

**MEETING NOTICE/AGENDA
PLAN COMMISSION
6085 COUNTY ROAD T, OSHKOSH, WI
Monday, June 22, 2026 @ 6:30 PM**

ROLL CALL

APPROVAL OF MINUTES:
Meeting of June 1, 2026

DISCUSSION ON THE FOLLOWING:

1. Code of Ordinances amendment/ Chapter 410-90; Accessory Uses or Structures
2. Code of Ordinances amendment / Chapter 410-29; Farmland Preservation – A-1
3. Code of Ordinances amendment / Chapter 361; Subdivision of Land

ADJOURN

Karen Brazee
Clerk/Treasurer

Please note, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request services, please contact the Clerk/Treasurer at (920)235-6953.

It is possible that members of and possibly a quorum of members of the Town of Vinland Board may attend the above stated meeting to gather information; no action will be taken by any other governmental body except by the governing body noticed above. Posted on the town website on 6/18/2026: townofvinlandwi.gov and in two places in the town:

- townhall foyer posting board
- posting board located at 2925 County Rd G

Plan Commission Meeting Minutes of June 1, 2026

PC meeting was called to order by Chairman Kuehnl at 6:30pm. Roll call was taken. Present were Commissioners Pfaendtner, Kunde, Maertz, Giese, ZA O'Connell, PC Chairman Kuehnl, Secretary Starr, and T.Devens.

Motion made by Pfaendtner to approve the minutes of 4/6/26; seconded by Maertz. Motion carried.

1. CSM/Devens/0260470: Devens explained that he is portioning off 5 acres for his daughter and son-in-law. They live in the home. The other parcel will remain for agriculture use. ZA O'Connell explained initially there were questions regarding having A2 zoning with accessory structures w/o a residence. After looking into the ordinance, he feels the ordinance is misunderstood. The primary use is ag and the buildings are intending for that use. This is the way the code should be interpreted. After running it past the town atty his preliminary thought is the same. O'Connell stated that lot 1 with the house will remain zoned ag but its primary use is residential. For instance, if they want to have a horse farm they would need a CUP. O'Connell has no issues with approving the CSM. Maertz asked if there has to be any easement from lot 1 to lot 2. There isn't any issue. There is an easement off of Brooks Rd. for lot 1 and easement off of Cty Rd T for lot 2 along with a shared driveway on Brooks. Kuehnl said the 15' setbacks look good. Devens said one of the buildings will be razed in the future. The commissioners don't have any issues. **Motion made by Kunde to approve CSM for 0260407/seconded by Giese. Motion carried.**

2. Code of Ordinances amendment/Chapter 410-90; Accessory Use or Structures: O'Connell started with the now is the time to update some ordinances to send to General Code. In Chapter 410-90 there are several conflicts as written. Under section B sub 4 -description for residential detached garages, then it is noted an amendment on 11/10/14. Under section B sub 6 there is another description for residential detached garages. This is where there is conflicting information. The amended version of B-4 is actually B-6. Same thing holds true for section B sub 5 regarding detached garage sizes with noting amendment on 11/10/14. Then section B sub 7 with a different allowable garage size. O'Connell

suggests eliminating the confusion by establishing one paragraph or the other and then amending that by doing away with the obsolete verbiage. It is reasonable to assume sub 5 was amended to sub 7. Sub 7 is more restrictive than the sub 5. Pfaendtner questioned if it is beneficial to be more restrictive. O'Connell thinks back in 2014 the board tried to scale the size back. Maertz suggested the thinking was to prevent massive garages. Kuehn questions impervious surface. Such as sq ft on a house doesn't include the garage. He suggested maybe coming up with sq footage number for impervious surface. The Co suggests no more than 30% including driveways. The ordinance could take into account the size of the house, plus the garage and driveway, and additional accessory structures. O'Connell stated that the numbers in our current code are arbitrary whereas going off of total percentage of impervious surface there is an argument to be made. O'Connell suggested to remove sub 4 & 5 from section B from the code and then he will do some research on impervious surface. Eventually change sub 7. Starr questioned if this is the time to be adding something about shipping containers. O'Connell thinks those should fall under temp use structures. O'Connell suggested to add to section G that shipping containers will not be allowed on lots where the primary use is residential. **Motion made by Maertz to remove under 410-90 Accessory Uses or Structures section B para 4 and 5 will be eliminated/seconded by Kunde. Motion carried.**

3. Code of Ordinances amendment/Chapter 410-29; Farmland Preservation A1: A few yrs ago Winn Co decided they weren't going to support farmland pres. which means they weren't going to certify anyone through the state. At the time anyone who was zoned A1 could change to be zoned A2 at no charge. Many farmers made the change; however, some remained A1 in the event the program would come back. The Town has an A1 ordinance that refers to farmland preservation. If farmland pres doesn't exist we should update our ordinance. Kuehn said the reason to keep it was in the event it would come back then the Town doesn't have to redo the ordinance again. O'Connell started to read more into it. He found out that the Co has an agribusiness district. The description refers to farmland pres. This led him to the State level and farmland pres does exist. The Town of Nepeuskun in Winn Co still has farmers enrolled in the program. He is willing to look into this program to see if this is still an option for our town farmers. Kunde said that he thinks you report directly with the State. He said he will talk with others that he

knows are zoned A1 to see if they have any interest in O'Connell pursuing it. O'Connell added that if the consensus is that the farmers and/or there isn't an option for farmland pres then he suggests to change the ordinance title to agribusiness and take out references to tax credits or Co/State certification. Kuehnl motioned to table the conversation regarding chapter 410-29 on farmland pres. O'Connell will continue to do some more research and share what he learns.

Motion made by Maertz to adjourn/seconded by Giese.

Meeting adjourned at 7:34pm

Respectfully submitted,

Maggie Starr

PC Secretary

Joe Kuehnl, Chairman

§ 410-90. Accessory uses or structures.

- A. Principal use to be present. An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- B. Placement restrictions. An accessory use or structure may be established subject to the following regulations (these restrictions shall not apply to accessory buildings in agricultural, business or industrial districts):
 - (1) Attached accessory building size limits. No attached accessory building or structure shall exceed the height of the principal building or structure.
 - (2) Attached accessory buildings' yard requirements. All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
 - (3) Detached accessory nongarage buildings. No detached accessory building (nongarage) shall occupy more than 30% of the required front yard or be larger than 24 feet by 36 feet (whichever is more restrictive) or be located within three feet of any other accessory building or within five feet of a lot line. An accessory building shall not be nearer than 10 feet to the principal structure unless the applicable Building Code regulations in regard to one-hour fire-resistive construction are complied with. In no event can the accessory uses or structures be forward of the front line of the principal structure.
 - ~~(4) Residential attached garages. Attached garages shall comply with the setback requirements applicable for principal structures on the lot. [Amended 11-10-2014]~~
 - ~~(5) Residential detached garages. Detached garages are permitted in the rear yard and side yards only. They shall not be closer than 10 feet to the principal structure. Garages in all residential districts or on a lot where the principal use is residential shall conform to the following floor area requirements. [Amended 11-10-2014]~~
 - ~~(a) R-1 garage. The floor area for a garage(s) on a lot with a single family use in an R-1 Residential District shall:

 - ~~[1] For residential properties less than one acre in size, the maximum size of the detached garage shall not exceed 1,200 square feet plus 1% of the lot size. The structure shall not be closer than five feet to any lot line or five feet from any alley. One structure, up to 100 square feet, will be exempted from the calculation of permitted square footage and shall not be counted in the number of structures permitted.~~
 - ~~[2] If the residential property is one acre or greater but less than five acres, the maximum size of the detached garage(s) shall be 1,500 square feet plus 1% of the lot size. Up to two structures shall be permitted, and these shall not be closer than five feet to any lot line or five feet to any alley. One structure, up to 100 square feet, will be exempted from the calculation of permitted square footage and shall not be counted in the number of structures permitted.~~~~

(4) (6) Residential attached garages. Garages, when attached, shall comply with the dimensional requirements of the zoning district in which located. Attached garages shall comply with the setback requirements applicable for principal structures on the lot.

(5) (7) Residential detached garages. Detached garages are permitted in the rear yard and side yards only. Garages in all residential districts or on a lot where the principal use is residential shall conform to the following floor area requirements.

(a) R-1 garage. The floor area for a garage(s) on a lot with a single-family use in an R-1 Residential District shall:

[1] For lots one acre or more, not exceed 1,200 square feet in area for any one single garage, nor 1,600 square feet in area for combined total;

[2] For lots two acres or more, not exceed 1,600 square feet in area for any one single garage, nor 2,000 square feet in area for any combined total;

[3] For lots three acres or more, not exceed 2,400 square feet in area for any combined total.

(b) R-2 District garage area. The floor area for a garage(s) in an R-2 Residential District shall not exceed 1,200 square feet in area — neither singularly nor combined.

(c) R-3 Duplex District garage area. The floor area for a garage on a lot with a duplex use and not accessory to a farm shall not exceed 900 square feet for a single garage, nor shall any combined total exceed 1,200 square feet.

(d) R-4 Multifamily District garage area. The floor area for a garage on a lot with a multiple-family use shall not exceed 870 square feet for a single garage, nor shall the combined total exceed 265 square feet per dwelling unit, unless otherwise specified in a conditional use approval.

(e) Setback between two garages. Two or more garages on any one lot having a residential use shall have a minimum of 10 feet of yard between them.

C. Use restrictions — residential district.

(1) Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations defined and authorized herein and shall not be occupied as a dwelling unit.

(2) The use of portable storage containers (including PODS) as permanent structures are prohibited.

D. Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations defined and authorized herein and shall not be occupied as a dwelling unit.

E. Use restrictions — nonresidential districts. An accessory use or structure in a business or manufacturing district may be established in the rear yard or side yard and shall have setbacks as prescribed in each zoning district.

F. Reversed corner lots. When an accessory structure is located on the rear of a reversed corner

lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than five feet to the side line of the adjacent structure.

- G. Landscaping and decorative uses. Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, bird baths, trees, shrubs and flowers and gardens.
- H. Temporary uses. Temporary accessory uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of the permanent structure, may be permitted by the Zoning Administrator/Permit Issuer and shall be removed within 30 days of occupancy of the project.
- I. Garages in embankments in front yards. Where the mean natural grade of a front yard is more than eight feet above the curb level, a private garage may be erected within the front yard, following approval by the Town Board, provided as follows:
 - (1) That such private garage shall be located not less than five feet from the front lot line;
 - (2) That the floor level of such private garage shall not be more than one foot above the curb level; and
 - (3) That at least 1/2 the height of such private garage shall be below the mean grade of the front yard.
- J. Outdoor lighting. Outdoor lighting installations shall not be permitted closer than three feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed 15 feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
- K. Lawn accessories. Walks, drives, paved terraces and purely decorative garden accessories, such as pools, fountains, statuary, flag poles, etc., shall be permitted in setback areas but not closer than three feet to an abutting property line other than a street line.
- L. Retaining walls. Retaining walls may be permitted anywhere on the lot; provided, however, that no individual wall shall exceed six feet in height and a terrace of at least three feet in width shall be provided between any series of such walls; and provided, further, that along a street frontage no such wall shall be closer than three feet to the property line.

Chapter 410. Zoning

Article III. Zoning Districts

§ 410-29. Farmland Preservation - A-1 (Zoning District 11).

[Added 12-10-2012]

A. The purpose of Farmland Preservation District(s) are to:

- (1) Preserve agricultural land for food and fiber production;
- (2) Protect productive farms;
- (3) Maintain a viable agricultural base to support agricultural processing and service industries;
- (4) Prevent conflicts between incompatible uses;
- (5) Reduce costs of providing services to scattered nonfarm uses;
- (6) Implement the provisions of the county agricultural plan when adopted and periodically revised;
and
- (7) Comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under § 71.613, Wis. Stats.

B. Definitions. In this section the following terms shall have the meanings indicated:

ACCESSORY USE

Any of the following land uses on a farm:

- (1) A building, structure or improvement that is an integral part of, or is incidental to, an agricultural use. This may include, for example:
 - (a) A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
 - (b) A facility used to keep livestock on the farm.
 - (c) A facility used to store or process inputs primarily for agricultural use on the farm.
 - (d) A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
 - (e) A wind turbine or solar energy facility that collects wind or solar energy on the farm and uses or transforms it to provide energy primarily for use on the farm.
 - (f) A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm, primarily for use on the farm.
 - (g) A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.

(Current code)

- (2) An activity or business operation that is an integral part of or incidental to an agricultural use.
- (3) A farm residence, including normal residential appurtenances.
- (4) A business, activity or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
 - (a) It is conducted on a farm by an owner or operator of that farm.
 - (b) It requires no buildings, structures or improvements other than those described in Subsection B(1) or (3).
 - (c) It does not impair or limit the current or future agricultural use of the farm or other protected farmland.
 - (d) Employs no more than four full-time employees annually.

AGRICULTURAL USE

Any of the following activities conducted for the purpose of producing an income or livelihood:

- (1) Crop or forage production.
- (2) Keeping livestock.
- (3) Beekeeping.
- (4) Nursery, sod or Christmas tree production.
- (5) Floriculture.
- (6) Aquaculture.
- (7) Fur farming.
- (8) Forest management.
- (9) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

AGRICULTURE-RELATED USE

A facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose:

- (1) Providing agricultural supplies, agricultural equipment, agriculture inputs or agricultural services directly to farms, including farms in the Farmland Preservation Zoning District.
- (2) Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the Farmland Preservation Zoning District.
- (3) Slaughtering livestock, including livestock from farms in the Farmland Preservation Zoning District.
- (4) Marketing livestock to or from farms, including farms in the Farmland Preservation Zoning District.
- (5) Processing agricultural by-products or wastes received directly from farms, including farms in the Farmland Preservation Zoning District.

BASE FARM TRACT

All land, whether one parcel or two or more contiguous parcels, which is in a Farmland Preservation Zoning District and is part of a single farm on March 1, 2011, regardless of any subsequent changes in the size of the farm.

COMMON OWNERSHIP

Ownership by the same person or persons, or by persons that are all wholly owned by the same person or persons. "Common ownership" includes joint tenancy and tenancy in common. Solely for the purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.

CONTIGUOUS

Adjacent to or sharing a common boundary. "Contiguous" land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not "contiguous" if they meet only at a single point.

FARM

All land under common ownership that is primarily devoted to agriculture use.
[Amended 10-8-2014]

FARM ACREAGE

The combined total acreage of all of the following in the base farm tract:

- (1) Farms.
- (2) Open space parcels of more than five acres.

FARM RESIDENCE

Any of the following structures located on a farm:

- (1) A single-family (or duplex) residence that is the only residential structure on the farm.
- (2) A single-family (or duplex) residence that is occupied by any of the following:
 - (a) An owner or operator of the farm.
 - (b) A parent or child of an owner or operator of the farm.
 - (c) An individual who earns more than 50% of his or her gross income from the farm.
- (3) A migrant labor camp that is certified under § 103.92, Wis. Stats.

GROSS FARM REVENUE

Gross receipts from agricultural uses, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. "Gross farm revenue" includes receipts accruing to a renter but does not include rent paid to the landowner.

LIVESTOCK

Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

NONFARM RESIDENCE

Any residence other than a farm residence.

NONFARM RESIDENTIAL ACREAGE

The combined total acreage of all parcels on which nonfarm residences are located, all parcels on which the Town Board has approved nonfarm residence, all parcels five acres or less that do not qualify as farms, and the parcel to which the conditional use permit application pertains. If a residence is located or proposed to be located on an undivided farm, but does not qualify as a farm residence, the size of the residential parcel is deemed to be five acres.

OPEN SPACE PARCEL

A parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.

PERSON

An individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.

PRIME FARMLAND

All of the following:

- (1) An area with a Class I or Class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.
- (2) Land, other than described in subsection (1), which is identified as prime farmland in Winnebago County's certified farmland preservation plan.

PRIOR NONCONFORMING USE

A land use that does not comply with this farmland preservation zoning ordinance, but which lawfully existed prior to the application of this section.

PROTECTED FARMLAND

Land that is any of the following:

- (1) Located in a Farmland Preservation Zoning District certified under Ch. 91, Wis. Stats.
- (2) Covered by a farmland preservation agreement under Ch. 91, Wis. Stats.
- (3) Covered by an agricultural conservation easement under § 93.73, Wis. Stats.
- (4) Otherwise legally protected from nonagricultural development.

C. Authority. The Town of Vinland has adopted and administers the farmland preservation zoning ordinance in this section in accordance with Wis. Stats. §§ 59.69, 60.61, 60.62 and 62.23.

D. Land use in Farmland Preservation Zoning District, general. Only the following land uses are allowed in a Farmland Preservation Zoning District:

- (1) Uses allowed under permitted uses.
- (2) Uses allowed under conditional uses permit.
- (3) Prior nonconforming uses, subject to § 60.61, Wis. Stats.

E. Permitted use.

- (1) Agricultural uses.
- (2) Accessory uses, including:
 - (a) A wind turbine or solar energy facility that collects wind or solar energy on the farm and uses or transforms it to provide energy primarily for use on the farm.
- (3) Nonfarm residences constructed in a rural residential cluster in accordance with an approval of the cluster as a conditional use under § 91.46, Wis. Stats.
[Amended 10-8-2014]
- (4) Undeveloped natural resource and open space areas.
- (5) A transportation, utility, communication or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.^[1]

[1] *Editor's Note: Original subsection (E)(6), which immediately followed this subsection, was repealed 10-8-2014.*

(6) Security fences are permitted on the property line but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or chain-link fencing.

(7) Signs are permitted according to Article **VII**.

(8) One roadside stand on any one farm shall be permitted, providing it will be only used for the sale of the farm products raised on said farm.^[2]

[2] *Editor's Note: Original subsection (E)(10), which immediately followed this subsection, was repealed 10-8-2014.*

F. Conditional uses. The Vinland Town Board may issue a conditional use permit for the uses below, provided it is allowed as a conditional use under § 91.46, Wis. Stats.

(1) Transportation, communications, pipeline, electric transmission, utility or drainage uses that qualify under § 91.46(4), Wis. Stats.

(2) Government, institutional, religious or nonprofit community uses that qualify under § 91.46(5), Wis. Stats.
[Amended 10-8-2014]

(3) Nonmetallic mineral extraction that qualifies under § 91.46(6), Wis. Stats.

(4) Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subchapter II of Ch. **295**, Wis. Stats.

(5) Agriculture-related uses if conditions in Subsection **F(5)(a)** through **(f)** below are met.

(a) The use supports agricultural uses in the Farmland Preservation Zoning District in direct and significant ways and is more suited to a Farmland Preservation Zoning District than to an industrial or commercial zoning district.

(b) The use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the Farmland Preservation Zoning District.

(c) The use and its location in the Farmland Preservation Zoning District are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(d) The use is reasonably designed to minimize conversion of land at and around the use site from agricultural use or open space use.

(e) The use does not substantially impair or limit the current or future agricultural use of other protected farmland.

(f) Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

(6) Nonfarm residence. The Town Board may issue a conditional use permit for a single proposed nonfarm residence if all the following standards will be met when the approved nonfarm residence comes into existence:

(a) If the nonfarm residence will be located in a base farm tract:

[1] The ratio of nonfarm residential acreage to farm acreage in the base farm tract will not exceed 1:20.

[2] There will be no more than four dwelling units in nonfarm residences nor, for a new nonfarm residence, more than five dwelling units in residences of any kind on the base farm tract after the residence is constructed or converted into a nonfarm residence.

- (b) Regardless of whether the nonfarm residence is located in a base farm tract, neither the nonfarm residence, nor the parcel on which the nonfarm residence is located, will do any of the following:

- [1] Convert prime farmland from agricultural use or convert land previously used as crop land, other than a wood lot, from agricultural use if on the farm there is a reasonable alternative location or size for a nonfarm residential parcel or nonfarm residence.
- [2] Significantly impair or limit the current or future agricultural use of any other protected farmland.

- (7) Nonfarm residential clusters. The Town Board may issue a single conditional use permit authorizing two or more proposed nonfarm residences if all of the following apply:

- (a) The conditional use permit includes all of the following information:
[Amended 10-8-2014]

- [1] The total number of nonfarm residences authorized by the permit.
- [2] A legal or survey description of each parcel on which a nonfarm residence is authorized.
- [3] The number of nonfarm residences authorized on each parcel under Subdivision F(7)(a)[2] if more than one.
- [4] The number of dwelling units authorized in each authorized nonfarm residence, if more than one.

- (b) Each of the parcels described under Subsection **F(7)(a)[2]** shares a boundary with at least one other parcel described under Subsection **F(7)(a)[2]**.
[Amended 10-8-2014]

- (c) Each of the proposed nonfarm residences will meet all of the standards under Subsection **F(6)** when all of the proposed nonfarm residences have come into existence.

- (d) The conditional use permit prohibits all of the following:
[Amended 10-8-2014]

- [1] Any further division of any parcel described in Subsection **F(7)(a)[2]**.
- [2] Any nonfarm residence or dwelling unit on a parcel identified in Subsection **F(7)(a)[2]**, other than a nonfarm residence or dwelling unit identified in the permit.^[3]

[3] *Editor's Note: Original subsection (F)(8), which immediately followed this subsection, was repealed 10-8-2014.*

- G. Basic district standards. The basic new farm residence lot standard shall be a minimum setback of 75 feet from road right-of-way; minimum 300 feet of road frontage; lot setbacks of a minimum of 75 feet from street, minimum of 50 feet from rear, and minimum of 15 feet from side, 75 feet from navigable high-water line.

- H. Site plan requirement. If a new nonfarm or farm residence is to be constructed on a parcel in the Farmland Preservation District, the applicant shall first submit for Town Board approval a site plan showing, at a minimum, residence location and farm drainage tile locations, along with a proposed drainage plan. Applicable § 91.46, Wis. Stats., criteria shall be complied with.

- I. Rezoning land out of a Farmland Preservation Zoning District.

- (1) The Town Board may only grant rezoning land out of a Farmland Preservation District if the Town Board finds that Subsection **I(1)(a)** through **(d)** are true after a public hearing.

- (a) The land is better suited for a use not allowed in the Farmland Preservation Zoning District.

- (b) The rezoning is consistent with any Comprehensive Plan adopted by the Town Board which is in effect at the time of rezoning.
 - (c) The rezoning is substantially consistent with the Winnebago County Farmland Preservation Plan, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
 - (d) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
- (2) Subsection I(1)(a) above does not apply to any of the following:
- (a) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under Ch. 91, Wis. Stats.
 - (b) A rezoning that makes the Farmland Preservation Ordinance Map more consistent with the Winnebago County Farmland Preservation Plan Map, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
- (3) By March 1 of each year, the Town shall submit to the Wisconsin Department of Agriculture, Trade and Consumer Protection and to the County of Winnebago a report of the number of acres rezoned out of the Farmland Preservation Zoning District and a map that shows the location of those acres.

DATE: January 9, 2026

TO: Cedar Municipal Clients

FROM: Cedar Corporation

REGARDING: New law: State of Wisconsin 2025 Act 68: Required Local Land Division Ordinance Amendments

This memo and information are being sent to your community to inform you of a recent law change affecting local land division (subdivision) ordinances. In "2025 Wisconsin Act 68", previously Assembly Bill 452, the Legislature modified provisions governing the approval of subdivision plats. The changes were published on December 10, 2025, and require local-level (county, town, village, city) Land Division/Subdivision Ordinances to be amended no later than July 1, 2026.

Therefore, if your community administers a land division (also referred to as a subdivision ordinance) that includes language to review and approve subdivision plats, the following will need to be made to your Land Division/Subdivision Ordinance. Within this mailing, you will find Cedar's interpretation of the level of changes Act 68 will require (see below), which can be used as a guide. Existing pieces of statutory language have been modified, and completely new sections of language have been created (indicated with bold, underlined text). Also, we have included the official State of Wisconsin Act 68 memo for your reference.

Should your community have any questions or require assistance to make these required changes, please contact Ken Jaworski, Director, Cedar Corporation at 920-785-7328 or Eric Fowle, Senior Planner, at 920-785-7307.

Cedar Act 68 Interpretation

- 1) Edit and update any/all "purpose statements" (typically at the beginning of such ordinances) to state the following, or similar to, paying special attention to ensure the bolded/underlined items are incorporated:

*The purpose of this ordinance is to regulate the subdivision of land to promote public health, safety, and general welfare; to further the orderly layout and use of land; **to ensure that land is developed in a manner that supports healthy, livable communities; to foster the development of a range of housing types; to advance complete streets that prioritize safety, comfort, and accessibility for pedestrians, cyclists, transit riders, and motorists alike;** to provide for adequate light and air; to facilitate adequate provision for water, sewerage, and other public requirements; **to encourage development patterns that provide safe and convenient transportation choices for a variety of users;** to provide for proper*

ingress and egress; and to promote proper monumenting of land subdivided and conveyancing by accurate legal description.

- 2) If your municipality's current Land Division/Subdivision Ordinance does not already have provisions for non-binding conceptual reviews of Preliminary Plats, then language must be added (or modified) to meet the intent of the new rule as shown below:

Pre-submission Conceptual review. The municipality, town, or county that has the authority under s. 236.10 to approve a subdivision shall provide the subdivider the opportunity to meet informally with representatives of the municipality, town, or county before the subdivider submits a preliminary plat for approval, or a final plat if the subdivider does not intend to submit a preliminary plat for approval, to obtain the representatives' conceptual review of the subdivider's proposed subdivision and opinions regarding whether the subdivision complies with the municipality's, town's, or county's requirements and conditions for approving plats. Conceptual reviews and opinions provided under this section are not binding on the municipality, town, or county, or the subdivider.

- 3) New statute language prohibits a municipality from requiring finalized plans and reports to be submitted for preliminary plat review. Update ordinance text describing the plans and reports that must be submitted to your municipality for review with the preliminary plat. A new section under 236.11 (1) "Submission of plats for approval" is created to read:

236.11 (1) (d) A subdivider that submits a preliminary plat for approval under par. (a) may submit preliminary, rather than final, plans and reports regarding sewer, water, road cross-sections, grading, stormwater, soil testing, landscaping and street lighting. The approving authority, or its agent authorized to approve preliminary plats, may not reject the preliminary plat on the basis that the plans and reports are not final, but the approving authority or its agent may approve conditionally the preliminary plat on that basis and state in writing the conditions of approval as allowed under par. (a), including conditions that the final plans and reports are submitted.

- 4) Update the ordinance text to reflect the following requirements regarding public improvements:

As a further condition of approval, the governing body of the town or municipality within which the subdivision lies may require that the subdivider agree to install any public improvements reasonably necessary and provide financial security to ensure that the subdivider will make those improvements within a reasonable time after approval. The governing body may not require that public improvements be installed or accepted as a condition of submitting, reviewing, approving, or recording of a preliminary or final plat. The governing body may not require the subdivider to provide security at the

commencement of a project in an amount that is more than 120 percent of the estimated total cost to complete the required public improvements, as determined under subd. 1d. Nothing in this subd. 1. a. prohibits a governing body from requiring as a condition of approval that public improvements be installed within a reasonable time after the plat is approved.

- 5) Update the ordinance text to incorporate the following requirements regarding the issuance of building permits whose approval is dependent on completion or acceptance of the public improvements:

Upon such substantial completion [of public improvements], any outstanding local building permits for home sites on the plat that meet the requirements of applicable building codes, zoning ordinances, and other municipal regulations shall be released and may not be withheld solely because of the status of public improvements.

- 6) Update the ordinance text to incorporate the following requirements regarding approval of a final plat:

The subdivider shall have the final plat recorded in the office of the register of deeds of the county in which the subdivision is located. Subject to sub. (2), a final plat that has the approvals required under s. 236.10, or that is deemed approved under s. 236.11, is entitled to be recorded. The approving authority for the plat shall make a certificate to that effect on the face of the plat no later than 10 days after the subdivider submits the plat with the certificates and affidavits required under sub. (2) (c) and (d).

Chapter 361

SUBDIVISION OF LAND

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VINLAND CODE

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[HISTORY: Adopted by the Town Board of the Town of Vinland 6-14-2004.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Plan Commission — See Ch. 96.

Streets and sidewalks — See Ch. 358.

Driveways — See Ch. 206.

Zoning — See Ch. 410.

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

ARTICLE I Introduction

§ 361-1. Authority.

The provisions of this chapter are adopted by the Town of Vinland Town Board who has adopted village powers pursuant to the authority granted by Chs. 61 and 236, Wis. Stats. This chapter requires either a certified survey map or a subdivision plat to create new land parcels or lots in the Town of Vinland.

§ 361-2. Title.

This chapter shall be known as, referred to or cited as the "Town of Vinland Land Division/Subdivision Ordinance."

§ 361-3. Purpose and intent.

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

- A. Promote the public health, safety and general welfare.
- B. Further the orderly layout and use of land.
- C. **To ensure that land is developed in a manner that supports healthy, livable communities**
- D. **To foster the development of a range of housing types:**
- E. **To advance complete streets that prioritize safety, comfort and accessibility for pedestrians, cyclists, transit riders and motorists alike.**
- F. Prevent the overcrowding of land.
- G. Lessen congestion in the streets and highways.
- H. Provide for adequate light and air.
- I. Facilitate adequate provisions for water, sewerage and other public requirements.
- J. To encourage development patterns that provide safe and convenient transportation choices for a variety of users.
- K. Provide for proper ingress and egress.
- L. Promote proper monumenting of subdivided land and conveyancing by accurate legal description.

§ 361-4. Interpretation and application.

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

§ 361-5. Severability and nonliability.

If any section, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby. The Town does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation and that those soils listed as being unsuited for specific uses are the only unsuited soils within the Town, and thereby asserts that there is no liability on the part of the Town Board of Supervisors, its

agencies or employees for sanitation problems or structural damages that may occur as a result of reliance upon and conformance with this chapter.

§ 361-6. When effective

This chapter shall be effective after a public hearing, adoption by the Town Board of Supervisors, and publication or posting as provided by law.

ARTICLE II
General Provisions

§ 361-7. Geographic density and conservation area standards.

- A. To preserve farmland and implement the goals and objectives of the Town of Vinland's Land Use Plan (and future Comprehensive Plan), any new subdivisions will be required to meet the development criteria established below and shall be platted using the cluster subdivision process as described in § 361-61 of this chapter.
- B. Depending on where a potential subdivision may be located, such plat may have different development criteria. It is important that a developer or property owner is aware of the geographic area or zone his or her property is located within to understand the conditions that will need to be met in order to obtain Town approval.
- C. For the purpose of this chapter, a certified survey map may only be used for the creation of four parcels less than five acres in size within a five-year period, and a subdivision may be only used to create a minimum of 10 or 20 parcels, depending on the zone location. The creation of five to nine parcels for residential purposes shall not be allowed unless the additional parcels being created are greater than five acres in size. Properties zoned commercial may create five or more lots less than five acres in size by platting, providing each lot is a minimum of one acre or larger and subject to compliance with all other Town zoning and subdivision ordinances.
- D. Zone 1.
- (1) Geographic Density - Zone 1: the Town of Vinland requires any subdividing in Zone 1, defined as Sections 8, 9, 10, 11, 14, 15, 16 and 17 in Range 16 East, which are all west of Highway 76, to have not less than 10 lots and that such a subdivision in these areas shall follow the cluster form of platting as regulated under §§ 361-61 to 361-66 of this chapter.
 - (2) Conservation Area Standards - Zone 1: Lot size in Zone 1 shall be 1 1/2 acre minimum. A minimum of 50% of the plat shall be open common space. A community well or sewer system and buffer areas can be part of the fifty-percent conservation area.
- E. Zone 2.
- (1) Geographic Density - Zone 2: the Town of Vinland requires any subdivision in Zone 2, defined as Sections 1, 2, 3, 4, 5, 6, 7, 12, 13, 18, 19, 20, 21, 22, 23 and 24 in Range 16 East and Sections 16, 17, 18, 19, 20 and 21 in Range 17 East, to have not less than 20 lots and that such subdivision in these areas shall follow the cluster form of platting as regulated under §§ 361-61 to 361-66 of this chapter.
 - (2) Conservation Area Standards - Zone 2: Lot size in Zone 2 shall be 1/2 to 1 1/4 acre. A minimum of 25% of the plat shall be open common space. A community well or sewer system and buffer areas can be part of the twenty-five-percent conservation area.

Where necessary to accommodate a private sanitary system other than a holding tank, an individual lot size may be increased in order to accommodate the construction of the sanitary system. In applying the provisions of this section, the Town shall review this on a lot-by-lot basis, not on the subdivision as a whole.

§ 361-8. Annual subdivision filing limitations.

Limitation on number of plats per year: the Town of Vinland limits the number of plats in a calendar year to two preliminary subdivisions on a first-come, first-served basis.

§ 361-9. Jurisdiction.

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

- A. Transfers of interest in land by will or pursuant to court order.
- B. Leases for a term not to exceed 10 years, mortgages or easements.
- C. Sale or exchange of parcels of land between owners of adjoining property, if additional lots are not thereby created and the resultant lots are not reduced below the minimum size required by this chapter, the Town/County Zoning Ordinance or other applicable laws or ordinances. For the purpose of this section, an additional lot is deemed to be created if the parcel being sold or created is not combined with the adjoining parcel by means of a new legal description in accordance with § 361-11.
- D. Cemetery plats (§ 157.07, Wis. Stats.) and assessor's plats (§ 70.27, Wis. Stats.), but both shall comply with § 236.15(1)(a) to (g) and (2), Wis. Stats.

§ 361-10. Combining lots.

Lots shall be combined into one parcel according to § 361-11 when one or more of the following occurs:

- A. The requirements of § 361-9C are not met.
- B. A use, structure or structural addition that occupies more than one lot under the same ownership.
- C. Existing substandard lots on record platted according to Ch. 236, Wis. Stats. When, in the determination of the Zoning Administrator, the intent of the district will not be maintained at the time of construction.

§ 361-11. Combining description.

Land described in § 361-10 shall be combined into one parcel by certified survey map procedures and recorded in the County Register of Deeds Office.

§ 361-12. Compliance.

Any division of land within the jurisdictional limits of this chapter which results in a land division, replat or condominium plat, as defined herein, shall not be entitled to recording and/or improvements to the land unless it is in compliance with all the requirements of this chapter and:

- A. Duly approved County Zoning and Private Sewage System Ordinances.
- B. County Access Control Ordinance.
- C. Applicable local ordinances.
- D. Consistent with the provisions of Ch. 236, Wis. Stats.

- E. Provisions of the Winnebago County Land Records Ordinance as enumerated in Section 8.05 of the Winnebago County Code.
- F. Town of Vinland Land Use Plan.
- G. Town of Vinland Development Ordinance and agreement requirements.

§ 361-13. Land suitability.

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

§ 361-14. Variances.

- A. In any particular case where it can be shown that, with reason of exceptional topographic or other physical conditions, strict compliance with any requirement of this chapter would cause practical difficulty by exceptional and undue hardship, the Vinland Board of Appeals may relax such requirement to the extent deemed just and proper so as to relieve such difficulty or hardship, provided such relief may be granted without detriment to the public good and without impairing the intent and purpose of this chapter or the desirable general development of the Town.
- B. The Vinland Board of Appeals, at its discretion, if it determines it necessary for the public good, may conduct a public hearing to permit parties in interest to comment on the variance request.
- C. If a hearing is determined necessary, the applicant shall be responsible for payment of a hearing fee as established by the Town of Vinland. The Vinland Board of Appeals shall then fix a reasonable time and place for the hearing. Notice of the time and place of such hearing shall be given by publication as a Class 2 notice in a local newspaper according to Ch. 985, Wis. Stats. All property owners within 300 feet of the subject site, as listed on official tax property rolls as of the date of application, shall be notified by first class mail with an affidavit of mailing at least 10 days prior to the date of such hearing.
- D. A 4/5 vote of the entire membership of the Vinland Board of Appeals shall be required to grant any modification to this chapter, and any modification thus granted shall be entered in the minutes of the Vinland Board of Appeals, setting forth the reasons which, in the opinion of the Vinland Board of Appeals, justified the modification.
- E. Shoreland notice and decision.
 - (1) Written notice shall be given to the appropriate district office of the Department of Natural Resources at least 10 days prior to consideration by the Vinland Board of Appeals.
 - (2) Written notice of the decision shall be submitted to the appropriate district office of the Department of Natural Resources within 30 days of the decision.

§ 361-15. Violations.

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

§ 361-16. Penalties.

- A. Recordation improperly made shall be subject to the provisions of § 236.30, Wis. Stats.
- B. Conveyance of lots in unrecorded plats shall be subject to the provisions of § 236.31, Wis. Stats.
- C. Monuments disturbed or not placed shall be subject to the provisions of § 236.32, Wis. Stats.
- D. Assessor's plat may be ordered by the Town when a subdivision is created by successive divisions as provided in § 236.31(2), Wis. Stats.
- E. Any person failing to comply with the provisions of this chapter shall be subject to penalties assessed by the Town of Vinland, as amended from time to time, for similar violations.

§ 361-17. Appeals.

If the Town of Vinland's Town Board denies a plat, the petitioner may appeal the denial to the Town of Vinland's Board of Appeals. If the Town's Board of Appeals supports the Town Board's denial, the petitioner may then commence an action seeking the remedy available by certiorari. The Court shall not stay proceedings upon the decision appealed from but may, on application, on notice to the Board of Appeals and on due cause shown, grant a restraining order. The Court may also reverse or affirm, wholly or partly, or may modify the decision brought up for review.

ARTICLE III
Certified Survey Map (CSM)

§ 361-18. Submittal.

- A. Previous to filing a certified survey map (CSM) of any parcel of land, the subdivider shall consult with the Town Zoning Administrator for advice and assistance to assure the division does not conflict with local, county or regional plans.
- B. The subdivider shall provide the Town with a reasonably accurate concept plan of the land being considered for division. It may be a freehand drawing but of a sufficient scale so that conditions can be determined to be reviewed for proximity to adjacent streets and schools, for analysis of soil types, topography, drainage, and generally for the effect the land division would have on the development of surrounding property. Such map shall describe the entire ownership involved in the process of division; provided, however, that where the division results in a residual parcel, not intended for immediate sale or other conveyance, the Town Board may waive the requirement for inclusion of the residual parcel. In this case, a supplementary map of reasonable accuracy shall be attached, showing the relationship to the original ownership of the parcel or parcels being severed. In the event the division involves the dedication and development of a Town road, the subdivider shall submit an itemized estimate of the costs of required public improvements.
- C. After tentative Town approval of a concept plan, the subdivider shall proceed to have a certified survey map prepared. The certified survey map shall be drawn in accordance with this chapter and shall meet all of the requirements of §§ 236.34 and 236.21 of the Wisconsin Statutes that relate to subdividing. In addition, when the map is located within a quarter section where the corners have been relocated, monumented or placed on the State Plane Coordinate System, the CSM shall be tied directly to such quarter section corners. The subdivider shall file 10 copies of the CSM along with an application form (available from the Town Zoning Administrator), accompanied by a filing fee (on record in the Town Zoning Administrator's office). Said filing must occur with the Town Zoning Administrator at least one week prior to the Town Board meeting. In the event the division involves the dedication and development of a Town road, the subdivider shall also file a developer's agreement.

§ 361-19. Review and approval.

The CSM shall be reviewed by the Town Board for conformance with this chapter and all ordinances, rules, regulations and the Town Land Use Plan. The certified survey map shall be prepared by a professional land surveyor in accordance with the provisions contained in § 236.34, Wis. Stats., and shall show clearly on its face the following:

- A. All existing buildings, setbacks, watercourses, drainage ditches, names of adjacent owners, setbacks to structures on adjacent property and other features pertinent to division of property.
- B. Location of access to public road.
- C. Date of the map with graphic scale.
- D. Name and address of the person for whom the survey was made.
- E. An owner's certificate and approval signature of the Town Chairperson and Town Treasurer's certificate in accordance with § 236.21, Wis. Stats., shall be the only approvals required for recording unless additional approvals are necessary for dedication purposes.

- F. All corners shall be monumented, as required by Wisconsin Statutes.
- G. Prepared on durable white paper, on tracing cloth, or paper (that can be copied), 8 1/2 inches wide by 14 inches long. The scale shall not be more than 500 feet to the inch.
- (1) The map shall include the certificate of the surveyor, giving a clear and concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the United States Public Land Survey. The surveyor's certificate shall state that he has complied with the requirements of Ch. 236, Wis. Stats.
 - (2) the Town Board shall approve, approve conditionally, or reject such map within 60 days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider.
 - (3) No lot shall be created unless it lies totally within one zoning district. [Winnebago County Ordinance 18.56(9)(a).]
 - (4) If public right-of-way is being dedicated, an executed developer's agreement shall be required for any proposed improvements as prescribed in § 361-59 of this chapter. The petitioner will be obligated to pay all legal and professional fees associated with the Town's review and approval of the developer's agreement.
 - (5) The certified survey map shall be recorded with the County Register of Deeds. When a certified survey map has been so recorded, the parcels of land in the map may be described by reference to the number of the survey, the volume and page where recorded, and the name of the county. Any land or improvements offered for dedication and approved by the governing agency accepting the dedication shall be deeded at the time of recording, unless otherwise arranged.

ARTICLE IV
Land Division Procedure

§ 361-20. Preliminary consultation.

When it is proposed to divide land into 10 or more lots or building sites by successive division, the subdivider shall subdivide in accordance with the following procedures:

A. The subdivider shall have an initial consultation with the Town Plan Commission and any other people deemed necessary, including a sanitary district representative, Town Planner/Engineer, or County staff, before proceeding with platting procedures. The petitioner will be asked to submit a concept plan and meet with the Plan Commission on the site proposed for platting. **Conceptual reviews and opinions provided under this section are not binding on the Town of Vinland or the subdivider.** The purpose of this consultation is to review the site together with the petitioner and establish the parameters, regulations and policies regarding the following issues:

- (1) The suitability of the site for development;
- (2) The accessibility of the site;
- (3) The availability of public facilities (sewer, school, parks, water, etc.) and public services (police, fire, etc.);
- (4) Soil conditions and drainage patterns;
- (5) The effect of the proposed development on any contemplated improvements;
- (6) Zoning of the site and regulations that apply;
- (7) Required public improvements; and
- (8) Consistency with the Town's Land Use Plan.

B. The subdivider shall submit a concept plan on a topographic survey map indicating the nature of the above conditions. The initial concept plan should take into account the intent of this chapter as well as any other reviewing agencies' comments obtained in contacts with the appropriate agencies. Additional meetings may be required if the concept plan needs to be significantly altered to meet the criteria identified in this chapter. **Concept plans or preliminary plats shall not be rejected on the basis that the plans are not final. However, the Planning Commission may approve conditionally the concept plan or preliminary plat on that basis and state in writing the conditions of approval as allowed under par. (A), including conditions that the final plans and reports are submitted.**

C. The concept plan will be reviewed as it relates to:

- (1) Topography, based on a USGS quadrangle map;
- (2) The improvements, designs, dedications, or reservations required by this chapter;
- (3) Continuity to existing development within 300 feet of all boundaries;
- (4) Regulations as set down by Ch. 236, Wis. Stats.;
- (5) Consistency with the Town's Land Use Plan and any other Town ordinances and policies;
- (6) An appropriate amount of conservation area based upon the zone in which it is located;

- (7) For property within a Town Sanitary District, the proposed plat must be consistent with the Sanitary District's plans for providing sanitary sewer service, as determined by the Town Sanitary District, or in areas not served by public sanitary sewer, Winnebago County will issue

permits for private sanitary sewer systems.

§ 361-21. Developer's agreement.

As part of the final plat submission, the Town requires the subdivider to provide a developer's agreement. An example of a developer's agreement is available from the Town Zoning Administrator. Such an agreement must be approved by the Town Board during the final plat review process. The petitioner will be obligated to pay all legal and professional fees associated with the Town's review and approval of the developer's agreement. Any fees that are part of the developer's agreement shall be paid prior to Town approval of the final plat.

§ 361-22. Preliminary plat review.

- A. At least 30 days prior to the Plan Commission meeting, the subdivider shall file with the Town Zoning Administrator the following items for preliminary plat review:
 - (1) Five full-size copies of a twenty-four-inch by thirty-six-inch scaled preliminary plat, plus one additional full-size copy for the City of Oshkosh or City of Neenah if the plat lies within one of the cities' extraterritorial plat review jurisdiction (within three miles of Oshkosh or Neenah).
 - (2) An eleven-inch by seventeen-inch or eight-and-one-half-inch by eleven-inch copy of the map for copying purposes.
 - (3) Application form (available from the Town Clerk or Zoning Administrator).
 - (4) A filing fee (on record in the Town Clerk's office).
- B. Said filing must occur with the Town Zoning Administrator at least 30 days prior to the Plan Commission meeting. The subdivider should also file a copy with the utility companies (sanitary districts, if applicable, power company, telephone company, and cable company) having jurisdiction over the subject area so that required easements can be determined. A subdivision within a sanitary sewer service district and sewer service area must include district sanitary sewer service. A subdivision in a sanitary district but not in the sewer service area shall include a statement on the face of the plat that homeowners must connect to sanitary sewer, at their own expense, once it is installed in an abutting street right-of-way. This statement shall also be a separate recorded document and shall apply to future owners of the lots that are listed in the document.
- C. Response from utility companies shall be submitted for informational purposes to the Town Zoning Administrator when the preliminary plat is filed.
- D. Within 10 working days after filing, the Town Zoning Administrator shall transmit the following copies (as provided by the applicant):
 - (1) Five eleven-inch by seventeen-inch copies to the Plan Commission.
 - (2) One full-size copy to the City of Oshkosh or Neenah if within the affected City's extraterritorial plat review area.
 - (3) Three full-size copies to the Town Board.
 - (4) One full-size copy for meeting display and Clerk's copy.
 - (5) One full-size copy to the East Central Regional Planning Commission.

- (6) One full-size copy to the Town Engineer/Planner.
- E. The subdivider (developer) will be responsible for submitting the required copies to Winnebago County and state agencies that are responsible for reviewing the preliminary plat according to § 236.12, Wis. Stats. A copy of the transmittal letter shall be forwarded to the Town Zoning Administrator. State review comments returned to the subdivider shall be forwarded to the Town Zoning Administrator for inclusion in the Town's review. If no objections were made by state reviewing agencies, the subdivider is supplied with a state-certified copy. The subdivider must provide the Town with a copy of the state certification, indicating no objections were found. If an objecting agency fails to act within 30 days, it shall be deemed to have no objection to the plat.
- F. The preliminary plat shall be reviewed by the Plan Commission for conformance with this chapter and all other ordinances, rules, regulations, and the Town Land Use Plan. The preliminary plat shall then be forwarded to the Town Board with a recommendation for approval or rejection. The Town Board is hereby designated as approving authority for all preliminary plats.
- G. Within 90 days of the date of filing the preliminary plat with the Town Zoning Administrator (unless time is extended by mutual consent with the applicant), the Town Board shall approve, approve conditionally, or reject such plat, in accordance with § 236.11(1), Wis. Stats. Failure of the Town Board to act within 90 days shall constitute an approval. One copy of the plat shall be returned to the subdivider with the date and action endorsed thereon. If approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. A copy of the plat and letter shall be filed in the Town Zoning Administrator's office.
- H. Approval or conditional approval of the preliminary plat by the Town Board shall be deemed an expression of approval or conditional approval of the proposed subdivision. If the final plat conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to Town plans and ordinances, the Town shall approve the final plat if submitted within 24 months of the last required approval of the preliminary plat.
- I. Because Winnebago County has the authority to review any subdivision within the Town, the subdivider shall comply with the most restrictive requirements of either the Town or County. If either the County or Town deems conditions to be unclear, a joint meeting could be requested by either entity to clarify the most restrictive conditions.
- J. Approval or conditional approval of a preliminary plat does not constitute or bind the Town of Vinland to automatic approval of the final plat.

§ 361-23. Final plat review.

- A. At least 30 days prior to the Plan Commission meeting, the subdivider shall file with the Town Zoning Administrator, the following items for the final plat review:
- (1) One original copy and five copies of a twenty-four-inch by thirty-six-inch scaled final plat, plus one additional full-size copy for the City of Oshkosh or City of Neenah, if the plat lies within one of the Cities' extraterritorial plat review jurisdiction (within three miles of Oshkosh or Neenah).
 - (2) An eleven-inch by seventeen-inch or eight-and-one-half-inch by eleven-inch copy of the map for copying purposes.
 - (3) Application form (available from the Town Clerk or Zoning Administrator).

(4) A filing fee (on record in the Town Clerk's office).

(5) A developer's agreement.

B. Within 10 working days after filing, the Town Zoning Administrator shall transmit the following copies (as provided by the applicant):

(1) Five eleven-inch by seventeen-inch copies to the Plan Commission.

(2) One full-size copy to the City of Oshkosh or City of Neenah (if within the City's extraterritorial plat review area).

(3) Three full-size copies to the Town Board.

(4) One full-size copy to the Town Attorney.

(5) One full-size copy for meeting display and Clerk's copy.

(6) One full-size copy to the East Central Regional Planning Commission.

(7) One full-size copy to the Town's designated Engineer.

C. The subdivider (developer) will be responsible for submitting the required copies to Winnebago County and state agencies that are responsible for reviewing the final plat according to § 236.12, Wis. Stats. State review comments returned to the subdivider shall be forwarded to the Town Zoning Administrator for inclusion in the Town's review. If no objections were made by state reviewing agencies, the subdivider is supplied with a state-certified copy. The subdivider must provide the Town with a copy of the state certification, indicating no objections were found. If an objecting agency fails to act within 30 days, it shall be deemed to have no objection to the plat.

D. The final plat may, if permitted by the Town Board, constitute only that portion of the approved preliminary plat that the subdivider proposes to record at that time, with any conditions of approval. If the final plat is not submitted within 24 months of the last required approval of the preliminary plat, the Town Board may refuse to approve the final plat and may require the subdivider to resubmit a preliminary plat subject to § 361-22, unless the Town and land developer can reach an agreement as to extending the approval time.

E. Following a recommendation from the Plan Commission, the Town Board shall, within 60 days of the date of filing the original final plat with the Clerk, approve or reject such plat in accordance with § 236.11(2), Wis. Stats., unless the time is extended by agreement with the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider with a copy to the Plan Commission. The Town Board may not approve the final plat unless the Clerk certifies on the face of the plat that the copies were forwarded to objecting agencies as required herein, the date thereof, and that no objections have been filed within 20 days or, if filed, have been met.

F. Failure of the Town Board to act within 60 days, with no time extensions, and no unsatisfied objections having been filed shall cause the plat to be approved [§ 236.11(2), Wis. Stats.].

§ 361-24. Recordation.

(1) Following final plat approval by the Town Board and required improvements either installed or a developer's agreement and sureties ensuring completion of installation are executed and filed, the Town Zoning Administrator shall cause the certificate to be inscribed upon the plat. The plat must be recorded in

the Winnebago County Register of Deeds office within six months after the date of the last approval of the plat and within 24 months after the first approval.

(2) Subject to sub. (2), a final plat that has the approvals required under Wisconsin Statutes 236.10, or that is deemed approved under Wisconsin statutes 236.11, is entitled to be recorded. The Town of Vinland shall make a certificate to that effect on the face of the plat no later than 10 days after the subdivider submits the plat with the certificates and affidavits required under sub. (2) (c) and (d).

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ARTICLE V
General Plat Requirements

§ 361-25. Preliminary plat requirements.

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

- A. Title under which the proposed subdivision is to be recorded.
- B. Legal description and general location of proposed subdivision and relative location to a nearby municipality.
- C. Date, scale and North arrow.
- D. Names and addresses of the owner, subdivider and land surveyor preparing the plat.
- E. Existing parcel numbers.
- F. Entire area contiguous to the proposed plat owned or controlled by the applicant shall be included on the preliminary plat even though only a portion of such area is proposed for immediate development. The Town Board may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and undue hardship would result from strict application thereof.
- G. Approximate length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the United States Public Land Survey and the total acreage encompassed thereby.
- H. Contours at vertical intervals of not more than two feet where the slope of the ground surface is less than 10% and of not more than five feet where the slope of the surface is 10% or more. Elevations shall be marked on such contours based on mean sea level datum, or where, in the judgment and recommendation of the Plan Commission, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
- I. Water elevations of adjoining lakes and streams at the date of survey, ordinary high-water elevation, and designated floodplains, wetlands, shoreland boundaries, and surface water drainageways regulated under the authority of the Winnebago County Town/County Zoning Ordinance and §§ 361-54 and 361-55 of this chapter.
- J. Location, right-of-way width and names of all existing and proposed streets, alleys or other public ways, easements, railroads and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- K. Location and names of any adjacent subdivisions, parks, schools and cemeteries and owners of record of abutting unplatted lands.
- L. Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established center-line elevations, all to the datum used for the contours.
- M. Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drainpipes, the location of manholes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent

thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their directions and distance from the tract, size and invert elevations.

- N. The soil types and their boundaries, and the location and results of soil evaluations on plats served by on-site systems.
- O. Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.
- P. Dimensions of all lots, together with proposed lot and block numbers.
- Q. In the preliminary plat stage, show the location and dimensions of sites to be reserved or dedicated for parks, playgrounds, pedestrian walkways, drainageways or other public use, or which are to be used for group housing, shopping centers, church sites or other nonpublic uses not requiring platting. In cluster subdivisions conservation areas must be identified.
- R. Approximate radii of all curves.
- S. Existing zoning and proposed use on and adjacent to the proposed subdivision.
- T. Corporate limit lines.
- U. Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
- V. Any proposed lake and stream improvement or relocation and proposed filling, grading, lagooning and dredging and the notice of application for the State Department of Natural Resources and the U.S. Army Corps of Engineers approval, when applicable.
- W. Seasonally wet areas.
- X. Any additional information required by the Plan Commission, Town Zoning Administrator, Town Engineer or Town Board to complete the review.

§ 361-26. Street plans and profiles.

The subdivider shall provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision, when requested by the Town, and all elevations, plans and profiles shall meet the approval of the Town-designated Engineer.

§ 361-27. Testing.

the Town-designated Engineer may require that borings and soundings be made in designated areas to ascertain subsurface soil, rock and water conditions, including the depth to bedrock and the depth to groundwater table.

§ 361-28. Covenants.

The Plan Commission shall require submission of a draft of protective covenants whereby the applicant intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

§ 361-29. Affidavit.

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

ARTICLE VI
Final Plat Requirements

§ 361-30. General requirements.

A final plat prepared by a professional land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of § 236.20, Wis. Stats. The final plat shall comply in all respects with the requirements of § 236.20, Wis. Stats., along with the following:

- A. All building setback lines based on Table 1 of this chapter, which is the Town of Vinland's zoning setback requirements.²
- B. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat. If common property is located within the plat, then provisions for its use and maintenance must also be provided with the plat.
- C. Exact street width along the line of any obliquely intersecting street.
- D. Railroad rights-of-way within and abutting the plat.
- E. Additional setback lines or yards required by the subdivider which are more restrictive than the zoning district in which the plat is located are to be included in recorded covenants.
- F. Location of soil percolation and soil boring tests shall be shown on all plats to be served by on-site sanitary systems.
- G. Floodplain and shoreland boundaries and the contour line lying a vertical distance of two feet above the elevation of the one-hundred-year recurrence interval flood or, where such data is not available, five feet above the elevation of the maximum flood recorded within the exterior boundaries of the plat or located within 100 feet therefrom.
- H. All lands reserved for future public acquisition, dedication or reserved for the common use of property owners within the plat. If property reserved for common use is located within the subdivision, provisions and plans for its use and maintenance shall be submitted with the plat.
- I. Special restrictions required by the Town Board and any other approving or objecting agency relating to access control along public ways, the provision of planting strips or the treatment of shoreland and floodplains.
- J. Consistency with the State Plane Coordinate System.
- K. Any covenants that will be filed with or separate from the final plat.
- L. When residential subdivisions, including CSMs, are platted adjacent to a nonresidential use, i.e., agricultural (such as a farm operation), nonmetallic mining (such as a quarry operation), or commercial/industrial operation, the subdivider shall include a statement on the face of the plat that future owners of homes need to be aware of and understand the implications of living next to the specific nonresidential use. The disclosure language shall be subject to the review and approval of the Town.

2. Editor's Note: Table 1, Lot Size/Area Requirements Based on the Vinland Zoning Code, is attached to this chapter.

§ 361-31. Surveying and monumenting.

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

Stats. § 361-32. Certificates.

All final plats shall provide all the certificates required by § 236.21, Wis. Stats., and in addition the surveyor shall certify that he has fully complied with all the provisions of this chapter and shall provide a certificate for Town Board approval.

ARTICLE VII
Condominium Plats

§ 361-33. General.

It is the intent of this article to regulate condominiums as related to zoning and for the division of land for the purpose of establishing a condominium plat.

§ 361-34. Preliminary consultation.

- A. Prior to submitting an application for approval of a condominium plat, the subdivider shall consult with the Town to become informed of the purpose and objectives of this chapter.
- B. In order to facilitate the consultation, the subdivider shall provide a plan drawn to reasonable scale depicting the general lot layout, exterior property boundary, roadways, known easements and unique natural features.

ARTICLE VIII
Minor Condominium Plats

§ 361-35. Submittal.

Creation of a minor condominium plat shall be by certified survey map of less than five lots. The certified survey map shall be submitted to the Town following procedures as set forth under § 361-18 of this chapter and shall be prepared according to §§ 236.34 and 703.11, Wis. Stats.

ARTICLE IX
Major Condominium Plat

§ 361-36. Preliminary plat submittal.

- A. The subdivider shall prepare a preliminary plat in accordance with this chapter. The applicant shall file a copy directly with the County and provide the Town eight copies of the preliminary plat, and the required number of copies for the County Zoning Department and any adjoining city or village, if in its extraterritorial plat approval jurisdiction.
- B. In addition, condominium plats shall comply with the jurisdictional authority granted to Winnebago County Town/County Zoning Ordinance.

§ 361-37. Fee.

- A. An application fee, as set forth by the Town of Vinland Fee Schedule, shall be paid in full at the time of submittal of the preliminary plat.
- B. Plats must be submitted simultaneously to all approving agencies and fees paid accordingly.

§ 361-38. Preliminary plat requirements.

Refer to the provisions of the typical preliminary plat requirements as found in §§ 361-25 through 361-29 of this chapter.

§ 361-39. Preliminary plat review and approval.

- A. In order to facilitate public comment, the Town Board shall notify all property owners within 300 feet of the subject site with a meeting agenda concerning the subject site, utilizing first class mail with an affidavit of mailing at least 10 days prior to the date of such meeting. The Town Board shall conduct a meeting to review the plat for conformance with this chapter and all other ordinances, rules, regulations that affect the plat. At this meeting, the Town Board shall permit the public to comment on the proposed plat. The Town Board shall either approve, approve conditionally, or reject the preliminary plat within 90 days of submittal. If the Town Board takes no action within 90 days, the condominium plat is approved.
- B. Exception. Condominium plats which are located within the jurisdictional authority of the Winnebago County Town/County Zoning Ordinance.

§ 361-40. Surveying.

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

§ 361-41. Certificates.

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

§ 361-42. Fee.

- A. An application fee as set forth by the Town shall be paid in full at the time of submittal of the final

plat.

- B. Conditional use permit. Condominium plats which are located within the jurisdictional authority of the Winnebago County Town/County Zoning Ordinance will be required to pay a separate fee to the County.³

§ 361-43. Recordation.

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

§ 361-44. Modifications.

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

ARTICLE X

Replat

§ 361-45. Replat.

In accordance with § 236.36, Wis. Stats., a replat of all or any part of a recorded subdivision which does not alter areas previously dedicated to the public may be made by complying with §§ 361-20 through 361-24 of this chapter. When a proposed replat involves alteration or vacation of areas previously dedicated to the public, the subdivider shall vacate or alter the recorded plat in accordance with Ch. 82, Wis. Stats.

ARTICLE XI
Design Standards

§ 361-46. Street arrangement.

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

- A. Streets shall be consistent with the general location of collector and arterial streets from official mapped street maps (City of Neenah, City of Oshkosh, or future Town Official Maps). In areas for which an Official Map has not been completed, the street layout shall recognize the functional classification of various street types and shall be developed and located in proper relation to existing and proposed streets, with due regard to topographical conditions, natural features, utilities, land uses and public convenience and safety.
- B. All land divisions shall be designed so as to provide each lot with satisfactory access to a public street as provided herein.
- C. The following conditions shall apply for street arrangement in all proposed land divisions:
 - (1) Arterial streets. Arterial streets shall be arranged so as to provide ready access to centers of employment, high-density residential areas, centers of government activity, community shopping areas, community recreation and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
 - (2) Collector streets. Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic on the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.
 - (3) Minor streets. Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems and to require the minimum street area necessary to provide safe and convenient access to abutting property.
 - (4) Street intersections.
 - (a) Streets shall intersect each other as nearly as possible at right angles, and not more than two streets shall intersect at one point unless approved by the Town Board.
 - (b) The number of intersections along major streets and highways shall be held to a minimum. Access to County roads shall be administered by the Winnebago County Highway Department. Otherwise, wherever practicable, the distance between such intersections should not be less than 600 feet.
 - (c) Street jogs with center-line offsets of less than 125 feet shall not be approved.
 - (5) Proposed streets. Proposed streets shall extend to the boundary lines of the tract being divided, unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of adjacent land tracts. Such streets shall terminate with a temporary turnaround of 120 feet in right-of-way diameter and a roadway of

not less than 90 feet in diameter.

- (6) Arterial street and highway protection. Whenever the proposed land division contains or is adjacent to a major street or highway, adequate protection of residential properties is required. Adequate protection is met by limiting access and separating through and local traffic and shall be provided by reversed frontage, with screen planting contained in a nonaccess reservation along the rear property line or by the use of frontage streets.
- (7) Reserve strips. Reserve strips controlling access to streets or alleys shall be prohibited except where their control is definitely placed with the Town or County.
- (8) Alleys. Alleys may be required in commercial and industrial districts to provide for off-street loading and service access but shall not be approved in residential districts unless required by unusual topography or other exceptional conditions. Dead-end alleys shall not be approved and alleys shall not connect to a federal, state or county trunk highway.
- (9) Street names. Street names shall not be duplicated or be similar to existing street names, and existing street names shall be projected or continued wherever possible.

§ 361-47. Street design standards.

- A. The minimum right-of-way of all proposed streets shall be as specified on the adopted Town Road Construction Ordinance, available in the Town Clerk's office.
- B. Minimum roadway width and surface width of all new land division roads shall comply with the developer's agreement or § 82.50, Wis. Stats., whichever is more restrictive.
- C. Cul-de-sac streets designed to have one end permanently closed should not normally exceed 600 feet in length but can be up to 1,000 feet in length, provided density is not more than 15 housing units being served by said street. The Town may require an official mapped street stub or future connection to an existing road to decrease the permanent length of a cul-de-sac street. Such streets shall terminate in a circular turnaround having a minimum right-of-way diameter of 130 feet and a minimum roadway pavement diameter of 100 feet.
- D. Street grades shall comply with the developer's agreement, supplemented by § 82.50, Wis. Stats. Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography.
- E. Radii of curvature. When a continuous street center line deflects at any one point by more than 10°, a circular curve shall be introduced having a radius of curvature on such center line of not less than 100 feet on minor streets. In general, arterial streets should have a flatter horizontal and vertical curve than minor streets.
- F. Half streets shall be prohibited, except where:
 - (1) The other half has already been dedicated.
 - (2) Its alignment is shown on an officially adopted street plan.
- G. Vision corner easements shall be required along state highways. The petitioner shall contact The Department of Transportation's District Office in Green Bay to obtain current standards for vision corner requirements on a state highway.
- H. Any new or rebuilt bridges, culverts or roadways built within a floodplain district shall meet all of the

requirements established under the County's Floodplain Ordinance and other Town/County Ordinances.

§ 361-48. Ingress and egress on limited access highways.

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

- A. Access control permit issued by the County Highway Department. The road access permit shall be issued and the number shall be shown on the face of the CSM or plat before said document is recorded.
- B. Easement to use an existing access.
- C. Frontage road dedicated to the public having an approved access.
- D. Variance approved by the Winnebago County Board of Adjustment. If access is provided by an easement to use an existing access, then the following provisions shall apply:
 - (1) The parent parcel having an existing access shall allow access to each subsequent parcel; and
 - (2) Each subsequent parcel shall allow access to each additional subdivided parcel, not to exceed the maximum spacing requirements of Chapter 7, Winnebago County General Code.
 - (3) Setback requirements will be applicable to the Town of Vinland's Zoning Setback requirements as shown on Table 1.⁴
 - (4) Easement right-of-way shall be a minimum of 66 feet in width and shall not include public right-of-way (overlap) within the easement width.

§ 361-49. Limited access highway and railroad right-of-way.

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

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

4. Editor's Note: Table 1, Lot Size/Area Requirements Based on the Vinland Zoning Code, is attached to this chapter.

E. State of Wisconsin setback requirements from a state highway.

§ 361-50. Blocks.

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

- A. Length. Blocks in residential areas should not as a general rule be less than 500 feet nor more than 1,500 feet in length unless otherwise dictated.
- B. Width. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic or where lots abut a lake or stream. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning provisions for such use.

§ 361-51. Utility easements.

All utility lines for electric power and telephone service shall be placed on midblock easements along rear lot lines whenever carried on overhead poles, except where lots abut a lake or stream or where such location is deemed engineeringly unfeasible by the utility company involved. At the discretion of the Town, all utility lines may be required to be buried.

§ 361-52. Lots and land area.

- A. Proposed subdivisions shall have a maximum of 160 acres. The minimum number of lots in a development shall be 10 lots in Zone 1 and 20 lots in Zone 2.
- B. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated.
 - (1) Side lot lines should be at approximate right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow Town boundary lines rather than cross them.
 - (2) Double frontage and reversed frontage lots shall be prohibited, except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
 - (3) Lot frontage.
 - (a) Lot frontage requirements are identified by zoning category in the Town of Vinland Zoning Code (Table 1).⁵
 - (b) A CSM or plat creating a new parcel without frontage on a public street shall contain the following statement:

[1] "Applications for Town zoning permits for residential structures (principal or accessory) and all other principal structures, except agricultural, shall not be

considered for approval until the parcel meets the public street frontage and lot width requirements of the applicable nonagricultural zoning district (as noted in Table 1)."

- (c) Area and dimensions of lots shall conform to the requirements of Table 1⁶ of this chapter and § 361-7 for the Town's lot size restrictions based on geographic zones.
- (d) Whenever a tract is subdivided into parcels with area in excess of the zoning requirements, such parcels should be arranged and dimensioned so as to allow redivision of any such parcels into normal lots in accordance with the provisions of this chapter.
- (4) Lots should be designed and a suitable proportion between width and depth. Lots that are long, narrow, wide or shallow are normally desirable. Normal depth should not exceed 2 1/2 times the width nor be less than 150 feet.
- (5) Width of lots shall conform to the requirements of Table 1.⁷
- (6) Corner lots shall be designed with extra width to permit adequate building setback from both streets.

§ 361-53. Building setback lines.

Building setback lines shall conform to the requirements established in the Town of Vinland's zoning requirements (Table 1⁸) and shall be shown on the preliminary plat for determination of buildable area.

§ 361-54. Surface water drainage.⁹

A subdivision in the Town of Vinland shall comply with provisions of Section 23.15 (stormwater and erosion control) of the Winnebago County Town/County Zoning Ordinance.

§ 361-55. Creation or enhancement of water features.

Any created pond or lake or any enhancement of a quarry or other body of standing water within the boundary of any land division shall be owned and maintained by a homeowners' association. The homeowners' association document shall specify that all lot owners within the subdivision shall have equal rights to said water feature.

ARTICLE XII
Dedications and Improvements

§ 361-56. Dedications and reservations of land.

A. Reservation and dedication of public land.

- (1) Whenever a tract of land to be divided by certified survey or subdivision includes all or any part of land designated in an adopted regional, County or Town trails plan or plan component, the location and dimensions of such public land shall be identified on the certified survey map or plat and either be dedicated to the public or be reserved for acquisition by the County, the Town or other public entity for a period not to exceed three years from the date the certified survey map or plat is recorded with the Winnebago County Register of Deeds, unless the time period is extended by the agreement of the subdivider, subsequent owner of the property, or other authorized party with the County, Town or other public entity.
- (2) If the Town of Vinland Land Use Plan requires a dedication of less trail area than is required by Subsection B, then the subdivider shall pay the in-lieu-of amount for the difference. If the Town of Vinland Land Use Plan requires a dedication of more Town- or County-owned public land than is required by Subsection B, the subdivider will be reimbursed for the undeveloped land value of the additional trail area.

B. Dedications of open space.

- (1) Each subdivider, whether by subdivision or by certified survey map, shall provide public trail area as required by this section.
- (2) Each subdivider shall dedicate 1,500 square feet of land to the Town for each housing unit, provided land in the subdivision is shown on the Town's Land Use Plan as a trail. This dedication shall be at no cost to the Town.
- (3) The Town Board shall determine the number, size and location of all dedications after considering the recommendation of the Town Plan Commission. The Town Board has the right to refuse any dedication of land it determines is unsuitable for trails.

C. Payment in lieu of dedication.

- (1) If the Town, in its sole discretion, determines that the land proposed to be dedicated is not suitable, because said land is not shown as a potential park or trail, or has unexpected contamination, or upon the mutual agreement of the subdivider and the Town, the subdivider shall pay a fee in lieu of said dedication. These fees shall be paid prior to recording the CSM or plat in the Winnebago County Register of Deeds office.
- (2) Trail fees (based upon the market value of undeveloped land just prior to development and upon projected public land development costs and projected adjacent street and utility costs) shall be updated periodically by the Town Board and become effective upon approval by resolution of the Town Board. The proportion of such costs to be covered by these fees and by projected property taxes from the new development shall also be updated by said resolution.
- (3) In-lieu-of payments received by the Town shall be deposited in a segregated, nonlapsing fund to be used for new trail development, including site acquisition and related capital improvements. Disbursement from such funds shall be made only upon specific approval of the Town Board upon considering the recommendation of the Town Plan Commission.

- (4) The development of public land facilities shall be located in the vicinity of the land from which the funds are based. Such facilities shall be owned, operated and maintained by either the County or the Town.

D. Unimproved land.

- (1) The average value hereby established for the amount of undeveloped land, at the time of division (whether by platting or CSM) upon which trails are to be located as set forth in Subsection B(2) above shall be \$200 per lot or dwelling unit potential, whichever is greater, or as updated by resolution per Subsection C above. This lot/unit value is based upon \$15,000 per acre average for developable lands and \$1,000 per acre for wetlands.
- (2) Whenever the divider or the Town feels said average value unfairly represents the value of the specific tract being considered for dedication or for public purchase in lieu of dedication, the Town Assessor shall determine a fair value for the tract at the expense of the Town. If the Assessor's determination is not satisfactory to one of the parties, the Town shall contract an appraiser acceptable to both parties. The cost of this appraiser's services shall be divided equally between the parties. If the parties still cannot reach agreement on value, either party may appeal the matter to the Circuit Court of Winnebago County for resolution by the Court.

E. Public land development fees. The average cost for public use space set forth in Subsection B(2) above shall be \$150 per lot or dwelling unit potential in the development.

F. Appraisal requirements. If such lands or facilities have been acquired in whole or in part with Town funds, not totally from the nonlapsing fund established in Subsection C(3) of this section, then an appraisal of the land or facilities shall be prepared, and the Town Board may acquire said land for an amount not to exceed the appraised value less the amount of funds applied from the nonlapsing fund established in this section.

§ 361-57. Improvements.

A. No construction or installation of improvements shall commence in a proposed subdivision until the final plat and a Town developer's agreement (as specified in § 361-21) has been approved and executed by the Town of Vinland. The subdivider shall file, along with the Town developer's agreement, a surety bond or other satisfactory security meeting the approval of the Town Board as a guarantee that such improvements will be completed by the subdivider or his subcontractors within the time limit established by the Town Board. The subdivider must have a Town-approved road or developer's agreement at the time of final plat approval. **Completion or acceptance of public improvements shall not be a condition of submitting, reviewing, approving or recording of a preliminary or final plat.**

B. (1) Building permits for any type of structure will not be issued in an approved subdivision until the roads have met the requirements for issuance of building permits as set forth in the Town of Vinland Roads and Highways Ordinance.¹⁰

(2) Upon such substantial completion (of public improvements), any outstanding local building permits for home sites on the plat that meet the requirements of applicable building codes, zoning ordinances, and any other municipal regulations shall be released and may not be withheld solely because of the status of public improvements.

§ 361-58. Plans.

- A. Plans and accompanying construction specifications are required in the Town of Vinland developer's agreement before authorization of construction or installation of improvements can be made.
- B. The subdivider is strongly urged to obtain a sample copy of the Town of Vinland developer's agreement from the Town Zoning Administrator during Vinland Town Hall hours prior to

10. Editor's Note: See Ch. 358, Streets and Sidewalks, Art. II, Laying Out and Construction of Town Roads.

commencing any platting activity in the Town of Vinland. The developer will be required to provide information as called for in the developer's agreement and file a copy for review of a certified survey map (§ 361-18, if roadway is being created) and final plat application (§ 361-30).

§ 361-59. Inspection.

The applicant, prior to commencement of any work within the land division, shall make arrangements with the Town Board to provide for adequate inspection. The Town Board shall inspect and approve all completed work prior to release of the sureties; six months after completion of work; and at the request of the subdivider.

§ 361-60. Public sanitary and private sewage disposal systems.

Any sanitary district within the Town shall determine the feasibility of service and the procedures to be followed by the owner of a proposed subdivision within said district. Also, the following shall apply:

- A. Major land divisions and major condominium plats shall be served by a public sanitary sewage facility in a sanitary district as part of a public sewer system or by a private sewer system approved by Winnebago County. Private holding tanks are expressly prohibited.
- B. Minor land divisions and minor condominium plats may be served by a private sewer system approved by Winnebago County.

ARTICLE XIII
Cluster Subdivisions

§ 361-61. Purpose.

Grouping of residences in clusters will permit individual minimum lot sizes (as zoned) to be reduced, provided that overall density within the subdivision is maintained. The remaining undeveloped area within the subdivision can be used to provide common conservation area and preserve the scenic qualities of an applicable environmentally sensitive area. Grouping of residences will facilitate common water and sewage disposal systems and encourage the improved use of the land respecting the preservation of natural resources.

§ 361-62. Review.

- A. Cluster subdivisions shall be submitted for review according to §§ 361-20 to 361-24 of this chapter. Submission of a cluster subdivision will not be accepted for review if the Town of Vinland has met its quota of new subdivisions, as determined annually by the Town Board.
- B. The petitioner will be asked to submit an "existing features map" and meet with the Plan Commission on the site proposed for platting. The existing features map should include the following:
 - (1) A topography map, based on a USGS quadrangle map;
 - (2) The location of environmentally sensitive elements such as steep slopes (over 25%), wetlands, watercourses, intermittent streams and one-hundred-year floodplains, and all rights-of-way and easements;
 - (3) Soil boundaries as shown on the Winnebago County Soil Survey maps published by the Natural Resources Conservation Service; and
 - (4) The location of significant features such as woodlands, tree lines, open fields or meadows, scenic views into or out from the property, watershed divides and drainageways, fences or stone walls, rock outcrops, and existing structures, roads, floodplains, wetlands and steep slopes. The existing features map shall form the basis for the concept plan, which shall also show the tentative location of houses, streets, lot lines and conservation areas.

§ 361-63. Requirements.

The amount of conservation area created in a subdivision shall be based on the zone in which the property is located. If a piece of property is located in Zone 1, at least 50% of land within the subdivision shall be devoted to a conservation area. If the property is located in Zone 2, at least 25% of land within the subdivision shall be devoted to a conservation area. These amounts of conservation areas can be reduced based on provisions in § 361-4 of this chapter.

- A. Conservation areas may consist of wetlands, lands that are generally inundated (under ponds, lakes, creeks, etc.), land within the one-hundred-year floodplain, slopes exceeding 25%, and soils subject to slumping, and other lands that are not part of the platted lots or public right-of-way. Conservation areas shall be protected through a conservation easement or actual land dedication to the public. This may be accomplished by the following means:
 - (1) All lands within conservation areas are required to be protected by a permanent conservation easement, prohibiting further development and setting other standards safeguarding the site's

special resources from negative changes.

- (2) Conveyance to owners of lots in the development. If the land is to be reserved for use by owners of lots in the development, the land shall be conveyed for use to a homeowners' association or similar legally constituted body, which shall also maintain the conservation easement.
- (3) Dedication to the Town of Vinland or other governmental body or a recognized land trust or conservancy. Lands dedicated to the public must be accepted by appropriate action of the governing body of the accepting unit of government. Lands dedicated to the Town of Vinland shall be clearly noted on the face of the final plat as dedicated to the Town of Vinland. Public street dedication shall meet the conditions of a Town of Vinland developer's agreement.

(See § 361-65 of this section for specific requirements governing these two forms of conservation area dedication).

- B. Conservation areas shall be designated as undivided open space to facilitate easement or land dedication monitoring and enforcement and to promote appropriate management by a single entity according to approved land management standards.
- C. Water supply and sewage disposal shall meet the minimum standards of all state, county, sanitary district or Town regulations.
- D. The design standards, as outlined within this chapter, may, at the discretion of the Town Board, be relaxed as an incentive in developing cluster subdivisions. Standards that can be relaxed in order to permit more creative land division design include, but are not limited to, lot sizes.¹¹¹²

§ 361-64. Evaluation criteria.

The Plan Commission and Town Board shall evaluate cluster subdivisions to determine whether the proposed conceptual preliminary plan:

- A. Protects and serves all floodplains, wetlands and steep slopes from clearing, grading, filling or construction (except as may be approved by the Town for essential infrastructure or active or passive recreation amenities).
- B. Preserves and maintains mature woodlands, existing fields, pastures, meadows and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses.
- C. If development must be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads. Other considerations include whether the development will be visually buffered from existing public roads, such as by a planting screen consisting of a variety of trees, shrubs and wildflowers.
- D. Maintains or creates an upland buffer of natural native species vegetation of at least 75 feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds.

E. Designs around existing hedgerows and tree lines between fields or meadows and minimizes impacts

11.

10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II), which ordinance also repealed original Sections 14-1-64, Conservation area percentage adjustments, and 14-1-65, Location of conservation areas, which immediately followed this section.

on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat. Also, woodlands of any size on highly erodible soils with slopes greater than 10% should be avoided. However, woodlands in poor condition with limited management potential can provide suitable locations for residential development. When any woodland is developed, great care shall be taken to design all disturbed areas (for buildings, roads, yards, septic disposal fields, etc.) in locations where there are no large trees or obvious wildlife areas, to the fullest extent practicable.

- F. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep "no-build, no-cut" buffer should be respected, to preserve existing vegetation.
- G. Protects wildlife habitat areas of species listed as endangered, threatened or of special concern by the U.S. Environmental Protection Agency.
- H. Designs around and preserves sites of historic, archaeological or cultural significance and their environs, insofar as needed to safeguard the character of the feature, including stone walls, barn foundations, cellar holes, earthworks, and burial grounds.
- I. Protects rural roadside character and improves public safety and roadway carrying capacity by avoiding development fronting directly onto existing public roads.
- J. Provides mature landscape plantings equal to at least five trees (mixture of ornamental and shade tree) per each residential unit, interspersed throughout the subdivision in areas void of trees, cul-de-sac islands, and in visually strategic locations that will add aesthetic appeal to the overall development.
- K. Provides open space that is in a reasonably contiguous configuration. Fragmentation of open space should be minimized and not divided into numerous small parcels located in various parts of the development. To the greatest extent practicable, open space shall be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails. The open space should generally abut existing or potential open space land on adjacent parcels (such as in other subdivisions, public parks or properties owned by or leased to private land conservation organizations). Such subdivision open space shall be designed as part of larger contiguous and integrated greenway systems, as per the policies in the Parks and Open Space and Multi-Purpose Trails Implementation Section of the Town's Land Use Plan.

§ 361-65. Ownership and maintenance of open space.

- A. Different ownership and management options apply to the permanently protected conservation areas created through the development process. The conservation areas shall remain undivided and shall be owned and maintained by a homeowners' association, the Town, County, or a recognized land trust or conservancy.
- B. A public land dedication, not exceeding 10% of the total parcel size, may be required by the Town through designated conservation areas to facilitate public trail connections. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common space and public improvements, utilities and conservation areas.
- C. Conservation areas within a development shall be owned, administered and maintained by any of the following methods, either individually or in combination, and subject to approval by the Town:

- (1) Offer of dedication. The Town or other governmental agencies shall have the first and last offer of dedication of undivided conservation areas in the event said land is to be conveyed. Dedication shall take the form of a fee-simple ownership. The Town may, but shall not be required to, accept undivided conservation areas, provided: (a) such land is accessible to the residents of the Town; (b) there is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance; and (c) the Town agrees to and has access to maintain such lands. Where the Town accepts dedication of common conservation areas that contain improvements, the Town may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed 18 months from the date of acceptance of dedication. The amount of financial security shall not exceed 15% of the actual cost of installation of said improvements.
- (2) Homeowners' association. The undivided conservation areas and associated facilities may be held in common ownership through a homeowners' association. The association shall be formed and operated under the following provisions:
 - (a) The subdivider shall provide a description of the association, including its bylaws and methods for maintaining a conservation area easement.
 - (b) The association shall be organized by the subdivider and shall be operated with a financial subsidy from the subdivider before the sale of any lots within the development.
 - (c) Membership in the association is mandatory for all lot owners and their successors. The conditions and timing of transferring control of the association from subdivider to lot owners shall be identified.
 - (d) The association shall be responsible for maintenance of insurance and payment of taxes on undivided conservation area, enforceable by liens placed by the Town on the association. The association may place liens on the lots of its members who fail to pay their association dues in a timely manner. Such liens may provide for the imposition of penalty interest charges.
 - (e) The members of the association shall share equitably the costs of maintaining and developing such undivided conservation areas. Shares shall be defined within the association bylaws.
 - (f) In the event of a proposed transfer, within the methods here permitted, of undivided conservation area land by the homeowners' association or of the assumption of maintenance of undivided conservation area land by the Town, notice of such action shall be given to all property owners within the development.
 - (g) The association shall have or hire adequate personnel to administer common facilities and properly and continually maintain undivided conservation areas.
 - (h) The homeowners' association may lease conservation area lands to any other qualified person or corporation for operation and maintenance of conservation area lands, but such a lease agreement shall provide:
 - [1] That the lot owners of the development shall at all times have access to the conservation area land contained therein (except croplands during the growing season);
 - [2] That the undivided conservation area to be leased shall be maintained for the

purposes set forth in this chapter; and

113] That the operation of conservation area facilities may be for the benefit of the residents only or may be open to the residents of the Town, at the election of the developer and/or homeowners' association, as the case may be.

114] The lease shall be subject to the approval of the Town of Vinland and any transfer or assignment of the lease shall be further subject to the approval of the Town Board. Lease agreements so entered upon shall be recorded with the Winnebago County Register of Deeds within 30 days of their execution, and a copy of the recorded lease shall be filed with the Town.

- (i) Dedication of easements. The Town may, but shall not be required to, accept easements for public use of any portion or portions of undivided conservation area land, title of which is to remain in ownership by condominium or homeowners' association, provided:

111] Such land is accessible to Town residents;

112] There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance; and

113] A satisfactory maintenance agreement is reached between the developer, condominium or homeowners' association and the Town.

- (j) Transfer of easements to a private conservation organization. With the permission of the Town, an easement may be transferred to a private, nonprofit organization, among whose purposes it is to conserve conservation areas and/or natural resources, provided that:

111] The organization is acceptable to the Town and is a bona fide conservation organization with perpetual existence;

112] The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions, and a maintenance agreement acceptable to the Board is entered into by the developer and the organization.

§ 361-66. Maintenance standards.

- A. The ultimate owner of conservation areas (typically a homeowners' association) shall be responsible for raising all monies required for operations, maintenance or physical improvements to conservation areas through annual dues, special assessments, etc. The homeowners' association shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.
- B. In the event that the association or any successor organization shall, at any time after establishment of a development containing an undivided conservation area, fail to maintain the undivided conservation area in reasonable order and condition in accordance with the development plan, the Town may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the undivided conservation area in reasonable condition.
- C. Failure to adequately maintain the undivided conservation areas in reasonable order and condition constitutes a violation of this chapter. The Town is hereby authorized to give notice, by personal service or by United States Mail, to the owner or occupant, as the case may be, of any violation,

directing the owner or occupant to remedy the same within 20 days.

- D. Should any bill or bills for maintenance of undivided conservation areas by the Town be unpaid by November 1 of each year, a late fee of 15% shall be added to such bills, and a lien shall be filed against the premises in the same manner as other municipal claims.

ARTICLE XIV

Definitions

§ 361-67. Definitions.

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

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

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

ASSESSOR'S PLAT — An assessor's plat may be ordered by the Town Board at the expense of the subdivider when a subdivision, as defined herein, is created by successive division as provided in § 236.31(2), Wis. Stats.

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

BUILDING — A structure having a roof supported by columns or wall. When separated by division walls from the ground up and without openings, each portion of each building shall be deemed a separate building.

CERTIFIED SURVEY MAP (CSM) —

A. A land division instrument used for the creation of a maximum of four lots less than five acres in size, per owner, out of any tax parcel existing at the time of adoption of this amendment on February 14, 2005, within a five-year period, or a CSM may also be used for an unlimited number of lots over five acres in size, provided that no more than four may be shown on any one CSM. The use of a CSM to combine existing parcels, however, shall not count against the four-lot maximum. A CSM may be used to change the boundaries of lots or outlots within a recorded plat or CSM if the redivision does not result in a subdivision or violate the Town's Subdivision Ordinance. A CSM may not alter areas previously dedicated to the public or restrictions placed on the platted land by covenant, by grant of an easement or by any other manner. The number of lots being created includes the remnant of the parent parcel.

(1) The existing zoning of a parcel of land, divided by a CSM, does not amend the zoning of the parcel, when a required dedication of a portion of the land, to a governmental entity for a public purpose, as a condition for Town or county approval of the land division by CSM, reduces a legally zoned preexisting parcel to less than five acres. [Added 3-8-2021 by Ord. No. 2021-05]

B. A CSM may not be used to create a road and then create four lots on both sides of the road where the lots are less than five acres in size within a five-year period. Existing parcels abutting either side of a road existing at the time of adoption of this chapter are not affected by this restriction.

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.

COMMUNITY SEPTIC AND WELL SYSTEM — A singular sanitary system and/or well that is capable of treating or providing water to multiple housing units and is located in a central location to strategically serve a number of residents, the costs of which are split through agreement or homeowners' association.

CONSERVATION AREA — Any combination of land area within a subdivision that may consist of floodplains, wetlands, steep slopes, woodlands, tree lines, open fields or meadows, watershed divides and drainageways, fences or stone walls and rock outcrops.

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

COUNTY PLANNING AND ZONING COMMITTEE — The County Planning and Zoning Committee, as authorized by § 59.69, Wis. Stats., or any other committee created by the County Board and authorized to plan land use.

COUNTY PRIVATE SEWAGE SYSTEM ORDINANCE — The County Private Sewage System Ordinance, which is included as Chapter 16 of the Winnebago County Code.

COUNTY ZONING ORDINANCE — The Winnebago County Town/County Zoning Ordinance, which is included as Chapter 23 of the Winnebago County Code.¹³

CUL-DE-SAC STREET — A minor street with only one outlet and having a turnaround for the safe and convenient reversal of traffic movement.

DOUBLE FRONTAGE LOTS — An interior lot having road frontage on the front and on the rear of the lot.

EXTRATERRITORIAL PLAT APPROVAL JURISDICTION — The unincorporated area within 1 1/2 miles of a fourth-class city or village and within three miles of all other cities, over which cities and villages may exercise plat approval, provided they have enacted an official map ordinance or subdivision control ordinance in accordance with § 236.10, Wis. Stats.

FINAL PLAT — The map of a subdivision and any accompanying material as described in § 361-30 of this chapter.

FLOODPLAIN — Land that has been or may be hereafter covered by floodwater during the regional flood. The floodplain includes the floodway and the flood fringe.

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

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

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

IMPROVEMENT, PUBLIC — Any sanitary sewer, storm sewer, drainage 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.

LAND DIVISION —

- A. The act of creating a new lot, tract or parcel. A land division may be done by one of the following instruments; CSM, subdivision plat or condominium.
- B. For the purpose of determining the type of land division required, the term "owner" includes the deed owner of record, his/her spouse and children or, if in a business or corporation, any of the owners, partners or their spouses or children. As an example, if John Jones is the owner of a parcel, he could ~~divide the parcel by CSM, but his wife and children could not be deeded part and then split the "new"~~

13. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

parcels in their name if the total number of parcels being created exceed the maximum allowable by CSM.

LAND USE PLAN — The "Town of Vinland Land Use Plan" for the development of the Town of Vinland, adopted in October 1998, and including any amendment to such plan.¹⁴

LOT — Designated parcel tract or area of land established by plat, subdivision or as otherwise permitted by law to be used, developed or built upon as a unit, and containing the minimum frontage, width and area sufficient to meet building, parking, setback, conservation areas, sanitary or other requirements.

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

A. The right-of-way of a public or private street.

B. Areas of navigable water.

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

LOT LINES — The peripheral boundaries of a parcel of land.

LOT OF RECORD — A legal lot of record shall mean a lot legally created and recorded in the Winnebago County Register of Deeds office prior to or according to the Winnebago County Subdivision Ordinance of May 1, 1969, meeting applicable state and county zoning and subdivision laws and ordinances.

LOT, LEGAL — A unit of land existing under a single ownership which complies with the applicable basic district standards for the zoning district in which such lot is situated or meets the definition of a "lot of record" of this chapter, which is provided with the minimum frontage upon a public road, and which complies with all applicable subdivision and zoning laws and ordinances.

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

LOT, WIDTH — The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth. On irregularly (nonperpendicular) shaped lots, the width shall be the average width of the lot computed according to Table 1 of this chapter.¹⁵ Lot width shall be measured at the street setback line applicable to the zoning district the parcel is located within. In the shoreland jurisdiction, the lot width shall also be measured at the shore yard setback line applicable to the zoning district the parcel is located within. At least 50% of the lot shall be greater than or equal to the required lot width.

MAJOR CONDOMINIUM PLAT — Condominium development in which land is allocated into parcels or building sites, whether the individual portions of land are defined as "units" or "limited common elements," are subject to review and approval of this chapter if five or more parcels or building sites of five acres or smaller in size are created within any five-year period from a lot parcel or tract which existed on the effective date of this chapter.

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

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

OBSTRUCTION, DRAINAGEWAY — This chapter refers to two different types of obstructions:

14. Editor's Note: See now the Town of Vinland Comprehensive Plan 2007-2026.

15. Editor's Note: Table 1, Lot Size/Area Requirements Based on the Vinland Zoning Code, is attached to this chapter.

A. **ARTIFICIAL OBSTRUCTION** — Any obstruction other than a natural obstruction that is capable of reducing the carrying capacity of a stream or drainageway or may accumulate debris and thereby reduce the carrying capacity of a stream, such as fences, dams, planted trees and shrubs, and any other obstructions instituted as a result of human activity.

B. **NATURAL OBSTRUCTION** — Includes any rock, tree, gravel or analogous natural matter that is an obstruction and has been located within the stream or drainageway by a nonhuman cause.

OFFICIAL MAP — Refers to any future Official Map adopted by the Town of Vinland, consistent with the Town's Comprehensive Land Use Plan, which includes and sets forth the identification, location, alignment, dimensions and classification of existing and proposed public streets, highways, drainageways, parkways, and park and recreation sites.

OUTLOT — A remnant parcel of land not to be used for building purposes so designated on the plat.

PARCEL — Lot created by a division of land. A parcel(s) that is owned, controlled or managed as a single entity shall be treated as a single tract, unless separated by a public road and navigable and non-navigable waters. A parcel is created as of the date the deed, land contract, lease, etc., is recorded with the Register of Deeds Office.

PLANNING COMMITTEE — Refers to the Town of Vinland Plan Commission formed by Resolution 7-14-03-01.

PRELIMINARY PLAT — A map showing the salient features of a proposed subdivision submitted to the Town of Vinland for purposes of preliminary consideration as described in § 361-22 of this chapter.

PUBLIC WAY — Any public road, street highway, walkway, drainageway or part thereof.

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.

STREET (PRIVATE) — The right-of-way of any private road, highway, lane, street, access easement, easement, etc., where the defined street or easement provides access to more than one parcel or principal structure.

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

SUBDIVISION — In the Town of Vinland means a land division instrument used for or the act of land division where 10 or more lots are being created in Zone 1, or where 20 or more lots are being created in Zone 2, and all lots are less than five acres in size, for the purpose of sale or development within a five-year period.

TOWN — The Town of Vinland.

TOWN CLERK — The Town of Vinland Town Clerk,

TOWN ZONING ADMINISTRATOR — The Town of Vinland Zoning Administrator.

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