect the public and/or has been issued a permit from the Town.
2. Maintenance of Drainage Improvements. Maintenance of drainage ways and associated drainage improvements shall be the responsibility of the property owners. Winnebago County and tThe Town retains the right to perform maintenance or repairs. The cost of the maintenance and repairs shall be equally assessed among the property owners. The purchase of any lot constitutes a waiver of objection and agreement to pay any such assessment which shall be placed on the tax bill as a special assessment.
3. Drainage Maintenance Easement. Winnebago County and tThe Town shall have an unqualified right to enter upon any drainage easement or outlot for inspection

and, if necessary, maintenance and repair of the drainage ways and associated drainage improvements.

- (b) Drainage Detention / Retention Facilities. All drainage detention, drainage retention or drainage basin facilities shall be protected by a perpetual unobstructed easement with satisfactory access to a public right-of-way. Drainage detention, retention or basin facilities shall be subject to the same protection provisions as drainage ways in sub (a).
- (c) Outlots for Drainage Facilities. The Town may, when it deems it necessary for the health, safety or welfare of the present and future population of the area and necessary for the preservation of drainage facilities, require that any drainage way or drainage detention/retention facility, in whole or part, be made part of an outlot for dedication or subsequent conveyance to a homeowners' association subject to the protections and restrictions set forth in this section.
- (d) Drain Tiles. The face of the final plat shall contain the following statement:

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

"All grading and final grades for the construction of any public or private improvement shall conform to the drainage plan as approved by Winnebago County and the Town of Clayton."

#### (6) DEDICATION OF DRAINAGE FACILITIES

The Town may, when it deems it necessary for the health, safety and welfare of the present and future population of the area; necessary for the future development of the watershed; and necessary for the preservation of drainage facilities, require that any drainage way or drainage detention facility be dedicated to the Town.

#### (7) OFF SITE DRAINAGE

Whenever a proposed drainage system will require the conveyance of surface water across private property outside of the subdivision or land division, the Town may require that appropriate drainage rights be secured and indicated on the plat or certified survey map.

#### (8) EROSION AND SEDIMENT CONTROL

Erosion and sediment standards and plans shall comply with the Winnebago County **Erosion Control and Stormwater Management** ~~Erosion and Sediment Control~~ Ordinance. No land division or subdivision shall be **given final approved** unless and until an erosion and sediment control plan has been approved and a permit issued by Winnebago County.

### 7.10.06 CONSTRUCTION OF PUBLIC IMPROVEMENTS

#### (1) COSTS

The subdivider shall agree to install and construct all public improvements required by this Ordinance at the subdivider's expense. The subdivider shall provide financial security, to ensure those improvements are made within a reasonable time after the plat is approved. The subdivider may request that the Town install and construct all or part of the public improvements required by this Ordinance at the subdivider's expense. All drainage facilities, whether or not dedicated to the Town, shall be deemed public improvements.

## (2) CONSTRUCTION STAKING

All construction staking for rough grading, street subgrade, street gravelling and detention or retention drainage basins shall be verified by the Town Engineer at the subdivider's expense.

## (3) COMPLETION

The subdivider shall construct and install all public improvements except final street pavement within two years of Certified Survey Map or final plat approval unless otherwise agreed by the Town. Final street pavement shall be installed when 50% of the lots have been developed or when required by the Town, by Town Order. The Town, in its discretion, may install street chip coat sealing at the subdivider's expense.

## (4) PUBLIC IMPROVEMENT AGREEMENT

As a condition of Certified Survey Map or final plat approval, the subdivider shall enter into a Public Improvement Agreement in recordable form with the Town. The Public Improvement Agreement shall contain the following provisions:

- (a) Estimated Improvement Costs. The itemized estimated costs of the following public improvements: (1) street drainage; (2) street base course construction; (3) street chip coat sealing; (4) street signage; (5) final pavement; (6) other public improvements such as street lighting and curb and gutter, if applicable; and (7) Town engineering, inspection, legal and administrative costs.
- (b) Improvements in Phases. A subdivider may make improvements to a final plat in phases if approved by the Town Board. The approval may not be unreasonably withheld by the Town Board. If the final plat is to be developed in phases, the financial security referred to in (c) and (d) below will be limited to the phase that is currently being improved. The security will not be required sooner than is reasonably necessary before the commencement of the installation of the improvements.
- (c) Financial Security for Public Improvements:
  1. Cash escrow. If the subdivider and the Town agree that the Town will construct required public improvements, the subdivider shall establish, prior to final plat approval, a cash escrow account for the benefit of the Town and in the name of the Town in an amount of not less than 115% of the estimated costs. The escrow instructions shall provide: (1) that the subdivider shall have no right to a return of any of the funds except as authorized by the Town upon the completion of the improvements; and (2) that the escrow agent shall have a legal duty to deliver the escrowed funds to the Town upon receipt of written notice from the Town signed by the Town Board Chair and attested to by the Town Clerk, whether or not the

subdivider protests delivery of the funds. The escrow agent shall be acceptable to the Town.

2. Letter of Credit. If the subdivider constructs required public improvements, the subdivider shall provide a letter of credit for the benefit of the Town and in the name of the Town in an amount not less than 115% of the estimated cost. The letter of credit: (1) shall be irrevocable; (2) shall be for a term sufficient to cover completion of the improvements; and (3) shall only require the Town to present the financial institution with a sight draft and a written notice signed by the Town Chair and attested to by the Town Clerk in order for the Town to draw funds under the letter of credit. The issuer of the letter of credit shall be acceptable to the Town.

(d) Financial Security for Final Pavement. Final street pavement shall not be installed until 50% of the lots in the land division or subdivision have been developed or when required by the Town, by Town Order. The subdivider shall provide, prior to final plat approval, a separate cash escrow account or letter of credit as provided in paragraphs 1 and 2 above for final pavement in an amount of not less than 1205% of the estimated cost for final pavement.

(e) Waiver of Special Assessment Notices and Proceedings. The subdivider shall waive any statutory special assessment notices and proceedings.

(f) Promise to Pay. The subdivider shall promise to pay the Town the full cost of all public improvements.

#### (5) DEFERRAL OF PUBLIC IMPROVEMENTS

The Town may defer the construction or installation of public improvements when, in its judgment, such improvements are not yet necessary or appropriate because of the inadequacy or nonexistence of connecting facilities. Any determination to defer such improvements shall be made on the record. The Town may enter into an agreement with the subdivider with regard to the timing and financial security to be provided in connection with any deferred improvement.

#### (6) RELEASE OF SECURITY

Upon the completion, inspection and acceptance of the public improvements, the Town shall provide the subdivider with an accounting of Town costs in connection with the improvements, and in the case of a cash escrow account, release unused funds to the subdivider, or in the case of a letter of credit, termination of the obligation.

#### (7) INSPECTION AND ACCEPTANCE

The Town shall inspect all public improvements required by this ordinance. Upon satisfactory completion, the Town shall accept such public improvements on the record at a Town Board meeting.

### 7.10.07 SEWAGE DISPOSAL SYSTEMS

(1) SUBDIVISIONS WITHIN A SANITARY DISTRICT AND SEWER SERVICE AREA

A subdivision within a sanitary district and within a sewer service area shall provide public sanitary sewer service.

(2) SUBDIVISIONS WITHIN A SANITARY DISTRICT ONLY

A subdivision within a sanitary district but not a sewer service area may provide for private on-site sewage disposal but shall include the following statement on the face of the final plat: "Public sanitary sewer service may be provided at a future date at the lot owner's expense."

(3) SUBDIVISION OUTSIDE A SANITARY DISTRICT

A subdivision located outside of a sanitary district shall be designed and arranged to facilitate on-site sewage disposal systems meeting the requirements of Chapter ~~COMM-SPS 3~~ 83 of the Wisconsin Administrative Code and all applicable County ordinances.

7.10.08 DEDICATIONS AND RESERVATIONS

(1) STREETS, PEDESTRIAN TRAILS, DRAINAGE FACILITIES AND OTHER PUBLIC WAYS

Whenever a tract of land to be divided or subdivided embraces all or any part of a proposed street, recreational trail, drainage way, drainage facility or other public way which has been designated in an adopted Town plan, ~~or~~ Town of Clayton Official Map, ~~or if applicable, City of Neenah Official Map,~~ such street, recreational trail, drainage way, drainage facility or other public way shall be made part of the plat and either dedicated to the Town or reserved by the subdivider in the locations and dimensions indicated on such plan or map.

(2) PARKS, PLAYGROUNDS AND PUBLIC ACCESS

Whenever a tract of land to be divided or subdivided embraces all or any part of a proposed park, playground, public access or other public land which has been designated in an adopted Town plan or Town of Clayton Official Map, ~~or if applicable, City of Neenah Official Map,~~ such proposed public lands shall be made a part of the plat and shall either be dedicated to the public or be reserved for acquisition at undeveloped land costs for a period not to exceed 5 years from the date of recording, unless extended by mutual agreement between the subdivider and the Town. If the reserved land is not acquired by the Town within the above time limit, the land shall be released to the owner.

(3) PUBLIC ACCESS TO NAVIGABLE WATERS

All public access to the ~~water's edge~~ ~~low water mark~~ of navigable lakes and streams required by Section 236.16(3) Wisconsin Statutes shall be at least 60 feet wide to provide sufficient areas for turning movements and parking.

(4) DEDICATION REQUIREMENTS

In order to ensure that adequate park, playground and recreational open space is provided in the Town to serve the additional need created by the division or subdivision of land, the following provisions are established:

(a) Land Dedication. The subdivider shall dedicate the following percentages of the parcel to be divided or subdivided to provide for park, playground and recreational open space:

Single family zoning	6%
Two family zoning	8%
Multiple family zoning	12%
Planned Unit developments	12%

Consideration shall be given to the preservation of scenic, historic and unique environmental sites. The Town shall have the sole discretion to determine the suitability, adequacy and appropriateness of lands proposed for dedication. The Town shall retain the right to refuse any proposed dedication.

(b) Fee in Lieu. In the event the Town Board deems a dedication is unsuitable, inadequate or inappropriate, for each new dwelling unit allowed by the division or subdivision a \$500.00 fee in lieu of dedication shall be paid prior to the issuance of a building permit. Any new lot created with a dwelling that existed prior to the effective date of this ordinance shall be exempt.

(c) Park and Recreation Escrow Account. All in lieu payments received by the Town shall be deposited in a segregated non-lapsing fund to be used for park and recreation area development including site acquisition and related improvements.

(d) Part Dedication Fee Part Fee in Lieu. In the event the Town Board deems a land dedication suitable in part but not suitable, adequate or appropriate for the entire percentage required in subparagraph (a), the Town Board may approve a dedication for less than the required percentage of the parcel. The portion so dedicated shall be valued at pre-development per acre acquisition costs or as established by the Town Assessor. The value of the portion dedicated shall be credited to the required fee in lieu amount in subparagraph (b) divided by the number of lots.

## 7.10.09 HOMEOWNERS' ASSOCIATIONS

### (1) APPLICABILITY

The Town may, in its discretion, require the creation of a Homeowners' Association for all lot owners in the subdivision plat as a condition of final plat approval.

### (2) ASSOCIATION REQUIREMENTS

A Homeowners' Association shall be responsible for the ownership and maintenance of any common open spaces and any outlot containing a drainage facility. A Homeowners' Association shall be responsible for the maintenance of any drainage facilities and drainage easements within the subdivision plat. The Homeowners' Association shall be created and operated under the following provisions:

(a) The subdivider shall submit all documentation in connection with the creation of a Homeowners' Association and its powers, duties and responsibilities for Town review

- prior to final plat approval.
- (b) The Association shall be created as a separate legal entity by the subdivider with its bylaws, organization and responsibilities contained in a document recorded with the County Register of Deeds.
  - (c) Membership in the Association shall be mandatory for all lot owners and their successors and assigns.
  - (d) The Association shall be authorized to levy fees and assessments against all lots in an amount sufficient for the payment of real estate taxes and to discharge its duties and responsibilities.
  - (e) Unpaid fees and assessments by any lot owner shall become and remain a lien on the lot until paid; with the Association authorized to bring any action necessary against a lot owner for the collection of fees and assessments.
  - (f) Modification of any by-laws including the duties and responsibilities of the Association and the levying of fees and assessments shall require approval of the Town.

#### 7.10.10 CONSERVATION SUBDIVISIONS

##### (1) CONSERVATION BY DESIGN SUBDIVISIONS WILL BE OPTIONAL

##### (2) PURPOSE

To conserve open space by grouping lots with reduced individual lot sizes, provided that overall density within the subdivision is maintained. The remaining undeveloped area within the subdivision provides open space and helps to preserve the scenic and natural qualities of the land being divided, especially any applicable environmentally sensitive areas of the Town of Clayton. The grouping of residences will facilitate common water and sewage disposal systems and encourage the improved use of land while respecting the preservation of natural resources.

##### (3) APPLICABILITY

Any subdivision or CSM where the total area of land to be developed is at least five (5) acres may follow the Conservation Subdivision Ordinance. Other land divisions with less than five acres may use the Conservation Subdivision Ordinance with special approval from the Town Board.

##### (4) SITE ANALYSIS PLAN

As a part of the concept plan phase a study of existing site features shall be prepared and provided to the Town prior to the on-site inspection. This site analysis must include the following:

- (a) A topographic map, based on a U.S.G.S. Quadrangle map or aerial topography at not less than two (2) foot contours;
- (b) Soil boundaries as shown on the Winnebago County Soil Survey maps published by the Soil Conservation Service;

- (c) The location of significant features such as woodlands, tree-lines, open fields or meadows, scenic views into or out from the property, watershed divides and drainage ways, fences or stone walls, rock outcrops, existing structures, easements, roads, tracks and trails; and
- (d) The identity of both Primary Conservation Areas (floodways, wetlands, and steep slopes, as defined in the process for computing "Adjusted Tract Acreage") and potential Secondary Conservation Areas.

The Site Analysis Plan shall form the basis for the conceptual Preliminary Plan, which shall show the tentative location of houses, streets, lot lines, and greenway lands.

## (5) GENERAL REQUIREMENTS

Proposed Conservation Subdivisions shall be platted in accordance with the following requirements and procedures of this chapter:

- (a) Density. The maximum permitted number of lots in such developments shall be determined by dividing the total adjusted tract acreage by the minimum lot size(s) required in the Town Zoning Ordinance. As an alternate method, the total number of lots within a Conservation Subdivision may be based upon a yield plan showing the number of lots that could be attained if the land were platted using the standard lot size and lot width. Such a yield plan shall be subject to Town approval and every lot shall be viable for development in order to be counted. Greater density may be permitted based upon Section 7.10.10 (6) (b) described below.
- (b) Water and Sewer. Water supply and sewage disposal shall meet the minimum standards of all State, County, or Town regulations.
- (c) Design. The Design Standards, as contained within this chapter, may, at the discretion of the Board, be relaxed as an incentive in developing Conservation Subdivisions. Standards that can be relaxed in order to permit more creative land division design include, but are not limited to, lot shape and depth, length of cul-de-sac roads, and road right-of-way width. However, the lots shall be of sufficient size to provide buildable room for reasonable development based on the intended use.
- (d) Trail Connections. If pedestrian trails are included within any Conservation Subdivision, such trails may, at the developers' discretion, be connected to any regional pedestrian trails established by the Town, Winnebago County, any adjacent community, or the State of Wisconsin, subject to approval by the owner of the trail.

## (6) OPEN SPACE REQUIREMENTS

- (a) Open space required for Conservation Subdivisions shall be based upon the Town's Comprehensive Plan, the contour, character, and aesthetics of the land being developed, and may include areas identified by the Town of Clayton as both Primary and Secondary Conservation Areas.
- (b) Minimum Open Space. In order to receive relaxation of the design standards, as described in subsection 7.10.10 (5) (a) above, permanent open space shall be designated on the plat and shall be at least thirty (30%) of the gross site area of the tract being

divided. In addition, as an incentive for establishing greater open space, the number of lots within the subdivision may be increased above the number prescribed in subsection 7.10.10 (5) (a), as follows:

1. The total amount of open space shall be at least thirty five percent (35%) of the gross site area.
  2. All of the areas identified in the Town's Comprehensive Plan as primary conservation areas shall be included within the permanent open space to the extent practical.
  3. Of the area gained as a result of reduced right-of-way widths or lots less than the normal minimum area, at least two thirds (2/3) shall be included as additional open space. The remaining one-third (1/3) may be used for additional platted lots above the density prescribed in subsection 7.10.10 (5) (a) above.
- (c) The minimum required open space may include storm water management facilities, active recreation facilities, and man-made ponds. However, not more than fifty percent (50%) of the required open space shall consist of active recreation facilities and permanent ponds.
- (d) The required open space may be used, without restriction, for underground drainage fields for individual or community septic systems, subject to the requirements of the Winnebago County **Private Sewage System Sanitary** Ordinance.
- (e) The required open space shall be designated as undivided open space and shall be protected by a permanent conservation easement prohibiting further development and setting other standards safeguarding the site's special resources. Such conservation easements shall be in a form acceptable to the Town and duly recorded with the Winnebago County Register of Deeds. A narrative describing the ownership, use, and maintenance responsibilities of the open space may be required by the Town.
- (f) Open space shall abut the largest practical number of lots within the Conservation Subdivision. The Town may require safe and convenient pedestrian access to the open space from all lots not adjoining the open space.
- (g) The design of open space should be sufficient to allow for the intended use, such as agriculture, natural resource protection, recreation, storm water management, etc.

## (7) EVALUATION CRITERIA

The Town Plan Commission shall recommend and the Town Board shall evaluate proposed Conservation Subdivisions to determine whether the proposed conceptual preliminary plan effectively meets the following criteria:

- (a) The Conservation Subdivision design should identify and, to the extent possible, preserve all environmentally sensitive areas.
- (b) The design should create sufficient buffer areas to minimize conflicts between residential and other uses.
- (c) The development should be visually buffered from existing public roads, such as by placing lots at the far edges of fields or by a planting screen consisting of a variety of

trees, shrubs, and wildflowers.

- (d) The Conservation Subdivision design should recognize and preserve, where possible, existing hedgerows and tree lines between fields or meadows, and should minimize impacts on large woodlands (greater than five (5) acres), especially those containing many mature trees or a significant wildlife habitat. When any woodland is developed, great care shall be taken to situate all disturbed areas (buildings, roads, yards, septic disposal fields, etc.) in locations where there are no large trees or obvious wildlife areas, to the fullest extent practicable.
- (e) The Conservation Subdivision design should leave scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep "no-build, no-cut" buffer should be provided, to preserve existing vegetation.
- (f) The Conservation Subdivision design should respect and preserve sites of historic, archaeological, or cultural significance, and their environs, insofar as needed to safeguard the character of the feature, including stone walls, barn foundations, cellar holes, earthworks, and burial grounds.
- (g) The Conservation Subdivision should protect rural roadside character and promote public safety and roadway carrying capacity by avoiding development fronting directly on or taking access onto collector or arterial roads.
- (h) If the Conservation Subdivision design includes a pedestrian circulation system, it should be designed to assure pedestrian safety, and consideration should be given to providing a connection to adjoining properties or pedestrian trail systems.
- (i) The Conservation Subdivision design should provide open space that is in a reasonably contiguous configuration. Fragmentation of open space should be minimized and not divided into numerous small parcels located in various parts of the development. To the greatest extent practical, open space should be designed as a single block with logical, smooth-flowing boundaries. Long thin strips of conservation land shall be avoided, unless the area needing conservation is linear or unless such configuration is necessary as a trail connection or similar corridor.
- (j) Wherever possible, the open space should generally abut or connect with existing or potential open space land on adjacent parcels (such as in other subdivisions, public parks, or properties owned by or leased to private land organizations). Such open space may be designed as part of a larger contiguous and integrated parkway or system of trails.

## (8) OWNERSHIP OF OPEN SPACE

### (a) Ownership Options:

Different ownership and management options may apply to the permanently protected open space created by the development. The open space shall remain titled as undivided interest in ownership and may be owned and managed by any of the following options:

1. A private individual or entity such as the original landowner.

2. A duly established homeowners' association or condominium association for the development, as approved by the Town.
3. A recognized land trust or organization approved and acceptable to the Town.
4. The Town, Winnebago County, or other public entity or agency, subject to acceptance by the applicable unit of government.

(b) Dedications and Easements:

If open space is proposed to be dedicated to the public it shall first be offered to the Town, and if the Town does not accept, then to Winnebago County. The Town may, but shall not be required to, accept a dedication of open space. Such dedication shall take the form of a fee simple ownership and there shall be no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance. Land proposed for dedication shall be accessible to all the residents of the Town.

1. The Town may, but shall not be required to, accept easements for public use of any portion or portions of undivided open space land. The Town may require a Town of Clayton public land dedication, easement, or combination thereof through designated open space to facilitate trail connections.

(c) Transfer of Ownership or Easement to a Private Organization.

An owner may transfer open space lands or conservation easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources, provided that:

1. The organization is acceptable to the Town and is a bona fide private organization with perpetual existence;
2. The conveyance contains appropriate provisions for a proper reversion or retransfer clause in the event that the organization becomes unwilling or unable to continue carrying out its functions; and
3. The developer and the organization enter into a maintenance agreement acceptable to the Town.

(d) Failure to Maintain. Failure to adequately maintain the undivided open space in reasonable order and condition constitutes a violation of this chapter. The Town is hereby authorized to give notice, by personal service or by United States mail, to the owner and/or easement holder, of any violation, directing the owner to remedy the same within thirty (30) days. In the event of repeated violations, the Town Board may determine it is necessary to take on maintenance responsibilities for any common open space established through this chapter and pursuant to Wisconsin Statutes levy a Special Assessment on the property for the costs associated with maintaining the open space.

## 7.10.11 MINOR LAND DIVISION (CERTIFIED SURVEY MAP) PROCEDURES

### (1) APPLICABILITY

When it is proposed to create up to four (4) lots or building sites, or when it is proposed to divide

a block, lot or outlot into four (4) or fewer lots or building sites within a recorded subdivision plat the subdivider shall file a Certified Survey Map (CSM). Any lot or lots being created by CSM having five (5) acres or less intended for residential use must first be approved for a residential zoning district that allows residential principal use by Winnebago Countythe Town of Clayton. ~~Proof of rezoning will be required upon application for a residential CSM intended for residential use.~~

(2) CONSULTATION

Before filing a Certified Survey Map of any parcel of land, the subdivider shall consult with the Town for advice and assistance to assure the division does not conflict with local, county or regional plans or ordinances.

(3) CSM SKETCH MAP

The subdivider shall provide the Town with a reasonably accurate sketch of the land being considered for division. It may be a free hand drawing but must be of a sufficient scale so that conditions can be determined and reviewed for access to adjacent streets, analysis of soil types, topography, drainage, and generally for the impact the land division would have on surrounding property. Such map shall describe the entire ownership involved in the process of division, however, where the division results in a residual parcel not intended for immediate sale or other conveyance, the Town Plan Commission may recommend, and the Town Board may waive, the requirement for inclusion of the residual parcel. In this case, a supplementary map of reasonable accuracy shall be attached showing the relationship to the original ownership of the parcel or parcels being severed.

(4) CSM SUBMITTAL

After ~~consultation with the tentative Town approval~~ as to a general land division, the subdivider shall proceed to have a Certified Survey Map prepared. The Certified Survey Map shall be drawn in accordance with this ordinance. The subdivider shall file two (2) copies and an accessible digital file ~~fifteen (15) copies~~ of the CSM along with an application form (available from the Town Clerk) accompanied by a filing fee (retained on record at the Town Clerk's office). Said filing must be made with the Town Clerk ~~by the submittal deadline as updated and published by the Town, at least ten business days prior to the Town Plan Commission meeting.~~

(5) FEES

An application fee, as established by the Town, shall be paid in full at the time of CSM submittal.

(6) CSM REVIEW

Within five (5) business days after filing, the Town Clerk shall transmit a copy of the Certified Survey Map to all affected Boards, Commissions, or Departments for their review and recommendations concerning matters within their jurisdictions. Their recommendations shall be transmitted to the Town within ten (10) days from the date the Certified Survey Map is filed. The Certified Survey Map shall be reviewed by the Plan Commission for conformance with this ordinance and all ordinances, rules, regulations and the Town's Comprehensive Plan. The

Certified Survey Map shall be prepared by a registered land surveyor in accordance with the provisions contained in Chapter 236.34, Wisconsin Statutes, and shall show clearly on its face the following:

- (a) All existing buildings, setbacks, private wells, on-site sewage systems, watercourses, wetlands, floodplains, drainage ditches, names of adjacent owners, setbacks to structures on adjacent property and other features pertinent to division of property including but not limited to all delineated wetlands.
- (b) Location of access to public roads.
- (c) Date of the map with a graphic scale.
- (d) Name and address of person for whom the survey was made.
- (e) An owner's certificate and approval signature of the Town Chair, and Treasurer's certificate in accordance with Chapter 236.21(3) Wisconsin Statutes, shall be the only approvals required for recording unless additional approvals are necessary for dedication purposes.

(f) All comers shall be monumented.

~~(g)~~ (g) Right to farm notice as applicable per section 823.08 Wis. Stats.

The map shall include the certificate of the surveyor, giving a clear and concise description of the land surveyed by bearings and distances, commencing with two comers marked and established in the United States public land survey. The surveyor's certificate shall state that the surveyor has complied with the requirements of Chapter 236, Wisconsin Statutes.

#### (7) PUBLIC IMPROVEMENTS

Any minor land division involving or requiring public improvements shall be subject to the applicable public improvement standards and requirements specified in this ordinance. The subdivider shall agree to install and construct all public improvements required by this Ordinance at the subdivider's expense. The subdivider shall provide financial security, to ensure those improvements are made within a reasonable time after the plat is approved. The subdivider may request that the Town install and construct all or part of the public improvements required by this Ordinance at the subdivider's expense. All public improvements shall be installed by the subdivider or the Town at the subdivider's expense. The subdivider shall execute a Public Improvement Agreement with the Town and provide the requisite financial security pursuant to Section 7.10.15(4) prior to Town approval and as a condition of Town approval of a Certified Survey Map.

#### (8) CSM APPROVAL

The Plan Commission shall, within ninety (930) days from the date of filing of the Certified Survey Map, recommend approval, conditional approval, or rejection of the Certified Survey Map and shall transmit the Certified Survey Map along with its recommendations to the Town Board. The Town Board shall approve, conditionally approve, or reject such Certified Survey Map within sixty (60) days from the date of filing of the Certified Survey Map unless the time is extended by written agreement with the subdivider. If the Certified Survey Map is rejected, the reason shall be stated in the minutes of the meeting and forwarded to the subdivider. If the

Certified Survey Map is approved, the Town Board shall cause the Town Clerk to so certify on the face of the original Certified Survey Map and return the Certified Survey Map to the subdivider.

(9) RECORDATION

The Certified Survey Map shall be recorded with the County Register of Deeds.

- (a) The certified survey map shall be offered for recording in the Winnebago County Register of Deeds office in conformance withs. 236.34 Wis. Stats.
- (b) When a Certified Survey Map has been so recorded, the parcels of land in the map may be described by reference to the number of the survey, the volume and page where recorded, and the name of the County. The subdivider shall file one (1) accessible digital format copy ~~ten (10) copies~~ of the recorded Certified Survey Map with the Town Clerk for distribution to the Town Engineer, the East Central Regional Planning Commission, Building Inspector, Utilities, Assessor and other departments.

(10) ASSESSOR'S PLAT

An Assessor's Plat may be ordered by the Town Board at the expense of the subdivider when a subdivision as defined herein is created by successive divisions as provided in Section 236.31(2) of the Wisconsin Statutes.

7.10.12 PRELIMINARY PLAT PROCEDURES

(1) PRELIMINARY PLAT **CONSULTATION PRE-SUBMISSION CONCEPTUAL REVIEW**

When it is proposed to divide land into more than four (4) lots or building sites, the subdivider shall have an initial consultation with the Town Administrator, Town Engineer and/or the Town Board and other appropriate county and regional planning agencies before proceeding with platting procedures. **Conceptual reviews and opinions provided in the consultation are not binding on the Town, subdivider, or other planning agency.** The purpose of the consultation is to inform the subdivider of the parameters, regulations and policies in regard to the following issues:

- (a) The suitability of the site for development.
- (b) The accessibility of the site.
- (c) The availability of public facilities such as sewer, water, school, parks, etc., and public services such as police and fire, etc.
- (d) Soil conditions and drainage patterns.
- (e) The impact of the proposed development on any existing and contemplated public and private improvements, and the impact of the proposed development on adjacent properties including but not limited to the direction and flow of surface water drainage and culvert capacities.
- (f) Zoning of the site and regulations that apply.

(g) Required public improvements.

## (2) SKETCH MAP

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

The sketch plan will be reviewed as it relates to:

- (a) Topography, based on a U.S.G.S. quadrangle map.
- (b) The improvements, design, dedications or reservations required by these regulations.
- (c) Continuity to existing development within 300 feet of all boundaries.
- (d) Regulations as set down by Chapter 236, Wisconsin Statutes.
- (e) Regulations established under Chapter ~~COMM-SPS 3~~83 of the Wisconsin Administrative Code (septic systems).
- (f) Regulations established under Chapter TRANS 233 of the Wisconsin Administrative Code as it relates to highway regulations.
- (g) Applicable County codes.
- (h) Consistency with the Town's Comprehensive Plan and any other Town ordinances and policies.
- (i) For property within a Town sanitary district, the proposed plat shall be consistent with the plans for providing sanitary sewer service.
- (j) Environmentally sensitive areas as depicted on the Winnebago County GIS.

## (3) PRELIMINARY PLAT SUBMITTAL

The subdivider shall file the following items for preliminary plat review with the Town Clerk at least thirty (30) days prior to the Town Plan Commission meeting:

- (a) ~~One (1) Fifteen (15) copies~~ of the preliminary plat that was filed directly with the County planning agency.
- (b) ~~Two (2) Three (3)~~ 11" by 17" copies of the plat.
- ~~(b)(c) One (1) accessible digital format copy of the plat.~~
- ~~(e)(d)~~ Application form (available from the Town Clerk).

The subdivider should also file a copy with the utility companies having jurisdiction over the subject area so that required easements can be determined. A subdivision within a sanitary district and sewer service area must include district sanitary sewer service. Responses from the utilities ~~will need to~~shall be submitted to the Town Clerk ~~when the preliminary plat is filed as a~~ condition of preliminary plat approval.

(4) FEES

An application fee as established by the Town shall be paid in full at the time of the submittal.

(5) PRELIMINARY PLAT REVIEW

Within five (5) business days after filing, the Town Clerk shall transmit five (5) copies to the Town Plan Commission, fifteen (15) copies to the Town Board, and one (1) copy to the East Central Regional Planning Commission, and one (1) copy to the City of Neenah (if within the City of Neenah's extraterritorial plat review area).

The subdivider will be responsible for submitting the required copies for State agency review according to 236.12(6) Wisconsin Statutes. State review comments returned to the subdivider shall be forwarded to the Town Clerk for inclusion in the Town's plat review.

As a condition of approval, the subdivider must provide the Town with a copy of the State certification that there are no objections.

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

(6) PUBLIC COMMENT

In order to facilitate public comment, the Town Clerk shall notify all property owners within 300 feet of the subject site with a meeting agenda listing the subdivision of the proposed site. Notification shall be by first class mail not less than five (5) days prior to the Town meeting. The Clerk shall prepare an Affidavit of Mailing. At the meeting, the Town Board shall permit the public to comment on the proposed plat.

(7) PRELIMINARY PLAT APPROVAL

Within ninety (90) days of the date of filing the preliminary plat with the Town Clerk, the Town Board shall approve, conditionally approve, or reject such plat in accordance with Section 236.11(I) of the Wisconsin Statutes unless the time is extended by written agreement with the subdivider. Failure of the Town Board to act within ninety (90) days shall constitute an approval. One (1) copy of the plat shall be returned to the subdivider with the date and action endorsed thereon. If approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. A copy of the plat and letter shall be filed in the Town Clerk's office.

7.10.13 FINAL PLAT PROCEDURES

(1) FINAL PLAT SUBMITTAL

The subdivider shall file the following items for final plat review with the Town Clerk at least fifteen (15) days prior to the Town Plan Commission meeting:

- (a) One (1) Fifteen (15) copies of the final plat that was filed directly with the County

planning agency.

- (b) ~~Three-Two (32)~~ 11" by 17" copies of the plat.
- (c) Application form (available from the Town Clerk).
- (d) The subdivider shall also file ~~five-one (51) accessible digital format copies~~ of any proposed restrictive covenants and homeowners' association by-laws for the proposed plat.
- (e) Copies of all required state and county permits, or proof of application for such if the permits have not yet been issued.

## (2) FEES

An application fee as established by the Town shall be paid in full at the time of the submittal.

## (3) FINAL PLAT REVIEW

Within five (5) business days after filing, the Town Clerk shall transmit five (5) copies to the Town Plan Commission, three (3) copies to the Town Board, and one (1) copy to the East Central Regional Planning Commission, and one (1) copy to the City of Neenah (if within the City of Neenah's extraterritorial plat review area).

The subdivider shall be responsible for submitting the required copies for State agency review according to 236.12(~~36~~) of the Wisconsin Statutes. State review comments returned to the subdivider shall be forwarded to the Town Clerk for inclusion in the Town review. The subdivider must provide the Town with a copy of the State certification that there are no objections. The final plat and covenants shall be reviewed by the Plan Commission for conformance with this ordinance and all other ordinances, rules, regulations and the Town's Comprehensive Plan. The final plat shall then be forwarded to the Town Board with a Plan Commission recommendation for approval or rejection.

## (4) PUBLIC IMPROVEMENTS

Any major land division involving or requiring public improvements shall be subject to the applicable public improvement standards and requirements specified in this ordinance. The subdivider shall agree to install and construct all public improvements required by this Ordinance at the subdivider's expense. The subdivider shall provide financial security, to ensure those improvements are made within a reasonable time after the plat is approved. The subdivider may request that the Town install and construct all or part of the public improvements required by this Ordinance at the subdivider's expense. All public improvements shall be installed by the subdivider or the Town at the subdivider's expense. The subdivider shall execute a Public Improvement Agreement with the Town and provide the requisite financial security pursuant to Section ~~7.10.06(4)(c)-15(4)(b)~~ prior to Town approval and as a condition of Town approval of a final plat. The submission of Failure to submit an approved, executed Public Improvement Agreement and approved, executed financial guarantee shall be conditions of approval for a deemed an incomplete final plat submittal.

## (5) FINAL PLAT APPROVAL

If the final plat conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to local plans and ordinances adopted as authorized by law, it is entitled to approval.

The final plat may, if permitted by the Town Board, constitute only that portion of the approved preliminary plat that the subdivider proposes to record at that time. If the final plat is not submitted within thirty-six (36) months of the last required approval of the preliminary plat, the Town Board may refuse to approve the final plat, extend the time for submission of the final plat, or require the subdivider to resubmit a preliminary plat.

The Town Board shall ask a professional engineer, a planner, or another person charged with the responsibility to review plats to provide the Town Board with his or her conclusions as to whether the final plat conforms substantially to the preliminary plat and with his or her recommendation on approval of the final plat. The conclusions and recommendation shall be made a part of the record of the proceeding at which the final plat is being considered and are not required to be submitted in writing.

The Town Board shall, within sixty (60) days of the date of filing of the original final plat with the Town Clerk, approve or reject such plat in accordance with Section 236.11(2) of the Wisconsin Statutes, unless the time is extended by written agreement with the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and forwarded to the subdivider with a copy to the Town Plan Commission. If the Board fails to act within sixty (60) days and the time has not been extended by agreement and if no unsatisfied objections have been filed within that period, the plat shall be deemed approved, and is entitled to be recorded, upon demand, a certificate to that effect shall be made on the face of the plat by the Town Clerk no later than 10 days after the subdivider submits the final plat with the required certificates and affidavits..

## (6) RECORDATION

Following final plat approval by the Town Board and required improvements either installed or a Public Improvement Agreement and financial guarantee being executed and filed, the Town Clerk shall sign the certification form on the plat. The owner or his agent must have the plat, restrictive covenants, and, if required by the Town, the Public Improvement Agreement, and instrument or document creating a Homeowners' Association, recorded in the Winnebago County Register of Deeds office in conformance withs. 236.25 and withs. 236.27 Wis. Stats.

## 7.10.14 PRELIMINARY PLAT TECHNICAL REQUIREMENTS

### (1) PRELIMINARY PLAT INFORMATION REQUIREMENTS

A preliminary plat shall be required for all major subdivisions and shall be based upon a survey by a registered land surveyor. The plat shall be 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.

- (a) Title under which the proposed subdivision is to be recorded.
- (b) Legal description and general location of the proposed subdivision and relative location to a nearby municipality.

- (c) Date, scale, and north arrow.
- (d) Names and addresses of the owner, subdivider and land surveyor preparing the plat.
- (e) 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 Town Board 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.
- (f) 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.
- (g) Contours at vertical intervals of not more than one foot where the slope of the ground surface is less than 10% and of not more than four feet where the slope of the surface is 10% or more. Elevations shall be marked on such contours based on mean sea level datum, or, where in the judgment of the Town Board undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
- (h) 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 Shoreland Zoning Ordinance and this ordinance.
- (i) Location, right-of-way width and names of all existing and proposed streets, alleys or other public ways, easements, railroads and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (j) Location and names of any adjacent subdivisions, parks, schools, and cemeteries and owners of record of abutting unplatted lands.
- (k) 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.
- (l) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drainpipes, the locations 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.
- (m) Locations of all existing property boundary lines, structures, drives, streams or water courses, wetlands, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.
- (n) Dimensions of all lots, together with proposed lot and block numbers.

- (o) In the preliminary plat stage, show the location and dimension of sites to be reserved or dedicated for parks, playgrounds, pedestrian walkways, drainageways 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. In conservation subdivisions, conservation areas or open space (both primary and secondary) must be identified.
- (p) Approximate radii of all curves.
- (q) Existing zoning and proposed uses on and adjacent to the proposed subdivision.
- (r) Corporate limit lines.
- (s) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
- (t) Any proposed lake and stream improvement or relocation and proposed filling, grading, lagooning and dredging. When applicable, and the subdivider shall provide the notice of application for the State Department of Natural Resources approval permitting as a condition of approval, when applicable.
- ~~(u) Seasonally wet areas.~~
- ~~(v)(u) Wetlands and all areas identified for wetland delineations, including inventoried wetlands, seasonally wet and inundated areas, extent of known or suspected hydric soils, and other wetland indicators present or suspected on the subject site. When applicable, delineation of wetland areas by a recognized wetland specialist shall be a condition of approval.~~

(2) SUPPLEMENTARY PLAN AND INFORMATION REQUIREMENTS

- (a) Street Plans and Profiles. The subdivider shall provide preliminary street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision, when requested by the Town, and all elevations, plans and profiles shall meet the approval of the Town Engineer.
- (b) Testing. The Town Engineer may require that borings and soundings 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 a public sanitary sewer service shall comply with the provisions of Chapter COMM-SPS 383, Wisconsin Administrative Code. All appropriate data shall be submitted with the preliminary plat.
- (c) Affidavit. The surveyor preparing the preliminary plat shall certify on the face of the plat that is a correct representation of all existing land divisions and features and that the surveyor has fully complied with the provisions of this chapter.
- (d) Drainage and Stormwater Plans. The subdivider shall provide the Town two (2) copies for Town review and comment of preliminary drainage and stormwater plans the subdivider submitted to Winnebago County for Town review and comment.
- (e) Preliminary plans and specifications for potable water supplies.

(f) Right to farm notice as applicable per section 823.08 Wis. Stats.

#### 7.10.15 FINAL PLAT REQUIREMENTS

##### (1) GENERAL REQUIREMENTS

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 Sec. 236.20, Wisconsin Statutes. The final plat shall show correctly on its face, in addition to the information required by Sec. 236.20, Wisconsin Statutes, 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 along with the plat.

##### (2) SURVEYING AND MONUMENTING

Final plats shall meet all the surveying and monumenting requirements of Sec. 236.15, Wisconsin Statutes.

##### (3) CERTIFICATES

Final plats shall provide all the certificates required by Sec. 236.21, Wisconsin Statutes, and, in addition, the surveyor shall certify that he/she has complied with all the provisions of this ordinance.

#### 7.10.16 CONDOMINIUM PLATS

##### (1) GENERAL

Condominium plats shall be subject to the preliminary plat procedures of Section 7.10.04. The final plat procedures of Section 7.10.05 shall not apply.

##### (2) APPLICATION OF ORDINANCE REQUIREMENTS

All ordinance requirements pertaining to land suitability, required improvements, design standards for improvements and dedication requirements shall apply to condominium plats.

#### 7.10.17 RE-PLATS

##### (1) NOT AFFECTING AREAS DEDICATED TO THE PUBLIC

Any re-plat which does not affect areas dedicated to the public shall follow the preliminary and final plat procedures of this ordinance and comply with requirements of this ordinance.

##### (2) AFFECTING AREAS DEDICATED TO THE PUBLIC

Any re-plat which does affect areas dedicated to the public shall follow the procedures of Section 236.36, Wisconsin Statutes, provided, that minor revisions to street and trail rights-of-way may be made by the procedures of Section 66.1003, Wisconsin Statutes, if allowed by the Town.

7.10.18    STREETS

(1) STREET ARRANGEMENT

The subdivider shall dedicate land for and construct streets as provided herein.

- (a) Streets shall conform to the Town of Clayton ~~Comprehensive Plan and the Town of Clayton Official Map, and, if applicable, to the City of Neenah Official Map.~~ In areas for which an official map does not apply, the street layout shall recognize the functional classification of 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.
- (b) All land divisions shall be designed so as to provide each lot with satisfactory access to a public street as provided herein.
- (c) The following criteria shall apply for street arrangement in all proposed land divisions:
  - 1. Arterial Streets. Arterial streets shall be arranged so as to provide ready access to centers of employment, high density residential areas, centers of government activity, community shopping 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.
  - 2. 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.
  - 3. Minor Streets. Minor streets shall be arranged to conform to the topography, to discourage any use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
  - 4. Street Intersections.
    - i. 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 Town Board.
    - ii. The number of intersections along major streets and highways shall be according to standards of the Wisconsin Department of Transportation, Winnebago County, and/or the Town of Clayton.
    - iii. Street jogs with centerline offsets of less than 125 feet shall not be approved.
  - 5. 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. The subdivider shall provide an environmental assessment as to the suitability of that portion of the adjacent land tract contemplated to be used for the future extension of the street. Such streets shall terminate with a temporary turnaround of 120 feet right-of-way diameter and a roadway of not less than 90 feet in diameter.

6. 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.
7. Reserve Strips. Reserve strips controlling access to streets or alleys shall be prohibited except where their control is definitely placed with the permission of the Town or the County.
8. 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.
9. 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.

## (2) STREET DESIGN STANDARDS

- (a) Right-of-Way. The minimum right-of-way of all proposed streets shall be as specified in the Town of Clayton ~~or the City of Neenah~~ Official Maps, or, if no width is specified, the minimum right-of-way width shall be as required by the Town Board and the Clayton ~~Minimum Road Design Standards Policy Development Ordinance~~.
- (b) Roadway and Surface Width. Minimum roadway width and surface width of all new roads shall comply with the Town of Clayton ~~Minimum Road Design Standards Policy Development Ordinance~~ or Section 82.50, Wisconsin Statutes.
- (c) Cul-de-sacs. Cul-de-sac streets designed to have one end permanently closed should not normally exceed 600 feet in length, but can be up to 1,000 feet in length provided density is not more than 15 housing units being served by said street. The Town may require a ~~Official Mapped Street Stub or~~ future connection to an existing road to decrease the permanent length of a cul-de-sac street. Such streets shall terminate in a circular turnaround having a minimum right-of-way radius of 60 feet and a minimum roadway radius of 45 feet. For streets serving commercial or industrial uses there shall be a minimum right-of-way radius of 65 feet and a minimum roadway radius of 50 feet.
- (d) Street grades. Street grades shall comply with the Town of Clayton ~~Minimum Road Design Standards Policy Development Ordinance~~ as supplemented by Section 82.50,

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

- (e) Radii of curvature. When a continuous street centerline deflects at any one point by more than 10 degrees, a circular curve shall be introduced having a radius of curvature on such centerline of not less than 100 feet on minor streets. For streets serving commercial or industrial uses or for collector streets; when a continuous street centerline deflects at any one point by more than 5 degrees, a circular curve shall be introduced having a radius of curvature on such centerline of not less than 500 feet. There shall be 200 feet of tangent introduced between curves. There shall be a minimum of 100 feet of centerline tangent between the end of a curve and a street intersection.
- (f) Half streets. Half streets shall be prohibited except where the other half has already been dedicated or their alignment is shown on an officially adopted street plan.

### (3) 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:

- (a) 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."
- (b) 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 to allow for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.
- (c) When intersecting a major street, highway, or collector street which crosses a railroad or highway, streets parallel to a limited access highway or railroad right-of-way 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.
- (d) Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided.

## 7.10.19 BLOCKS AND LOTS

### (1) BLOCKS

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

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

more than 1,500 feet in length, unless otherwise dictated.

- (b) 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.

## (2) UTILITY EASEMENTS

All utility lines for electric power, cable television, fiber optics, and telephone service shall be placed underground in mid-block easements along rear lot lines except where such location is deemed unfeasible by the Town.

## (3) 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.

- (a) 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.
- (b) 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.
- (c) Lot frontage.

- 1. Unless otherwise noted in Exhibit 8-2 of Table 4 the Town of Clayton Zoning Ordinance as adopted by reference herein, all newly created lots shall have a minimum frontage of 33 feet on a public street, and where applicable, a minimum of 6533 feet at the ordinary high water mark of an navigable waters.

- ~~2. A CSM or plat creating a new parcel without frontage on a public street shall contain the following statement:~~

~~"Areas under County zoning jurisdiction. Applications for County zoning permits for residential structures (principal and/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"~~

- (d) Areas and dimensions of lots shall conform to the requirements of Exhibit 8-2 of the Town of Clayton Zoning Ordinance as adopted by reference herein Table 4 of this ordinance; and in areas not served by public sewer shall, in addition, conform to the requirements of the D.L.H.R. SPS 385 Wisconsin Administrative Code. Whenever a tract is subdivided into parcels 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.

- (e) Lots should be designed with a suitable proportion between width and depth. Neither

long narrow, nor wide shallow lots are normally desirable. Normal depth should not exceed 2 ½ times the width nor be less than 150 feet.

(f) Width of lots shall conform to the requirements of Exhibit 8-2 of the Town of Clayton Zoning Ordinance as adopted by reference herein Table 1.

(g) Comer lots shall be designed with extra width to permit adequate building setbacks from both streets.

~~(h) Garage lots shall be established only in accordance with the intent of Section 17.10(1) of the County zoning ordinance. Area and width requirements of Table 1 of this ordinance 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:~~

~~1. The garage lot shall be located directly across from the "house lot;" and~~

~~2. The garage lot must be deed restricted by a separate instrument to the house lot, with 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.~~

## (2) BUILDING SETBACK LINES

Building setback lines shall conform to the requirements established in the Town of Clayton Zoning Ordinance and Winnebago County Shoreland Zoning Ordinance. ~~Even though the Town of Clayton has adopted Winnebago County zoning,~~ The required setback lines shall ~~still~~ be shown on the face of the plat.

### 7.10.20    DEFINITIONS

#### ALLEY

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

#### ARTERIAL STREET

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

#### BLOCK

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

#### BUILDING

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.

COLLECTOR STREET

A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets, including principal entrance streets to residential developments.

COMPREHENSIVE PLAN

Means the "Town of Clayton Comprehensive Land Use Plan" for the development of the Town of Clayton, adopted according to statute, and including any amendment to such plan, which is now in effect.

CONSERVATION SUBDIVISION

A housing development in a rural setting that is characterized by compact lots and common open spaces, and where the natural features of the land are maintained to the greatest extent possible.

COUNTY

Reference to "County" shall mean Winnebago County and shall include any agency, department or committee thereof.

COUNTY PLANNING AND ZONING COMMITTEE

The County Planning and Zoning Committee, as authorized by Sec. 59.97, Wisconsin Statutes, or any other committee created by the County Board and authorized to plan land use.

COUNTY ~~PRIVATE SEWAGE SYSTEM SANITARY~~ ORDINANCE

The County ~~Private Sewage System Sanitary~~ Ordinance which is included as Chapter 168 of the Winnebago County Code.

COUNTY ZONING ORDINANCE

The Winnebago County ~~Town County~~ Zoning Ordinance which is included as Chapter 2317 of the Winnebago County Code.

CUL-DE-SAC STREET

A minor street with only one outlet and having a turnaround for the safe and convenient reversal of traffic movement.

EXTRATERRITORIAL PLAT APPROVAL JURISDICTION

The unincorporated area, within 1-1/2 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 Sec. 236.10, Wisconsin Statutes ~~and have not waived such powers.~~

FINAL PLAT

The map of the plan of a subdivision and any accompanying material as described in Section 7.10.07 of this chapter.

FRONTAGE

The length of the front property line of the lot, lots, or tract of land abutting the right-of-way of a public street road or highway.

## FRONTAGE STREET

A minor street, auxiliary to and located on the side of an arterial street, for control of access and for service to the abutting development.

## GRADE

The slope of a road, street, or other public way specified in percent.

## IMPROVEMENT, PUBLIC

Any sanitary sewer, storm sewer, drainage facility, water main, roadway, park, parkway, public access, sidewalk, recreational trail, pedestrian way, planting strip, off-street parking area, or other facility for which the ~~County or Town~~, County, other public entity or agency, or organization approved by the Town may ultimately assume the responsibility for maintenance and operation.

## LAND DIVISION

The act or process of dividing land into two or more parcels.

## LOT

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.

## LOT AREA

The total square footage lying within the peripheral boundaries of a parcel of land. In any zoning jurisdiction, the area of a lot specifically excludes:

- The right-of-way of a public or private street;
- Areas below the ordinary high water mark of a meandered navigable water body.

## LOT, CORNER

A lot abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135 degrees or less as measured on the lot side.

## LOT, LEGAL

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 which meets the definition of a "lot of record" of this Ordinance, which is provided with the minimum frontage upon a public road, and which complies with all applicable Subdivision Laws and Ordinances.

## LOT LINES

The peripheral boundaries of a parcel of land.

## LOT OF RECORD

A lot of record shall mean a lot legally created and recorded in the Winnebago County Register of Deeds Office prior to or according to the Winnebago County Subdivision Ordinance of May 1, 1969, meeting applicable State and County Zoning and Subdivision Laws and Ordinances.

## LOT, THROUGH

A lot which has a pair of opposite lot lines among two parallel streets and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.

## LOT WIDTH

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 according to Chapter ~~COMM-SPS 3~~83, Wisconsin Administrative Code. Lot width shall be measured as ~~defined in Exhibit 8-5 of the Town of Clayton Zoning Ordinance, as adopted by reference herein. In 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.~~

## MAJOR LAND DIVISIONS

The creation of five (5) or more parcels or building sites less than five acres in size by successive divisions within a period of five (5) years.

## MAJOR STREET

Arterial and collector roads primarily intended for through traffic with a secondary function for direct access.

## MINOR LAND DIVISIONS

The creation of one (1) but not more than 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.

## MINOR STREET

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

## OBSTRUCTION, DRAINAGEWAY

**ARTIFICIAL OBSTRUCTION** - 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 and shrubs, and any other obstructions instituted as a result of human activity.

**NATURAL OBSTRUCTION** - Includes 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.

## OFFICIAL MAP

Refers to the Official Map adopted by the Town of Clayton, consistent with the Town's Comprehensive ~~Land-Use~~ Plan, which includes and sets forth the identification, location, alignment, dimensions, and classification of existing and proposed public streets, highways, drainage ways, parkways, and park and recreation sites.

#### OUTLOT

A remnant parcel of land that is not to be used for building purposes, and is so designated on the plat.

#### PARCEL

A lot created by a division of land. A parcel(s) 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 and non-navigable waters. A parcel is created as of the date the deed, land contract, lease, etc., is recorded with the Register of Deeds Office.

#### PLANNING ADMINISTRATOR

The person designated by the ~~County Town Planning and Zoning Committee Commission~~ to administer the ~~Town of Clayton Winnebago County~~ Subdivision Ordinance.

#### PLAN COMMISSION

Refers to the Town of Clayton Plan Commission.

#### PRELIMINARY PLAT

A map showing the salient features of a proposed major subdivision submitted to the ~~County Planning and Zoning Committee and to the~~ Town of Clayton for purposes of preliminary consideration as described in Section ~~7.10.1204~~ of this ordinance.

#### PUBLIC WAY

Any public road, street, highway, walkway, recreational trail, drainageway, or part thereof.

#### RECREATIONAL TRAIL

A right-of-way of a width and location approved by the Town, conveyed to the Town by plat, certified survey, deed or easement that is designated for and restricted to recreational travel and use, containing an all weather durable surface path according to Town specifications.

#### SHORELAND JURISDICTION

The area within 1,000' of the ordinary high water mark of a navigable lake, pond or flowage; or within 300' of the ordinary high water mark of a river or stream; or to the landward side of a floodplain, whichever distance is greater.

#### STREET, PUBLIC

The right-of-way of any street, road, highway, lane, etc., dedicated to the public which generally provides access to abutting properties.

#### STREET, PRIVATE

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.

#### SUBDIVISION

A division of land into two (2) or more lots, parcels, tracts or building areas for the purpose of sale or development. For the purpose of this ordinance, a subdivision shall include the division of land by

means of a Minor Plat (Certified Survey Map), Major Plat, ~~or~~ Condominium Plat, ~~or Cluster~~ ~~Subdivision~~.

TOWN

Refers to the Town of Clayton.

TOWN ADMINISTRATOR

Refers to the Town of Clayton Town Administrator.

TOWN CLERK

Refers to the Town of Clayton Town Clerk.

TRACT

A contiguous area of land which exists or has existed in single ownership.

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**ARTICLE 14  
ENFORCEMENT**

**Sections**

9.14-01	Legislative findings	9.14-05	Notice of violation
9.14-02	Authority for enforcement	9.14-06	Stop work order
9.14-03	Actions constituting violation	9.14-07	Other remedies
9.14-04	Enforcement procedure	9.14-08	Penalties

**9.14-01 Legislative findings**

The Town Board of Supervisors makes the following legislative findings:

- (1) State law gives the Town the authority to ensure compliance with this chapter.
- (2) The Town reserves all rights and remedies provided by state and federal law to ensure compliance.

**9.14-02 Authority for enforcement**

Pursuant to s. 62.23(7), Wis. Stats., the Town has the authority to enforce the provisions of this chapter.

**9.14-03 Actions constituting a violation**

Each separate action that is not in full compliance with this chapter or with a condition or requirement of a permit or an order issued pursuant to this chapter shall constitute a separate and distinct violation.

**9.14-04 Enforcement procedure**

(a) **Investigation.** After observing or receiving a complaint of an alleged violation, the zoning administrator shall investigate to determine if in fact a violation does exist. If the property owner does not allow the zoning administrator or any authorized agent of the Town the right to enter the subject property for the purpose of determining whether a violation exists or not, he or she may proceed to obtain a special inspection warrant from the court pursuant to s. 66.0119, Wis. Stats.

(b) **Notification of compliance.** If the zoning administrator determines that a violation does not exist, he or she shall notify the complainant explaining his or her finding.

(c) **Notification of violation.** If the zoning administrator determines that a violation does exist, he or she, in consultation with the Town's corporation counsel, shall send a written notice as described herein to the property owner.

(d) **Issuance of stop work order.** If the violation involves construction or any land development activity the zoning administrator shall:

- (1) send a stop work order, as described in this part, by certified mail to the property owner or deliver it in person to the property owner, contractor, builder, or any other person engaged in work covered by the order; and
- (2) post a stop work order in a prominent location on the site.

(e) **Lifting of stop work order.** Upon substantial evidence that the violation has been removed or otherwise corrected, the zoning administrator shall lift the stop work order.

(f) **Initiation of court action.** If work does not immediately cease on the premises, except to ensure compliance, or if the violation is not remedied within 30 days of the written notice, the zoning administrator shall work with the Town's corporation counsel to initiate court action as provided by in this part and as allowed by state law.

**9.14-05 Notice of violation**

(a) **Content.** The notice of violation shall include the following:

- (1) a description of the violation,
- (2) the section(s) of this chapter being violated,

- 
- (3) a statement describing the measures that would remedy the violation,
  - (4) the date by which the violation must be remedied and when a stop work order shall be issued if the violation is not remedied, and
  - (5) information concerning penalties for continued non-compliance.
- (b) **Effect of violation notice.** Once a violation notice has been issued pursuant to this article:
- (1) all construction or any land development activity directly related to the violation, except that which is done to ensure compliance, shall cease. All other work that is in compliance may continue, and
  - (2) the Town shall not issue any other permits or approvals for any development on the premises that is directly related to the violation.

#### **9.14-06 Stop work order**

(a) **Content.** A stop work order shall state the section of the Town code being violated, the name of an individual who should be contacted along with his or her work telephone number, a statement that all work on the premises must cease immediately until the zoning administrator rescinds the stop work order, and that removal of the stop work order constitutes a violation of this chapter.

(b) **Effect of stop work order.** Once a stop work order has been issued pursuant to this division:

- (1) all work on the premises shall cease until such time as it is lifted, and
- (2) the Town shall not issue any other permits or approvals for any development on the premises until such time as the order has been lifted.

(c) **Unauthorized removal of stop work order.** No person, other than a Town official or employee who is authorized to do so, shall remove a stop work order from the location it was posted. The removal of a stop work order by a person without authority to do so constitutes a violation of this chapter.

#### **9.14-07 Other remedies**

The county or any aggrieved person may apply to a court of competent jurisdiction for temporary or permanent injunctive relief to enjoin and restrain any person violating a provision of this chapter and exercise all other rights and remedies provided by law or in equity.

#### **9.14-08 Penalties**

(a) **Forfeiture.** Any person who violates this chapter shall be subject to a forfeiture as provided for in this section per violation along with the costs of prosecution. Any such person in default of payment of such forfeiture shall be imprisoned in the Winnebago County jail for not more than 6 months. Payment of a forfeiture does not relieve the person from complying with this chapter. Each and every day the violation continues shall constitute a separate offense. In addition, the Town of Clayton adopts the citation system of enforcement of this chapter pursuant to s. 66.0113, Wis. Stats.

(b) **Amount of forfeiture.** The Town of Clayton Town Board of Supervisors adopts by resolution a schedule showing the amount of the forfeiture for the following violations:

- (1) Failure to obtain a permit or other approval as required
- (2) All other violations of this chapter
- (3) Cost pursuant to non-citation initiated civil complaint

**Exhibit 8-2. Dimensional standards by zoning district**

**A-1 Agribusiness district**

Lot density	The ratio of nonfarm residential acreage to farm acreage in the base farm tract after (EFFECTIVE DATE OF ADOPTION) shall not exceed 1:20, with a maximum of 4 nonfarm dwellings for a base farm tract.		
	<b><u>Residential</u></b>	<b><u>Farm</u></b>	<b><u>Nonresidential /Nonfarm</u></b>
Lot size, minimum:	43,000 sq. ft.	5.0 acres	43,000 sq. ft.
Lot size, maximum:	none, although a lot created after April 30, 2013 may not contain more than 2.0 acres of land previously used to produce forage or a crop	none	none, although a lot created after April 30, 2013 shall not contain more than 2.0 acres of land previously used to produce forage or a crop
Lot width, minimum:	100 ft.	200 ft.	200 ft.
Road frontage, minimum:	60 ft.	200 ft.	200 ft.
Separation between detached buildings, minimum:	10 ft.	10 ft.	10 ft.
Yard setback: [4,5]			
Street yard, minimum:	30 ft.	75 ft.	30 ft.
Side yard, minimum: [3]	20 ft. on each side for a principal building; 15 ft. on each side for a detached accessory building	15 ft.	20 ft. on each side for a principal building; 15 ft. on each side for a detached accessory building
Rear yard minimum:	25 ft. for a principal building; 15 ft. for a detached accessory building	50 ft.	25 ft. for a principal building; 15 ft. for a detached accessory building
Building height:			
Principal building, maximum:	35 ft.	the distance from the structure/building to the closest property boundary line	35 ft.
Accessory building, maximum:	18 ft.	the distance from the structure/building to the closest property boundary line	18 ft.
Floor area ratio, maximum:	no limitation	no limitation	no limitation
Floor area:			
Principal building, minimum:	1,000 sq. ft.	no limitation	no limitation
Accessory buildings, maximum:	1,500 sq. ft. plus 1 percent of the lot area in excess of 43,000 sq. ft. [1]; 1 percent of lot area for buildings related to household livestock	no limitation	1,500 sq. ft. plus 1 percent of the lot area in excess of 43,000 sq. ft. [1]
Number of detached accessory buildings, maximum:	no limitation	no limitation	2 [2]

Notes:

1. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more than the specified floor area when one or more of the accessory buildings on a lot are designated as a rural accessory building.
2. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more accessory buildings than what is specified when one or more of the accessory buildings on a lot are designated as a rural accessory building.
3. In the case of a lot of record that has a width less than what is required in the zoning district in which such lot is located, the side yard setback for principal buildings shall be reduced proportionately to the ratio between the actual width of the lot and the minimum required width, provided that no setback shall be less than 10 feet.
4. Some land uses that may be allowed in this district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
5. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in both districts.

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**Exhibit 8-2. Dimensional standards by zoning district - continued**

**A-2 General agriculture district**

	<u>Residential</u>	<u>Farm</u>	<u>Nonresidential / Nonfarm</u>
Lot size, minimum:	5.0 acres	5.0 acres	5.0 acres
Lot size, maximum:	none	none	none
Lot width, minimum:	200 ft.	200 ft.	200 ft.
Road frontage, minimum:	200 ft.	200 ft.	200 ft.
Separation between detached buildings, minimum:	10 ft.	10 ft.	10 ft.
Yard setback: [4,5]			
Street yard, minimum:	30 ft.	75 ft.	30 ft.
Side yard, minimum: [3]	7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. on each side for a detached accessory building	15 ft.	7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. on each side for a detached accessory building
Rear yard minimum:	25 ft. for a principal building; 3 ft. for a detached accessory building	50 ft.	25 ft. for a principal building; 3 ft. for a detached accessory building
Building height:			
Principal building, maximum:	35 ft.	the distance from the structure/building to the closest property boundary line	35 ft.
Accessory building, maximum:	18 ft.	the distance from the structure/building to the closest property boundary line	18 ft.
Floor area ratio, maximum:	no limitation	no limitation	no limitation
Floor area:			
Principal building, minimum:	1,000 sq. ft.	no limitation	no limitation
Accessory buildings, maximum:	1,500 sq. ft. plus 1 percent of the lot area in excess of 43,000 sq. ft. [1]; 1 percent of lot area for buildings related to household livestock	no limitation	1,500 sq. ft. plus 1 percent of the lot area in excess of 43,000 sq. ft. [1]
Number of detached accessory buildings, maximum:	no limitation	no limitation	2 [2]

Notes:

1. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more than the specified floor area when one or more of the accessory buildings on a lot are designated as a rural accessory building.
2. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more accessory buildings than what is specified when one or more of the accessory buildings on a lot are designated as a rural accessory building.
3. In the case of a lot of record that has a width less than what is required in the zoning district in which such lot is located, the side yard setback for principal buildings shall be reduced proportionately to the ratio between the actual width of the lot and the minimum required width, provided that no setback shall be less than 10 feet.
4. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
5. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in both districts.

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**Exhibit 8-2. Dimensional standards by zoning district - continued**

**R-1 Rural residential district (nonsubdivided)**

	<u>Single-family</u>	<u>Nonresidential</u>
Lot size, minimum [3]:	43,000 sq. ft. for an unsewered lot; 12,000 sq. ft. for a sewered lot	43,000 sq. ft.
Lot size, maximum:	no limitation	no limitation
Lot width, minimum:	200 ft. for an unsewered lot; 85 ft. for a sewered lot	200 ft.
Road frontage, minimum:	33 ft.	200 ft. for an unsewered lot; 33 ft. for a sewered lot
Separation between detached buildings, minimum:	10 ft.	10 ft.
Yard setback: [6,7]		
Street yard, minimum:	30 ft.	30 ft.
Side yard, minimum: [5]	7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building	7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building
Rear yard, minimum:	25 ft. for a principal building; 3 ft. for a detached accessory building or 5 ft. to an alley	25 ft. for a principal building; 3 ft. for a detached accessory building or 5 ft. to an alley
Building height:		
Principal building, maximum:	35 ft.	35 ft. [4]
Accessory building, maximum:	18 ft.	18 ft.
Floor area ratio, maximum:	no limitation	no limitation
Floor area:		
Principal building, minimum:	1,000 sq. ft.	no limitation
Accessory buildings, maximum:	1,500 sq. ft. plus 1 percent of the lot area in excess of the minimum lot size [1]; 1 percent of lot area for buildings related to household livestock	1,500 sq. ft. plus 1 percent of the lot area in excess of the minimum lot size [1]
Number of detached accessory buildings, maximum:	no limitation	2 [2]

Notes:

1. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more than the specified floor area when one or more of the accessory buildings on a lot are designated as a rural accessory building.
2. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more accessory buildings than what is specified when one or more of the accessory buildings on a lot are designated as a rural accessory building.
3. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
4. When an institutional building, such as a church, governmental office, or school, is permitted in a residential zoning district, such building may exceed the stated height limitation, up to a maximum height of 60 feet, provided such building is setback one foot from the required setback line for each foot the building exceeds the stated height limitation.
5. For lots that are less than 65 feet wide at the building setback line, the total side yard is 26 percent of the lot width, with no one side yard less than 5 feet.
6. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
7. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in both districts.

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**Exhibit 8-2. Dimensional standards by zoning district - continued**

**R-2 Suburban residential district (subdivided)**

	<u>Single-family</u>	<u>Nonresidential</u>
Lot size, minimum [3]:	20,000 sq. ft. for an unsewered lot; 9,000 sq. ft. for a sewered lot and nonshoreland; 10,000 sq. ft. for a sewered lot and shoreland	43,000 sq. ft.
Lot size, maximum:	none	no limitation
Lot width, minimum:	100 ft. for an unsewered lot; 65 ft. for a sewered lot	200 ft.
Road frontage, minimum:	33 ft.	200 ft. for an unsewered lot; 33 ft. for a sewered lot
Separation between detached buildings, minimum:	10 ft.	10 ft.
Yard setback: [6,7]		
Street yard, minimum:	30 ft.	30 ft.
Side yard, minimum: [5]	7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building	7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building
Rear yard, minimum:	25 ft. for a principal building; 3 ft. for a detached accessory building or 5 ft. to an alley	25 ft. for a principal building; 3 ft. for a detached accessory building
Building height:		
Principal building, maximum:	35 ft.	35 ft. [4]
Accessory building, maximum:	18 ft.	18 ft.
Floor area:		
Principal building, minimum:	1,000 sq. ft.	no limitation
Accessory buildings, maximum:	1,200 sq. ft. plus 1 percent of the lot area in excess of the minimum lot size [1]; 1 percent of lot area for buildings related to household livestock	1,500 sq. ft. plus 1 percent of the lot area in excess of the minimum lot size [1]
Number of detached accessory buildings, maximum:	2 [2]	2 [2]

Notes:

1. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more than the specified floor area when one or more of the accessory buildings on a lot are designated as a rural accessory building.
2. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more accessory buildings than what is specified when one or more of the accessory buildings on a lot are designated as a rural accessory building.
3. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
4. When an institutional building, such as a church, governmental office, or school, is permitted in a residential zoning district, such building may exceed the stated height limitation, up to a maximum height of 60 feet, provided such building is setback one foot from the required setback line for each foot the building exceeds the stated height limitation.
5. For lots that are less than 65 feet wide at the building setback line, the total side yard is 26 percent of the lot width, with no one side yard less than 5 feet.
6. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
7. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in both districts.

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**Exhibit 8-2. Dimensional standards by zoning district - continued**

**R-3 Two-family residential district**

	<u>Two-family, 2 units</u>	<u>Twin home</u>	<u>Nonresidential</u>
Lot size, minimum [3]:	43,000 sq. ft. for an unsewered lot; 10,000 sq. ft. for a sewered lot	21,500 sq. ft. per unit for an unsewered lot; 5,000 sq. ft. per unit for a sewered lot	30,000 sq. ft. for an unsewered lot; 15,000 sq. ft. for a sewered lot
Lot size, maximum:	no limitation	no limitation	no limitation
Lot width, minimum:	200 ft. for an unsewered lot; 85 ft. for a sewered lot	100 ft. per lot for an unsewered lot; 43 ft. per lot for a sewered lot	85 ft.
Road frontage, minimum:	33 ft.	17 ft. per lot with 34 contiguous ft. overall	100 ft.
Separation between detached buildings, minimum:	10 ft.	10 ft.	10 ft.
Yard setback: [6,7]			
Street yard, minimum:	30 ft.	30 ft.	30 ft.
Side yard, minimum: [5]	7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building	9 ft. on one side with no setback along the shared property boundary line; 3 ft. for a detached accessory building	7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building
Rear yard, minimum:	25 ft. for a principal building; 3 ft. for a detached accessory building or 5 ft. to an alley	25 ft. for a principal building; 3 ft. for a detached accessory building or 5 ft. to an alley	25 ft. for a principal building; 3 ft. for a detached accessory building or 5 ft. to an alley
Building height:			
Principal building, maximum:	35 ft.	35 ft.	35 ft. [4]
Accessory building, maximum:	18 ft.	18 ft.	18 ft.
Floor area ratio, maximum:	no limitation	no limitation	no limitation
Floor area:			
Principal building, minimum:	1,000 sq. ft.	500 sq. ft. per unit	no limitation
Accessory buildings, maximum:	1,200 sq. ft. per dwelling unit	1,200 sq. ft. per dwelling unit; 1 percent of lot area for buildings related to household livestock	1,200 sq. ft. plus 1 percent of the lot area in excess of the minimum lot size [1]
Number of detached accessory buildings, maximum:	2 [2]	2 [2]	2 [2]

Notes:

1. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more than the specified floor area when one or more of the accessory buildings on a lot are designated as a rural accessory building.
2. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more accessory buildings than what is specified when one or more of the accessory buildings on a lot are designated as a rural accessory building.
3. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
4. When an institutional building, such as a church, governmental office, or school, is permitted in a residential zoning district, such building may exceed the stated height limitation, up to a maximum height of 60 feet, provided such building is setback one foot from the required setback line for each foot the building exceeds the stated height limitation.
5. In the case of a lot of record that has a width less than what is required in the zoning district in which such lot is located, the side yard setback for principal buildings shall be reduced proportionately to the ratio between the actual width of the lot and the minimum required width, provided that no setback shall be less than 10 feet.
6. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
7. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in both districts.

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**Exhibit 8-2. Dimensional standards by zoning district - continued**

**R-4 Multi-family residential district – (3 or more dwelling units)**

	<u>Multifamily</u>	<u>Nonresidential</u>
Lot size, minimum [3]:	15,000 sq. ft. for a sewered lot	24,000 sq. ft.
Lot size, maximum:	none	none
Lot width, minimum:	120 ft.	85 ft.
Road frontage, minimum:	33 ft.	100 ft.
Separation between detached buildings, minimum:	10 ft.	10 ft.
Yard setback: [6,7]		
Street yard, minimum:	40 ft.	40 ft.
Side yard, minimum: [5]	15 ft. on each side for a principal building; 3 ft. for a detached accessory building	15 ft. on each side for a principal building; 3 ft. for a detached accessory building
Rear yard minimum:	40 ft. for a principal building; 3 ft. for a detached accessory building	40 ft. for a principal building; 3 ft. for a detached accessory building
Building height:		
Principal building, maximum:	35 ft.	35 ft. [4]
Accessory building, maximum:	18 ft.	18 ft.
Floor area ratio, maximum:	50 percent	50 percent
Floor area:		
Principal building, minimum:	500 sq. ft. per unit	no limitation
Accessory buildings, maximum:	500 sq. ft. per dwelling unit	1,200 sq. ft. plus 1 percent of the lot area in excess of 43,000 sq. ft. [1]
Number of detached accessory buildings, maximum:	no limitation	2 [2]

Notes:

1. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more than the specified floor area when one or more of the accessory buildings on a lot are designated as a rural accessory building.
2. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more accessory buildings than what is specified when one or more of the accessory buildings on a lot are designated as a rural accessory building.
3. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
4. When an institutional building, such as a church, governmental office, or school, is permitted in a residential zoning district, such building may exceed the stated height limitation, up to a maximum height of 60 feet, provided such building is setback one foot from the required setback line for each foot the building exceeds the stated height limitation.
5. In the case of a lot of record that has a width less than what is required in the zoning district in which such lot is located, the side yard setback for principal buildings shall be reduced proportionately to the ratio between the actual width of the lot and the minimum required width, provided that no setback shall be less than 10 feet.
6. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
7. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in both districts.

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**Exhibit 8-2. Dimensional standards by zoning district - continued**

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**R-8 Manufactured housing community district**

Lot size, minimum: 2.0 acres

Lot size, maximum: no limitation

Lot width, minimum: 220 ft.

Road frontage, minimum: 100 ft.

Separation between detached buildings, minimum: 10 ft.

Yard setback: [1]

Street yard, minimum: 30 ft.

Side yard, minimum: 25 ft. on each side

Rear yard minimum: 25 ft.

Building height:

Principal building, maximum: 35 ft.

Accessory building, maximum: 18 ft.

Notes:

1. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in both districts.

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**Exhibit 8-2. Dimensional standards by zoning district - continued**

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**P-I Public Institutional district**

Lot size, minimum: 15,000 sq. ft. for a sewerred lot; 30,000 sq. ft. for an unsewerred lot [1]

Lot size, maximum: no limitation

Lot width, minimum: 85 ft. for a sewerred lot; 100 ft. for an unsewerred lot

Road frontage, minimum: 75 ft. for a sewerred lot; 100 ft. for an unsewerred lot

Floor area ratio, maximum: no limitation

Separation between detached buildings, minimum: 10 ft.

Yard setback: [4,5]

Street yard, minimum: 30 ft. [3]

Side yard, minimum: 7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building or 5 ft. from an alley

Rear yard minimum: 25 ft. for a principal building; 3 feet for a detached accessory building or 5 ft. from an alley

Building height:

Principal building, maximum: 35 ft. [2]

Accessory building, maximum: 18 ft.

Floor area:

Principal building, minimum: no limitation

Accessory buildings, maximum: no limitation

Number of detached accessory buildings, maximum: no limitation

Notes:

1. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
2. Buildings for uses permitted in this district may exceed the stated height limitation, up to a maximum height of 60 feet, provided such building is setback one foot from the required setback line for each foot the building exceeds the stated height limitation.
3. In the case of a lot of record that has a width less than what is required in the zoning district in which such lot is located, the side yard setback for principal buildings shall be reduced proportionately to the ratio between the actual width of the lot and the minimum required width, provided that no setback shall be less than 10 feet.
4. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
5. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in both districts.

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**Exhibit 8-2. Dimensional standards by zoning district – continued**

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**B-1 Local services business district**

Lot size, minimum: 15,000 sq. ft. for a sewerer lot; 30,000 sq. ft. for an unsewered lot [1]

Lot size, maximum: no limitation

Lot width, minimum: 85 ft. for a sewerer lot; 100 ft. for an unsewered lot

Road frontage, minimum: 75 ft. for a sewerer lot; 100 ft. for an unsewered lot

Floor area ratio, maximum: no limitation

Separation between detached buildings, minimum: 10 ft.

Yard setback: [4,5]

Street yard, minimum: 30 ft. [3]

Side yard, minimum: 7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building or 5 ft. from an alley

Rear yard minimum: 25 ft. for a principal building; 3 feet for a detached accessory building or 5 ft. from an alley

Building height:

Principal building, maximum: 35 ft. [2]

Accessory building, maximum: 18 ft.

Floor area:

Principal building, minimum: no limitation

Accessory buildings, maximum: no limitation

Number of detached accessory buildings, maximum: no limitation

Notes:

1. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
  2. When an institutional building, such as a church, governmental office, or school, is permitted in a commercial zoning district, such building may exceed the stated height limitation, up to a maximum height of 60 feet, provided such building is setback one foot from the required setback line for each foot the building exceeds the stated height limitation.
  3. In the case of a lot of record that has a width less than what is required in the zoning district in which such lot is located, the side yard setback for principal buildings shall be reduced proportionately to the ratio between the actual width of the lot and the minimum required width, provided that no setback shall be less than 10 feet.
  4. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
  5. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in both districts.
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**Exhibit 8-2. Dimensional standards by zoning district - continued**

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**B-2 Community business district**

Lot size, minimum: 15,000 sq. ft. for a sewerer lot; 30,000 sq. ft. for an unsewered lot [1]

Lot size, maximum: no limitation

Lot width, minimum: 85 ft. for a sewerer lot; 100 ft. for an unsewered lot

Road frontage, minimum: 75 ft. for a sewerer lot; 100 ft. for an unsewered lot

Floor area ratio, maximum: no limitation

Separation between detached buildings, minimum: 10 ft.

Yard setback: [2,3]

Street yard, minimum: 30 ft.

Side yard, minimum: 7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building or 5 ft. from an alley

Rear yard minimum: 25 ft. for a principal building; 3 feet for a detached accessory building or 5 ft. from an alley

Building height:

Principal building, maximum: 35 ft.

Accessory building, maximum: 18 ft.

Floor area:

Principal building, minimum: no limitation

Accessory buildings, maximum: no limitation

Number of detached accessory buildings, maximum: no limitation

Notes:

1. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
2. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
3. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in both districts.

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**Exhibit 8-2. Dimensional standards by zoning district - continued**

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**B-3 General business district**

Lot size, minimum: 2.0 acres [1]

Lot size, maximum: none

Lot width, minimum: 300 ft.

Road frontage, minimum: 300 ft.

Floor area ratio, maximum: no limitation

Separation between detached buildings, minimum: 10 ft.

Yard setback: [2,3]

Street yard, minimum: 30 ft.

Side yard, minimum: 7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building or 5 ft. from an alley

Rear yard minimum: 25 ft. for a principal building; 3 feet for a detached accessory building or 5 ft. from an alley

Building height:

Principal building, maximum: 45 ft.

Accessory building, maximum: 18 ft.

Floor area:

Principal building, minimum: none

Accessory buildings, maximum: no limitation

Number of detached accessory buildings, maximum: no limitation

Notes:

1. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
2. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
3. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in both districts.

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**Exhibit 8-2. Dimensional standards by zoning district - continued**

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**M-1 Mixed-use district**

Lot size, minimum: 15,000 sq. ft. for a sewerred lot; 30,000 sq. ft. for an unsewered lot [1]

Lot size, maximum: no limitation

Lot width, minimum: 85 ft. for a sewerred lot; 100 ft. for an unsewered lot

Road frontage, minimum: 75 ft. for a sewerred lot; 100 ft. for an unsewered lot

Floor area ratio, maximum: no limitation

Separation between detached buildings, minimum: 10 ft.

Yard setback: [2,3]

Street yard, minimum: 30 ft.

Side yard, minimum: 7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building or 5 ft. from an alley

Rear yard minimum: 25 ft. for a principal building; 3 feet for a detached accessory building or 5 ft. from an alley

Building height:

Principal building, maximum: 45 ft.

Accessory building, maximum: 18 ft.

Floor area:

Principal building, minimum: none

Accessory buildings, maximum: no limitation

Number of detached accessory buildings, maximum: no limitation

Notes:

1. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
2. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
3. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in both districts.

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**Exhibit 8-2. Dimensional standards by zoning district - continued**

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**I-1 Light industrial district**

Lot size, minimum: 10,000 sq. ft. for sewerred lot; 20,000 sq. ft. for an unsewerred lot; [1]

Lot size, maximum: none

Lot width, minimum: 100 ft.

Road frontage, minimum: 33 ft.

Floor area ratio, maximum: no limitation

Separation between detached buildings, minimum: 10 ft.

Yard setback: [3,4]

Street yard, minimum: 30 ft.

Side yard, minimum: 7 ft. on one side and 10 ft. on the other

Rear yard minimum: 25 ft.

Building height:

Principal building, maximum: 45 ft. [2]

Accessory building, maximum: 30 ft. [2]

Floor area:

Principal building, minimum: no limitation

Accessory buildings, maximum: no limitation

Number of detached accessory buildings, maximum: no limitation

Notes:

1. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
2. When a commercial, institutional, or industrial building is situated on a parcel that adjoins a side yard of a parcel in a residential zoning district, no portion of such building located within 50 feet of the property boundary line shall exceed 120 percent of the maximum building height established for the residential zoning district.
4. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
5. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in both districts.

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**Exhibit 8-2. Dimensional standards by zoning district - continued**

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**I-2 Heavy industrial district**

Lot size, minimum: 10,000 sq. ft. for sewerred lot; 20,000 sq. ft. for an unsewerred lot; [1]

Lot size, maximum: none

Lot width, minimum: 100 ft.

Road frontage, minimum: 33 ft.

Floor area ratio, maximum: no limitation

Separation between detached buildings, minimum: 10 ft.

Yard setback: [3,4]

Street yard, minimum: 30 ft.

Side yard, minimum: 7 ft. on one side and 10 ft. on the other

Rear yard minimum: 25 ft.

Building height:

Principal building, maximum: no limitation [2]

Accessory building, maximum: no limitation [2]

Floor area:

Principal building, minimum: no limitation

Accessory buildings, maximum: no limitation

Number of detached accessory buildings, maximum: no limitation

Notes:

1. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
  2. When a commercial, institutional, or industrial building is situated on a parcel that adjoins a side yard of a parcel in a residential zoning district, no portion of such building located within 50 feet of the property boundary line shall exceed 130 percent of the maximum building height established for the residential zoning district.
  3. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
  4. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in both districts.
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