

TOWN OF HORTONIA

ORDINANCE O2011.01.1

Land Division and Subdivision Regulations, Town of Hortonia, Outagamie County, Wisconsin

February 8, 2011 revision

Recommended by Resolution R2010.11.1PC by Plan Commission November 2, 2010
Revised following Public Hearing January 6, 2011
Adopted by Ordinance O2011.01.2 by Town Board January 11, 2011
Effective Date as of Publication on January 12, 2011
Amended with **minor revision** concerning WI Act 376 compliance on February 8, 2011

ARTICLE I
INTRODUCTION

18.01 Authority.

(1) This Ordinance was adopted under the statutory authority granted pursuant to the Village Powers of the Town of Hortonia, to §§. 60.10 (2) (c), 60.22 (3), 61.34 (1), 236.03, and 236.45, Wis. Stats. This Ordinance was adopted by the Town Board after its receipt of a formal recommendation of this Ordinance on **November 2, 2010** from the Plan Commission under §§. 61.35, 62.23 and 236.45 (2), Wis. Stats.

(2) This ordinance shall be interpreted and enforced by the Town Board, Town of Hortonia.

18.02 Adoption. The Town Board, by this Ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town Board to regulate and approve certain land divisions and certified surveys in the Town of Hortonia. Pursuant to §. 236.45 (4), Wis. stats., a public hearing was held before the adoption of this Ordinance and notice of the hearing was given by publication of a class 2 notice, under ch. 985, Wis. Stats.

18.03 Title. This ordinance shall be known and cited as the “Land Division and Subdivision Regulations, Town of Hortonia, Outagamie County, Wisconsin.”

18.04 Purpose and Intent. The purpose of this ordinance is to promote the public health, safety and general welfare of the Town of Hortonia, and to:

- (1) Preserve the rural character, scenic vistas, and natural beauty of the Town;
- (2) Supplement County, State, and Federal land division controls;
- (3) Encourage the most appropriate use of the land throughout the Town;
- (4) Minimize the impact to the public resulting from the division of large tracts into smaller parcels of land in the Town;
- (5) Provide the best possible environment for living in the Town;
- (6) Enforce the goals and policies set forth in the Town of Hortonia Comprehensive Plan;
- (7) Avoid congestion and provide adequate ingress and egress on the streets and highways to ensure that the design of the street system will not have a negative long-term effect on neighborhood quality, traffic flow, and safety in the Town;

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- (8) Realize goals, objectives, policies, and development standards set forth in plans, codes, and ordinances adopted by the Town;
- (9) Further the orderly layout and use of land;
- (10) Secure safety from fire, panic and other dangers;
- (11) Provide adequate light and air; to prevent the over-crowding of land;
- (12) Require Conservation Subdivision design as the exclusive means for residential subdivision development within the R-1 Residential District as defined and depicted in the Town of Hortonia Comprehensive Plan;
- (13) Require Conservation Design for all Certified Survey Maps for residential development;
- (14) Conserve the value of prime agricultural soils;
- (15) Protect and preserve natural resources, wildlife habitat, and open space to the greatest degree possible;
- (16) Facilitate the division of larger parcels into smaller parcels of land;
- (17) Provide for administration and enforcement of this Ordinance by the Plan Commission and Town Board, and;
- (18) Insure that residential development in the Town occurs in an orderly manner and is consistent with the Town of Hortonia Comprehensive Plan.

18.05 Severability. If any section, provision, or portion of this ordinance is adjudged invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

18.06 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, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

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

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18.08 Variance of Regulations.

(1) When the Plan Commission finds that injustice or hardship will result from strict compliance with this Chapter, it may allow divergence from the terms hereof to the extent deemed necessary and proper to grant relief, provided that the variance meets all the following standards:

- (A) The variance is due to the unique physical features of the site;
- (B) The variance is the minimum deviation from the terms of this chapter necessary to mitigate the injustice or hardship; and
- (C) The variance is not detrimental to the public interest and is in keeping with the general spirit and intent of this chapter.

(2) Application for any variance shall be made in writing by the Owner at the time the application is filed for consideration, stating specifically the circumstances upon which the Owner is relying, the variance requested, and how the request meets the standards set forth above. The request shall be supplemented with maps, plans and other additional data that may aid the Plan Commission in the analysis of the request.

(3) The Plan Commission shall conduct a public hearing to permit parties of interest to comment on the variance request.

(4) If a hearing is determined necessary, the owner shall be responsible for payment of a hearing fee as established by the Town of Hortonia Fees and Licenses Schedule. The Plan Commission 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 in the Class 1 notice, under Ch. 985. A copy of such notice shall be mailed by first class mail with an Affidavit of Mailing at least 10 days prior to the date of such hearing to all property owners within three-hundred (300) feet if located within a Sanitary District of five-hundred (500) feet if located outside of a Sanitary District.

(5) A majority vote of the entire membership of the Plan Commission shall be required to grant any variance to these regulations and any variance thus granted shall be entered in the minutes of the Plan Commission setting forth the reasons which, in the opinion of the Plan Commission, justified the variance.

18.09 Effective Date. This ordinance shall be effective after a public hearing, adoption by the Town Board of Hortonia, and publication. The effective date for this ordinance is **January 12, 2011.**

18.10 – 18.19 Reserved for future use.

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ARTICLE II

GENERAL PROVISIONS

18.20 Coverage and Compliance.

(1) This Ordinance applies to all lands in the Town of Hortonia. The Town Board shall be responsible to administer this Ordinance unless it designates by Resolution such other authority.

(2) No person, unless exempt under this Ordinance, shall divide or create a division of any land in the Town of Hortonia subject to the requirements of this Ordinance and no land division shall be entitled to be recorded in the Office of the Register of Deeds for Outagamie County unless the final land division, plat, or map as approved by the Town Board or its designee is in full compliance and consistent with all of the following:

- (A) All requirements of this Ordinance;
- (B) Chapter 236, Wis. Stats;
- (C) The Town of Hortonia Comprehensive Plan adopted under §. 66.1001, Wis. stats., or other Town Land Use Plan or any component thereof;
- (D) The applicable Town of Hortonia and Outagamie County zoning regulations, building code, sanitary code, erosion control regulations, and other land division regulations;
- (E) State Department of Natural Resources and State Department of Commerce administrative rules on wetlands, shorelands, sewers, septic systems, potable water supply, and pollution abatement;
- (F) All applicable State and local sanitary codes;
- (G) All applicable Town of Hortonia Ordinances;
- (H) All State Department of Transportation and Outagamie County Highway Department Administrative rules relating to safety of access and the preservation of the public interest and investment in the highway system, if the land owned and controlled by the land divider abuts on a state or county trunk highway or connecting road or street;
- (I) All applicable extraterritorial, comprehensive, and master plans, extraterritorial zoning or plat review ordinances, or official maps adopted pursuant to §. 62.23, stats., and any other applicable Town, County, or extraterritorial authority ordinances and regulations.

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(3) No land shall be divided or any land division occur if any parcel created by the land division is smaller than 21,780 square feet (1/2-acre) in a conservation subdivision unless previously approved by the Town of Hortonia Plan Commission.

(4) Any parcel in the Town of Hortonia, which shall be divided by a land division regardless of the parcel size, shall require, at minimum, a Certified Survey Map to be recorded in the Outagamie County Register of Deeds Office with approval by the Town Board or its designee under this Ordinance prior to recording.

(5) Any single-family residential parcel created through a Conservation Certified Survey Map shall retain at least forty percent (40%) of the parcel in preserved open space unless otherwise approved by the Town of Hortonia Plan Commission.

(6) Any outlots created on a Certified Survey Map shall be accompanied with a statement of purpose, ownership, and use of the outlot.

(7) No person shall construct upon, convey, record, or place survey monuments, conduct surveys, layout parcels, or outlots, or create plats or maps on any land in the Town of Hortonia in violation of this Ordinance or the Wisconsin Statutes.

(8) No person shall be issued a driveway or culvert permit, building permit, or any other permit or license authorizing any construction, installation, or improvement on any land within the Town of Hortonia, except land subject to a land division that was of record as of the effective date of this Ordinance, until the provisions and requirements of this Ordinance have been fully met by the land divider. The Town Board may institute the appropriate action or proceedings to enjoin violations of this Ordinance. There may be additional State and County requirements that apply.

(9) All land division approvals required by the State of Wisconsin Department of Administration, or its successor Department, for specific land divisions, including any Statutory Subdivisions, Minor Land Divisions, or Certified Surveys shall be obtained as a condition of approval by the Town Board or its designees.

(10) All land division, plats, or Certified Survey Maps, upon receipt of final approval by the Town Board or its designees, shall be recorded in the Office of the Register of Deeds by the land divider at the cost of the land divider within twelve months after the last approval and 36 months from the first approval. Final plat approval shall comply for recording with §236.21 and §236.25 Wis. Stats.

(11) No persons shall make, record, or replat any land division, except as provided under §70.27(1) Wis. Stats if it alters areas dedicated to the public without proper Court action to vacate or discontinue such plat, map, or part thereof.

(12) No land shall be granted a land division approval if the Hortonia Town Board determines that any proposed land division plat or Certified Survey Map will materially interfere with neighboring agricultural uses or will conflict with other goals, objectives, and policies as set forth in the Town Comprehensive Plan.

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(13) No land shall be granted a land division approval for a purpose that poses a significant threat to the quality or quantity of groundwater in the Town of Hortonia.

(14) No land shall be divided if it is held unsuitable by the Town Board for its proposed use for reason of flooding, inadequate drainage, dangerous or hazardous land conditions, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal or maintenance capabilities, impairment of wildlife habitat and scenic vistas, improper utilization of prime farm soils, undue costs and inefficiencies in the provision of Town of Hortonia governmental services, or any other feature likely to be harmful to the health, safety, or welfare of current or future residents of the Town of Hortonia, or likely to cause a public nuisance in the Town of Hortonia. The Plan Commission may require any proposed land divider to furnish maps, data, and other information as may be necessary to determine land suitability.

(15) No person shall be granted any land division approval by the Town Board until the appropriate application fees have been paid to the Town Clerk.

(16) No person shall be granted any land division approval by the Town of Hortonia who has failed to properly and fully complete and submit to the Town Board the application form developed and provided by the Town of Hortonia.

(17) No person shall be issued a final land division approval by the Town Board until the owner makes or installs all improvements deemed necessary by the Town Board or until the owner executes a development agreement and provides a financial guarantee acceptable to the Town Board to ensure that the owner will make these improvements within a time established by the Town Board.

(18) No person shall be granted a final land division approval by the Town Board until the Owner submits and obtains approval of the proposed land division plat or proposed certified survey map to the following approving authorities (as applicable):

- (A) Town of Hortonia Plan Commission
- (B) Outagamie County Planning and Zoning Department
- (C) Wisconsin Department of Natural Resources (WDNR)
- (D) Wisconsin Department of Commerce (WDOC)
- (E) U.S. Army Corps of Engineers
- (F) U.S. Fish & Wildlife Service
- (G) East Central Wisconsin Regional Planning Commission (advisory only for concept plan and/or preliminary plat stages of subdivisions).

(19) No person shall be granted a final land division approval by the Town Board until the owner agrees in writing to be responsible for the cost of any necessary alteration of any existing utilities by virtue of a land division within the public right-of-way.

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(20) No person shall be granted a land division approval by the Town Board unless all public improvements to be constructed or installed as required by the Town Board within the land division plat area or Certified Survey Map area meet the requirements established in writing by the Town Board.

18.21 Building Permits. The Town shall not issue any building permit relating to any parcel of land forming all or any part of land included in a subdivision, land division, or replat originally submitted to the Town on or after the effective date of this Ordinance until the applicant has complied with all of the provisions and requirements of this Ordinance.

18.22 Public Frontage Requirement. Any lot, tract or parcel in a land division shall be required to directly abut on a public road for not less than 100 feet and afford practical and reasonable access in terms of topography and drainage between a potential building site and the public road.

18.23 Land Suitability.

(1) No land shall be developed which is held to be unsuitable for any proposed use if identified as being environmentally sensitive. Areas identified as being environmentally sensitive include, but are not limited to:

- (A) All areas mapped as Floodway by the Federal Emergency Management Agency (FEMA), Wisconsin Department of Natural Resources (WDNR), Wisconsin Department of Commerce (WDOC) or other public or private entity and incorporated into the County Floodplain Ordinance.
- (B) All areas mapped Wetland by the WDNR and depicted on the Wisconsin Wetlands Inventory Maps.
- (C) All areas within seventy-five (75) feet of the ordinary high-water mark of navigable streams, as identified on, but not necessarily limited to, the United States Geological Survey 7.5 minute quadrangle maps.
- (D) All areas having slopes steeper than twelve (12%) percent.
- (E) Areas determined to be environmentally sensitive may be included in a land division if identified as an outlot or other designation that would indicate that the land is not available for development.
- (F) No land division shall be allowed where such division shall increase the non-conformity of a structure, use, or parcel, or where a non-conforming structure, use, or parcel would be created as a result of the division without a properly reviewed and approved variance.
- (G) Any land division creating five (5) or more lots and located in areas not served by municipal wastewater treatment systems may be required to be served by clustered wastewater collection and treatment systems approved by the Town, County, WDOC, and WDNR.

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- (H) Any land division creating five (5) or more lots and located in areas not served by municipal water systems may be required to be served by a community water system approved by the Town, County, WDOC, and WDNR.
- (I) Each parcel shall have a continuous area of at least three thousand (3,000) square feet which has ground slopes not exceeding twelve (12) percent.
- (J) The Plan Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is unsuitable for residential use and afford the Owner an opportunity to present evidence in rebuttal to such findings of unsuitability if he/she so desires. Thereafter, the Plan Commission may affirm, modify or withdraw its determination of unsuitability.

18.24 Environmentally Sensitive Areas.

(1) Environmentally sensitive areas shall consist of the following water-related features:

- (A) Wetlands
- (B) Land within fifty (50) feet of wetlands that are larger than two (2) acres in size.
- (C) Floodways plus fifty (50) feet (but not beyond the floodplain boundary) or seventy-five (75) feet beyond the ordinary high-water mark, whichever is greater.
- (D) Land within one-hundred (100) feet of navigable waters if there is no WDNR approved flood study.
- (E) Land within twenty-five (25) feet of non-navigable waterways shown on the USGS topographic quadrangle maps (7.5-minute series).
- (F) Steep slopes of twelve percent (12%) or greater that are immediately adjacent to or extend into any of the features listed above.
- (G) All lands identified as environmentally sensitive in the Outagamie County Comprehensive Plan.

(2) Environmentally sensitive areas shall be shown on all preliminary and final plat maps and certified survey maps unless waived by the Plan Commission. Except for amendments approved by the Plan Commission or WDNR, restrictions shall be placed on all plats and certified survey maps regarding development and land-disturbing activities within environmentally sensitive areas. Notes or disclaimers may be included on plats and certified survey maps indicating that the extent of the environmentally sensitive area is subject to change due to the granting of amendments, revisions to the definition of the environmentally sensitive area, or provision of more detailed information, such as flood studies.

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(3) When a proposed land division is located wholly or in part in an area where flooding or potential flooding may be a hazard, floodplain lines and, where calculated, floodway lines shall be shown on final plans and maps unless waived by the Plan Commission. Floodplain boundaries as determined by the owner shall be reviewed and approved by the WDNR.

18.25 Erosion Stormwater Requirements. All land divisions shall comply with the requirements and procedures of the Outagamie County Erosion and Sedimentation Ordinance. All land divisions shall comply with the requirements and procedures of the Outagamie County Stormwater Management Ordinance.

18.26 Stormwater and Drainage Requirements.

(1) 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. The protections shall expressly grant 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 Outagamie County Register of Deeds office.

(2) Drainageways. 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 drainageway shall be protected by a perpetual unobstructed easement not less than thirty (30) feet in width with satisfactory access to a public right-of-way. Drainageway easements shall be protected by the following express provisions.

- (A) Drainage Easement Restrictions. The following uses and structures are prohibited within all drainage easements in the subdivision plat: filling, grading, and excavating except for the construction of drainageways 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 kinds; and constructing, erecting, or moving any building or structure, including fences, within the drainage easement.
- (B) Maintenance of Drainage Improvements. Maintenance of drainageways and associated drainage improvements shall be the responsibility of the property owners of the subdivision plat. Outagamie County and the Town retain the right to perform maintenance or repairs. The cost of maintenance and repairs shall be equally assessed among the property owners of the subdivision. 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.
- (C) Drainage Maintenance Easement. Outagamie County and the Town shall have an unqualified right to enter upon any drainage easement or outlot for the inspection and, if necessary, maintenance and repair of the drainageways and associated drainage improvements.

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(3) 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 drainageways in subsection (2).

(4) 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 drainageway or drainage detention/retention facility, in whole or in part, be made part of an outlot for dedication or subsequent conveyance to a homeowner's association subject to the protections and restrictions set forth in this section.

(5) 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 to drain as originally designed. The cost of repair or relocation must be borne by the party or his agent damaging the drain.

(6) 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 Outagamie County and the Town of Hortonia.

(7) 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 drainageway or drainage detention facility be dedicated to the Town.

(8) 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.

18.27 Violations. No person shall build upon, divide, convey, record or monument any land in violation of this chapter or the Wisconsin Statutes. No permit shall be issued authorizing the building on or improvement of any subdivision, replat or Certified Survey Map within the jurisdiction of this chapter and not of record as of **January 12, 2011** until the provisions and requirements of this chapter have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable Wisconsin Statutes.

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18.28 Penalties

(1) Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, forfeit not less than \$200.00, plus any additional applicable costs incurred by the Town for each offense. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties are not limited to, but may include the following:

- (A) Recordation improperly made shall be subject to the provisions of Sec. 236.30, Wisconsin Statutes.
- (B) Conveyance of parcels 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.

18.29 Fees. The owner shall pay the Town all required fees at the specified time. Fees shall be established in the Town of Hortonia Fees and Licenses schedule from time to time by resolution of the Town Board.

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

18.31 Replat. When it is proposed to replat a recorded land division, or part thereof, so as to change the exterior boundaries of a recorded land division, or part thereof, the Owner or person wishing to replat shall vacate or alter the recorded plat as provided in Wis. Stats. ch. 236. The Owner, or person wishing to replat, shall then proceed as specified in this ordinance. The Clerk shall schedule a public hearing before the Town of Hortonia Plan Commission when a proposed preliminary plat of a replat of lands within the Town limits is filed, and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within three-hundred (300) feet if located in the Darboy Sanitary District or five-hundred (500) feet if outside the Sanitary District of the exterior boundaries of the proposed replat.

18.32 Development Agreement. As a condition of certified survey map or final plat approval for any land divisions requiring any improvements, the owner shall enter into a Development Agreement with the Town.

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18.33 Prevailing Wage Requirements. The installation or construction of any improvements dedicated to the Town of Hortonia shall comply with the Prevailing Wage Rate requirements of Section 66.0903 Wis. Stats., as applicable.

18.34-39 Reserved for future use.

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ARTICLE III

MINOR LAND DIVISIONS BY CERTIFIED SURVEY MAP

18.40 When Required. When it is proposed to divide land into at least two (2) but not more than four (4) parcels or building sites or when it is proposed to create by land division not more than four (4) parcels or building sites within a recorded Subdivision Plat without changing the exterior boundaries of the block, parcel or outlot, the Owner shall subdivide by use of a Certified Survey Map.

18.41 Submittal of a Certified Survey Map. Prior to the filing of an application for the approval of a Certified Survey Map, the Owner shall consult with the Plan Commission and/or Staff Planner, in order to obtain advice and assistance in the preparation of the Certified Survey Map. Creation of a minor land division shall be by Certified Survey Map and shall be submitted to the Town of Hortonia Plan Commission and Town Board. The Certified Survey Map shall be prepared according to Wisconsin Statutes, Section 236.34 and shall show clearly on its face those items listed in this section. In addition, the names of all landowners within five-hundred (500) feet of any property line of proposed area shall be listed on a separate sheet submitted with the Certified Survey Map.

18.42 Required Information. The Certified Survey Map shall show clearly on its face the following:

- (1) Existing buildings, watercourses, and drainageways
- (2) Floodplain and wetland delineations as applicable.
- (3) Existing and proposed public roads.
- (4) Existing and proposed easements.
- (5) Date of the map with a graphic scale.
- (6) Name and address of the person for whom the survey was made.
- (7) An owner's and Treasurer's certificate and approval signature of the Town of Hortonia Chairperson and Clerk after approval by the Town Board 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.
- (8) The Town may require that up to 40 percent of each parcel created by Certified Survey Map be maintained as undeveloped open space.

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18.43 Testing. The Town of Hortonia may require that borings and/or 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 developments shall comply with the provisions of the Wisconsin Administrative Code, Chapter COMM 83 and 85 relative to sanitary systems. All appropriate data shall be submitted with the Certified Survey Map.

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

18.45-49 Reserved for future use.

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ARTICLE IV

PRELIMINARY APPLICATION AND CONCEPT PLAN SUBMITTAL

18.50 Application. Any Owner who divides or proposes to divide land located in the Town of Hortonia that will create a land division, including a Conservation Design Subdivision, Certified Survey Map, Replat, or revision of an existing land division shall submit to the Town Clerk a Preliminary Application and Concept Plan. The application may be obtained from the Town Clerk, with the appropriate fee and with all of the following required attachments, including:

- (1) The name and address of the owner of the property and of the Owner.
- (2) The location and size of the property and the type of land division that is to be requested.
- (3) The names and addresses of all adjacent landowners.
- (4) A statement of intended use.
- (5) The name and address of the surveyor who will be doing the survey work.
- (6) The present use of the land.

18.51 Concept Map.

(1) With any initial Land Division Application the Owner shall submit to the Town Clerk a concept map no larger than 11 x 17 inches. Each submission shall include all contiguously owned land. The concept map shall show all of the following:

- (A) A north arrow and date, the scale, and a reference to a section corner.
- (B) Topographic contours at two (2) foot intervals.
- (C) Hydrographic characteristics, including surface waters, floodways/floodplains, wetlands, and drainageways.
- (D) The location and type of existing and proposed buildings and structures and uses.
- (E) The location of water wells, sewerage systems, and other features pertinent to the land division.
- (F) The location of existing roads, highways, developments, trails, and driveways and distances to the nearest adjoining highways, roads, or driveways on all sides of the proposed site.

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- (G) The location of general land cover types, such as woodlands, wetlands, agricultural, etc.
- (H) The location of any slopes of 12% or greater.
- (I) The uses of the land adjacent to the property and any existing roads, easements and restrictions of record, public access to navigable water, dedicated areas and utilities on/or adjacent to the land.
- (J) The location of any and all secondary conservation areas as identified in Section 18.61 of this ordinance.
- (K) Other requirements as specified in Section 18.64 of this Ordinance.

(2) The Town Clerk shall review the initial application and concept map for completeness, including payment of applicable application fees, within ten (10) working days of receipt. The Town Clerk shall thereafter notify the Owner if the application is determined by the Town Clerk to be complete or incomplete. The Town Clerk shall provide written reasons for any alleged incompleteness of the application with the notification. The Town Clerk shall, within five (5) working days after filing, transmit the copies of any complete or incomplete Land Division Application and concept map to the Plan Commission.

(3) The Town Clerk shall send to the Owner an agenda of the scheduled date of the Plan Commission meeting to review and consider the land division no later than seven (7) days prior to the date of the meeting.

(4) The Owner or the Owner's designee shall attend the meeting and present the proposed land division and concept map to the Plan Commission for its consideration.

18.52-59 Reserved for future use.

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ARTICLE V

CONSERVATION DESIGN SUBDIVISION PLAT

SUBMITTAL, REVIEW, AND APPROVAL PROCESS

18.60 General. This article is designed to preserve rural character, natural resource areas, farmland, and other large areas of open land, while permitting residential development consistent with the Town of Hortonia Comprehensive Plan. The Town Board may require that any division creating more than four (4) parcels comply with the Conservation Design standards of this Article along with the general requirements of this Ordinance. Further, this Article is intended:

- (1) To guide the future growth and development of the Town in conjunction with the Town of Hortonia Comprehensive Plan.
- (2) To guide the detailed analysis of parcels so as to locate and coordinate appropriate areas for development and conservation.
- (3) To preserve the rural character through the permanent preservation of meaningful open space and sensitive natural resources.
- (4) To preserve scenic views by minimizing views of new development from existing roads.
- (5) To preserve prime agricultural land by concentrating housing on lands with low agricultural potential.
- (6) To provide commonly-owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community.
- (7) To provide for a diversity of parcel sizes, housing choices and to accommodate a variety of age and income groups.
- (8) To provide for buffering between residential development and non-residential uses.
- (9) To protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, and maintain environmental corridors.
- (10) To preserve significant archeological sites, historic buildings, and their settings.
- (11) To meet the demand within the Town for housing in rural settings.
- (12) To preserve agricultural areas.

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18.61 Secondary Conservation Areas. Secondary conservation areas are defined as those natural, agricultural, cultural, and historical resources within the Town that are not otherwise protected by federal, state, or county laws, regulations, or ordinances. Secondary conservation areas are resources that should be preserved when possible and/or economically feasible. The final determination of secondary conservation areas within a given development will be made by the Plan Commission and Town Board. Secondary conservation areas in the Town of Hortonia may include, but are not limited to:

- (1) Stream corridors within one-hundred (100) feet of the ordinary high-water mark;
- (2) Environmental corridors;
- (3) Critical wildlife habitat;
- (4) Mature woodlands, wherein twenty (20) percent or more of the trees have a diameter-at-breast-height (DBH) of eighteen (18) inches or more;
- (5) Large trees with a DBH of thirty-six (36) inches or greater, when deemed to be healthy and structurally sound;
- (6) Unique natural features, which may include hills, knolls, depressions, rock outcroppings, and others;
- (7) Prime agricultural lands;
- (8) Trails; and,
- (9) Other unique features as may be identified by the Plan Commission.

18.62 Open Space Standards. A Conservation Design Subdivision shall meet the following open space standards:

- (1) Minimum open space. Open space shall be a minimum of forty (40) percent of the gross tract area (GTA) and include all primary and secondary conservation areas.
- (2) Location. The required open space should be situated, when practicable, to take advantage of the site's natural, historic, and cultural features, to preserve scenic views, and to be contiguous with existing or proposed open spaces outside of the proposed subdivision. Environmentally sensitive areas must be included within the preserved open space. The size and shape of the areas established as open space shall be sufficient and suitable for agricultural, natural resource protection, recreation, or other intended use and should remain as large and contiguous as the property will allow.
- (3) Not more than 30% of the required open space may consist of active recreation area unless prior approval has been received from the Plan Commission.
- (4) The Town of Hortonia Plan Commission encourages, and may require, that each conservation subdivision include an internal trail system providing access to each lot owner. Any section of the trail system identified for potential future public use as part of an integrated Town trail network shall be dedicated to the Town.

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(5) Designation of Open Space. All open space areas shall be clearly delineated on the plat as an outlot or outlots, and clearly designated as open space on the face of the plat. Each outlot shall be accessible by public road or by an easement for ingress and egress to a public road. The Town may require a separate instrument to be recorded with the Outagamie County Register of Deeds regarding restrictions on use, maintenance, ownership and transfer of ownership. The Town, or a designee approved by the Town, shall be noted as a benefited party for enforcement purposes.

(6) Ownership of Open Space. Unless otherwise approved by the Town, open space outlots shall be owned and maintained by a Homeowners' Association. All documents and instruments relating to the ownership, use, and maintenance of open space shall be reviewed and approved by the Town. A Homeowners' Association shall be created and operated under the following provisions:

- (A) The owner shall submit all documentation in connection with the creation of a Homeowners' Association and its powers, duties and responsibilities for Town review prior to approval.
- (B) The Homeowners' Association shall be created as a separate legal entity by the owner, with its bylaws, organization and responsibilities contained in a document recorded with the Outagamie County register of Deeds.
- (C) Membership in the Homeowners' Association shall be mandatory for all lot owners and their successors and assigns.
- (D) The Homeowners' Association shall be authorized to levy fees and assessments against all lots in an amount sufficient for payment of real estate taxes and to discharge its duties and responsibilities.
- (E) Unpaid fees and assessments by any lot owner shall become and remain a lien on the lot until paid, with the Homeowners' Association authorized to bring any action against a lot owner for the collection of fees and assessments.
- (F) Modification of any bylaws shall require approval of the Town.

18.62 Common Facilities.

(1) Designation of Common Facilities. All common or community facilities such as drainage detention and retention facilities, clustered wastewater treatment systems, and community well systems, as applicable, shall be clearly delineated on the plat as an outlot or outlots, and shall be clearly designated as to specific use, on the face of the plat. Each outlot shall be accessible by public road, or by an easement for ingress and egress to a public road.

(2) Ownership of Common Facilities. Unless otherwise approved by the Town, community facility outlots shall be owned and maintained by a Homeowners' Association. All documents and instruments relating to the use and maintenance of common facilities shall be reviewed and approved by the Town. The Homeowners' Association shall be subject to the requirements of Section 18 62(6)(A-F).

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18.63 Development Yield Standards. Conservation Design Subdivisions shall utilize the following steps in determining the maximum permitted dwelling units. This calculation information must be submitted with any application to the Town.

(1) Calculate the Gross Tract Area (GTA). This shall be the total acreage of the property.

GTA: _____ acres

(2) Calculate Primary Conservation Areas (PCA). This acreage shall be determined using the following criteria. The data supplied within this calculation shall be substantiated with sufficient plans and data.

(A) All lands located within existing street Right-of-Ways: _____ acres

(B) All lands located within existing Utility and Railway Right-of-Ways: _____ acres

(C) All lands located within a floodplain: _____ acres

(D) All lands within environmentally sensitive areas _____ acres

(E) All lands located within wetlands: _____ acres

(F) All of the land area having slopes 12% or greater: _____ acres

PCA (sum of a through f) _____ acres

(3) Calculation of Adjusted Tract Area (ATA). The ATA shall equal the GTA minus the PCA.

ATA: _____ acres

(4) Calculation of Secondary Conservation Areas (SCA). The SCA shall be a minimum of forty percent (40%) of the GTA and shall include, but is not necessarily limited to:

(A) Stream corridors within one hundred (100) feet of the ordinary high-water mark: _____ acres

(B) Environmental corridors: _____ acres

(C) Critical wildlife habitat: _____ acres

(D) Mature woodlands, wherein twenty (20) percent or more of the trees have a diameter-at-breast-height (DBH) of eighteen (18) inches or more: _____ acres

(E) Large trees defined as those with a DBH of thirty-six (36) inches or greater when deemed to be healthy and structurally sound.

(F) Unique natural features, which may include hills, knolls, depressions, rock outcroppings, and others: _____ acres

(G) Prime agricultural lands: _____ acres

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(H) Trails.

(I) Other unique features as may be identified by the Plan Commission.

SCA: _____ **acres**

(5) Calculation of Net Development Area (NDA). The NDA shall equal no more than sixty percent (60%) of the GTA unless otherwise approved by the Plan Commission and Town Board.

NDA: _____ **acres**

(6) Calculation of Permitted Dwelling Units (PDU). The maximum number of permitted dwelling units in a conservation subdivision shall equal the ATA multiplied by 0.7, provided that no lot is smaller than 21,780 sq ft unless otherwise approved by the Plan Commission. If the calculation of PDU results in a figure ending in .5 or greater, it shall be rounded up to the next whole number. If the calculation of PDU results in a figure ending in .4 or lower, it shall be rounded down to the next whole number.

PDU: _____

18.64 Conservation Design Concept Plan. Prior to the filing of an application for the approval of a preliminary plat, the Owner shall consult with the Plan Commission in order to obtain their review, advice and assistance in the preparation of a preliminary plat. Such consultation shall be termed the 'concept plan' stage of the land division procedure and shall include the following steps and information:

(1) The Owner shall prepare a concept plan at a scale of one inch equals 100 feet of all the contiguous lands in which the owner has legal or equitable interest and present fourteen copies and the fee required to the Town Clerk.

(2) Such concept plan shall include enough information to set forth the proposed development potential of the parcel to the satisfaction of the Plan Commission, and include at least the following:

- (A) Topographic mapping at not less than two-foot contour interval;
- (B) Soil characteristics or interpretations secured from detailed soil maps prepared by the USDA, Soil Conservation Service (SCS) and/or monitoring borings data;
- (C) The limits of woodland cover and wetlands on the entire parcel;
- (D) Location and boundaries of all primary and secondary conservation areas;
- (E) Existing and proposed access from the parcel to adjacent streets, roads, or properties;
- (F) Proposed street location and width;
- (G) Proposed parcels including size to the nearest one-tenth acre;

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- (H) Existing land use of properties within ½ -mile of the property proposed to be divided; and,
- (I) Any other pertinent information useful to the Owner and Plan Commission in their determination of developability of the parcel.

(3) The Plan Commission shall either reject the concept plan giving reasons for such rejections or approve the concept plan and make recommendations. Such review and approval of the concept plat shall constitute approval of the concept plat only and shall not be deemed an approval of the layout and design of the proposed subdivision plat.

(4) Through the concept plan procedure it is expected that the Owner and Plan Commission will reach mutual conclusions regarding the general design and objectives of the proposed development and its possible effects on the Town and County. The Owner will also gain a better understanding of the subsequent required procedures so that the decision process may be expedited.

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ARTICLE VI

PRELIMINARY PLAT SUBMITTAL FOR ALL SUBDIVISION PLATS

18.65 General. Before submitting a final plat for approval, the Owner shall prepare and submit a preliminary plat that conforms to the requirements of §236 Wisconsin State Statutes and all applicable sections of this ordinance. The Plat shall be prepared by a registered land surveyor. The Owner or their designated agent shall file the application and five (5) copies of the preliminary plat on paper no smaller than 22" x 30" and fifteen (15) copies of the preliminary plat on 11" x 17" paper with the Town Clerk. The owner shall also submit one digital PDF version and one digital CADD or GIS version to the Town Clerk.

18.66 Requirements for Preliminary Plat. In addition to the requirements of §236 Wisconsin Statutes the Preliminary Plat submitted shall include the following:

- (1) A map of sufficient scale showing the boundaries of the property being considered for division.
- (2) General parcel layout as proposed.
- (3) The proposed subdivision name. This name shall not duplicate the name of any Plat previously recorded in Outagamie County. A subtitle of "County Plat" shall be required for all County Plats.
- (4) Owners name, along with Volume and Page of the instrument that shows title to the Platted area. The Volume and Page of the affected property may be shown on the map, in the Surveyor's Certificate, on the Preliminary Plat, or in the Owner's Certificate.
- (5) Volume and Page or platted status (i.e. State or County Plat by name and parcel number, CSM by volume, page and parcel number) of adjoining lands.
- (6) Radius of all curves.
- (7) Proposed and existing road(s) showing road name and right angle width. Proposed and existing roads shall be dedicated as required in Article VIII.
- (8) Proposed trails, including trails private to the proposed development and, if applicable, trail segments to be potentially included within a community integrated trail system;
- (9) Public areas to be dedicated, if any, and subsequently identified as "dedicated to the public."
- (10) Floodplain, wetland and shoreland boundaries. Source of the data shall be identified.

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- (11) Locations of existing buildings, watercourses, drainage ditches, fences and any other pertinent features.
- (12) Locations of proposed waste water treatment systems;
- (13) Locations of proposed community well or wells;
- (14) Locations and names of adjoining parks, cemeteries, subdivisions, ponds, streams, lakes and flowages.
- (15) Any proposed lake or stream access or any proposed lake or stream improvement or relocation.
- (16) The name and address of the surveyor and Owner placed on the face of the Plat.
- (17) Report on Soil Borings and Percolation Tests. Locations of borings may be required to be shown on the face of the map.
- (18) A general description of all property owned and controlled by the Owner contiguous to the proposed land division.
- (19) An area development plan for future use may be required if proposed development in some way affects adjoining lands.
- (20) Road name application must be submitted to the Plan Commission for approval for any road names (i.e. new, extension, private etc...) subject to County review and approval.
- (21) Dimensions of all parcels, together with proposed parcel and block numbers.

18.67 Preliminary Plat Review & Approval.

(1) Upon receipt of an application for a Subdivision Plat, the Town Clerk shall transmit one (1) copy of the map to each of the following. Contact names and addresses are to be provided to the Clerk by the owner.

- (A) Outagamie County Planning & Zoning Departments
- (B) Any affected public or private utility as identified by the owner
- (C) Local school districts
- (D) Outagamie County Land Conservation Department
- (E) Department of Natural Resources (WDNR)
- (F) Outagamie County Highway Department (where applicable)
- (G) Wisconsin Department of Transportation (WDOT) (where applicable)
- (H) Every member of the Plan Commission and Town Board

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- (I) Town of Hortonia Zoning Administrator
- (J) State plat review (WDOA)
- (K) Extraterritorial jurisdictions (where applicable)
- (L) East Central Wisconsin Regional Planning Commission (as applicable)

(2) Recommendations from receiving parties, with the exception of the Plan Commission, must be received by the Town Clerk within thirty (30) days from the date the copy is transmitted. If a recommendation is not received within thirty (30) days it shall be deemed an approval.

(3) Recommendations from the Plan Commission must be received within ninety (90) days from the date of transmittal. If a recommendation is not received within ninety (90) days it shall be deemed a preliminary approval and submitted to the Town Board.

(4) Once the Plan Commission recommendation is received, the preliminary review for approval shall be scheduled for a regularly scheduled Town Board Meeting.

(5) The Board, within ninety (90) days of the date of filing of a preliminary Conservation Plat with the Town Clerk shall approve, approve conditionally, or reject, unless the time is extended by mutual agreement with the Owner. One (1) copy of the plat shall there upon be returned to the Owner with the date and the action recorded thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One (1) copy each of the plat and letter shall be kept on record by the Town.

18.68 Relationship between Preliminary and Final Plat. Approval of a preliminary conservation plat shall be deemed an expression of approval or conditional approval of the layout submitted and a guide to the preparation of the final plat which will be subject to further consideration by the Plan Commission at the time of its submission.

If the final Plat conforms substantially to the preliminary Plat as approved, including any conditions of the approval, and to local plans and ordinances authorized by law, it is entitled to approval. If the final Plat is not submitted within one (1) year of the last approval of the preliminary plat, any approving authority may refuse to approve the final Plat. The Town reserves the right to add further restrictive covenants as provided in §236.293 Wisconsin Statutes.

Any substantial change between the preliminary and final plat, as determined by the Plan Commission, shall cause the conservation plat to be re-submitted including all fees and review. In addition every re-submittal required to clarify matters regarding said maps shall constitute a new time frame for review purposes.

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ARTICLE VII

FINAL PLAT REQUIREMENTS FOR ALL SUBDIVISION PLATS

18.69 General. Upon approval of the preliminary Plat the Owner shall submit a final Plat based upon a survey by a Wisconsin Registered Land Surveyor for review. In addition to the requirements of the preliminary Plat and §236 Wisconsin Statutes the final Plat submitted shall include the following:

- (1) A clear and concise legal description that exactly matches the bearings and distances shown on the map. The error of closure for the legal may not exceed 1 in 3,000.
- (2) Area of each parcel shown in square feet (nearest square foot) and acres (nearest 100th acre).
- (3) All curve data.
- (4) Building setback lines shall be shown or noted on the face of the map.
- (5) Lands reserved for the common use of the property owners within the subdivision. The ownership of these common lands shall be shown and described. These lands shall be established as outlots.
- (6) Proposed deed and Plat restrictions.
- (7) It shall be required that on sheet one of the plat a pre-designed recording block be available for the Register of Deeds to be placed on the Plat for recording information.
- (8) Show arc distances on the face of the map.
- (9) Certificates of approval in substantially the same form as required by §236.21(2)(a) and §236.21(3) Wisconsin Statutes, and as per this ordinance as follows:
 - (A) Owner(s) Certificate with Notary Seal
 - (B) Mortgagee's Certificate
 - (C) Town Certificate
 - (D) County Certificate
 - (E) Other certificates as required by §236.21 Wisconsin Statutes
 - (F) Certification that the Plat is a true and correct representation of the features surveyed and mapped and that the Surveyor has fully complied with all local ordinances.
 - (G) Special restrictions required by the reviewing authorities.

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18.70 Final Plat Review & Approval. The Town Board, within sixty (60) days of the date of filing of a final conservation plat with Town Clerk, shall approve, approve conditionally or reject such a plat unless the time is extended by mutual agreement with the Owner. If approved, the certifications on the plat shall be completed. If approved conditionally, the certificates shall not be completed until the conditions are met. If rejected, a letter stating the reasons for rejection shall accompany the plat. Failure of the Town to act within the time as extended by agreement with the Owner shall constitute an approval. The sixty (60) day period shall commence with the filing of the final plat with the Town Clerk, and not the preliminary approval.

18.71 Recording. Upon approval of all corrections addressed in the preliminary and final plat reviews the Owner may submit a final Plat for recording with the Outagamie County Register of Deeds in accordance with §236.25, Wisconsin Statutes. Plats must be recorded within 12 months after the last approval and 36 months from the first approval, as required in §236.25(2)(b), Wisconsin Statutes.

18.72-79 Reserved for future use.

ARTICLE VIII
GENERAL DESIGN STANDARDS

18.80 Street Arrangement and Design. The owner shall dedicate land for and improve streets in accordance with all Town of Hortonia requirements.

18.81 Ingress and Egress On Limited Access Highways. Where a tract or parcel of land abuts a County controlled limited access highway or State Highway access shall only be provided after obtaining required Outagamie County Highway Department and [as applicable] Wisconsin Department of Transportation Permits.

18.82 Blocks. The widths, lengths and shapes of blocks shall be suited to the planned use of the land, applicable zoning requirements, need for convenient access, control and safety of street traffic and the limitations and opportunities of the topography in accordance with existing Town of Hortonia requirements.

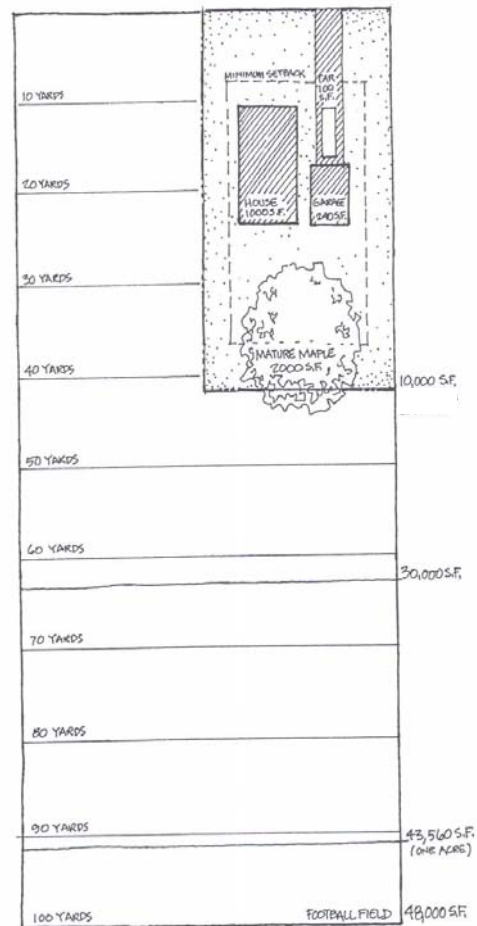
18.83 Driveway Standards. The location and size of all proposed driveways shall comply with all Town of Hortonia requirements.

18.84 Parcels. The size, shape and orientation of parcels shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The parcels should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated in accordance with all Town of Hortonia and Outagamie County requirements. For the benefit of visual understanding of parcel sizes an illustration is provided at right.

18.85 Building Setback Lines & Siting Suggestions. (1) Building setback lines, shall conform to standards found in the Town of Hortonia Zoning Code:

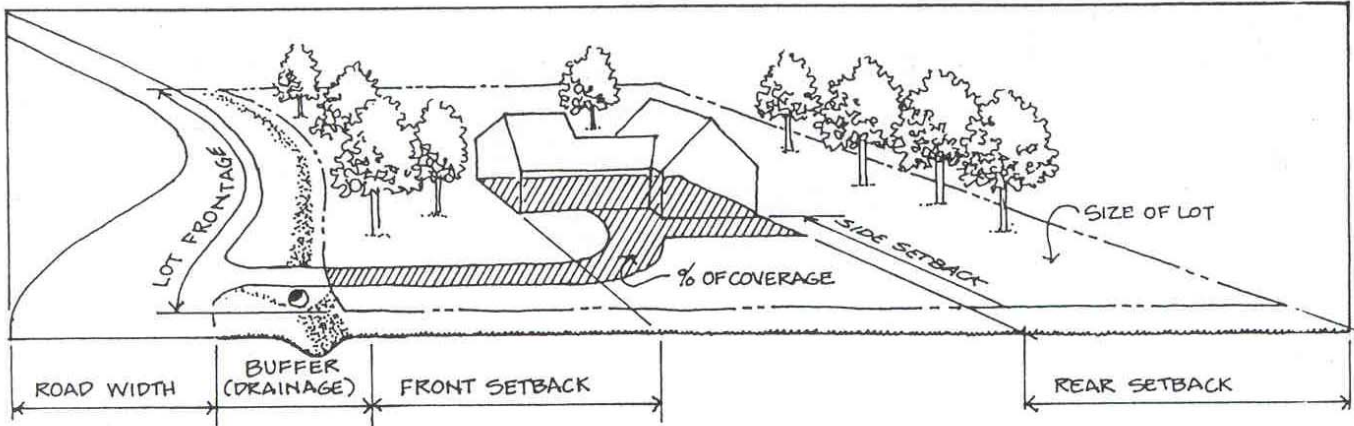
- (A) Setbacks from wetland areas and wastewater treatment systems shall comply with Outagamie County Shoreland/Wetland Zoning Ordinance Requirements.
- (B) Minimum setback from high water mark of any navigable water shall be 75 feet.

PARCEL SIZE DIAGRAM
FOR ILLUSTRATION PURPOSES ONLY



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THE CIVIC REALM - RURAL AREAS

(2) The diagrams provided at right illustrate siting suggestions designed to retain the rural character of the Town of Hortonia. Owners are strongly encouraged to consider these techniques when seeking to create Certified Survey Maps or Subdivisions.

SITING SUGGESTIONS

<p>RETAIN FIELDS - RESTRICT LAWN AREA</p>	<p>SITE HOUSES AT EDGE OF FIELD - AVOID CENTERS</p>	<p>SITE NEW HOUSES AT EDGES OF FIELDS</p>
<p>INSENSITIVE SITING - VIEW DIRECTLY BLOCKED</p>	<p>SENSITIVE SITING - HOUSE TO SIDE OF VIEW</p>	
<p>BUILD BELOW CREST LINE</p>	<p>A HOUSE ON EVERY KNOLL - QUESTIONABLE</p>	

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18.87 Stormwater. All stormwater management plans approved by Outagamie County shall be filed with the Town Clerk as a condition of final plat approval.

18.88 Development Agreement. The Owner shall enter into a Development Agreement with the Town Board, as approved by the Town Attorney, that sets forth the mutual obligations of the Town and the Owner with respect to the actions required to be taken in connection with the Final Plat.

18.89 Partial Platting. (1) Plat Phasing. The Final Plat may, if permitted by the Plan Commission, be platted as a Final Plat in phases with each phase constituting only that portion of the approved Preliminary Plat which the Owner or Condominium Developer proposes to record at that time. It is required that each such phase be platted as a Final Plat and be designated as a "phase" of the approved Preliminary Plat.

(2) If a subdivision includes more than 40 lots (e.g. new parcels), the Town has the authority to require phased final plat approval in which a new phase may only be initiated once fifty (50) percent of the parcels in the previous phase have been sold.

18.90 Street Address Numbering Required. Any residence or place of business intended for human occupancy shall be identified by a street address number assigned in accordance with Outagamie County requirements and standards.

18.91 Street Names.

(1) Any street which is the reasonable continuation of an existing street shall bear the same name as the existing street.

(2) The Plan Commission may disapprove the name of any street shown on the Plat which has already been used elsewhere in Outagamie County or which, because of similarity, spelling, or pronunciations may cause confusion.

(3) Public streets and roads shall be located and designed to take into account:

- (A) Existing and planned streets
- (B) Topographic conditions including bearing capacity and erosion potential of soil.
- (C) Public convenience and safety including facilitating fire protection, snow plowing, and pedestrian traffic.
- (D) The desire of the Town to reduce impervious surfaces in order to protect surface waters.
- (E) The proposed uses of land to be served.
- (F) Anticipated traffic volumes based upon State ADT standards (see 18.95 (1) through (3)).
- (G) Further land division possibilities.

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18.95 Minimum Design Standards for Town Roads.

(1) All new roads designed as part of new subdivisions in the Town of Hortonia shall be constructed consistent with applicable Town and/or State standards.

(2) Cul-de-sacs. Any portion of a street designed to have one end permanently closed shall not exceed six hundred (600) feet in length and shall provide a turnaround with a minimum right-of-way diameter of one hundred twenty (120) feet. In the case of a temporary cul-de-sac identified on the plat as the location of a future ingress/egress point, as approved by the Plan Commission, said cul-de-sac shall not be less than one hundred twenty (120) feet in diameter.

(3) Design Standards for Roads and Streets within Proposed Subdivisions. All roads designed as part of new subdivisions in the Town of Hortonia shall be constructed consistent with applicable State standards. In order to reduce the percentage of impervious surface within proposed subdivisions so as to reduce the negative impact of run-off to surface waters, minimum road width for new residential construction in the Town of Hortonia shall be based upon the Average Daily Traffic volume consistent with State standards. The State standard for trip generation is 9.57 per day from a single-family, detached home.

Design Standards for Roads and Streets within New Subdivisions in the Town of Hortonia.			
ADT	Minimum Roadway Width	Minimum Surface Width	Minimum Shoulder Width
Under 100	24'	18'	3'
100-250	26'	20'	3'
251-400	32'	22'	5'
400-1,000	34'	22'	6'
1,001-2,400	44'	24'	10'

- (A) The minimum right-of-way width for public roads shall be 66 feet except where the Official Map of the Town of Hortonia establishes greater right-of-way widths.
- (B) The maximum centerline grade for public roads shall be ten 10 percent.
- (C) When a centerline deflects at any point more than 10 degrees, a circular curve shall be provided having a radius of curvature not less than 100 feet.
- (D) A tangent of at least 100 feet shall be provided between reverse curves.
- (E) Roads 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.
- (F) Reserve strips controlling access to roads shall be prohibited.
- (G) Street jogs with centerline offsets of less than 125 feet shall be avoided.

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- (l) Half streets shall be prohibited except where the other half has already been dedicated or where the road's alignment has been established on the Official Map of the Town of Hortonia.

18.96 Traffic Impact Analysis. A Traffic Impact Analysis, comparing current traffic conditions with anticipated future conditions, may be required for any residential development anticipated to generate an ADT greater than one hundred (100) or any residential development with ingress/egress to a County or State highway.

18.97-99 Reserved for future use.

ARTICLE IX
DEDICATIONS AND IMPROVEMENTS

18.100 Dedication And Reservations Of Land. Whenever a tract of land to be divided embraces all or any part of a street, such public way shall be made a part of the plat and either dedicated or reserved by the owner in the locations and dimensions indicated on such plan.

Whenever a proposed park, playground, public access, open space site or other public land, other than streets or drainageways, designated in the adopted local, regional and County comprehensive plan components is embraced, all or in part, in a tract of land to be divided, such proposed public lands shall be made a part of the plat and shall either be dedicated to the public or reserved for acquisition at undeveloped land costs for a period not to exceed three years between the owner and the public agency having jurisdiction. If the reserved land is not acquired by such public agency within the above time limit, the land shall be released to the owner, unless otherwise prohibited by and existing regional and/or county rule, regulation, or ordinance.

18.101 Improvement Plans. The following plans and accompanying construction specifications shall be submitted before authorization of construction or installation of improvements:

- (1) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
- (2) Installation of street signs meeting the approval of the Town of Hortonia and Outagamie County at all intersections.
- (3) Community (cluster) wastewater collection and treatment systems and community water systems.
- (4) Stormwater management facilities.

18.103-109 Reserved for future use.

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ARTICLE X

DEVELOPMENT AGREEMENTS AND GUARANTEE

18.110 Development Agreement. As a condition of a Certified Survey Map or final plat approval for any land division or subdivision requiring improvement, the owner shall enter into a Development Agreement with the Town. The Development Agreement shall contain the following provisions:

(1) Estimated Improvement Costs. The itemized estimated cost of the following improvements:

- (A) Street grading
- (B) Street base course construction
- (C) Street binder layer
- (D) Street signage
- (E) Street final pavement
- (F) Other improvements such as drainage
- (G) Town inspection, administrative, and legal costs, as applicable.

(2) Financial Security for Improvements.

(A) Cash Escrow. The owner 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 not less than 100 percent of the estimated cost for street grading, street base course construction, street binder layer and drainage. The escrow instructions shall provide:

- 1. That the owner shall have no right to a return of any funds except as authorized by the Town upon completion of the improvements.
- 2. That the escrow agent shall have a legal duty to deliver the escrowed funds to the Town upon receipt of a written notice from the Town signed by the Town Board Chair and attested to by the Town Clerk, whether or not the owner protects delivery of the funds. The escrow agent shall be acceptable to the Town.

3. If the plat is to be developed in phases, the escrow amount shall be limited to the phase currently being constructed.

4. If the plat is to be developed in phases, the letter of credit amount shall be limited to the phase currently being constructed.

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(B) Letter of Credit. The owner may, in lieu of establishing a cash escrow account prior to final plat approval, provide a letter of credit for the benefit of the Town and in the name of the Town in an amount not less than 100 percent of the estimated costs for street grading, street base course construction, street binder layer and drainage. The letter of credit shall be:

1. Irrevocable.
2. For a term sufficient to cover completion of the improvements.
3. Require only that the Town present the credit with a sight draft and written notice signed by the Town Chair and attested to by the Town Clerk of the Town's right to draw funds under the credit. The issuer of the letter of credit shall be acceptable to the Town.

(C) Warranties. The owner shall warrant and guarantee all improvements against defects due to faulty materials or workmanship which appear within one year from the date of acceptance of the improvements by the Town, provided, however, that for improvements constructed between November 15 and May 1, there shall be a warranty period of three years from acceptance of the improvements by the Town.

18.111 Financial Security for Final Pavement. Final street pavement shall not be installed until 50 percent of the lots in the land division or subdivision have been developed, three years from the date of final plat approval, or by Town order, whichever comes first. The owner shall provide, prior to final plat approval, a separate cash escrow account or letter of credit as provided in paragraph (2)(A) or (2)(B) above for the final pavement in an amount not less than 125 percent of the estimated cost for final pavement.

18.112-114 Reserved for future use.

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ARTICLE XI

DEFINITIONS

18.115 Definitions. For the purpose of this ordinance, certain words used therein are defined as follows:

- (A) **Adjusted Tract Area** - The area of the total parcel minus any primary conservation areas.
- (B) **Alley** – A public or private right-of-way which provides secondary access to abutting properties.
- (C) **Agricultural Use (as provided in s. 91.01 (1), Wis. Stats)** - Means beekeeping; commercial feed lots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint, and seed crops; raising of fruits, nuts, and berries; sod farming' placing land in federal programs in return for payments in kind' owning land, at least thirty five (35) acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk conservation reserve program under 7 USC 1446(d); and vegetable raising.
- (D) **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.
- (E) **Block** – A group of parcels 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.
- (F) **Bufferyard** – An area of land within the boundaries of a parcel or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or using trees, shrubs, fences and/or berms, designed to limit continuously the view and/or sound from the parcel or site to adjacent parcels or sites. Bufferyards are typically defined by a delineated easement graphically indicated on the fact of the Certified Survey Map or Subdivision Plat.
- (G) **Building** – A structure having a roof supported by columns or wall. When separated by division walls from the ground up and without openings, each portion of each building shall be deemed a separate building.
- (H) **Certified Survey or Certified Survey Map** - A map of a minor land division prepared in accordance with sec. 236.34, Wis. Stats., and in full compliance with the applicable provisions of this Ordinance.
- (I) **Clerk** – The Town of Hortonia employee with the official title of Clerk or his/her designee.

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- (J) **Collector Street** – A street used, or intended to be used, to carry traffic from minor streets to the major system or arterial streets, including principal entrance streets to residential developments.
- (K) **Common Element** - The common facilities in a condominium.
- (L) **Common Facilities** - All the real property and improvements set aside for the common use and enjoyment of the residents of a cluster development, including, but not limited to, buildings, open space, private streets, parking areas, walkways, recreation area, drainage easements, and any utilities that service more than one unit, such as sewerage and well facilities.
- (M) **Common Open Space** - Undeveloped land within a conservation design subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common Open Space shall not be part of individual residential parcels, and shall be substantially free of structures, but may contain such recreational facilities for residents as are shown on the approved development plan.
- (N) **Comprehensive Plan** – The official guide for the physical, social, and economic growth of a municipality, properly enacted or adopted according to statute, which is now or may hereafter be in effect.
- (O) **Conditional Approval** – Approval of a land division, subject to the land division meeting certain requirements as determined by the Plan Commission.
- (P) **Condominium** - A form of ownership combining individual unit ownership with shared use and ownership of common property or facilities, established in accordance with the requirement of Chapter 703 of the Wisconsin Statutes. Common areas and facilities are owned by all members of the condominium association on a proportional, undivided basis. A condominium is a legal form of ownership and not a specific building type or style.
- (Q) **Condominium Agreement** - A legal agreement outlining the management of the common open space.
- (R) **Condominium Association** - An association, whose members consist of owners of units in a condominium, which administers and maintains the common property and common elements of a condominium.
- (S) **Conservation Areas, primary** – The primary conservation areas are those areas that are automatically set aside when determining open space for conservation development subdivisions. The following are areas of primary conservation: all lands located within existing street Right-of-Ways, all lands located within existing Utility and Railway Right-of-Ways, all lands located within floodplain, all lands located within wetlands, all slopes of 12% or greater.

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- (T) **Conservation Areas, secondary** – Those areas identified in, but not limited to, 18.61 of this ordinance.
- (U) **Conservation Easement** - The grant of a property right or interest from the property owner to another person, agency, unit of government, or organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state, precluding future or additional development.
- (V) **Conservation Subdivision** – A subdivision where open space is the central organizing element of the subdivision design and that identifies and permanently protects all primary conservation areas and all or some of the secondary conservation areas within the boundaries of the subdivision and retains a minimum of forty percent (40%) of the gross tract area as protected open space.
- (W) **County** – Reference to County shall mean Outagamie County and shall include any agency, department, or committee thereof.
- (X) **Cul-de-sac Street** – A minor street with only one outlet and having a turn around for the safe and convenient reversal of traffic movement.
- (Y) **Dead end Street** – A street having only one outlet for vehicular traffic and no vehicular turn around.
- (Z) **Deed restriction** - A restriction on the use of a property set forth in a deed or other instrument of conveyance, including, but not limited to, a restrictive covenant, conservation easement, transfer of development rights, or any restriction placed on undeveloped land as a condition for the division or development of the undeveloped land.
- (AA) **Detention Basin** – A man-made or natural depression below the surrounding grade level designed to collect surface and/or subsurface water so that it might impede its flow and to gradually release the same at a rate not greater than that prior to the development of the property, into natural or man-made outlets (i.e. storm sewer, culvert or stream).
- (BB) **Development** – Any man-made changes to improved or unimproved real estate including, but not limited to, construction of or addition or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.
- (CC) **Developer's Agreement** - An agreement by which the Town and the subdivider agree in reasonable detail to all of those matters which the provisions of these regulations permit to be covered by the developers agreement and which shall not take effect unless and until an irrevocable Letter of Credit or other appropriate surety has been issued to the Town.

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- (DD) **Double Frontage Lots** – A lot other than a corner lot which has frontage on two substantially parallel streets.
- (EE) **Drainageway** – The land on either side of and within fifty (50) feet of the centerline of any intermittent or perennial stream graphically shown on : a topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two (2) feet or the U.S. Geological Survey (USGS) 7.5-minute quadrangle topographic map of the area.
- (FF) **Easement** – Authorization by a property owner for another to use the owner's property for a specified purpose.
- (GG) **Existing Parcel** – A parcel, lot, or tract of land which the enclosing boundaries are separately described and recorded with the Office of register of Deeds, Outagamie County Planning and Zoning Department, Town of Hortonia Plan Commission, or defined by an existing tax parcel.
- (HH) **Final Plat** - A map prepared in accordance with requirements of Chapter 236 of the Wisconsin State Statutes and this Ordinance for the purpose of precisely dividing larger parcels into smaller parcels and used in conveying these new parcels.
- (II) **Floodlands** – Those lands, including the channels, floodways and floodplain fringe of any given reach, which are subject to inundation by the flood within a given recurrence frequency. The 100-year recurrence interval flood (or that flood having a 1 percent probability of occurring in any given year) is generally used for regulation.
- (JJ) **Floodplain** – The land adjacent to a body of water which has been or may be hereafter covered by floodwater including, but not limited to, the regional flood.
- (KK) **Frontage** – the length of the front property line of the parcel, or tract of land abutting the right-of-way of a public street road or highway.
- (LL) **Grade or Gradient** – the slope of land, a road, street or other public way, specified in percent.
- (MM) **Grading Plan** – A drawing of a proposed area with plans and specifications for grading.
- (NN) **Gross Tract Area** – The entirety of the parcel proposed for subdivision, including all primary and secondary conservation areas.

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- (OO) **High Water Elevation** – The average annual high water level of a pond, stream, lake, flowage, or wetland referred to an establish datum plane or, where such elevation is not available, the elevation of the line up to which the presence of water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic or vegetative characteristics.
- (PP) **Highway, Limited Access** – a freeway or expressway providing a trafficway for through traffic, in respect to which owners or occupants of abutting property on lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over the trafficway.
- (QQ) **Homeowners' Association** – A Wisconsin membership corporation which serves as an association of homeowners within a Subdivision or Certified Survey Map having shared common interests, responsibilities with respect to costs and upkeep of common private property of a Subdivision or Certified Survey Map. Such common property includes private recreation and open space areas within the Subdivision or Certified Survey Map.
- (RR) **Improvement, Public** – Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip, off-street parking area or other facility for which the County or Town may ultimately assume the responsibility for maintenance and operation.
- (SS) **Land Divider** - Any person, partnership, corporation, or other legal entity that has an ownership or other legal interest in the subject land that is being divided, or proposed to be divided, resulting in a land division.
- (TT) **Land Division** - The division of an outlot, parcel, or tract of land by the owner of the land, or the owner's agent, for the purpose of sale or for development when the act of division creates two or more parcels or building sites by a division or by successive divisions of any part of the original property, including any land division by or for a Conservation Subdivision, a Cluster Development, a Statutory Subdivision, a Minor Land Division, Replat, and Certified Survey Map, and any other land division. Any residual parcel resulting from any division of land shall be included in the land division if said parcel is less than 35 acres in size.
- (UU) **Landscaping** – Living material, such as grass, groundcover, flowers, shrubs, vines, hedges and trees and nonliving durable material, such as rocks, pebbles, sand, mulch, wood chips or bark, walls and fences, but not including paving.
- (VV) **Lot** - A parcel of land resulting in a division of a parcel pursuant to this ordinance.

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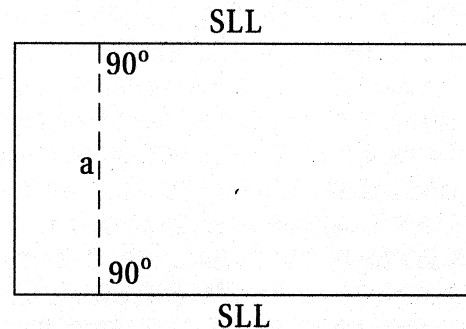
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- (WW) **Lot, Corner** – A parcel abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135 degrees or less measured on the parcel line.
- (XX) **Lot Lines (or Parcel Lines)** – The peripheral boundaries of a parcel of land.
- (YY) **Lot, Through** – A parcel which has a pair of opposite parcel lines among two parallel streets and which is not a corner lot. On a through lot both street lines shall be deemed front parcel lines.
- (ZZ) **Lot, Width (or Parcel Width)**– The mean horizontal distance between the side lot lines of a parcel measured at right angles to the depth. On irregularly (non-perpendicular) shaped parcels, the width shall be the average width of the parcel (see below). Lot width shall be measured at the building line (e.g. location at which the principal structure is located). Width shall also be measured at the shoreyard setback line. At least 50% of the parcel shall be greater than or equal to the required lot width.

The following illustrations and formulas are provided to explain the methods of average parcel width determination.

(a) Parallel Parcel Lines

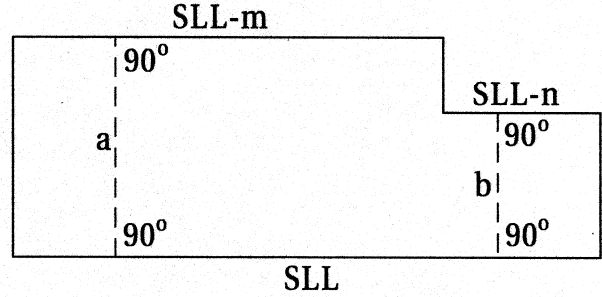
Average Parcel Width is the perpendicular distance between Side Parcel Lines (SLL)



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(b) Parallel Side Parcel Lines, Alternate.



Average Parcel Width is

$$a \times \frac{m}{m + n} + b \times \frac{n}{n + m}$$

Use only that part of length n that, when added to area of m portion of parcel, satisfies minimum area requirements.

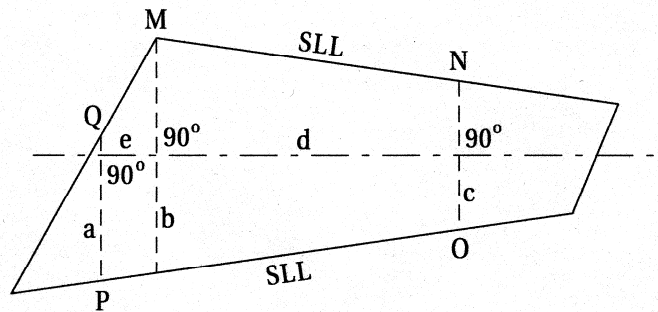
(c) Nonparallel Parcel Lines

$$\frac{a + b}{2}$$

Average Parcel Width is

Area of MNOP equals Minimum Parcel Area, and line c bisects angle formed by lines MN and OP extended.

(d) Nonparallel Parcel Lines, Alternate 1.



Average Parcel Width is

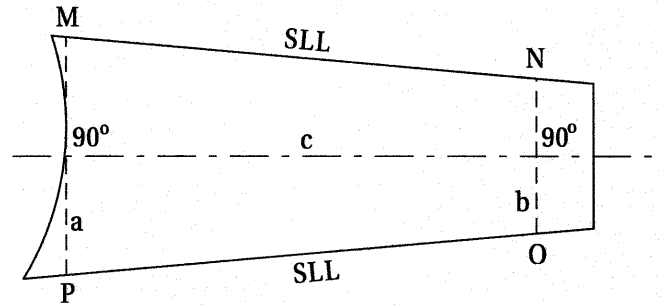
$$\frac{a + b}{2} \times \frac{e}{e + d} + \frac{b + c}{2} \times \frac{d}{e + d}$$

Area of MNOPQ equals Minimum Parcel Area and line d bisects angle formed by lines MN and OP extended. d is the perpendicular distance between lines b and c. e is the perpendicular distance between lines a and b.

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(e) Nonparallel Parcel Lines, Alternate 2.

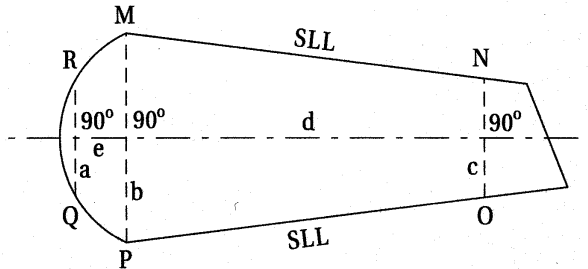


Average Parcel Width is

$$\frac{a + b}{2}$$

Area of MNOP equals Minimum Parcel Area and line c bisects angle formed by lines MN and OP extended. c is the perpendicular distance between lines a and b.

(f) Nonparallel Parcel Lines, Alternate 3.



Average Parcel Width is

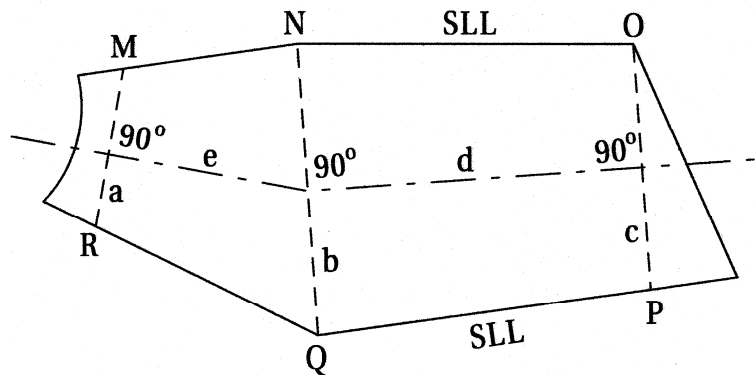
$$\frac{a + b}{2} \times \frac{e}{e + d} + \frac{b + c}{2} \times \frac{d}{e + d}$$

Area of MNOPQR equals Minimum Parcel Area and line d bisects angle formed by lines MN and OP extended. d is the perpendicular distance between lines b and c. e is the perpendicular distance between lines a and b.

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(g) Nonparallel Parcel Lines, Alternate 4.



Average Parcel Width is

$$\frac{a + b}{2} \times \frac{e}{e + d} + \frac{b + c}{2} \times \frac{d}{e + d}$$

Area of MNOPQR equals Minimum Parcel Area, line e bisects angle formed by lines MN and QR extended, and line d bisects angle formed by lines NO and PQ extended. d is the perpendicular distance between lines b and c. e is the perpendicular distance between lines a and b.

- (AAA) **Major Street** – Arterial and collector roads primarily intended for through traffic with a secondary function of direct access.
- (BBB) **Minor Land Division** - Any division of land other than a statutory subdivision and including all Certified Survey Maps, as defined herein of less than **35 acres** in size including any residual parcel or parcels resulting from any division of land if said parcel is less than 35 acres in size.
- (CCC) **Minor Street** – A street used or intended to be used primarily for access to abutting properties.
- (DDD) **Navigable Waters** - Any body of water defined as navigable under the laws of the State.
- (EEE) **Net Developable Area** - The area of the tract in a conservation design subdivision that can be divided into parcels.
- (FFF) **Nonprofit Conservation Organization** - A nonprofit corporation, charitable trust, or other nonprofit organization described in Section 501 (c)(3) of the Internal Revenue Code, which includes the “acquisition of property or rights in property for conservation purposes” as part of its mission, as reflected in the bylaws, charter, or incorporation papers of the organization.

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- (GGG) **Open Space** - The area of lands within a conservation design subdivision that can not be developed. This area includes 40% of the gross tract area held in common ownership. This area is for passive/active recreational use by the residents of the development and, where specified, the larger community.
- (HHH) **Outlot** - A parcel of land other than a residential lot or block so designated on a land division plat or Certified Survey Map.
- (III) **Owner** - The Owner or Owner's agent. For purposes of this Ordinance the word "owner" if used herein shall be deemed to mean the person holding the fee title to the lands involved, except that where lands have been divided on a land contract the land contract vendee shall be deemed the owner.
- (JJJ) **Parcel** - Contiguous lands under the control of a sub-divider(s) not separated by streets, highways, or railroad rights-of-way.
- (KKK) **Plan Commission** - The Town of Hortonia Plan Commission is the Plan Commission for the purposes of this ordinance.
- (LLL) **Plat** - A map of a subdivision.
- (MMM) **Preliminary Plat** - A map showing the salient features of a proposed subdivision as submitted to the Plan Commission for the purposes of preliminary consideration by the Plan Commission prior to any land division.
- (NNN) **Public Utility** – Every corporation, company, associations, sanitary district, or municipality that may own or operate any plant or equipment for the conveyance of telephone or other electronic messages, or for the production, transmission, delivery, or furnishing of heat, electricity, gas, water, cable television, sewer, or and other service deemed to be in the public interest shall be deemed a public utility.
- (OOO) **Public Way** – any public road, street highway, walkway, drainageway or part thereof.
- (PPP) **Recreation Land, Active** – Areas that are altered from their natural state to accommodate organized athletic activities (e.g. soccer, football, baseball, golf). Active recreation lands may also require the installation of equipment (e.g. playground apparatus, riding stables, shooting ranges, golf ranges, etc.).
- (QQQ) **Recreation Land, Passive** – Areas that are left in a natural state with minimal alteration for scenic enjoyment (e.g. walking/hiking trail) and outdoor activities with minimal impact on the landscape (e.g. birding, hunting).

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- (RRR) **Replat** - The process of changing the map or plat which changes the boundaries of a recorded Statutory Subdivision Plat, Minor Land Division, Certified Survey Map, or other land division or part thereof; the division of a large block, parcel, or outlot within a recorded subdivision plat or certified survey which changes the exterior boundaries of said parcel, block, or outlot is a replat.
- (SSS) **Restrictive Covenant** - A deed restriction on the use of the land usually set forth in the deed that is binding upon subsequent owners of the property.
- (TTT) **Retention Basin** – A man-made or natural body of water of a depth of not less than three (3) feet, designed to contain water at all times, the levels of which will be increased as a result of the flow into it from surface and subsurface water collected therein and released gradually into natural and man-made outlets.
- (UUU) **Review Period** – The number of calendar days allotted to review a land division.
- (VVV) **Right-of-Way** – A strip of land occupied or intended to be occupied for a special use, dedicated to the public by the owner of the land division on which such right-of-way is established.
- (WWW) **Setback** – Those minimum street, front, rear, and/or side yards required between a building and a parcel line.
- (XXX) **Shoreland Jurisdiction** – The area within 1,000 feet of the ordinary high water mark of a navigable lake, pond or flowage; or within 300 feet of the ordinary high water mark of a river or stream; or to the landward side of a floodplain, whichever distance is greater.
- (YYY) **Slope** – The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.
- (ZZZ) **State Plat** – A map of a division of land prepared in accordance with Chapter 236 of the Wisconsin Statutes and the terms of this ordinance.
- (AAAA) **Stream** – A course of running water, either perennial or intermittent, flowing in a channel (e.g. water body that forms a link between two bodies of water)
- (BBBB) **Street** - A public way for vehicular and pedestrian traffic.
- (CCCC) **Structure** – Anything constructed or erected on the ground including, but not limited to, all types of buildings and attachments to buildings.
- (DDDD) **Subdivision** - The division of a parcel or parcel of land by the owner thereof or his agent where the act of division creates one or more parcels of land.

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- (EEEE) **Surface Ditch Invert** – a structure, typically made of concrete, which allows for the conveyance of stormwater while minimizing erosion and stormwater runoff.
- (FFFF) **Surveyor** – A person who surveys land and is duly registered in the State of Wisconsin.
- (GGGG) **Town** – Reference to town shall mean the Town of Hortonia including the Town Board, Town Clerk, or any other designated Town Commission.
- (HHHH) **Tract** – A contiguous area of land that exists or has existed in single ownership.
- (IIII) **Utility Easement** - An easement to place, replace, maintain or move utility facilities.
- (JJJJ) **Variance** – A departure from the terms of this Ordinance as applied to a specific building, structure, or parcel of land, which the Plan Commission may permit, pursuant to this Ordinance.