

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 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, 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 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.