

# **Town of Winchester**

Winnebago County, Wisconsin

## **Chapter 18: Land Division & Subdivision Regulations**

**Amended and Adopted by Town of Winchester Board of Supervisors  
On July 17, 2017**

**CHAPTER 18**  
**LAND DIVISION & SUBDIVISION REGULATIONS**  
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- 18.01 Authority.** In accordance with the authority granted by Chapter 236.45, Wis. Stats., and for the purposes listed in Chapters 236.01 and 236.45, Wis. Stats., the Town Board of Supervisors of the Town of Winchester, County of Winnebago, Wisconsin, does hereby ordain as follows:
- 18.02 Purpose.** This Chapter is enacted for the following purposes:
- (1) To promote the public health, safety, comfort, convenience, prosperity and general welfare.
  - (2) To conserve, protect and enhance property and property value;
  - (3) To promote orderly growth and development;
  - (4) To enforce the goals and policies set forth in the Comprehensive Plan;
  - (5) To afford adequate, safe, convenient means of traffic circulation for the public;
  - (6) To lessen congestion in the streets and highways;
  - (7) To provide for proper ingress and egress;
  - (8) To facilitate adequate but economical provisions for water, sewerage and other public improvements;
  - (9) To prescribe reasonable rules and regulations governing the land division and platting of land, the preparation of plats, the location, width, and course of streets and highways, the installation of utilities, street pavements and other essential improvements; the provision of necessary public grounds for schools, parks, playgrounds and other public open spaces;
  - (10) To promote the use of community water systems over individual wells;
  - (11) To promote proper monumenting of subdivided land and conveyancing by accurate legal description.
  - (12) To establish procedures for submission, approval, and recording of plats; and
  - (13) To provide the means for enforcement and to provide penalties for violations.
- 18.03 Abrogation and Greater Restrictions.** It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.
- 18.04 Interpretation.** In their interpretation and application, the provisions of this Chapter shall be held to the 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 State Statutes.
- 18.05 Title.** This Chapter shall be known and cited as the “Land Division & Subdivision Regulations, Town of Winchester, Winnebago County, Wisconsin.”
- 18.06 Severability.** If any section, portion, or provision of this Chapter is invalid or unconstitutional, or if the application of this Chapter to any person or circumstances is adjudged invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Chapter which can be given effect without the invalid or unconstitutional provision or application.
- 18.07 Effective Date.** This Chapter shall be effective after adoption by the Town of Winchester Town Board of Supervisors and publication or posting as provided by law. Amendments hereto shall be made only after notice and public hearing.
- 18.08 Definitions.** The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. When not

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inconsistent with the context, words used in the present tense include the future, and words in the singular number include the plural number. The word "shall" is always mandatory.

- (1) Abutting – Means to border upon.
- (2) Adjusted Tract Area – The area of the total parcel minus any primary conservation areas.
- (3) Association – All of a subdivision or condominium's unit owners acting as a group, either through a non-stock, non-profit corporation or an unincorporated association in accordance with its bylaws and declaration.
- (4) Assurance – A letter of credit or cash escrow deposited with the Town as approved by the Town Board for the purposes of guaranteeing the installation of required improvements, and giving the Town the ability to construct, cause to be constructed, repair or reconstruct required improvements not constructed or installed, or not properly constructed or installed.
- (5) Block – A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways, or boundary lines of municipalities.
- (6) Building setback line – A line parallel to a lot line and at a distance from the lot line to comply with the yard and setback requirements in Chapter 17: Zoning Regulations of the Town of Winchester Code of Ordinances.
- (7) Building sites – A parcel of land occupied, or intended to be occupied by a structure as permitted under applicable regulations of Chapter 17: Zoning Regulations of the Town of Winchester Code of Ordinances.
- (8) Capital Costs – The Capital Costs to construct, expand or improve public facilities under Chapter 18.18, including the cost of land, and including legal, engineering and design costs to construct, expand or improve public facilities, except that not more than 10% of Capital Costs may consist of legal, engineering and design costs unless the Town can demonstrate that its legal, engineering and design costs which related directly to the public improvement for which the impact fees were imposed exceed 10% of Capital Costs. "Capital costs" does not include other Noncapital Costs to construct, expand or improve public facilities or the costs of equipment to construct, expand or improve public facilities.
- (9) Certified Survey Map – A map of a division of land prepared in accordance with Chapter 236.34, Wis. Stats., and this Chapter, see also Minor Land Division.
- (10) Common Facilities – All the real property and improvements set aside for the common use and enjoyment of the residents of a Conservation Subdivision or conventional subdivision, including, but not limited to, buildings, open space, private streets, parking areas, walkways, recreation area, drainage easements, and any utilities that service more than one unit, such as sewerage and well facilities.
- (11) Common Open Space – Undeveloped land within a Conservation Subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common Open Space shall not be part of individual residential parcels, and shall be substantially free of structures, but may contain such recreational facilities for residents as are shown on the Preliminary Plat.
- (12) Comprehensive plan – The development plan, also called a master plan, adopted by the Town Board of Supervisors pursuant to Chapter 66.1001(3), Wis. Stats., including proposals for future land use, transportation, urban development, and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division, and building ordinances and capital improvements programs shall also be considered a part of the comprehensive plan.
- (13) Condominium. A form of ownership combining individual unit ownership with shared use and ownership of common property or facilities, established in accordance with the requirements of Chapter 703, Wis. Stats. Common areas and facilities are owned by all members of the

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- condominium association on a proportional, undivided basis. A condominium is a legal form of ownership and not a specific building type or style.
- (14) Conservation Areas, primary – The primary conservation areas are those areas that are automatically set aside when determining open space for Conservation Subdivisions. The following are areas of primary conservation: all lands located within existing street Right-of-Ways, all lands located within existing Utility and Railway Right-of-Ways, all lands located within floodplain, all lands located within wetlands, all slopes of 12% or greater.
- (15) Conservation Areas, secondary – Those areas identified in, but not limited to, Chapter 18.19(2).
- (16) Conservation Easement – The grant of a property right or interest from the property owner to another person, agency, unit of government, or organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state, precluding future or additional development.
- (17) Conservation Subdivision – A subdivision where open space is the central organizing element of the subdivision design and that identifies and permanently protects all primary conservation areas and all or some of the secondary conservation areas within the boundaries of the subdivision and retains a minimum of forty percent (40%) of the gross tract area as protected open space, and as further defined in Chapter 18.19.
- (18) Contiguous – Lots are contiguous when at least one (1) lot line of one (1) lot touches a lot line of another lot.
- (19) Corner lot – A lot abutting on two (2) or more intersecting streets.
- (20) County – The County of Winnebago, Wisconsin.
- (21) Deed restriction – A restriction on the use of a property set forth in a deed or other instrument of conveyance, including, but not limited to, a restrictive covenant, conservation easement, transfer of development rights, or any restriction placed on undeveloped land as a condition for the division or development of the undeveloped land.
- (22) Developer – A person that constructs or creates a land development.
- (23) Development – The act of building structures or installing improvements.
- (24) Development Agreement – An agreement entered into by and between a Subdivider and the Town, with respect to any approved land division, which provides, among other things, for the design, construction and installation of required public improvements, the payment for such public improvements, dedication of land or acceptance of the dedication of completed public improvements, restrictive covenants running with the land, or other matters relating to land division, to development and use of land included in the land division or to the administration and enforcement of the agreement.
- (25) Double frontage lot – An interior lot having road frontage on the front and on the rear of the lot.
- (26) Dwelling Unit – The building, or group of rooms within a building, where one person or a group of persons resides as a family unit.
- (27) Easement – A grant by a property owner for use of a whole or portion of a parcel of land by the public or any person for any specific purpose or for purposes of access, constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, other transmission lines, storm sewer, storm drainage ways, gas lines, or other service utilities.
- (28) Engineer – A professional engineer licensed by the State of Wisconsin.
- (29) Extraterritorial plat approval jurisdiction – The unincorporated area within one and one-half (1-1/2) miles of a fourth class city or village and within three (3) miles of all other cities.
- (30) Final Plat – A map or plan of a subdivision and any accompanying material as described in this Chapter.
- (31) Floodplain – The land adjacent to a body of water which has been or may be hereafter covered by floodwater including, but not limited to, the regional flood.

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- (32) Gross Tract Area – The entirety of the parcel proposed for subdivision, including all primary and secondary conservation areas.
- (33) High Water Elevation – The average annual high water level of a pond, stream, lake, flowage, or wetland referred to an establish datum plane or, where such elevation is not available, the elevation of the line up to which the presence of water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic or vegetative characteristics.
- (34) Homeowners' Association – A Wisconsin membership corporation which serves as an association of homeowners within a Subdivision or Certified Survey Map having shared common interests, responsibilities with respect to costs and upkeep of common private property of a Subdivision or Certified Survey Map. Such common property includes private recreation and open space areas within the Subdivision or Certified Survey Map.
- (35) Impact fees – Cash fees imposed upon a developer under Chapter 18.18.
- (36) Improvement – Any sanitary sewer, storm sewer, open channel, water main, roadway, parkway, public access, curb and gutter, sidewalk, pedestrian way, planting strip, or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.
- (37) Land Development – The construction or modification of improvements to real property that creates additional residential dwelling units within the Town or that results in nonresidential uses that create a need for new, expanded or improved public facilities within the Town.
- (38) Land Division – For the purpose of this Chapter shall include subdivisions, condominiums and Minor Land Divisions.
- (39) Lot – A designated parcel or area of land established by plat, subdivision, or as otherwise permitted by law.
- (40) Lot area – The total square footage within the boundaries of a lot, excluding any public rights-of-way.
- (41) Lot line – The peripheral boundaries of a parcel of land.
- (42) Minor land division – The creation of one (1) but not more than four (4) parcels or building sites which divide land into a parcel or parcels of one and one-half (1-1/2) acres or smaller in size. Minor land divisions shall be created by Certified Survey Maps. Not more than four (4) parcels may be created by means of minor land division procedures within any five (5) year period from a lot, outlot, parcel or tract which existed on the effective date of this Chapter.
- (43) Net Developable Area – The area of the tract in a Conservation Subdivision that can be divided into parcels.
- (44) Nonprofit Conservation Organization – A nonprofit corporation, charitable trust, or other nonprofit organization described in Section 501(c)(3) of the Internal Revenue Code, which includes the “acquisition of property or rights in property for conservation purposes” as part of its mission, as reflected in the bylaws, charter, or incorporation papers of the organization.
- (45) Official map – A map adopted pursuant to Chapter 62.23, Wis. Stats. for the precise designation of the right-of-way line and site boundaries of streets, highways, parkways, parks, and playgrounds, both existing and proposed.
- (46) Open space – A natural or manmade landscaped area not occupied by any structures, buildings, or impervious surfaces.
- (47) Owner – Any person having proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the land under this Chapter.
- (48) Outlot – A parcel of land other than a residential lot or block so designated on a land division plat or Certified Survey Map.
- (49) Parcel – A designated lot or area of land established by plat, minor land division or as otherwise permitted by law.

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- (50) Pedestrian way – A right-of-way, however designated, across or within a block, for use by pedestrian traffic.
- (51) Plan Commission – The Plan Commission of the Town of Winchester, Wisconsin.
- (52) Plat – A map, graphics, or drawing which graphically delineates the boundary of land parcels for the purpose of identification and record title. The plat is a recorded, legal document and must conform to all Wisconsin Statutes and this Chapter.
- (53) Preliminary Plat – A map showing the salient features of a proposed subdivision submitted to the Plan Commission for purposes of preliminary consideration as described in this Chapter.
- (54) Property line – The legal boundaries of a parcel of property that may or may not coincide with platted lot lines or street right-of-way.
- (55)
- (56) Recreation Land, Active – Areas that are altered from their natural state to accommodate organized athletic activities (e.g. soccer, football, baseball, golf). Active Recreation Lands may also require the installation of equipment (e.g. playground apparatus, riding stables, shooting ranges, golf ranges, etc.).
- (57) Recreation Land, Passive – Areas that are left in a natural state with minimal alteration for scenic enjoyment (e.g. walking/hiking trail) and outdoor activities with minimal impact on the landscape (e.g. birding, hunting).
- (58) Replat – The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat, Certified Survey Map, or part thereof. The legal dividing of a large block, lot, or outlot within a recorded subdivision plat or Certified Survey Map without changing exterior boundaries of said block, lot, or outlot is not a replat.
- (59) Restrictive (or restricted) Covenant – A deed restriction on the use of the land usually set forth in the deed that is binding upon subsequent owners of the property.
- (60) Setback – The required distance a structure must be located from a lot line, easement, right-of-way, adjacent building, or other feature as indicated in this Chapter.
- (61) Sewer service area – The area expected to be served by public sanitary sewer and water utility as mapped by East Central Wisconsin Regional Planning Commission.
- (62) Slope – The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.
- (63) State – State of Wisconsin.
- (64) Street – A dedicated right-of-way affording primary access by pedestrians or vehicles to abutting property. Streets shall include, but are not necessarily limited to the following:
  - (a) Alley – A local way, intended mainly to provide secondary access for vehicular traffic to abutting properties.
  - (b) Arterial street – A street designated for large volumes of traffic.
  - (c) Cul-de-sac – A short local street having one (1) end open to traffic and being permanently terminated by a vehicle turnaround.
  - (d) Collector street or feeder street – A street intended to carry traffic from local streets to an arterial street and to provide circulation within neighborhood areas.
  - (e) Dead-end street – Any local street, other than a cul-de-sac, which has only one (1) outlet.
  - (f) Half Street – A road right-of-way of less than 66 feet located on the boundaries of a subdivision.
  - (g) Limited access street – A street to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties.
  - (h) Local street or minor street – A street designated primarily to provide direct access to abutting properties, usually residential.
  - (i) Marginal access street or service road – A local street parallel and adjacent to a street, which provides access to abutting properties and protection from through traffic.

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- (65) Subdivider – Any person, firm, or corporation, or agent thereof, dividing, or proposing to divide, land resulting in a subdivision, condominium, minor land division (Certified Survey Map), or replat.
- (66) Subdivision – The division of a lot, parcel, or tract of land by the owners thereof, or their agents for the purpose of sale or of building development, where:
  - (a) The act of division creates five (5) or more parcels or building sites of 1-½ acres each or less in area; or,
  - (b) The act of division creates five (5) or more parcels or building sites of 1-½ acres each or less in area are created by successive divisions within a period of five (5) years.
- (67) Surveyor – A land surveyor registered by the State of Wisconsin.
- (68) Town – The Town of Winchester, Wisconsin.
- (69) Town Board – The Town Board of Supervisors of the Town of Winchester, Wisconsin.
- (70) Town Clerk – The Clerk of the Town of Winchester, Wisconsin.
- (71) Unit, Condominium – A part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors in a building.
- (72) Variance – A departure from the terms of this Ordinance as applied to a specific building, structure, or parcel of land, which the Plan Commission may permit, pursuant to this Chapter.
- (73) Zoning Administrator – The individual so designated by the Plan Commission to perform those duties as enumerated in this Chapter and as authorized by state law.

**18.09 General Use Provisions.**

- (1) Jurisdiction. Jurisdiction of these regulations shall include all lands and waters within the Town of Winchester. The provisions of this Chapter, as they apply to land divisions of tracts of land, shall not apply to:
  - (a) Transfers of interests in land by will or pursuant to court order.
  - (b) Leases for a term not to exceed ten (10) years, mortgages, or easements.
  - (c) The sale or exchange of parcels of land between owners of adjoining lots if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes and all lots meet all specifications required by this Chapter or other applicable laws or ordinances.
- (2) Coverage. This Chapter applies to all lands in the Town of Winchester. The Town Board shall be responsible to administer this Chapter unless it designates by Resolution such other authority.
- (3) Compliance. No person, firm, corporation, limited liability company, partnership, or any other business organization shall divide any land within the jurisdictional limits of these regulations which results in a subdivision, condominium, minor land division, or a replat as defined herein; no such subdivision, minor land division, or replat, as defined herein shall be entitled to recording and no street shall be laid or public improvement made to land without compliance with all requirements of this Chapter and the following:
  - (a) The provisions of Chapter 236, Wis. Stats.
  - (b) The rules of the Wisconsin Department of Safety and Professional Services.
  - (c) The rules of the Wisconsin State Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the Subdivider abuts on a state trunk highway or connecting street.
  - (d) The rules of the Wisconsin Department of Natural Resources contained in the Wisconsin Administration Code for Floodplain Management Program.
  - (e) Comprehensive plans or components of such plans prepared by state, regional, county, or municipal agencies duly adopted by the Plan Commission or Town Board of Supervisors.
  - (f) All applicable local and county regulations including but not limited to zoning, sanitary, building, and any official mapping ordinances.

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- (4) Dedication and reservation of lands. Whenever a tract of land to be divided or developed within the jurisdiction of this Chapter encompasses all or any part of a street, highway, drainage way, floodplain, or other public way which has been designated on a duly adopted Town or regional comprehensive plan or is in any way determined to be such by the Plan Commission or Town Board, said public way shall be dedicated or reserved by the owner in the locations and dimensions indicated on said plan or component and as set forth in this Chapter.
- (5) Survey monuments. Before final approval of any land division within the Town, the owner shall install survey monuments placed in accordance with the requirements of Chapter 236.15, Wis. Stats. and as may be required by the Town Board.
- (6) Land suitability. No land shall be subdivided for residential, commercial, industrial, or institutional use which is determined to be unsuitable for the proposed use by the Plan Commission or Town Board for reasons of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision, minor land division or of the Town. In addition, the Plan Commission, in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for residential, commercial, industrial, or institutional use and afford the Subdivider an opportunity to present evidence regarding such unsuitability if he or she so desires. Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability.
- (7) Existing flora. The Subdivider shall make every reasonable effort to protect and retain all healthy trees and vegetation within a subdivision or minor land division to the mutual agreement of the Town and Developer. Any trees identified for protection and preservation during construction shall be done so in accordance with sound conservation practices, possibly including the preservation of trees by well islands or retaining walls whenever abutting grades are altered.
- (8) Variance.
- (a) Application for a variance shall be made to the Town Clerk who shall provide notice of time and place of hearing by publication of a Class 1 notice, under Chapter 985, Wis. Stats.
  - (b) A copy of such notice shall be mailed to all property owners within five hundred (500) feet of the subject site. Notice of hearing shall be mailed at least 14 days prior to hearing date. The applicant shall be responsible for payment of a hearing fee as established by the Town Board.
  - (c) When the Plan Commission or Town Board finds that extraordinary hardship or injustice will result from strict compliance with this Chapter, it may vary the terms thereof to the extent deemed necessary and proper to grant relief, provided that the modification meets the following three (3) standards:
    - 1. The variance is due to physical features of the site or its location.
    - 2. The variance is the least deviation from this Chapter which will mitigate the hardship.
    - 3. The variance is not detrimental to the public interest and is in keeping with the general spirit and intent of this Chapter.
  - (d) Any variance recommendation shall include, at minimum, that the variance will not violate the purpose of this Chapter or provisions of Chapter 236, Wis. Stats.
- (9) Enforcement, penalties and remedies.
- (a) Violation. Construction of activities contrary to the approved subdivision, condominium, minor land division or replat, or in the absence of an approved subdivision, condominium, minor land division or replat, shall be a violation of this Chapter.
  - (b) Penalty. Any person, firm, or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, pay forfeiture of not less than \$50.00 nor more than \$500.00, plus the cost of prosecution for each violation. Each violation and each day a violation exists or continues shall constitute a separate offence. In addition, the remedies authorized by Chapters 236.30, 236.31 and 236.32, Wis. Stats. shall be available to the Town.

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- (c) Issuance of building permits. The Town shall not issue any building permit relating to any parcel of land forming all or any part of lands included in a subdivision, condominium, minor land division, or replat, until the Final Plat or Certified Survey Map has been recorded and until all improvements required by the Town have been installed.

**18.10 Plats Generally.**

- (1) Preliminary Consultation.
  - (a) Preplatting conference. Prior to the filing of an application for the approval of a Preliminary Plat, Condominium Plat, or minor land division (Certified Survey Map) within the Town, the Subdivider may consult with the Plan Commission, Zoning Administrator, or Town Clerk in order to obtain their advice and assistance with the following factors:
    - 1. Chapter 17: Zoning Regulations of the Town of Winchester Code of Ordinances.
    - 2. Town of Winchester Comprehensive Plan Future Land Use map.
    - 3. The suitability of the site for development.
    - 4. The availability of public facilities (sewer, schools, parks, water, etc.) and public services (police, fire, etc.).
  - (b) This consultation is intended to inform the Subdivider of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components and duly adopted plan implementation devices of the Town and to otherwise assist the Subdivider in planning the development. In so doing, the Subdivider will gain a better understanding of the subsequent required procedures.
- (2) Conservation Subdivisions. Prior to submitting a Conservation Subdivision Preliminary Plat for review by the Plan Commission, the Subdivider shall prepare a Concept Plan consistent with Chapter 18.19(6).

**18.11 Minor Land Division (Certified Survey Map).**

- (1) Submission of Minor Land Division (Certified Survey Map).
  - (a) General. When the Subdivider is proposing to combine two (2) or more parcels or when the Subdivider is proposing to divide a block, lot or outlot into not more than four (4) parcels or building sites, the Subdivider may subdivide by use of a Certified Survey Map (CSM).
  - (b) Submission. The Subdivider shall submit a Certified Survey Map (CSM) prepared by a registered land surveyor, a letter of application and fees as set forth in the Town of Winchester Fee Schedule, at least fifteen (15) days prior to the meeting of the Plan Commission at which action is desired. The Certified Survey Map shall be prepared and approved in accordance with this Chapter and Chapter 236, Wis. Stats.. In addition, a Certified Survey Map that crosses the exterior boundary of a recorded plat or assessor's plat shall comply with procedures for approval of Chapter 18.13.
  - (c) Referral to Town. The Subdivider shall file twelve (12) copies of the Certified Survey Map, a digital copy of the Certified Survey Map file in PDF or compatible form on Compact Disc, fees as set forth in the Town of Winchester Fee Schedule, and the necessary applications with the Town Clerk. The Town Clerk shall retain one (1) copy of the Certified Survey Map plus the Compact Disc, applications, and fees and forward the other eleven (11) copies to the following:
    - 1. Seven (7) copies to the Plan Commission.
    - 2. Four (4) copies to the Town Board.
    - 3. One (1) copy to the Zoning Administrator.

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- (2) Minor Land Division (Certified Survey Map) Review and Approval.
- (a) Review and Decision by Plan Commission. The Plan Commission shall, within forty-five (45) days of the date of the filing of a Certified Survey Map with the Town Clerk, recommend approval, conditional approval, or rejection of such Certified Survey Map to the Town Board unless the time is extended by agreement in writing between the Town and the Owner.
  - (b) Review and Decision by Town Board. After receipt of the Plan Commission's recommendation, the Town Board shall, within sixty (60) days of the date of the filing of a Certified Survey Map with the Town Clerk, approve, approve conditionally or reject such Certified Survey Map unless the time is extended by agreement in writing between the Town and the Owner. Any conditions indicated on a conditional approval shall be completed prior to the affixing of Town signatures on the Certified Survey Map. The Subdivider shall be notified in writing by the Town Clerk of approval, any conditions of approval or the reasons for rejection.
- (3) Requirements for Minor Land Divisions (Certified Survey Map).
- (a) General. A Certified Survey Map prepared by a registered land surveyor shall be required for all minor land divisions, shall comply in all respects with the requirements of Chapters 236.34 and 236.21, Wis. Stats., shall comply with the design standards set forth in this Chapter, and shall show the following:
    - 1. All lands reserved for future public acquisition or reserved for the common use of property owners within the Certified Survey Map. If property reserved for common use is located within the minor land division, provisions and plans for its use and maintenance shall be submitted with the Certified Survey Map. A note shall be placed on the face of the plat noting ownership and maintenance of all common use areas and that deed restrictions are on file at the County Register of Deeds' office.
    - 2. Recorded easements shown on the Certified Survey Map shall list the document number in the easement area shown on the map. If the easement is proposed with the Certified Survey Map, an accompanying statement shall be shown on the Certified Survey Map.
    - 3. Square footage of each lot shall be labeled.
    - 4. Existing zoning on and adjacent to the proposed Certified Survey Map.
    - 5. A note on the Certified Survey Map noting ownership and maintenance obligations of all drainage swales, easements, retention and detention ponds or other facilities shall be required.
    - 6. Special restrictions required by the Town and any other agency relating to access control along public ways, the provision of planting strips, access restrictions, reservation of wetlands and environmental corridors, more restrictive yard requirements, or special restrictions for environmentally significant lands.
    - 7. A statement of restricted access shall be shown on the face of the Certified Survey Map if the parcels being subdivided abut a restricted access street.
    - 8. Where the Plan Commission finds that it requires additional information relative to a particular problem presented by the proposed minor land division in review of the Certified Survey Map, it shall have the authority to request in writing such information from the Subdivider.
    - 9. Existing buildings and structures.
    - 10. Existing and proposed public roads.
    - 11. The location of all primary conservation areas as identified in Chapter 18.19(5)(b).
    - 12. The location of all secondary conservation areas as identified in Chapter 18.19(2).
  - (b) Monumenting. All Certified Survey Maps shall be monumented in accordance with Chapter 236.34(1)(b), Wis. Stats.. In addition, metal fence posts shall be placed next to all monuments within a Certified Survey Map in an undeveloped area.

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- (c) Certificates. The Surveyor shall certify on the Certified Survey Map that he or she has fully complied with all the provisions of this Chapter and Chapter 236, Wis. Stats. The Town Board, after a recommendation by the Town Plan Commission, shall certify its approval on the Certified Survey Map upon review of all taxes having been paid. In addition, dedication of streets and other public areas shall require the owner's certificates and mortgagee's certificates in substantially the same form as required by Chapter 236.21, Wis. Stats.
- (d) Recordation. All Certified Survey Maps, upon receipt of final approval by the Town Board or its designees, shall be recorded in the Office of the Register of Deeds by the land divider at the cost of the land divider within twelve months after the last approval and 36 months from the first approval.
- (e) Filing of True Copy of Certified Survey Map. The Subdivider shall file one (1) copy of the recorded Certified Survey Map on reproducible paper with the Town Clerk.

**18.12 Preliminary Plat.**

- (1) Submission of Preliminary Plat.
  - (a) Submission. Before submitting a Final Plat for approval, the Subdivider shall submit a Preliminary Plat prepared by a registered land surveyor, a letter of application, and the necessary fees at least fifteen (15) days prior to the meeting of the Plan Commission at which action is desired. The Preliminary Plat shall be prepared in accordance with this Chapter, and the Preliminary Plat shall comply with the procedures for approval of plats of Chapter 236, Wis. Stats.
    - 1. A Preliminary Plat for a proposed Conservation Subdivision shall not be accepted for review by the Plan commission unless a Concept Plan has been previously submitted by the subdivider and approved by the Plan Commission.
  - (b) Referral of Preliminary Plat to Objecting Agencies. The Subdivider shall, pursuant to Chapter 236.12, Wis. Stats., submit the original drawing of the Preliminary Plat directly to the Objecting Agencies and one (1) copy to East Central Wisconsin Regional Planning Commission. It shall be the responsibility of the Subdivider to submit the additional copies required by this Chapter.
  - (c) Referral of Preliminary Plat to Town. The Subdivider shall file twelve (12) copies of the Preliminary Plat and one (1) copy on ledger size paper, plus a digital copy of the plat file in PDF or compatible form on Compact Disc, fees as set forth in the Town of Winchester Fee Schedule, and the necessary applications with the Town Clerk. The Town Clerk shall retain one (1) copy of the Preliminary Plat and ledger copy, plus the Compact Disc and forward the other eleven (11) copies to the following Agencies:
    - 1. Seven (7) copies to the Plan Commission.
    - 2. Four (4) copies to the Town Board.
    - 3. One (1) copy to the Zoning Administrator.
- (2) Preliminary Plat Review and Approval.
  - (a) Notification. The Town Clerk shall schedule a public hearing before the Plan Commission when a Preliminary Plat within the Town is filed and shall cause notices of the proposed Preliminary Plat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed Preliminary Plat and to the owners of all properties within five hundred (500) feet of the exterior boundaries of the proposed Preliminary Plat at least fourteen (14) days prior to the Plan Commission meeting at which action is desired.
  - (b) Review and Decision by Plan Commission. The Plan Commission shall, within sixty (60) days of the date of the filing of a Preliminary Plat with the Town Clerk, recommend approval, conditional approval, or rejection of such plat to the Town Board unless the time is extended by agreement in writing between the Town and the Owner.

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- (c) Review and Decision by Town Board. After receipt of the Plan Commission's recommendation, the Town Board shall, within ninety (90) days of the date of the filing of a Preliminary Plat with the Town Clerk, approve, conditionally approve, or reject such plat unless the time is extended by agreement in writing between the Town and the Owner. The Subdivider shall be notified in writing by the Town Clerk of approval, any conditions of approval, or the reasons for rejection.
  - (d) Failure to act. Failure of the Town Board to act within ninety (90) days, or extension thereof, constitutes an approval of the Preliminary Plat, unless other authorized agencies object to the Preliminary Plat.
  - (e) Effect of approvals. Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat, or the Final Plat of Phase 1 of the Preliminary Plat, is submitted within six (6) months of Preliminary Plat approval and conforms substantially to the Preliminary Plat layout, and all conditions imposed as part of the Preliminary Plat approval have been satisfied, the Final Plat shall be entitled to approval with respect to such layout.
  - (f) Preliminary Plat Amendment. Should the Subdivider desire to amend the Preliminary Plat as approved, the Subdivider may resubmit the amended plat which shall follow the procedure for Preliminary Plats in this Chapter, plus the fee.
- (3) Technical Requirements for Preliminary Plats.
- (a) General. A Preliminary Plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor, shall comply in all respects with the requirements of Chapter 236, Wis. Stats., shall comply with the design standards set forth in Chapter 18.16, shall be provided digitally on Compact Disc in a PDF compatible format, shall be prepared on reproducible paper of good quality at a scale of not more than one hundred (100) feet to the inch, and the Preliminary Plat shall show correctly on its face the following information:
    - 1. Title or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously recorded plat, unless the plat is an addition by the same owner to a previously recorded plat and is so stated on the plat.
    - 2. "Preliminary Plat" shall be clearly marked on the plat.
    - 3. Property location of the proposed subdivision by government lot, quarter section, township, range, county, and state.
    - 4. Date, scale, and north arrow.
    - 5. Names, addresses, and telephone numbers of the owner, Subdivider, and land surveyor preparing the plat.
    - 6. Entire area contiguous to the proposed plat owned or controlled by the Subdivider shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and undo hardship would result from strict application thereof.
    - 7. General location sketch showing the location of the subdivision within the U.S. Public Land Survey section oriented on the sheet in the same direction as the main drawing.
  - (b) Plat Data. All Preliminary Plats shall show the following:
    - 1. Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
    - 2. Locations of all existing property boundary lines, structures including the use and setback dimensions to existing and proposed property lines, driveways, lakes, streams and water courses, marshes, wetlands, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto. Delineation of all wetlands, shoreland/wetlands, isolated natural areas and primary

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environmental corridors shall be based on field staking by an agency or firm certified to make such delineation by the Federal Government or the Wisconsin Department of Natural Resources.

3. Location, right-of-way width, and names of all existing and proposed streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
4. Location and names of any adjacent subdivisions, parks and cemeteries and owners of record of abutting platted and unplatted lands.
5. Reference to an established bench mark on USGS datum.
6. Type, width, and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations. All elevations shall be based on the verified datum plan of the USGS.
7. Location, size, and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of public and private manholes, catch basins, hydrants, electric and communication facilities, whether overhead or underground 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 sanitary or storm 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 the direction and distance from the tract, size and invert elevations. All elevations shall be based on the verified datum plan of the USGS.
8. All lands reserved for future public 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. A note shall be placed on the face of the plat noting ownership and maintenance of all common use areas and that deed restrictions are on file at the County Register of Deeds' office.
9. Special restrictions required by the Town and any other agency relating to access control along public ways, the provision of planting strips, access restrictions, reservation of wetlands and environmental corridors, more restrictive yard requirements, or special restrictions for environmentally significant lands.
10. Corporate limit lines within the exterior boundaries of the plat or immediately adjacent thereto.
11. Existing zoning and proposed use on and adjacent to the proposed subdivision and minimum lot size requirements shall be shown using the Town of Winchester Comprehensive Plan and Chapter 17: Zoning Regulations of the Town of Winchester Code of Ordinances.
12. Building setback lines.
13. Normal and high-water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom, all based on the verified datum plan of the USGS.
14. Floodland and shoreland boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood.
15. Location and results of soil boring tests within the exterior boundaries of the plat conducted in accordance with Chapter SPS 385 of the Wisconsin Administrative Code where the subdivision will not be served by public sanitary sewer service. The results of such tests shall be submitted along with the Preliminary Plat.
16. Location and results of percolation tests within the exterior boundaries of the plat conducted in accordance with Chapter SPS 383 of the Wisconsin Administrative Code

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where the subdivision will not be served by public sanitary sewer service. The results of such tests shall be submitted along with the Preliminary Plat.

17. Approximate dimensions of all lots together with proposed lot and block numbers assigned in consecutive order. The area in square feet of each lot shall be provided.
  18. Location and approximate dimensions and size of any sites to be reserved or dedicated for parks, playgrounds, 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.
  19. Approximate radii of all curves.
  20. Any proposed lake and stream access with a drawing clearly indicating the location of the proposed subdivision in relation to access.
  21. Any proposed lake and stream improvement or relocations.
  22. Meander lines if a subdivision borders a lake or stream shore, the distances and bearings of a meander line shall be shown.
  23. Tabulation of gross area, street area, other dedicated and reserved area, net subdivided area, number of lots, average lot size, typical lot dimensions and lineal feet of streets.
  24. A draft of all types of restrictions/covenants placed on the land.
  25. Where the Plan Commission finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the Preliminary Plat, it shall have the authority to request in writing such information from the Subdivider.
- (c) Conservation Subdivisions. In addition to the information required in Sections 18.12(3)(a and b) above, a Preliminary Plat for a Conservation Subdivision shall include all of the information identified in Chapter 18.19.
- (4) Drainage Plans. Drainage Plans shall meet the requirements as set forth by Winnebago County and shall be reviewed and approved by Winnebago County. Where Plan Commission finds that additional information is required relative to a particular problem presented by a proposed development in order to review the drainage plan, they shall have the authority to request in writing such information from the Subdivider.
- (5) The Preliminary Plat shall include all phases of the proposed development.

**18.13 Final Plat.**

- (1) Submission of Final Plat.
  - (a) Submission. The Subdivider shall submit a Final Plat prepared by a registered land surveyor, a letter of application and the necessary fees at least fifteen (15) days prior to the meeting of the Plan Commission at which action is desired. The Final Plat shall be prepared in accordance with this Chapter and the Final Plat shall comply with the procedures for approval of plats in Chapter 236, Wis. Stats.
  - (b) Referral of Final Plat to Objecting Agencies. The Subdivider shall, pursuant to Chapter 236.12, Wis. Stats., submit the original drawing of the Final Plat directly to the Objecting Agencies and one (1) copy to East Central Wisconsin Regional Planning Commission. It shall be the responsibility of the Subdivider to submit the additional copies required by this Chapter.
  - (c) Referral of Final Plat to Town. The Subdivider shall file twelve (12) copies of the Final Plat and one (1) copy on ledger size paper, plus a digital copy of the plat file in PDF or compatible form on Compact Disc, fees in the Town of Winchester Fee Schedule, and the necessary applications with the Town Clerk. The Town Clerk shall retain one (1) copy of the Final Plat

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and ledger copy, plus the Compact Disc and forward the other eleven (11) copies to the following Agencies:

1. Seven (7) copies to the Plan Commission.
  2. Four (4) copies to the Town Board.
  3. One (1) copy to the Zoning Administrator.
- (d) Referral of Final Drainage Plan to Town. The Plan Commission may request that copies of the Final Drainage Plan be reviewed and approved by the Plan Commission. Any such approval shall at a minimum meet all the requirements of Winnebago County. The Subdivider shall file eight (8) copies and one (1) ledger copy, plus a digital copy of the plan file in PDF form by Electronic Mail or Compact Disc of the Final Drainage Plan with the Town Clerk. The Town Clerk shall retain one (1) copy of the Final Drainage Plan, ledger copy, and the Compact Disc and forward the other seven (7) copies to the Plan Commission.
- (2) Final Plat Review and Approval.
- (a) Notification. The Town Clerk shall schedule a public hearing before the Plan Commission when a Final Plat within the Town is filed and shall cause notices of the proposed Final Plat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed Final Plat and to the owners of all properties within five hundred (500) feet of the exterior boundaries of the proposed Final Plat at least fourteen (14) days prior to the Plan Commission meeting at which action is desired.
- (b) Review and Decision by Plan Commission.
1. The Plan Commission shall examine the Final Plat as to its conformance with the approved Preliminary Plat, any conditions of approval of the Preliminary Plat, this Chapter and all applicable ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it.
  2. The Plan Commission shall, within forty-five (45) days of the date of the filing of a Final Plat with the Town Clerk, recommend approval, conditional approval, or rejection of such plat to the Town Board unless the time is extended by agreement in writing between the Town and the Owner.
- (c) Review and Decision by Town Board.
1. After receipt of the Plan Commission's recommendation, the Town Board shall, within sixty (60) days of the date of the filing of a Final Plat with the Town Clerk, approve, conditionally approve, or reject such plat unless the time is extended by agreement in writing between the Town and the Owner. Any conditions indicated on a conditional approval shall be completed prior to the affixing of Town signatures on the Final Plat. The Subdivider shall be notified in writing by the Town Clerk of approval, conditional approval, or the reasons for rejection.
  2. If the Subdivider fails to submit the Final Plat or Final Plat of a phase of the Preliminary Plat within twelve (12) months of the last approval of the Preliminary Plat, and thirty-six (36) months of the first approval, the Town Board may refuse the Final Plat and the Subdivider may be required to recommence the entire procedure for Preliminary Plat approval.
  3. If the Subdivider fails to submit a Final Plat of subsequent phases of the Preliminary Plat within twenty-four (24) months of the approval of the Preliminary Plat by the Town Board, the Town Board may refuse the Final Plat and the Subdivider may be required to recommence the entire procedure for Preliminary Plat approval.
- (d) Failure to Act. Failure of the Town Board to act within sixty (60) days, the Plat shall be deemed approved, provided the time having not been extended and no unsatisfied objections having been filed, and all fees required from the Subdivider having been paid.

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- (e) Partial Platting. If permitted by the Town Board, the approved Preliminary Plat may be platted in phases with each phase encompassing only that portion of the approved Preliminary Plat which the Subdivider proposes to record at one (1) time; however, it is required that each phase be Final Platted pursuant to Chapter 18.13 herein and be designated as a phase of the approved Preliminary Plat.
    - 1. If the plat is to be developed in phases, the amount of any assurance shall be limited to the phase currently being constructed.
- (3) Requirements for Final Plats.
- (a) Plat Data. A Final Plat prepared by a registered land surveyor, shall meet all requirements of Chapter 236.20, Wis. Stats. and shall show the following:
    - 1. Exact length, width, bearing, and purpose of utility and/or drainage easements.
    - 2. All lands reserved for future public 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. A note shall be placed on the face of the plat noting ownership and maintenance of all common use areas and that deed restrictions are on file at the County Register of Deeds' office.
    - 3. A note on the face of the plat noting ownership and maintenance obligations of all drainage swales, easements, retention and detention ponds or other facilities shall be required.
    - 4. Special restrictions required by the Town and any other agency relating to access control along public ways, the provision of planting strips, access restrictions, reservation of wetlands and environmental corridors, more restrictive yard requirements, or special restrictions for environmentally significant lands.
    - 5. Setback or building lines as listed in Chapter 17: Zoning Regulations of the Town of Winchester Code of Ordinances.
    - 6. Location, including exact dimension, bearing, and size, of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, or other public use, or which are to be used for group housing, retail centers, church sites or other non-public uses not requiring platting.
    - 7. Where the Plan Commission finds that additional information is required relative to a particular problem presented by the proposed subdivision in review of the Final Plat, they shall have the authority to request in writing such information from the Subdivider.
    - 8. All of the information identified in Chapter 18.19(2).
  - (b) Property Owners Association. The legal instruments creating a property owners association for the ownership and/or maintenance of common lands in the subdivision shall be filed with the Final Plat.
  - (c) Surveying and Monumenting. All Final Plats shall meet all the surveying and monumenting requirements of Chapter 236.15, Wis. Stats. In addition, metal fence posts shall be placed next to all monuments within the plat.
  - (d) Wisconsin Coordinate System. All Final Plats shall comply in all respects with the requirements of Chapter 236.18, Wis. Stats., referenced to the Winnebago County Coordinate System NAD83, 1991 corrected, south zone 4803.
  - (e) Certificates. All Final Plats shall provide all the certificates required by Chapter 236.21, Wis. Stats., and in addition, the surveyor shall certify that he or she has fully complied with all the provisions of this Chapter, as follows:
    - 1. Surveyor's certificate of compliance with statute.
    - 2. A clear and concise description of the land surveyed, divided and mapped.
    - 3. Owner's certificate.

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4. Certificate of taxes paid.
  5. Approval certification of the various approving authorities.
  6. Town Clerk's certification that the Plat has been submitted as required by law.
- (f) Recordation. The Final Plat shall only be recorded with the County Register of Deeds after the certificates of the Wisconsin Department of Administration, of the Town Board, of the surveyor, and those certificates required by Chapter 236.21, Wis. Stats. are placed on the plat. The plat, upon receipt of final approval by the Town Board or its designees, shall be recorded in the Office of the Register of Deeds by the land divider at the cost of the land divider within twelve months after the last approval and 36 months from the first approval.
- (g) Filing of True Copy of Plat. The Subdivider shall file one (1) copy of the recorded Final Plat on reproducible paper with the Town Clerk.

**18.14 Replat.**

- (1) Replat.
- (a) Replat. Except as provided in Chapter 70.27(l), Wis. Stats., when it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the Subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Chapters 236.36 through 236.44, Wis. Stats. The Subdivider, or person wishing to replat, shall then proceed as specified for Chapter 18.12 and Chapter 18.13.
- (b) The Town Clerk shall schedule a public hearing before the Plan Commission when a Preliminary Plat of a replat of lands within the Town is filed and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within five hundred (500) feet of the exterior boundaries of the proposed replat at least fourteen (14) days prior to the Plan Commission meeting at which action is desired.
- (2) Assessor's Plat. An Assessor's Plat made under Chapter 70.27, Wis. Stats. may be ordered by the Town Board at the expense of the subdivider when a subdivision is created by successive divisions.

**18.15 Condominium Developments.**

- (1) Applicability.
- (a) This Section applies to condominium development projects where the development has two or more units on any parcel for residential or non-residential use.
- (b) This Section shall not apply to condominium conversions of existing structures for non-residential use purposes or to conversions for residential use where no additional dwelling units are being created.
- (2) Condominium Development Standards.
- (a) All provisions of this Chapter shall apply to Condominium Plats, except provisions relating specifically to lot lines and provisions of Chapter 236, Wis. Stats.
- (b) Chapter 703, Wis. Stats. shall apply to all condominium developments.
- (c) In the application of these standards, condominium development projects shall be subject to no more restrictive rules than are non-condominium projects that are physically equivalent.
- (3) Fees. Refer to the Town of Winchester Fee Schedule.
- (4) A condominium association, governed under the terms of an approved condominium agreement, shall be required for all proposed condominium developments in the Town of Winchester.

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**18.16 Standards and Improvements.**

- (1) Design Standards.
  - (a) Location of Site.
    1. General plan. All divisions of land shall conform to the Town of Winchester Comprehensive Plan, Chapter 17: Zoning Regulations of the Town of Winchester Code of Ordinances, the official map, this Chapter and all other pertinent ordinances, regulations, resolutions or plans which are adopted by the Town.
    2. Objectionable areas. Land subject to hazards of life, health, or property as may arise from fire, floods, disease, noise, or considered to be uninhabitable for other reasons, may not be subdivided for building purposes unless the hazard has been eliminated or the plans show adequate safeguards correcting the hazards.
    3. Nearby development. A subdivision shall be coordinated with existing nearby development or neighborhoods so that the area as a whole shall be developed harmoniously in a coordinated manner as outlined in the Town of Winchester Comprehensive Plan.
  - (b) Compliance with State Standards. All subdivisions shall conform to:
    1. The provisions of Chapter 236, Wis. Stats., except that this Chapter shall prevail where it imposes higher standards.
    2. The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wisconsin Administrative Code relating to safety of access and the preservation of the public interest and investment in the streets if the subdivision or any lot contained therein abuts on a state trunk highway or connecting street.
  - (c) Streets.
    1. General considerations. All new streets/roads designed as part of new subdivisions in the Town of Winchester shall be constructed consistent with applicable Town and/or State standards. All proposed streets/roads shall be dedicated to the public and shall be designed and located in relation to:
      - a. Existing and planned streets.
      - b. Topographic considerations, drainage and other natural features, to produce usable lots and streets of reasonable gradient.
      - c. The public convenience and safety.
      - d. The future circulation needs of nearby lands.
      - e. The proposed uses of land to be served.
      - f. Abutting properties for future subdivision interconnectivity between developments.
    2. Streets to conform to town plans. Street layouts, widths, grades and locations shall conform to the official map, the comprehensive plan, and Town standards and specifications.
    3. Arrangement.
      - a. Arterial streets. Arterial streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community retail 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 arterial streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
      - b. Collector streets. Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street and highway system.

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- c. Local streets. Local streets shall be arranged to conform to the topography, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide for safe and convenient access to abutting property.
  - d. Marginal access streets. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Plan Commission may require a marginal access street, approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land.
  - e. Dead-end streets. Shall not be permitted.
  - f. Cul-de-sacs. Streets designed to have one (1) end permanently closed shall not exceed six hundred (600) feet in length from centerline of intersecting street to center of turnaround, except in topographical and unusual situations, and shall terminate with a turnaround of not less than one hundred and twenty (120) feet in diameter of right-of-way and a roadway turnaround of ninety-six (96) feet in diameter.
  - g. A temporary cul-de-sac shall be placed at the end of a street that is intended to be extended and shall be clearly indicated on the Final Plat, Condominium Plat, or Minor Land Division.
  - h. A provision shall be made for reversion of the excess temporary turnaround right-of-way to the adjoining properties when the street is extended.
  - i. Reserve strips. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the Town under conditions approved by the Plan Commission.
  - j. Half streets. Half streets shall not be permitted except:
    - (i) To complete a street, the other half of which is already dedicated and accepted.
    - (ii) To conform to the major thoroughfare plan or official map.
4. Design Standards for Roads and Streets within Proposed Subdivisions. All roads designed as part of new subdivisions in the Town of Winchester shall be constructed consistent with applicable State standards as defined in the 'State of Wisconsin Department of Transportation Facilities Development Manual' and 'Wisconsin Department of Transportation Standard Specifications' as published annually. In order to reduce the percentage of impervious surface within proposed subdivisions and minimize run-off to surface waters, minimum road width for new residential construction in the Town of Winchester shall be based upon the Average Daily Traffic volume consistent with State standards. The State standard for trip generation is 9.57 per day from a single-family, detached home.

Average Daily Traffic Volume	Minimum Right-of-Way Width to be Dedicated	Minimum Roadway Width	Minimum Surface Width	Minimum Shoulder Width
Up to 400	66 feet	28 feet	22 feet	3 feet
401-1,000	66 feet	34 feet	22 feet	6 feet
1,001-2,400	66 feet	44 feet	24 feet	10 feet
Cul-de-sac Road	66 feet	28 feet	22 feet	3 feet
Cul-de-sac Bulb	66 foot radius	n/a	45 foot radius	3 feet

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5. Grades. Streets grades shall comply with town road standards contained in Chapter, Wis. Stats., or as determined by the Town Board, however, the minimum grade shall be not less than half of a percent (0.5%).
  6. Curves. The minimum radii or curvature on the centerline shall be not less than one hundred (100) feet for minor streets.
  7. Limited access highways. Where a tract, lot or parcel of land abuts a State or County limited access highway, access shall meet all requirements of the controlling authority.
  8. Street names. New street names shall not duplicate in fact or sound substantially similar to the names of existing streets in the Town, but streets that are continuations of others already in existence and named shall bear the name of the existing street, except if the continuation changes alignment approximating ninety (90) degrees from its original direction, when a new name may be required by the Town. Street names shall be approved by the Town Board.
  9. Intersections.
    - a. Streets shall intersect at right angles. Not more than two (2) streets shall intersect at one (1) point unless approved by the Plan Commission and Town Board.
    - b. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided. Where streets intersect arterials, their alignment shall be continuous.
    - c. The distance between intersections of local or collector streets with arterial streets shall not be less than 1,200 feet, unless approved by the Plan Commission and Town Board.
    - d. Traffic Calming Devices. The location of traffic calming devices, such as but not limited to traffic circles, speed humps, raised intersection, etc., shall be approved by the Plan Commission and Town Board.
  10. Special Streets. Where parkways or special types of streets are involved, the Plan Commission may apply special standards to be followed in their design.
  11. Marginal Access Streets. Where a marginal access street has been provided, the Plan Commission may require that such a street be located at a distance from the major street or easement suitable for the appropriate use of the intervening land for:
    - a. Park purposes.
    - b. Motor vehicle parking, business or industry, in appropriate zones.
    - c. Other provisions for the adequate protection of residential properties and the separation of through and local traffic. Such distances shall be determined with due regard for the requirements of approach grades and future grade separation.
  12. Traffic Impact Analysis. A Traffic Impact Analysis, comparing current traffic conditions with anticipated future conditions, may be required for any residential development anticipated to generate an ADT greater than one hundred (100) or any residential development with ingress/egress to a County or State highway.
- (d) Lots.
1. Generally. 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. In addition, lots shall conform to the following:
    - a. Depth 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.
    - b. Lot lines shall follow Town boundary lines, rather than cross them.
  2. Dimensions.

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- a. Widths and areas of lots shall meet the requirements of the Town of Winchester Comprehensive Plan, Chapter 17: Zoning Regulations of the Town of Winchester Code of Ordinances, or any other applicable regulations.
  - b. Every lot shall front or abut a public street for a distance of at least thirty-three (33) feet. Flag lots not meeting the minimum frontage requirement shall be prohibited. All lots shall have a minimum width at the building setback line as prescribed for the particular zoning district in which the lot is located.
3. Frontage.
- a. All lots shall abut on a public street or an approved access.
  - b. Double frontage lots shall not be permitted except as required by the Plan Commission and Town Board where they are desirable to provide separation of development from traffic arterials or inharmonious uses, or to overcome disadvantages of topography or situation. A planting and/or fencing screen easement of at least twenty (20) feet, and across which there shall be no right of access, may be required, by the Plan Commission, along the line of lots abutting such traffic arterials or other inharmonious use.
4. Side lot lines. Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face.
5. Corner lots. Corner lots shall have sufficient width to provide usable rear yards as well as to permit full building setbacks from all streets as set forth in Chapter 17: Zoning Regulations of the Town of Winchester Code of Ordinances or other regulations.
6. Grading. All lots shall be graded according to the master drainage plan.
- (e) Blocks.
1. Generally. The widths, lengths and shapes of blocks shall be suited for the following:
    - a. The planned use of the land.
    - b. Zoning requirements, need for convenient access.
    - c. Control and safety of street traffic.
    - d. Limitations and opportunities of topography.
  2. Length. The length of blocks in residential areas should not be less than five hundred (500) feet, nor more than one thousand five hundred (1,500) feet in length, unless otherwise dictated by exceptional topography or other limiting factors of good design or otherwise approved by the Plan Commission.
  3. Width. The width of blocks shall be wide enough to provide for two (2) tiers of residential lots of appropriate depth, except where otherwise required to separate residential development from through traffic or where lots abut a lake or stream.
- (f) Special Restrictions. Special restrictions which are appropriate to the location or design of the Land Division may be required by the Plan Commission and shall be shown on the Final Plat, Condominium, or Certified Survey Map. Examples of the application of this provision include, but are not limited to, access control along public ways, required planting or buffering strips, and prohibition of structures and vegetative clearing in environmentally significant lands.
- (g) Easements.
1. Generally. Easements shall be provided for any surface, underground or overhead utility service, and stormwater drainage. Such easements shall be at least fifteen (15) feet in width, to accommodate the installation and future maintenance of the facility and shall be located to provide continuity of alignment throughout the area served.
  2. Location. Power and communication lines shall be planned along rear lot lines wherever possible.

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3. Bicycle/Pedestrian Connections. Bicycle and pedestrian easements or dedications, not less than fifteen (15) feet in width, may be required by the Plan Commission to provide access to playgrounds, schools, shopping centers, or other community facilities.
  4. Burial of Utilities. Utility lines shall be buried, except as deemed inappropriate by the Plan Commission.
  5. Conservation. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a conservation easement not less than seventy (70) feet in width, conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose.
- (h) Surface Water Drainage. All land divisions shall meet the requirements and applicable surface water drainage regulations administered and enforced by the Town of Winchester or Winnebago County.
- (i) Drainage ways. The Subdivider shall make provisions for surface water runoff as required on the Drainage Plan by cutting and filling the drainage ways to the grades, elevations and widths as set forth on the plan. The drainage ways shall be protected from erosion by seeding and mulching and other additional erosion control steps that may be required by this Chapter. The drainage plan shall be deemed to be a covenant running with the land. No person shall alter, change or modify the approved drainage plan by regrading, construction or otherwise, without the prior written approval of the Plan Commission. Such approval shall be conditioned upon the provision of suitable drainage alternatives. The obstruction of drainage flow at either primary drainage swales or along the lot line drainage is prohibited.
- (j) Storm Drainage. Storm sewers, culverts and related facilities shall be designed to permit the unimpeded flow of natural water courses, ensure the drainage of all low points along the line of streets, and provide positive drainage away from on-site sewage disposal facilities. Storm drainage facilities must be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in run-off that will occur when all the property at a higher elevation in the same drainage basin is fully developed. Where adequate existing storm sewers are readily accessible, the Subdivider shall connect his storm water facilities to these existing sewers. In the design of storm drainage facilities, special consideration shall be given to preventing excess run-off onto adjacent property. Where a storm drainage outlet will abut another property, sufficient and adequate engineering safeguards shall be designed in the plat to prevent damage to adjoining property.
- (k) Sanitary Sewers. In areas that have a sanitary sewer system on or near the proposed subdivision, the Town shall determine the feasibility of service and the requirements to be followed by the Subdivider. In areas that are not to be served by a sewer system, on-site subsurface sewage disposal systems may be permitted only where soil tests and feasibility reports them satisfactory as regulated by the Town Board, Winnebago County, SPS 383, and other Wisconsin State codes. If private on-site sewers or community wastewater supply system are utilized, lot & house layout shall be so designed as to provide for further subdivision when public sewer is available.
- (l) Water Facilities. Where there is an existing public water supply system on or near the subdivision, the Town shall determine the feasibility of connection to this system. Where there is a community water supply system, connection must be approved by the Utility District and by the State of Wisconsin. Where there is no existing public water supply and no community water supply, individual water supply systems will be permitted in accordance with minimum standards, approved by the Town Board, Winnebago County, or State of Wisconsin. The Plan Commission and Town Board may condition that the land division establish a community water supply system per Wisconsin State Statutes and state codes and regulations.

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- (m) Noise Abatement along Highways. A subdivision abutting a state or federal highway shall have a note on the face of the plat, "The lots of this land division may experience noise at levels exceeding the levels in s. Trans 405.04, Table I. These levels are based on federal standards. Developer and owners of these lots are responsible for abating noise sufficient to protect these lots. The department of transportation is not responsible for abating noise from existing state trunk highways or connecting highways, in the absence of any increase by the department to the highway's through-lane capacity."
  - (n) Conservation Subdivision. If the Subdivider is proposing a Conservation Subdivision or Low Impact Development, where the design of the subdivision clusters development in areas to preserve open space and natural resources, design standards and improvements required by this Section may be reviewed or waived by the Plan Commission.
- (2) Required Improvements.
- (a) General. All Land Division required improvements shall be constructed in accordance with plans and standard specifications approved by the Town.
  - (b) Survey Monuments. The Subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15, Wis. Stats., and as may be required by the Plan Commission.
  - (c) Grading.
    - 1. The Subdivider shall grade the subdivision in accordance with the drainage plan as may be required, reviewed and approved by Winnebago County.
    - 2. After the installation of temporary block corner monuments by the Subdivider and establishment of street grades, the Subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town. The Subdivider shall grade the roadbeds in the street right-of-way to sub grade.
  - (d) Surfacing. After the installation of all utility and storm water drainage improvements, the Subdivider shall surface all roadways in streets to the widths prescribed by these regulations, the developer's agreement, and the comprehensive plan or comprehensive plan components of the Town. Said surfacing shall be done in accordance with plans and standard specifications approved by the Town and per the Developer's Agreement.
  - (e) Sidewalks and Trails. The Plan Commission may require sidewalks and/or trails where it deems necessary in accordance with plans, Town ordinances, and standard specifications approved by the Town.
  - (f) Public Sanitary Sewerage and Private Sewerage Disposal Systems. The Subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. The Subdivider shall install or cause to be installed sewer laterals at the center of each lot to the street lot line. If public sewer facilities are not available, the Subdivider shall make provisions for adequate private sewage disposal systems as specified by the Town and Wisconsin State and County Boards of Health.

If, at the time of Final Platting, sanitary sewer facilities are not available to the plat, but will become available within a period of five (5) years from the date of plat recording, the Subdivider shall install or cause to be installed sanitary sewers and sewer laterals to the street lot line in accordance with this section and shall cap all laterals as may be specified by the Town. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the Town of Winchester.
  - (g) Storm Water Drainage Facilities.
    - 1. The Subdivider shall construct all required storm water drainage facilities, which may include curbs and gutters, catch basins and inlets, culverts, storm sewers, road ditches

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and open channels, as may be required to meet the minimum requirements and standards of Winnebago County. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, the type of facility required, the design criteria, and the sizes and grades to be determined by the Subdivider's engineer, so as to be in conformance with the requirements and standards of Winnebago County.

2. Should any subdivision disrupt any drainage courses, the Subdivider is responsible for relocating this course to the satisfaction of the Town and, if applicable, the appropriate state, county or local agency and allowing the natural flow of storm water.
  3. Storm drainage facilities shall be so designed as to present no hazard to life or property; and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Town.
- (h) Public Water Supply Facilities. The Subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. The Subdivider shall install or cause to be installed water laterals at the center of each lot to the street lot line. If municipal water service is not available, the Subdivider shall make provisions for adequate private water systems as specified by the Town and Wisconsin State and County Boards of Health. The size, type, and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Town.
- (i) Other. The Subdivider shall cause gas, electrical power and communication facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such electrical or communication service shall be located on overhead poles along the front lot lines unless otherwise approved by the Plan Commission due to exceptional topography or other physical barrier. The Subdivider shall consult with the various utility companies to determine the feasibility of burying utility lines. Plans indicating the proposed location of all gas, electrical power and communication distribution and transmission lines required to service the plat shall be approved by the particular utility having jurisdiction.
- (j) Street lamps. The Plan Commission and Town Board may require street lamps of a type approved by the Plan Commission, and in accordance with plans and standard specifications set by the applicable utility company and the street lighting policy set by the Town Board.
- (k) Street and Regulatory Signs and Traffic Signals. The Subdivider shall cause to be installed at the intersection of all streets, street name and regulatory signs of a design specified by the Town and as required in the Development Agreement. The Subdivider shall pay the Town to install street and regulatory signs and traffic signals of a design approved by the Town and as required in the Development Agreement at locations specified by the Town.
- (l) Erosion Control. The Subdivider shall install all erosion control measures as required by Winnebago County.
- (3) Construction and Inspection.
- (a) Commencement. No construction or installation of improvements shall commence in a proposed land division until the Final Plat has been approved and the Town Clerk has given written authorization, and only after required sureties have been accepted by the Town.
  - (b) Building Permits. No building permits shall be issued for erection of a structure on any lot not on record until all the requirements of this Chapter have been met. The requirements of Chapter 18.11(3)(e) or Chapter 18.13(3)(3), filing of true copy of land division, shall have been met.
  - (c) Plans. The following plans and accompanying construction specifications shall be submitted and approved before authorization of construction or installation of improvements:

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1. Street Plans and profiles showing existing and proposed grades, soil conditions, elevations and cross sections of required improvements.
  2. Sanitary sewer plans and profiles showing the locations, grades, sizes, elevation and materials of required facilities.
  3. Storm sewer plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
  4. Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
  5. Additional special plans or information as required.
- (d) Inspection. The Subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Town to provide for adequate inspection. The Town shall inspect and approve all completed work prior to release of the sureties.
- (e) As Built Plans Required. Prior to completion and acceptance by the Town of all improvements, the Subdivider shall provide a copy of all improvement plans to the Town Clerk.

**18.17 Development Agreement.** Requirement. The approval of every Final Plat shall be conditioned upon the Subdivider entering into a Development Agreement with the Town. The Development Agreement shall be in a form drafted or approved by the Town Attorney. No building or structure shall be constructed or site improvements begun within the land division until a Development Agreement has been approved. The Town Board may waive the Development Agreement when no public improvements are required in conjunction with the plat. The Development Agreement shall include, but is not limited to:

- (1) Responsibility for Improvements. The applicant for approval of every Final Plat shall be responsible for the design, construction, and installation of all required and agreed upon improvements which serve the Land Division at their full cost and expense, and for maintenance thereof unless and until accepted by the Town, in conformance with all State and Town laws, rules and regulations.
- (2) Land Dedications. The Development Agreement shall provide for land dedications where required by this Chapter and agreed upon, with time frames for accomplishment.
- (3) Acceptance of Public Improvements. Public improvements which serve Land Divisions shall not be deemed dedicated for a public purpose until respectively accepted by the Town as being fully functional and in conformance with the Development Agreement, applicable plans and specifications, Town ordinances, and compatibility with attached and adjacent systems, facilities and improvements.
- (4) Financial Security for Improvements.
  - (a) Cash Escrow. The owner shall establish, prior to Final Plat approval, a cash escrow account for the benefit of the Town and in the name of the Town in an amount not less than 100 percent of the estimated cost for street grading, street base course construction, street binder layer and drainage. The escrow instructions shall provide:
    1. That the owner shall have no right to a return of any funds except as authorized by the Town upon completion of the improvements.
    2. That the escrow agent shall have a legal duty to deliver the escrowed funds to the Town upon receipt of a written notice form the Town signed by the Town Board Chair and attested to by the Town Clerk, whether or not the owner protects delivery of the funds. The escrow agent shall be acceptable to the Town.
    3. If the plat is to be developed in phases, the escrow amount shall be limited to the phase currently being constructed.
  - (b) Letter of Credit. The owner may, in lieu of establishing a cash escrow account prior to Final Plat approval, provide a letter of credit for the benefit of the Town and in the name of the Town

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in an amount not less than 100 percent of the estimated costs for street grading, street base course construction, street binder layer and drainage. The letter of credit shall be:

1. Irrevocable.
  2. For a term sufficient to cover completion of the improvements of the applicable phase.
  3. Require only that the Town present the credit with a sight draft and written notice signed by the Town Chair and attested to by the Town Clerk of the Town's right to draw funds under the credit. The issuer of the letter of credit shall be acceptable to the Town.
  4. If the plat is to be developed in phases, the letter of credit amount shall be limited to the phase currently being constructed.
- (c) Warranties. The owner shall warrant and guarantee all improvements against defects due to faulty materials of workmanship which appear within one year from the date of acceptance of the improvements by the Town, provided, however, that for improvements constructed between November 15 and May 1, there shall be a warranty period of three years from acceptance of the improvements by the Town.
- (5) Financial Security for Final Street Pavement. Final street pavement shall not be installed until fifty (50) percent of the lots in the land division or subdivision have been developed, three years from the date of Final Plat approval, or by Town order, whichever comes first. The owner shall provide, prior to Final Plat approval, a separate cash escrow account or letter of credit as provided in Chapter 18.17(4)(a) and (b) above for the final pavement in an amount not less than one hundred twenty-five (125) percent of the estimated cost for final pavement.
- (6) Enforcement. Occupancy Permits may be withheld with respect to any parcel of property within an approved Final Plat until the Town Board certifies that the requirements of this Chapter have been met. In the event any work specified in the Development Agreement is not completed in accordance with the Development Agreement and this Chapter, the Town may do or cause said work to be done, and charge the cost thereof against any posted assurance or charge the benefited property through a special assessment where there is no applicable or insufficient assurance. Any guarantee or warranty shall remain in effect and be enforced to the full extent of the law.

**18.18 Park Dedications, Reservations, and Improvements.**

- (1) Park Dedication Requirements.
- (a) Dedication of Sites. When feasible and compatible with the Comprehensive Plan and Comprehensive Outdoor Recreation Plan, the subdivider shall provide and dedicate to the public adequate land to provide for park, playground, trail, recreation and open space needs of the land development within the Town of Winchester. The location of such land to be dedicated shall be determined by the Town Board. Where the dedication is not compatible with the Comprehensive Plan and Comprehensive Outdoor Recreation Plan, or for other reasons is not feasible as determined by the Town Board, the subdivider shall, in lieu thereof, pay to the Town a fee as established by the Town Board in the Town of Winchester Fee Schedule.
  - (b) Dedication of Parks, Playgrounds, Trails, Recreation and Open Spaces. The subdivider shall dedicate sufficient land area to provide adequate parks, playgrounds, trails, recreation and open spaces to meet the needs to be created by and to be provided for the land division, subdivision or comprehensive development. The minimum dedication shall be one (1) acre for each twenty-five (25) potential dwelling units or fractions thereof.
  - (c) Combination of Residential Uses. Where a combination of residential uses is intended, the minimum dedication shall be the sum obtained by adding the potential residential units intended for single-family and two-family dwellings, and the potential residential units intended for multi-family dwellings. Where a definite commitment is made to the Town by the developer

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with respect to those portions of the project intended for single family, duplex and multi-family dwellings, the dedication shall be based upon the maximum dedications which the zoning classification of the parcel will permit.

- (d) Minimum Size of Park and Recreation Land Dedications.
    - 1. In general, land reserved for parks, playgrounds, recreation and open spaces purposes shall have an area of at least one (1) acre of contiguous land. Where the amount of land to be dedicated is less than one (1) acre, the Town Board may require that the recreation area be located at a suitable place on the edge of the proposed major subdivision or planned unit development so that additional land may be added at such time that the adjacent land is subdivided.
    - 2. Land dedicated for the purpose of establishing trails shall be shown as an easement on the Preliminary and Final Plats. The minimum width of the easement shall be no less than thirty (30) feet wide. Widths greater than 30 feet may be required in certain circumstances as determined by the Plan Commission. Neither end of the easement may result in a dead-end, unless a future connection has been identified or may be reasonably established. Up to one-hundred percent (100%) of the total land area of the granted easement may be counted towards the overall dedication requirement.
    - 3. Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield or for other recreation purposes, and shall be relatively level and dry. A recreation site shall have frontage on one or more streets for public access. The Town Board shall make the final determination of suitability.
  - (e) Fees in Lieu of Land Dedication. See Chapter 18.18(2) below.
  - (f) Limitations. A subdivider shall not be required to dedicate more than one-fifth (1/5) of the total area of the plat to meet the objectives of this Section.
  - (g) Suitability of Lands. Town Board shall have sole authority to determine the suitability and adequacy of parklands proposed for dedication. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.
  - (h) Access to Dedicated Land. All dedicated land shall have frontage on a public street and shall have public access.
  - (i) Utility Extensions. The subdivider shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.
- (2) Park Fees.
- (a) Authorization. This Section is authorized under Chapter 66.0617, Wis. Stats. The provisions of this article shall not be construed to limit the power of the Town to adopt such article pursuant to any other source of local authority or to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this article.
  - (b) Purpose. The purpose of this article is to facilitate the adequate provision of parks, playgrounds and land for athletic fields by imposing impact fees upon developers to pay for the Capital Costs of public facilities that are necessary to accommodate land development. The park impact fee ensures that the cost of providing park and recreational sites and facilities necessary to serve the additional families brought into the community may be most equitably apportioned on the basis of the additional need created by the construction and occupancy of new dwellings.
  - (c) Park Impact fees imposed; due date for payment; building permit.
    - 1. Impact fees are hereby imposed on all residential developments and land divisions within the Town of Winchester.
    - 2. Park impact fees shall be due in full within 14 days of the issuance of a building permit.

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3. The effective date of a building permit is the date on which all impact fees imposed under this article are paid in full, and unless all impact fees are paid in full within 14 days after issuance as required by Chapter 66.0617(6)(g), Wis. Stats., said building permit shall expire 15 days after issuance.
- (d) Applicability; amount of fee; annual adjustment; disposition of revenue.
1. Any developer creating a land division for residential development or constructing additional residential dwelling units within the Town shall pay a fee to the Town to provide for the Capital Costs necessary to accommodate the park facilities needs of land development, except as provided in Chapter 18.18(2)(f) below.
  2. The amount of the fee per residential dwelling unit to be constructed or created by the proposed development as determined by the Town Board and as identified in the Town of Winchester Fee Schedule, subject to adjustment pursuant to Chapter 18.18(2)(e) below, shall be as follows:
    - a. For single-family or two-family residential development, the fee per dwelling unit shall be the fee listed in the adopted Town of Winchester Fee Schedule.
    - b. For multifamily residential development, the fee per dwelling unit shall be the fee listed in the adopted Town of Winchester Fee Schedule.
  3. Such fees collected by the Town shall be placed in a special fund which shall be separate from the general fund of the Town and shall be used exclusively for the particular Capital Costs for which the fee was imposed.
  4. Such fees shall be expended by the Town for the aforesaid purpose within seven years of the date of payment or such fee amount paid along with any interest accumulated shall be refunded to the current owner(s) of the property with respect to which such fee was imposed.
  5. In order to ensure that these fees remain equitable, the impact fees described herein shall automatically adjust on an annual basis on January 1 of each year by the percentage increase or decrease in the North Central Region Consumer Price Index, September percent change, or three percent (3%), which ever is greater.
- (e) Fee Reduction. Any impact fee imposed under this article shall be reduced to compensate for Capital Costs otherwise imposed by the Town upon the land development subject to this article for the same particular public facilities for which an impact fee has been imposed under this article, including by way of special assessments, special charges or any ordinance adopted thereunder or any other items of value. Impact fees imposed under this article shall also be reduced to compensate for moneys received from the federal or state government specifically to provide or pay for the public facilities for which the impact fees under this article are imposed.
- (f) Exemption. The lawful new construction of a single-family dwelling structure razed or to be razed within one year of the issuance of a building permit for the new construction as part of the new construction project shall be exempt from the fees imposed under this article. Any new construction of a single-family dwelling structure upon a single parcel of land involving the demolition of a preexisting residential structure upon such single parcel of land, which project is similar to but not exactly as described above, may be found to be exempt upon application to the Town Board and a finding by the Town Board that such project does not bear a rational relationship to the need for new, expanded or improved public facilities required to serve such development. Such application shall be made to the Town Board prior to the payment of any fees under this article.
- (g) Administration and review. The Town Board shall, as part of its annual budget process, review the impact fees imposed under this article. The revenue and expenditure totals for each impact fee must also be included in the Town's annual budget, and a summary of the revenue and

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expenditure totals for each impact fee must be made available in the Town's annual budget summary required under Chapter 65.90(3)(a), Wis. Stats.

- (h) Appeals. Any developer upon whom an impact fee is imposed under this article shall have the right to contest the amount, collection or use of the impact fee to the Town Board, provided that the developer files a written notice of appeal in the Town Clerk's office within 15 days of the building permit approval upon which the impact fee is imposed. Such notice of appeal shall be titled "Notice of Appeal of Impact Fee" and shall state the developer's name, address, telephone number, address (if available) and legal description or tax parcel identification number of the land development upon which the impact fee is imposed, and a statement of the nature of and reasons for the appeal. The Town Clerk shall schedule the appeal for consideration by the Town Board at a regular meeting as soon as reasonably practicable under the circumstances and shall notify the developer of the time, date and place of such meeting, in writing, by regular mail deposited in the mail no later than at least three days before the date of such meeting. Upon review of such appeal, the Town Board may adjust the amount, collection or use of the impact fee upon just and reasonable cause shown.

**18.19 Conservation Subdivision Design Standards.**

- (1) General. This Section is designed to preserve rural character, natural resource areas, farmland, and other large areas of open land, while permitting residential development consistent with the Transitional Residential land use category as defined in the Future Land Use map of the Town of Winchester Comprehensive Plan. The Town Board may require that any division creating more than four (4) parcels comply with the Conservation Subdivision Design standards of this Article along with the general requirements of this Chapter. Further, this Article is intended:
- (a) To preserve the rural character through the permanent preservation of meaningful open space and sensitive natural resources.
  - (b) To preserve scenic views by minimizing views of new development from existing roads.
  - (c) To provide commonly owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community.
  - (d) To provide for a diversity of parcel sizes, housing choices and to accommodate a variety of age and income groups.
  - (e) To provide for buffering between the higher density land uses within the Town Core area and less developed, predominantly agricultural areas.
  - (f) To protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, and maintain environmental corridors.
- (2) Secondary Conservation Areas. Secondary conservation areas are defined as those natural, cultural, and historical resources within the Town that are not otherwise protected by federal, state, or county laws, regulations, or ordinances. Secondary conservation areas are resources that should be preserved when possible and/or economically feasible. The final determination of secondary conservation areas within a given development will be made by the Plan Commission and Town Board. Secondary conservation areas in the Town of Winchester may include, but are not limited to:
- (a) Stream corridors within one-hundred (100) feet of the ordinary high-water mark.
  - (b) Environmental corridors.
  - (c) Critical wildlife habitat.
  - (d) Mature woodlands, wherein twenty (20) percent or more of the trees have a diameter-at-breast-height (DBH) of eighteen (18) inches or more.
  - (e) Large trees with a DBH of thirty-six (36) inches or greater, when deemed to be healthy and structurally sound.

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- (f) Unique natural features, which may include hills, knolls, depressions, rock outcroppings, and others.
  - (g) Structurally-sounds barns, silos, fence lines, and other examples of Winchester's agricultural heritage.
  - (h) Prime agricultural lands.
  - (i) Scenic views of the Rat River basin, Rat River State Fishery, Lake Winneconne, and other significant landscape features within the community.
  - (j) Other unique features as may be identified by the Plan Commission.
- (3) Open Space Standards. A Conservation Subdivision shall meet the following open space standards:
- (a) Minimum open space. Open space shall be a minimum of forty (40) percent of the gross tract area (GTA) and include all primary conservation areas and any secondary conservation areas required by the Plan Commission or Town Board.
  - (b) Location. The required open space should be situated, when practicable, to take advantage of the site's natural, historic, and cultural features, to preserve scenic views, and to be contiguous with existing or proposed open spaces outside of the proposed subdivision. Environmentally sensitive areas must be included within the preserved open space. The size and shape of the areas established as open space shall be sufficient and suitable for agricultural, natural resource protection, recreation, or other intended use and should remain as large and contiguous as the property will allow.
  - (c) Not more than 30% of the required open space may consist of Active Recreation Land unless prior approval has been received from the Plan Commission.
  - (d) The Plan Commission encourages, and may require, that each Conservation Subdivision include an internal trail system providing access to each lot owner. Any section of the trail system identified for potential future public use as part of an integrated Town trail network shall be dedicated to the Town.
  - (e) Designation of Open Space. All open space areas shall be clearly delineated on the plat as an outlot or outlots, and clearly designated as open space on the face of the plat. Each outlot shall be accessible by public road or by an easement for ingress and egress to a public road. The Town may require a separate instrument to be recorded with the Winnebago County Register of Deeds regarding restrictions on use, maintenance, ownership and transfer of ownership. The Town, or a designee approved by the Town, shall be noted as a benefited party for enforcement purposes.
  - (f) Ownership of Open Space. Unless otherwise approved by the Town, open space outlots shall be owned and maintained by a Homeowners' Association. All documents and instruments relating to the ownership, use, and maintenance of open space shall be reviewed and approved by the Town. A Homeowners' Association shall be created and operated under the following provisions:
    - 1. The owner shall submit all documentation in connection with the creation of a Homeowners' Association and its powers, duties and responsibilities for Town review prior to approval.
    - 2. The Homeowners' Association shall be created as a separate legal entity by the owner, with its bylaws, organization and responsibilities contained in a document recorded with the Winnebago County Register of Deeds.
    - 3. Membership in the Homeowners' Association shall be mandatory for all lot owners and their successors and assigns.
    - 4. The Homeowners' Association shall be authorized to levy fees and assessments against all lots in an amount sufficient for payment of real estate taxes and to discharge its duties and responsibilities.

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5. Unpaid fees and assessments by any lot owner shall become and remain a lien on the lot until paid, with the Homeowners' Association authorized to bring any action against a lot owner for the collection of fees and assessments.
  6. Modification of any bylaws shall require approval of the Town.
- (4) Common Facilities.
- (a) Designation of Common Facilities. All common or community facilities such as drainage detention and retention facilities, clustered wastewater treatment systems, and community well systems, as applicable, shall be clearly delineated on the plat as an outlot or outlots, and shall be clearly designated as to specific use, on the face of the plat. Each outlot shall be accessible by public road, or by an easement for ingress and egress to a public road.
  - (b) Ownership of Common Facilities. Unless otherwise approved by the Town, community facility outlots shall be owned and maintained by a Homeowners' Association. All documents and instruments relating to the use and maintenance of common facilities shall be reviewed and approved by the Town. The Homeowners' Association shall be subject to the requirements of Chapter 18.19(f)(1 through 6) above.
- (5) Maximum Permitted Dwelling Units. Conservation Subdivisions shall utilize the following steps in determining the maximum permitted dwelling units. This calculation information must be submitted with any application to the Town.
- (a) Calculate the Gross Tract Area (GTA). This shall be the total acreage of the property.  
GTA: \_\_\_\_\_ acres
  - (b) Calculate Primary Conservation Areas (PCA). This acreage shall be determined using the following criteria. The data supplied within this calculation shall be substantiated with sufficient plans and data.
    1. All lands located within existing street rights-of-way: \_\_\_\_\_ acres
    2. All lands located within existing easements: \_\_\_\_\_ acres
    3. All lands located within a floodplain: \_\_\_\_\_ acres
    4. All lands within environmentally sensitive areas, as identified by Winnebago County and/or the Wisconsin Department of Natural Resources: \_\_\_\_\_ acres
    5. All lands located within wetlands: \_\_\_\_\_ acres
    6. All of the land area having slopes 12% or greater: \_\_\_\_\_ acresTotal PCA (sum of 1 through 6 above): \_\_\_\_\_ acres
  - (c) Calculation of Adjusted Tract Area (ATA). The ATA shall equal the GTA minus the PCA.  
ATA: \_\_\_\_\_ acres
  - (d) Calculation of Secondary Conservation Areas (SCA). The SCA shall be a minimum of forty percent (40%) of the GTA and shall include, but is not necessarily limited to:
    1. Stream corridors within one hundred (100) feet of the ordinary high-water mark: \_\_\_\_\_ acres
    2. Environmental corridors: \_\_\_\_\_ acres
    3. Critical wildlife habitat: \_\_\_\_\_ acres
    4. Mature woodlands, wherein twenty (20) percent or more of the trees have a diameter-at-breast-height (DBH) of eighteen (18) inches or more: \_\_\_\_\_ acres
    5. Unique natural features, which may include hills, knolls, depressions, rock outcroppings, and others: \_\_\_\_\_ acres
    6. Structurally-sounds barns, silos, fence lines, and other examples of Winchester's agricultural heritage: \_\_\_\_\_ acres
    7. Prime agricultural lands: \_\_\_\_\_ acres
    8. Scenic views of the Rat River Basin and State Fishery, Lake

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Winneconne, and other significant landscape features within the community: \_\_\_\_\_ acres

9. Large trees defined as those with a DBH of thirty-six (36) inches or greater when deemed to be healthy and structurally sound.
10. Other unique features as may be identified by the Plan Commission.

SCA: \_\_\_\_\_ acres

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

NDA: \_\_\_\_\_ acres

- (f) Calculation of Permitted Dwelling Units (PDU). The maximum number of permitted dwelling units in a Conservation Subdivision shall equal the ATA multiplied by 1.1, provided that no lot is smaller than 21,500 square feet. If the calculation of PDU results in a figure ending in .5 or greater, it shall be rounded up to the next whole number. If the calculation of PDU results in a figure ending in .4 or lower, it shall be rounded down to the next whole number.

PDU: \_\_\_\_\_

- (6) Conservation Subdivision Concept Plan. Prior to the filing of an application for the approval of a Preliminary Plat for a Conservation Subdivision, the Owner shall consult with the Plan Commission in order to obtain their review, advice and assistance in the preparation of a Preliminary Plat. Such consultation shall be termed the 'concept plan' stage of the land division procedure and shall include the following steps:

- (a) Preparation of twelve copies of a completed Town of Winchester - Application for Concept Plan and a concept plan as described below:
  1. A reasonably accurate drawing of the boundaries of the proposed subdivision, including the tax keys for all relevant parcels.
  2. The location of any existing structures, wells, and personal onsite wastewater treatment systems.
  3. The general location of all primary conservation areas as defined in Chapter 18.19(5)(b).
  4. The general location of all secondary conservation areas as defined in Chapter 18.19(2).
  5. The general location of existing rights-of-way and easements.
  6. The general location of all existing and proposed accesses to the site.
  7. Existing land uses of properties within ¼-mile of boundary of proposed subdivision.
  8. An estimate of the total number of lots within the proposed subdivision.
  9. The general location of proposed streets.
  10. Any other pertinent information useful to the Owner and Plan Commission in their determination of developability of the parcel.
- (b) The Plan Commission shall either reject the concept plan giving reasons for such rejections or approve the concept plan and make recommendations. Such review and approval of the concept plat shall constitute approval of the concept plat only and shall not be deemed an approval of the layout and design of the proposed subdivision plat.
- (c) Through the concept plan procedure it is expected that the Owner and Plan Commission will reach mutual conclusions regarding the general design and objectives of the proposed development. The Owner will also gain a better understanding of subsequent plat review and approval procedures.

**18.20 Adoption.** The Town Board, by this Ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town Board to regulate and approve certain land divisions and certified surveys in the Town of Winchester. Pursuant to §. 236.45 (4),

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Wis. stats., a public hearing was held before the adoption of this Ordinance and notice of the hearing was given by publication of a class 2 notice, under ch. 985, Wis. Stats.

- (1) First passed and adopted by the Town Board of the Town of Winchester, Winnebago County, Wisconsin this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.
  
- (2) Amended and adopted the Town Board of the Town of Winchester, Winnebago County, Wisconsin this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

Town Chairman \_\_\_\_\_

Date \_\_\_\_\_

Supervisor \_\_\_\_\_

Date \_\_\_\_\_

Supervisor \_\_\_\_\_

Date \_\_\_\_\_

Town Clerk \_\_\_\_\_

Date \_\_\_\_\_