

**CHAPTER 18
LAND DIVISION AND SUBDIVISION REGULATIONS
TOWN OF ELDORADO**

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**ARTICLE I
INTRODUCTION**

18.01 Authority. This Ordinance was adopted under the statutory authority granted pursuant to the Village Powers of the Town of Eldorado, to Chapters 60.10 (2) (c), 60.22 (3), 61.34 (1), 236.03, and 236.45, Wis. Stats. This Ordinance was adopted by the Town Board after its receipt of a formal recommendation of this Ordinance on MONTH, DAY, YEAR from the Plan Commission under Chapters 61.35, 62.23 and 236.45 (2), Wis. Stats, which for the Town of Eldorado is the Town of Eldorado Plan Commission.

- (1) This ordinance shall be interpreted and enforced by the Town Board, Town of Eldorado.

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

18.03 Title. This ordinance shall be known and cited as the "Land Division and Subdivision Regulations, Town of Eldorado, Fond du Lac County, Wisconsin."

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

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

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

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

18.06 Abrogation and Greater Restrictions. It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

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

18.08 Variance of Regulations.

- (1) When the Plan Commission finds that injustice or hardship will result from strict compliance with this Chapter, it may allow divergence from the terms hereof to the extent deemed necessary and proper to grant relief, provided that the variance meets all the following standards:
 - (a) The variance is due to the unique physical features of the site.
 - (b) The variance is the minimum deviation from the terms of this chapter necessary to mitigate the injustice or hardship.
 - (c) The variance is not detrimental to the public interest and is in keeping with the general spirit and intent of this chapter.
- (2) Application for any variance shall be made in writing by the Subdivider at the time the application is filed for consideration, stating specifically the circumstances upon which the Subdivider is relying, the variance requested, and how the request meets the standards set forth above. The request shall be supplemented with maps, plans and other additional data that may aid the Plan Commission in the analysis of the request.
- (3) The Plan Commission at its discretion, if it determines it necessary for the public good, may conduct a public hearing to permit parties of interest to comment on the variance request.
- (4) If a hearing is determined necessary, the applicant shall be responsible for payment of a hearing fee as established by the Town of Eldorado Fee Schedule. The Plan Commission shall then fix a reasonable time and place for the hearing. Notice of the time and place of such hearing shall be given by publication in the Class 1 notice, under Chapter 985, Wis. Stats. A copy of such notice shall be mailed by first class mail with an Affidavit of Mailing at least 10 days prior to the date of such hearing to all property owners within three hundred (300) feet if located within a sanitary district or five hundred (500) feet if located outside of the sanitary district.
- (5) A majority vote of the entire membership of the Plan Commission shall be required to grant any variance to these regulations and any variance thus granted shall be entered in the minutes of the Plan Commission setting forth the

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reasons which, in the opinion of the Plan Commission, justified the variance.

18.09 Repeal. All other ordinances or parts of ordinances of the Town of Eldorado inconsistent or in conflict with this ordinance, to the extent of inconsistency or conflict only, are hereby repealed.

18.10 Effective Date. Adopted this 26th day of June 2012. Published **day, month, year.**

18.11 Continuity. Any and all references to Town ordinances, Wisconsin Statutes, the Wisconsin Administrative Code, Federal Statutes, and the like, shall apply to any amendments or additions to, and any revisions or recreations thereof.

18.12 Additional Reviews. Wherever a review or action is required by Town, County, State, Federal, or other authorities, this Ordinance shall not be construed to limit the review or action needed by other or additional authorities that the law may require at the time such review or action is needed or contemplated.

18.13-14 Reserved.

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**ARTICLE II
GENERAL PROVISIONS**

18.15 Coverage and Compliance.

- (1) This Ordinance applies to all lands in the Town of Eldorado. The Town Board shall be responsible to administer this Ordinance unless it designates by Resolution such other authority.
- (2) No person, unless exempt under this Ordinance, shall divide or create a division of any land in the Town of Eldorado subject to the requirements of this Ordinance and no land division shall be entitled to be recorded in the Office of the Register of Deeds for Fond du Lac County unless the final land division, plat, or map as approved by the Town Board or its designee is in full compliance and consistent with all of the following:
 - (a) All requirements of this Ordinance.
 - (b) Chapter 236, Wis. Stats;
 - (c) The Town of Eldorado Comprehensive Plan adopted under Chapter 66.1001, Wis. Stats. or other Town Land Use Plan or any component thereof.
 - (d) The applicable Town of Eldorado and Fond du Lac County zoning regulations, building code, sanitary code, erosion control regulations, and other land division regulations.
 - (e) Wisconsin Department of Natural Resources (WDNR) and Wisconsin Department of Safety and Professional Services (WDSPS) administrative rules on wetlands, shorelands, sewers, septic systems, potable water supply, and pollution abatement.
 - (f) All applicable State and local sanitary codes.
 - (g) All applicable Town of Eldorado Ordinances.
 - (h) All Wisconsin Department of Transportation (WisDOT) and Fond du Lac County Highway Department Administrative rules relating to safety of access and the preservation of the public interest and investment in the highway system, if the land owned and controlled by the land divider abuts on a state or county trunk highway or connecting road or street.
 - (i) All applicable extraterritorial, comprehensive, and master plans, extraterritorial zoning or plat review ordinances, or official maps adopted

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pursuant to Chapter 62.23, stats., and any other applicable Town, County, or extraterritorial authority ordinances and regulations.

- (3) No land shall be divided or any land division occur if any parcel created by the land division is smaller than 32,670 square feet (three quarters of one acre) in a conventional (yield) subdivision or 21,780 square feet (one half acre) in a conservation design subdivision unless previously approved by the Town of Eldorado Plan Commission.
- (4) Any parcel in the Town of Eldorado, which shall be divided by a land division regardless of the parcel size or number of parcels created, which is located wholly or partially within a Shoreland Zoning District or a Floodplain District, shall require, at minimum, a Certified Survey Map to be recorded in the Fond du Lac County Register of Deeds Office with approval by the Town Board or its designee under this Ordinance prior to recording.
- (5) All visible structures, encroachments, fences, navigable waters, and public streets and public roads shall be shown to scale on any Certified Survey Map (CSM) from any land division to be recorded.
- (6) Any single-family residential parcel created through a Conservation CSM located within the Transitional Residential District shall retain at least forty percent (40%) of the parcel in preserved open space unless otherwise approved by the Town of Eldorado Plan Commission.
- (7) Any outlots created on a CSM shall be accompanied with a statement of purpose, ownership and use of the outlot.
- (8) No person shall construct upon, convey, record, or place survey monuments, conduct surveys, layout parcels, or outlots, or create plats or maps on any land in the Town of Eldorado in violation of this Ordinance or the Wis. Stats.
- (9) No person shall request, nor be issued by the Town Board, a driveway or culvert permit, building permit, or any other permit or license authorizing any construction, installation, or improvement on any land within the Town of Eldorado, except land subject to a land division that was of record as of the effective date of this Ordinance, until the provisions and requirements of this Ordinance have been fully met by the land divider. The Town Board may institute the appropriate action or proceedings to enjoin violations of this Ordinance. There may be additional State and County requirements that apply.
- (10) All land division approvals required by the Wisconsin Department of Administration (WDOA), or its successor Department, for specific land divisions, including any Statutory Subdivisions, Minor Land Divisions, or Certified

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Surveys shall be obtained as a condition of approval by the Town Board or its designees.

- (11) All land division, plats, or CSMs, 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 six months. Final Plat approval shall comply for recording with Chapters 236.21 and 236.25 Wis. Stats.
- (12) No persons shall make, record, or replat any land division, except as provided under Chapter 70.27(1) Wis. Stats if it alters acres dedicated to the public without proper Court action to vacate or discontinue such plat, map, or part thereof.
- (13) No land shall be issued a land division approval if the Eldorado Town Board determines that any proposed land division plat or CSM will materially interfere with neighboring agricultural uses or will conflict with other goals, objective, and policies as set forth in the Town Comprehensive Plan.
- (14) No land shall be issued a land division approval for a purpose that poses a significant threat to the quality or quantity of groundwater in the Town of Eldorado.
- (15) No land shall be issued a land division approval if it is held unsuitable by the Town Board for its proposed use for reason of flooding, inadequate drainage, dangerous or hazardous land conditions, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal or maintenance capabilities, impairment of wildlife habitat and scenic vistas, improper utilization of prime farm soils, undue costs and inefficiencies in the provision of Town of Eldorado governmental services, or any other feature likely to be harmful to the health, safety, or welfare of current or future residents of the Town of Eldorado, or likely to cause a public nuisance in the Town of Eldorado. The Plan Commission may require any proposed land divider to furnish maps, data, and other information as may be necessary to determine land suitability.
- (16) No person shall be issued any land division approval by the Town Board until the appropriate application fees have been paid to the Town Clerk.
- (17) No person shall be issued any land division approval by the Town of Eldorado who has failed to properly and fully complete and submit to the Town Board the application form developed and provided by the Town of Eldorado.
- (18) No person shall be issued a final land division approval by the Town Board until the land divider makes or installs all public improvements deemed necessary by

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the Town Board or until the land divider executes an irrevocable surety bond, cash amount, escrow sum, or other security acceptable to the Town Board to insure that the land divider will make these public improvements within a time established by the Town Board.

- (19) No person shall be issued a final land division approval by the Town Board until the Subdivider submits and obtains approval of the proposed land division plat or proposed certified survey map to the following approving authorities (as applicable):
- (a) Town of Eldorado Plan Commission
 - (b) Fond du Lac County Planning and Zoning Department
 - (c) WDNR
 - (d) WDSPS
 - (e) U.S. Army Corps of Engineers
 - (f) U.S. Fish & Wildlife Service
 - (g) East Central Wisconsin Regional Planning Commission (ECWRPC) (advisory only for concept plan and/or Preliminary Plat stages of subdivisions).
- (20) No person shall be issued a final land division plat approval by the Town Board until the land divider agrees in writing that the land divider will be responsible for the cost of any necessary alteration of any existing utilities by virtue of a land division within the public right-of-way.
- (21) No person shall be issued a final land division plat approval by the Town Board unless all public improvements to be constructed or installed as required by the Town Board within the land division plat area or CSM area meet the requirements established in writing by the Town Board.
- (22) The Town of Eldorado shall not be responsible, with respect to any final land division for any public improvements, and shall not be responsible to accept any dedicated streets, roads, or other public areas and other public improvements until the Town Board, by resolution, accepts or approves such dedicated public improvements with or without conditions.
- (23) No person shall be issued a final land division approval by the Town Board unless any roads proposed to be dedicated to the Town of Eldorado have been specifically approved for dedication by the Town Board. The applicant shall finish

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all shoulders and road ditches, if any, install all necessary culverts at intersections and, if required by the Town Board, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Town of Eldorado Plan Commission.

- (24) No person shall be issued a final land division approval by the Town Board unless any natural gas, electrical power, cable and telephone facilities are installed in such manner as to make adequate service available to each parcel or outlot in the proposed land division.
- (25) No person shall be issued a final land division approval by the Town Board unless formal dedication of parks, open space, or sites for other public use have been made if required by the Town Board at no cost to the Town of Eldorado.

18.16 Combining Parcels. Parcels shall be combined into one parcel when a use, structure, or structural addition occupies more than one parcel under the same ownership as deemed necessary by the Plan Commission.

18.17 Combining Description. Land described in Section 18.16 shall be combined into one parcel by CSM procedures and recorded in the County Register of Deeds Office.

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

- (1) All areas mapped as Floodway by the Federal Emergency Management Agency (FEMA), WDNR, WDSPP or other public or private entity and incorporated into the County Floodplain Ordinance.
- (2) All areas mapped Wetland by the WDNR and depicted on the Wisconsin Wetlands Inventory Maps.
- (3) All areas within seventy-five (75) feet of the ordinary high-water mark of navigable streams, as identified on, but not necessarily limited to, the United States Geological Survey (USGS) 7.5 minute quadrangle maps.
- (4) All areas having slopes steeper than twelve (12%) percent.
- (5) Areas determined to be environmentally sensitive may be included in a land division if identified as an outlot or other designation that would indicate that the land is not available for development.
- (6) No land division shall be allowed where such division shall increase the non-conformity of a structure, use, or parcel, or where a non-conforming structure,

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use, or parcel would be created as a result of the division without a properly reviewed and approved variance.

- (7) All land divisions entailing twelve (12) or more lots and located in areas not served by municipal wastewater treatment systems will be served by clustered wastewater treatment systems approved by the Town, County, WDSPS, and WDNR.
- (8) All land divisions entailing twelve (12) or more lots and located in areas not served by municipal water systems will be served by a community well approved by the Town, County, WDSPS, and WDNR. All land divisions entailing forty (40) or more lots will be served by at least two community wells.
- (9) No parcel two (2) acres or less in area with ½-acre (21,780 sq. ft.) or more of the parcel within a floodplain shall include an on-site sanitary sewage disposal system (e.g., septic tank, mound, etc.).
- (10) All parcels two (2) acres or larger in areas served by on-site sanitary sewage disposal shall contain not less than twenty-two thousand (22,000) square feet of land which is at least two (2) feet above the elevation of the 100-year flood plain, or if such information is not available, five (5) feet above the maximum flood of record.
- (11) Lands made, altered, or filled with non-earth materials within the preceding twenty (20) years shall not be divided into building sites served by on-site soil absorption sanitary sewage disposal systems.
- (12) Each parcel shall have a continuous area of at least three thousand (3,000) square feet which has ground slopes not exceeding twelve (12) percent.
- (13) The Plan Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is unsuitable for residential use and afford the Subdivider an opportunity to present evidence in rebuttal to such findings of unsuitability if he/she so desires. Thereafter, the Plan Commission may affirm, modify or withdraw its determination of unsuitability.

18.19 Environmentally Sensitive Areas.

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

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- (b) Land within fifty (50) feet of wetlands that are larger than two (2) acres in size.
 - (c) Floodways plus fifty (50) feet (but not beyond the floodplain boundary) or seventy-five (75) feet beyond the ordinary high-water mark, whichever is greater.
 - (d) Land within one-hundred (100) feet of navigable waters if there is no WDNR approved flood study.
 - (e) Land within twenty-five (25) feet of non-navigable waterways shown on the USGS topographic quadrangle maps (7.5-minute series).
 - (f) Steep slopes of twelve percent (12%) or greater that are immediately adjacent to or extend into any of the features listed above.
- (2) Environmentally sensitive areas shall be shown on all Preliminary and Final Plat maps and CSMs unless waived by the Plan Commission. Except for amendments approved by the Plan Commission or WDNR, restrictions shall be placed on all plats and certified survey maps regarding development and land-disturbing activities within environmentally sensitive areas. Notes or disclaimers may be included on plats and CSMs indicating that the extent of the environmentally sensitive area is subject to change due to the granting of amendments, revisions to the definition of the environmentally sensitive area, or provision of more detailed information, such as flood studies.
- (3) When a proposed subdivision or CSM is located wholly or in part in an area where flooding or potential flooding may be a hazard, floodplain lines and, where calculated, floodway lines shall be shown on final plans and maps unless waived by the Plan Commission. Floodplain boundaries as determined by the subdivider shall be reviewed and approved by the WDNR.

18.20 Erosion Prevention Requirements. When a proposed subdivision or CSM is located in an area having the potential to cause soil erosion and sedimentation problems or when the construction or extension of roads or other public facilities is involved, the Plan Commission may require that the subdivider prepare a detailed erosion and sediment control plan. The plan shall detail all proposed grading activities, stockpile locations, vegetative cover, berms, sediment basins, and other storm drainage and erosion control measures to reduce erosion and sedimentation caused by surface water runoff. The plan shall also include a schedule and maintenance considerations.

18.21 Violations. No person shall build upon, divide, convey, record or monument any land in violation of this chapter or the Wis. Stats. No permit shall be issued authorizing the building on or improvement of any subdivision, replat or CSM within the jurisdiction of

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this chapter and not of record as of June 26, 2012 until the provisions and requirements of this chapter have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable Wis. Stats.

18.22 Penalties. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, forfeit an amount as listed in the Town of Eldorado Fee Schedule, plus any additional applicable costs incurred by the Town for each offense. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties are not limited to, but may include the following:

- (1) Recordation improperly made shall be subject to the provisions of Sec. 236.30, Wis. Stats.
- (2) Conveyance of parcels in unrecorded plats shall be subject to the provisions of Sec. 236.31, Wis. Stats.
- (3) Monuments disturbed or not placed shall be subject to the provisions of Sec. 236.32, Wis. Stats.
- (4) An assessor's plat may be ordered by the Town when a subdivision is created by successive divisions as provided in Sec. 236.31(2), Wis. Stats.

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

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

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

18.26 Development Agreement. When deemed necessary by the Plan Commission and Town Board, the Subdivider shall enter into a Development Agreement with the Town of

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Eldorado. A Development Agreement will be required with any possible public improvements or dedications to the Town as a result of the land division. The agreement, as approved by the Town Attorney, sets forth the mutual obligations of the Town and the Subdivider with respect to the actions requested to be taken in connection with the CSM.

18.27-29 Reserved.

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**ARTICLE III
PRELIMINARY APPLICATION AND CONCEPT PLAN SUBMITTAL**

18.30 Application. Any Subdivider who divides or proposes to divide land located in the Town of Eldorado that will create a land division, including a Conventional (yield) Subdivision, Conservation Design Subdivision, Certified Survey Map (CSM), Conservation CSM, Replat, or revision of an existing land division shall, prior to any submittal of any CSM, Preliminary Plat, or map information, submit to the Town Clerk a Preliminary Application and Concept Plan. The application shall include the payment of any necessary fees as listed in the Town of Eldorado Fee Schedule. The application may be obtained from the Town Clerk, with all of the following required attachments, including:

- (1) The name and address of the owner of the property.
- (2) The location and size of the property and the type of land division that is to be requested.
- (3) The names and addresses of all adjacent landowners.
- (4) A statement of intended use.
- (5) The name and address of the surveyor who will be doing the survey work.
- (6) The present use of the land.
- (7) The estimated timetable for final development and requested timeline by the Subdivider for final approvals from the Town of Eldorado. This provision does not apply to a correction instrument, except if the affidavit in the correction instrument would change the areas dedicated to the public or restricted for the public benefit, then the Town Board must approve such change.

18.31 Concept Map.

- (1) With any initial Land Division Application the Subdivider shall submit to the Town Clerk fifteen (15) copies of a concept map no larger than 11 x 17 inches. Each submission shall include all contiguously owned land. The concept map shall show all of the following:
 - (a) A north arrow, date, and a reference to a section corner.
 - (b) General location of hydrographic characteristics, including surface waters, estimated floodways/floodplains, perceived wetlands, and drainageways.
 - (c) The location and type of existing and proposed buildings and structures and

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uses including estimated square footage of proposed buildings and estimated distances from all property lines.

- (d) The location of water wells, sewerage systems, and other features pertinent to the land division.
 - (e) The location of existing roads, highways, developments, trails, and driveways and distances to the nearest adjoining highways, roads, or driveways on all sides of the proposed site.
 - (f) The location of general land cover types, such as woodlands, perceived wetlands, agricultural, etc.
 - (g) The location of any slopes of 12% or greater.
 - (h) The uses of the land immediately adjacent to the property including existing roads; location of an known easements and restrictions of record; public access to navigable water; dedicated areas and utilities on or adjacent to the land.
 - (i) The location of any and all secondary conservation areas as identified in Section 18.57 of this ordinance.
- (2) The Town Clerk shall review the initial application and concept map for completeness, including payment of applicable application fees as listed in the Town of Eldorado Fee Schedule, within ten (10) working days of receipt. The Town Clerk shall thereafter notify the Subdivider if the application is determined by the Town Clerk to be complete or incomplete. The Town Clerk shall provide written reasons for any alleged incompleteness of the application with the notification. The Town Clerk shall, within five (5) working days after filing, transmit the copies of any complete or incomplete Land Division Application and concept map to the Plan Commission.
- (3) The Town Clerk shall send to the Subdivider an agenda of the scheduled date of the Plan Commission meeting to review and consider the land division no later than ten (10) days prior to the date of the meeting.
- (4) The Subdivider or the Subdivider's designee shall attend the meeting and present the proposed Land Division and concept map to the Plan Commission for its consideration.

18.32-34 Reserved.

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**ARTICLE IV
MINOR LAND DIVISIONS BY CONVENTIONAL CERTIFIED SURVEY MAP**

18.35 When Required. When it is proposed to divide land into at least one (1) but not more than four (4) parcels or building sites or when it is proposed to create by land division not more than four (4) parcels or building sites within a recorded Subdivision Plat without changing the exterior boundaries of the block, parcel or outlot, the Subdivider shall subdivide by use of a Certified Survey Map (CSM).

18.36 Submittal of a CSM. Prior to the filing of an application for the approval of a CSM, the Subdivider shall consult with the Town Clerk, in order to obtain their review, advice and assistance in the preparation of the CSM. Creation of a minor land division shall be by CSM and shall be submitted to the Town of Eldorado Plan Commission and Town Board. The CSM shall be prepared according to Wis. Stats, Chapter 236.34 and shall show clearly on its face those items listed in this section. In addition, the names of all landowners within three hundred (300) feet if located in a sanitary district or five hundred (500) feet if outside a sanitary district of any property line of proposed area shall be listed on a separate sheet submitted with the CSM.

18.37 Required Information. The Applicant shall submit fifteen (15) copies of the CSM application packet. The CSM shall show clearly on its face the following:

- (1) All existing buildings, existing setbacks for all buildings, setbacks to structures on adjacent property, water courses, drainage ditches, navigable water bodies, and other features deemed pertinent to the division of property.
- (2) Location of access to public road.
- (3) Date of the map with a graphic scale.
- (4) Name and address of the person for whom the survey was made.
- (5) An owner's and Treasurer's certificate and approval signature of the Town of Eldorado Chairperson and Clerk after approval by the Town Board in accordance with Chapter 236.21(3) Wis. Stats., shall be the only approvals required for recording unless additional approvals are necessary for dedication purposes.
- (6) The most recent deed, document number(s), tax parcel number(s), and owner(s) of record shall be shown.
- (7) Compliance with applicable design standards outlined in Chapter 18: Land Division and Subdivision Regulations.
- (8) All maps produced through the CSM process must be consistent with Fond du

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Lac County Coordinate System.

18.38 Testing. The Town of Eldorado may require that borings and/or soundings be made in designated areas to ascertain subsurface soil, rock and water conditions including the depth to bedrock and the depth to groundwater table. All developments shall comply with the provisions of the Wisconsin Administrative Code, Chapter SPS 383 relative to clustered and personal onsite wastewater treatment systems. All appropriate data shall be submitted with the CSM.

18.39 Review and Approval. The Town shall, within ninety (90) days of the date of submission of the CSM application, unless mutually extended by both parties, review the application and map against the applicable standards of this ordinance, and approve, approve conditionally, or reject the application and map based upon a determination of conformity or non-conformity with the standards.

18.40-44 Reserved.

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**ARTICLE V
MINOR LAND DIVISIONS BY CONSERVATION CERTIFIED SURVEY MAP**

18.45 Conservation Certified Survey Map (CSM). All requirements established in Section 18.35 through Section 18.39 shall apply to Conservation CSMs. Additional requirements shall include:

- (1) Identification of the area within the newly created parcel to be permanently preserved as open space. This area must represent a minimum of 40% of the newly created parcel unless otherwise approved by the Plan Commission.
- (2) A preservation or restoration plan for the preserved open space area of any newly created parcel.

18.46 Open Space Requirements. All CSMs for land divisions within the Transitional Residential District and within agricultural areas (as identified on the Town of Eldorado Future Land Use Map shall reserve as preserved open space, at a minimum, forty percent (40%) of each parcel created as a result of the CSM.

18.47 Restoration and Management of Preserved Open Space within Conservation CSM. The preserved open space within the Conservation CSM shall be restored as agricultural use, woodland, wetland, or native grassland as approved by the Plan Commission and managed as such in perpetuity through the use of a conservation easement, deed restriction, or similar vehicle.

18.48-49 Reserved.

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**ARTICLE VI
CONVENTIONAL (YIELD) SUBDIVISION**

18.50 General. All procedures regarding the design, development, submittal, review, and approval of conventional (or yield) subdivisions in the Town of Eldorado shall be consistent with Article VII of this ordinance with the following exceptions:

- (1) The minimum lot size for conventional (or yield) subdivisions in the Residential District (R) shall be 32,670 square feet (3/4-acre).
- (2) There is no minimum open space requirement for conventional (or yield) subdivisions.
- (3) Secondary conservation areas need not be protected or preserved in conventional (or yield) subdivisions.
- (4) Trails may be required if necessary to connect to an existing or proposed trail or trail system or protected corridor.
- (5) All parcels in conventional (or yield) subdivisions shall be served by individual onsite wastewater treatment systems or clustered wastewater treatment systems approved by the Town of Eldorado, Fond du Lac County, Wisconsin Department of Public Safety and Professional Services (WDSPPS) and Wisconsin Department of Natural Resources (WDNR).

18.51 Application and CSM. All other requirements included in Article VI of this ordinance excepting those listed in Section 18.50 of this ordinance shall be consistent with Article III of this ordinance.

18.52 Preliminary Conventional Subdivision Plat. All other requirements included in Article VI of this ordinance excepting those listed in Section 18.50 of this ordinance shall be consistent with Sections 18.61-64 of this ordinance.

18.53 Final Plat Requirements. All other requirements included in Article VI of this ordinance excepting those listed in Section 18.50 of this ordinance shall be consistent with Sections 18.65, 18.66, and 18.67 of this ordinance.

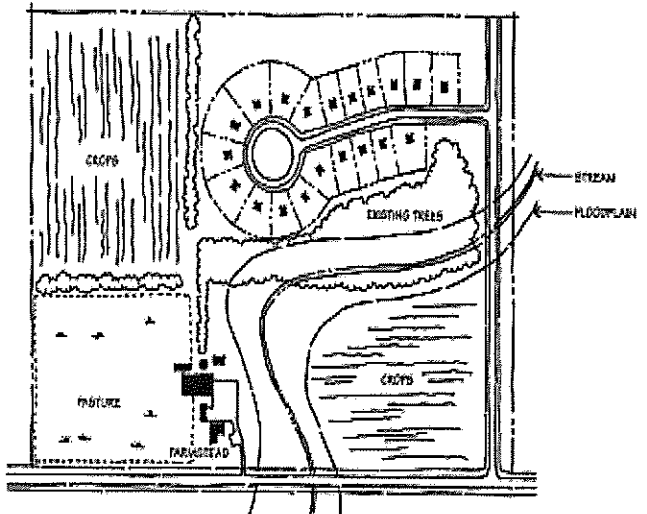
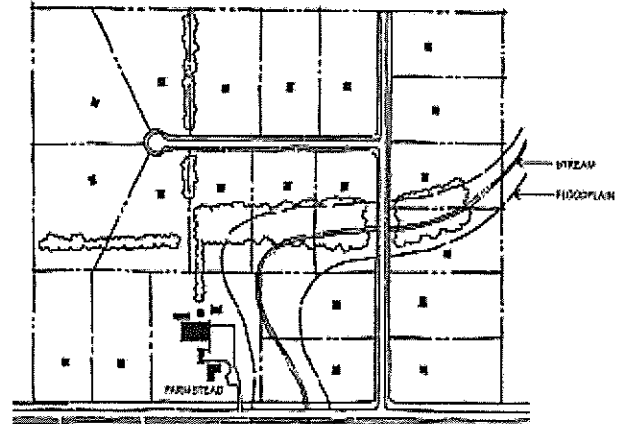
18.54-55 Reserved.

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ARTICLE VII
CONSERVATION DESIGN SUBDIVISION

18.56 General. This article is designed to preserve rural character, natural resource areas, farmland, and other large areas of open land, while permitting residential development. The Conservation Design Subdivision standards, in addition to the land division standards outlined in Article II, apply to all divisions of a parent parcel when requested by a Subdivider where the division creates more than four (4) new parcels. Further, this article is intended:

- (1) To guide the future growth and development of the Town in conjunction with the Town of Eldorado Comprehensive Plan.
- (2) To guide the detailed analysis of parcels so as to locate and coordinate appropriate areas for development and conservation.
- (3) To preserve the rural character through the permanent preservation of meaningful open space and sensitive natural resources.
- (4) To preserve scenic views by minimizing views of new development from existing roads.
- (5) To preserve prime agricultural land by concentrating housing on lands with low agricultural potential.
- (6) To provide commonly owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community.
- (7) To provide for a diversity of parcel sizes, housing choices and to accommodate a variety of age and income groups.



TOP IMAGE: Conventional Design
BOTTOM IMAGE: Conservation Design

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- (8) To provide for buffering between residential development and non-residential uses.
- (9) To protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, and maintain environmental corridors.
- (10) To preserve significant archeological sites, historic buildings, and their settings.
- (11) To meet the demand within the Town for housing in rural settings.
- (12) To preserve agricultural areas.

18.57 Secondary Conservation Areas. Secondary conservation areas are defined as those natural, agricultural, cultural, and or 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 Eldorado may include, but are not limited to:

- (1) Stream corridors within one hundred (100) feet of the ordinary high-water mark.
- (2) Environmental corridors.
- (3) Critical wildlife habitat.
- (4) Mature woodlands, wherein twenty (20) percent or more of the trees have a diameter-at-breast-height (DBH) of eighteen (18) inches or more.
- (5) Unique natural features, which may include hills, knolls, depressions, rock outcroppings, kettles, moraines, eskers, and others.
- (6) Prime agricultural lands.
- (7) Historic structures.
- (8) Other unique features as may be identified by the Plan Commission.

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

- (1) Minimum open space. Minimum open space shall be not less than forty (40) percent of the gross tract area (GTA) and include all primary and secondary conservation areas.

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- (2) Location. The required open space should be situated, when practicable, to take advantage of the site's natural, historic, and cultural features, to create buffer areas between residential and agricultural uses, to preserve scenic views, and to be contiguous with existing or proposed open spaces outside of the proposed subdivision. Environmentally sensitive areas must be included within the preserved open space. The size and shape of the areas established as open space shall be sufficient and suitable for agricultural, natural resource protection, recreation, or other intended use and should remain as large and contiguous as the property will allow.
- (3) Not more than 30% of the required open space may consist of active recreation area unless prior approval has been received from the Plan Commission.
- (4) The Town of Eldorado Plan Commission encourages that each conservation subdivision include an internal trail system providing access to homeowners with a section of the trail system identified for potential future public use as part of an integrated trail network. The section identified for potential public use may vary by development and circumstance.
- (5) The Plan Commission may require easements or walkways to access open space that does not abut public right-of-way.
- (6) Ownership and Maintenance of Common Open Space. To ensure adequate planning for ownership, operation, and maintenance of common open space, recreation facilities, storm water management facilities, wastewater treatment facilities, shared or community wells, common parking areas and driveways, private streets, and other common community facilities, the following methods may be used, either alone or in combination, in ownership of common open space. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this subsection, and then only when there is no change in the common open space. Unless otherwise specified by the Plan Commission and Town Board, a Homeowners Association will be deemed the preferred method of ownership of common facilities.
 - (a) Homeowners Association. Common facilities shall be held in common ownership as undivided proportionate interests by the members of a homeowners association, subject to the provisions set forth herein. The applicant shall provide to the Town a description of the association, including its bylaws, and all documents governing maintenance requirements and use restrictions for common facilities. The association shall be established by the owner or applicant and shall be operating, with financial subsidy by the applicant, if necessary, prior to the sale of any dwelling units in the development. Membership in the association shall be mandatory for all purchasers of dwelling units therein and their successors and assigns. The

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association shall be responsible for maintenance and insurance of common facilities. The members of the organization shall share equitably the costs of maintaining, insuring, and operating common facilities. The organization shall have adequate means of maintaining common open space. The applicant for any conservation design subdivision proposed to contain common open space shall arrange with the Town Assessor a method of assessment of the common facilities that will allocate to each tax parcel in the development a share of the total assessment for such common facilities. Written notice of any proposed transfer of common facilities by the homeowners association or the assumption of maintenance of common facilities which will allocate to each tax parcel in the development a share of the total assessment for such common facilities must be given to all members of the organization and to the Town at least 30 days prior to such event.

- (b) Condominium Developments and Agreements. Common open space shall be controlled through the use of a condominium agreement. Such agreements shall be approved by the Town and shall comply with the requirements of Chapter 703 of the Wis. Stats. All common open space and other common facilities shall be held as "common elements" by the unit owners in the form of undivided percentage interests in accordance with the condominium documents. A condominium association shall be formed to govern the affairs of the condominium and membership shall be mandatory.

- (c) Dedication of Conservation Easements to a Public Agency. The Town, or other public agency acceptable to the Town may, but shall not be required to, accept easements for public use of any portion of the common open space, title of which is to remain in private ownership, provided that:
 - 1. There is no cost of easement acquisition, other than costs incidental to the transfer of ownership, such as title insurance.
 - 2. A satisfactory maintenance agreement shall be reached between the owner and the Town.
 - 3. Lands under a Town easement may or may not be accessible to residents of the Town.

- (d) Dedication to a Nonprofit Conservation Organization. With the approval of the Town Board, an owner may dedicate any portion of the common facilities to a nonprofit conservation organization, provided that:
 - 1. The organization is acceptable to the Town.
 - 2. The conveyance contains appropriate provisions for proper reverting or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its responsibilities.
 - 3. A maintenance agreement acceptable to the Town is established

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between the owner and the organization.

- (e) Ownership retained by the original landowner. Ownership of common open space and facilities may be retained by the original landowner provided that:
 - 1. The Town and residents of the development shall hold conservation easements on the land protecting it from further development.
 - 2. Resident access to the land is limited only by agreement of the residents of the development, as indicated by documents signed at the time of purchase of individual dwelling units.

- (f) Other methods acceptable to the Town Board for maintenance and operation of common facilities. A plan and narrative for the use, maintenance, and insurance of all common facilities, including provisions for funding, shall be provided to and approved by the Town Board prior to Preliminary Plat approval. Such plans shall:
 - 1. Define Ownership.
 - 2. Establish necessary regular and periodic operation and maintenance responsibilities.
 - 3. Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
 - 4. Include a Land Stewardship Plan specifically focusing on the long-term management of open space lands. A draft land stewardship plan shall be submitted with a Preliminary Plat, and a final plan shall be submitted with the Final Plat.

- (7) Leasing of Common Open Space Lands. Common open space lands may be leased to another person or other entity for use, operation, and maintenance, provided that:
 - (a) The residents of the development shall at all times have access to such leased lands, except in the case of lease for agricultural purposes, in which case the residents, with their agreement, may be restricted from accessing the lands.
 - (b) The common open space lands to be leased shall be maintained for the purposes set forth in this section.
 - (c) The operation of such leased open space lands may be for the benefit of the residents of the development only, or may be open to the public, if so determined by the residents.

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- (d) The lease, and any transfer or assignment thereof, shall be subject to the approval of the Town Board.
- (e) Lease agreements shall be recorded in the office of the County Register of Deeds within 30 days of their execution, and a copy of the recorded lease shall be filed with the Town.
- (8) Conservation. Common Open Space shall be restricted in perpetuity from further subdivision and/or land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Town Board and duly recorded in the office of the County Register of Deeds. The legal instruments detailing the ownership of the open space shall be submitted with the Preliminary Plat and shall be recorded with the Register of Deeds upon Final Plat approval.
- (9) In the event that the association established to own and maintain common areas and facilities, or any successor organization thereto, fails to properly maintain all or any portion of the aforesaid common areas or facilities, the Town may serve written notice upon such association setting forth the manner in which the association has failed to maintain the aforesaid common areas and facilities. Such notice shall set forth the nature of corrections required and the time specified, the association, or any successor organization, shall be considered in violation of this ordinance, in which case the Town shall have the right to enter the premises and take the needed corrective actions. The costs of corrective actions by the Town shall be assessed against the properties that have the right of enjoyment of the common areas and facilities.
- (10) Sewerage Facilities. Sewerage facilities for Conservation Design Subdivision development may consist of any system meeting the requirements of the Town of Eldorado, Fond du Lac County, the Wisconsin Department of Commerce, and the Wisconsin Department of Natural Resources. Sewerage facilities for conservation subdivisions with twelve (12) or more parcels shall require clustered wastewater treatment systems.
- (11) Water Supply Facilities. Water facilities for Conservation Design Subdivisions may consist of any system meeting the requirements of the Town of Eldorado, Fond du Lac County, the Wisconsin Department of Commerce, and the Wisconsin Department of Natural Resources. Water supply facilities for conservation subdivisions with twelve (12) or more parcels shall require community wells and a community water system.

18.59 Development Yield Standards. Conservation Design Subdivisions shall complete the following worksheet in order to determine the maximum number of permitted dwelling units. This calculation information must be submitted with any application to the Town.

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

GTA: _____ acres

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

- (a) All lands located within existing street Right-of-Ways.

_____ acres

- (b) All lands located within existing Utility and Railway Right-of-Ways.

_____ acres

- (c) All lands located within floodplain.

_____ acres

- (d) All lands within environmentally sensitive areas.

_____ acres

- (e) All lands located within wetlands.

_____ acres

- (f) All of the land area having slopes 12% or greater.

_____ acres

PCA (sum of a through f)

_____ acres

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

ATA: _____ acres

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

- (a) Stream corridors within one hundred (100) feet of the ordinary high-water mark.

_____ acres

- (b) Environmental corridors.

_____ acres

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(c) Critical wildlife habitat.

_____acres

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

_____acres

(e) Unique natural features, which may include hills, knolls, depressions, rock outcroppings, kettles, moraines, eskers, and others.

_____acres

(f) Prime agricultural lands.

_____acres

(g) Historic structures.

_____acres

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

SCA: _____acres

(5) Calculation of Net Development Area (NDA). The NDA shall be a maximum of sixty percent (60%) of the GTA. If the NDA is less than sixty percent (60%) of the GTA, the Plan Commission and Town Board may allow the NDA to be increased to sixty percent (60%).

NDA: _____acres

(6) Calculation of Permitted Dwelling Units (PDU). The maximum number of permitted dwelling units in a conservation subdivision shall equal the ATA multiplied by 1.1 (a ten percent density bonus), provided that no lot is smaller than 21,780 square feet (one half acre) unless otherwise approved by the Plan Commission. If the calculation of PDU results in a figure ending in .5 or greater, it shall be rounded up to the next whole number. If the calculation of PDU results in a figure ending less than .5, it shall be rounded down to the next whole number.

PDU: _____

18.60 Conservation Design Concept Plat. Prior to the filing of an application for the approval of a Preliminary Plat, the Subdivider 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 plat' stage of the land division

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procedure and shall include the following steps and information:

- (1) The Subdivider shall prepare a concept plat at a scale of one-inch equals 100 feet of all the contiguous lands in which the subdivider has legal or equitable interest and present fifteen (15) copies to the Town Clerk.
- (2) Such concept plat shall include enough information to set forth the proposed development potential of the parcel to the satisfaction of the Plan Commission, and include at least the following:
 - (a) Soil characteristics or interpretations secured from detailed soil maps prepared by the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS) and/or monitoring borings data.
 - (b) The limits of woodland cover and wetlands on the entire parcel.
 - (c) Existing environmental corridors.
 - (d) Location of lakes, ponds, streams, standing water and designated floodplains on the parcel.
 - (e) Areas of steep or severe slope conditions, high water table conditions, potential drainage and erosion problems.
 - (f) Existing and proposed access from the parcel to adjacent streets, roads, or properties.
 - (g) Proposed street location and width.
 - (h) Proposed parcels including size to the nearest one-tenth acre.
 - (i) Existing land use of properties within ¼ mile of the property proposed to be divided.
 - (j) Any other pertinent information useful to the Subdivider and Plan Commission in their determination of developability of the parcel.
- (3) The Plan Commission shall either reject the concept plat giving reasons for such rejections or approve the concept plat and make recommendations. Such review and approval of the concept plat shall constitute approval of the concept plat only and shall not be deemed an approval of the layout and design of the proposed subdivision plat.
- (4) Through the concept plat procedure it is expected that the Subdivider and Plan

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Commission will reach mutual conclusions regarding the general design and objectives of the proposed development and its possible effects on the Town and County. The Subdivider will also gain a better understanding of the subsequent required procedures so that the process of Preliminary Plat submittal and approval may be expedited.

18.61 Preliminary Conservation Design Subdivision Plat Submittal. Before submitting a Final Plat for approval, the Subdivider shall prepare and submit a Preliminary Plat that conforms to the requirements of Chapter 236 Wisconsin State Statutes and all applicable sections of this ordinance. The Plat shall be prepared by a registered land surveyor. The Subdivider or their designated agent shall file the application and five (5) copies of the Preliminary Plat on paper no smaller than 22" x 30" and fifteen (15) copies of the Preliminary Plat on 11" x 17" paper with the Town Clerk. The subdivider shall also submit one digital PDF version and one digital CADD or GIS version to the Town Clerk.

18.62 Requirements for Preliminary Conservation Design Plat. In addition to the requirements of Chapter 236 Wis. Stats. and Sections 18.57-59 of this Chapter, the submitted Preliminary Plat shall include the following:

- (1) A map of sufficient scale showing the boundaries of the property being considered for division.
- (2) General parcel layout as proposed.
- (3) The proposed subdivision name. This name shall not duplicate the name of any Plat previously recorded in Fond du Lac County. A subtitle of "County Plat" shall be required for all County Plats.
- (4) Owners name, along with Volume and Page of the instrument that shows title to the Platted area. The Volume and Page of the affected property may be shown on the map, in the Surveyor's Certificate, on the Preliminary Plat, or in the Owner's Certificate.
- (5) Volume and Page or platted status (i.e. State or County Plat by name and parcel number, Certified Survey Map (CSM) by volume, page and parcel number) of adjoining lands.
- (6) Radius of all curves.
- (7) Proposed and existing road(s) showing road name and right angle width. Proposed and existing roads shall be dedicated as required in Article VIII.
- (8) Public areas to be dedicated, if any, and subsequently identified as "dedicated to the public."

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

18.63 Preliminary Conservation Design Subdivision Plat Review & Approval.

- (1) Upon receipt of an application for a Conservation Design Subdivision Plat, the Town Clerk shall transmit one (1) copy of the map to each of the following. Contact names and addresses are to be provided to the Clerk by the subdivider.
 - (a) Fond du Lac County Planning & Zoning Departments
 - (b) Any affected public or private utility as identified by the subdivider
 - (c) Local school districts
 - (d) Wisconsin Department of Natural Resources (WDNR)

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- (e) Fond du Lac County Highway Department (where applicable)
 - (f) Wisconsin Department of Transportation (WisDOT) (where applicable)
 - (g) Each member of the Plan Commission and Town Board
 - (h) Extraterritorial jurisdictions (where applicable)
 - (i) East Central Wisconsin Regional Planning Commission (ECWRPC) (as applicable)
- (2) Recommendations from receiving parties, with the exception of the Plan Commission, must be received by the Town Clerk within thirty (30) days from the date the copy is transmitted. If a recommendation is not received within thirty (30) days it shall be deemed an approval.
 - (3) Recommendations from the Plan Commission must be received within ninety (90) days from the date of transmittal. If a recommendation is not received within ninety (90) days it shall be deemed a preliminary approval and submitted to the Town Board.
 - (4) Once the Plan Commission recommendation is received, the preliminary review for approval shall be scheduled for a regularly scheduled Town Board Meeting.
 - (5) The Board, within ninety (90) days of the date of filing of a Preliminary Conservation Plat with the Town Clerk shall approve, approve conditionally, or reject, unless the time is extended by mutual agreement with the Subdivider. One (1) copy of the Plat shall there upon be returned to the Subdivider with the date and the action recorded thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the Plat. One (1) copy each of the plat and letter shall be kept on record by the Town.

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

- (1) If the Final Plat conforms substantially to the Preliminary Plat as approved, including any conditions of the approval, and to local plans and ordinances authorized by law, it is entitled to approval. If the Final Plat is not submitted within one (1) year of the last approval of the Preliminary Plat, any approving authority may refuse to approve the Final Plat. The Town reserves the right to

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add further restrictive covenants as provided in Chapter 236.293, Wis. Stats.

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

18.65 Final Plat Requirements. Upon approval of the Preliminary Plat the Subdivider shall submit fifteen (15) copies of a Final Plat based upon a survey by a Wisconsin Registered Land Surveyor for review. In addition to the requirements of the Preliminary Plat and Chapter 236 Wis. Stats. the Final Plat submitted shall include the following:

- (1) A clear and concise legal description that exactly matches the bearings and distances shown on the map. The error of closure for the legal may not exceed 1 in 3,000.
- (2) Area of each parcel shown in square feet (nearest square foot) and acres (nearest 100th acre).
- (3) All curve data.
- (4) Building setback lines shall be shown or noted on the face of the map.
- (5) Lands reserved for the common use of the property owners within the subdivision. The ownership of these common lands shall be shown and described. These lands shall be established as outlots.
- (6) Proposed deed and Plat restrictions.
- (7) It shall be required that on sheet one of the Plat a pre-designed recording block be available for the Register of Deeds to be placed on the Plat for recording information.
- (8) Show arc distances on the face of the map.
- (9) Certificates of approval in substantially the same form as required by Chapters 236.21(2)(a) and 236.21(3) Wis. Stats. and as per this ordinance as follows:
 - (a) Owner(s) Certificate with Notary Seal
 - (b) Mortgagee's Certificate
 - (c) Town Certificate

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- (d) County Certificate
- (e) Other certificates as required by Chapter 236.21 Wis. Stats.
- (f) Certification that the Plat is a true and correct representation of the features surveyed and mapped and that the Surveyor has fully complied with all local ordinances.
- (g) Special restrictions required by the reviewing authorities.

18.66 Final Plat Review & Approval. The Town Board, within sixty (60) days of the date of filing of a final conservation Plat with Town Clerk, shall approve, approve conditionally or reject such a Plat unless the time is extended by mutual agreement with the Subdivider. If approved, the certifications on the Plat shall be completed. If approved conditionally, the certificates shall not be completed until the conditions are met. If rejected, a letter setting for the reasons for rejection shall accompany the Plat. Failure of the Town to act within the time as extended by agreement with the Subdivider shall constitute an approval. The sixty (60) day period shall commence with the filing of the Final Plat with the Town Clerk, and not the preliminary approval. Final Plat must be submitted and approved within 36 months of Preliminary Plat approval.

18.67 Recording. Upon approval of all corrections addressed in the Preliminary and Final Plat reviews the Subdivider may submit a final Plat for recording with the Fond du Lac County Register of Deeds in accordance with Sec. 236.25, Wis. Stats.

18.68-69 Reserved.

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**ARTICLE VIII
GENERAL DESIGN STANDARDS**

18.70 Street Arrangement and Design. The applicant shall dedicate land for and improve streets in accordance with all Town of Eldorado requirements.

18.71 Ingress and Egress On Limited Access Highways. Where a tract or parcel of land abuts a County controlled limited access highway or State Highway access shall only be provided after obtaining required Fond du Lac County Highway Department and, as applicable, Wisconsin Department of Transportation (WisDOT) permits.

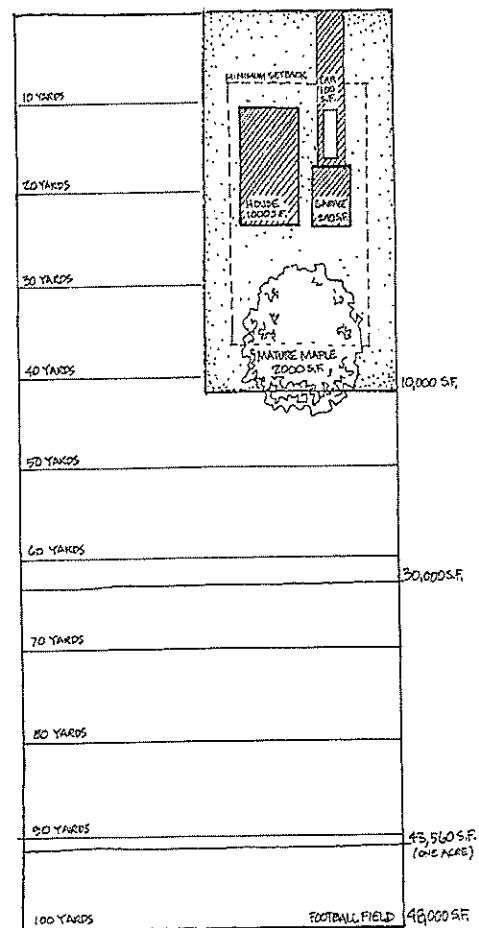
18.72 Blocks. The widths, lengths and shapes of blocks shall be suited to the planned use of the land, applicable zoning requirements, need for convenient access, control and safety of street traffic and the limitations and opportunities of the topography in accordance with existing Town of Eldorado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

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

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

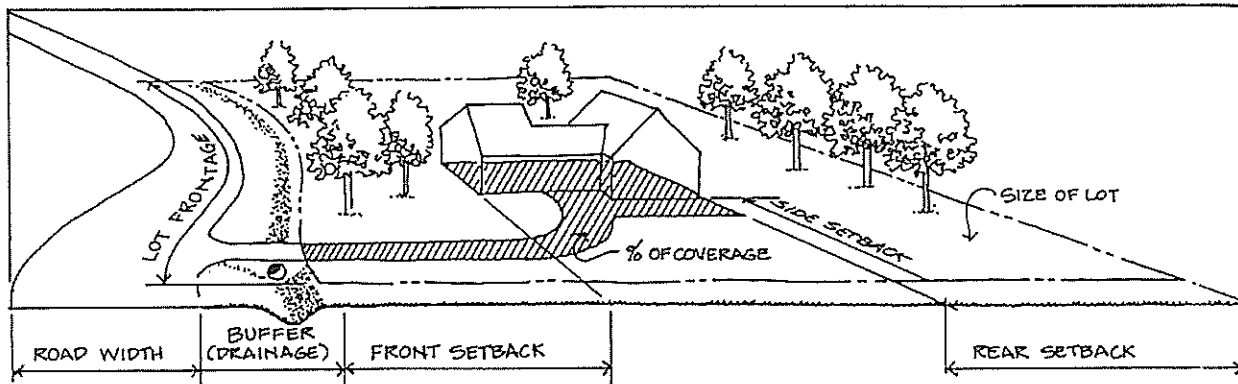
- (1) Flag Lots. Flag lots are not an approved lot design in the Town of Eldorado (See Section 18.100 (53) and (56) of this ordinance).

PARCEL SIZE DIAGRAM
FOR ILLUSTRATION PURPOSES ONLY



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18.75 Building Setback Lines & Siting Suggestions. Building setback lines, shall conform to standards found in the Town of Eldorado Zoning Code. Setbacks from wetland areas and wastewater treatment systems shall comply with Fond du Lac County Shoreland/Wetland Zoning Ordinance Requirements. Minimum setback from high water mark of any navigable water shall be 75 feet.



THE CIVIC REALM - RURAL AREAS

[These diagrams illustrate siting suggestions designed to retain the rural character of the Town of Eldorado. Subdividers are strongly encouraged to consider these techniques when seeking to create Certified Survey Maps (CSMs) or Subdivisions.]

SITING SUGGESTIONS

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

SITE NEW HOUSES AT EDGES OF FIELDS

DON'T GOUGE OUT PROJECTS
 RETAIN BUFFER
 RELATE OPEN AREA TO MAJOR TREES, WALLS, OTHER FEATURES
 HOUSES IN THE WOODS

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18.76 Impervious Surface Coverage Requirements. The maximum permitted impervious coverage (e.g. house, detached garage, accessory buildings, driveways, sidewalks, and patios) shall be in accordance with applicable Town of Eldorado requirements.

18.77 Stormwater. Any CSM or Subdivision Plat submitted to the Town is required to meet all applicable Town of Eldorado, Fond du Lac County, and State of Wisconsin Stormwater Management standards.

18.78 Phasing Requirements. An approved Preliminary Plat may be Final Platted in phases with each phase encompassing at least 25 percent of the area of the approved Preliminary Plat. If the Subdivider elects to Final Plat in phases as approved by the Plan Commission, the Town Board shall require a timetable of completion of development of the entire property included in the Preliminary Plat at/or prior to the time of submittal of the first phase of the Final Plat as part of the developer's agreement.

- (1) If a development includes more than 40 lots (e.g. new parcels), phases must be provided on the Preliminary and Final Plat such that no more than 50 percent of the total number of parcels are included in a single phase. The Town has the authority to require phased Final Plat approval in which each new phase may only be initiated once 80 percent of the parcels in the previous phase have been sold.

18.79 Surface Water Drainage Restrictions. To the extent practical, no drainageway contained within a drainage easement shall be disturbed, except in accordance with Fond du Lac County and applicable State requirements.

18.80 Community Water Supply. A community water supply shall be required for all residential subdivisions of twelve (12) lots or more.

18.81 Clustered Waste Water Treatment. Clustered wastewater treatment systems shall be required for all residential subdivisions of twelve (12) or more lots.

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

18.83 Street Names. Any street which is the reasonable continuation of an existing street shall bear the same name as the existing street.

- (1) The Plan Commission may disapprove the name of any street shown on the Plat that has already been used elsewhere in Fond du Lac County and which, because of similarity, spelling, or pronunciations may cause confusion.

- (2) The following table shall be used in the naming of streets and roadways in all

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proposed land divisions:

Type	Cul-de-sacs	Curving	Straight
Short Streets (less than 999 feet in length)	Places or Courts	Way, Circle, or Lane	Terrace, Row, or Lane
Long Streets (1,000 feet or longer)	N/A	Drive, Road, or Trail	Street or Avenue

- (3) The term boulevard shall be reserved for such streets which, because of their breadth or monumental character, are to be especially designated.
- (4) Public streets and roads shall be located and designed to take into account:
 - (a) Existing and planned streets.
 - (b) Topographic conditions including bearing capacity and erosion potential of soil.
 - (c) Public convenience and safety including facilitating fire protection, snow plowing, and pedestrian traffic.
 - (d) The desire of the Town to reduce impervious surfaces in order to protect surface waters.
 - (e) The proposed uses of land to be served.
 - (f) Anticipated traffic volumes based upon State Average Daily Traffic (ADT) standards (see 18.85 (1) through (3)).
 - (g) Further land division possibilities.

18.84 Private Roads. Private roads developed to serve a CSM or Subdivision in the Town of Eldorado shall be constructed consistent with all Town standards and shall be required to adhere to all applicable requirements for public road construction, such that, the developed roadway will be indistinguishable from a public road. Any proposed development that includes a private road shall require a development agreement.

18.85 Minimum Design Standards for Town Roads. All new roads designed as part of new subdivisions in the Town of Eldorado shall be constructed consistent with applicable Town and/or State standards.

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- (1) Cul-de-sacs. Any portion of a street designed to have one end permanently closed shall not exceed eight hundred (800) feet in length and shall provide a turnaround with a minimum right-of-way diameter of one hundred twenty (120) feet. In the case of a temporary cul-de-sac identified on the plat as the location of a future ingress/egress point, as approved by the Plan Commission, said cul-de-sac shall not be less than one hundred twenty (120) feet in diameter.

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

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

The subdivision developer shall maintain responsibility for the development of all roads in new subdivisions until seventy-five percent (75%) of the homes are completed. The roads shall be in good condition when the Town assumes responsibility for maintenance and upkeep. In addition, the developer shall complete a density test, consistent with WisDOT standards, for all roads within the subdivision and submit such test to the Plan Commission for review prior to the Town assuming authority over such roads.

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

18.87-89 Reserved.

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**ARTICLE IX
DEDICATIONS AND IMPROVEMENTS**

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

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

18.91 Improvements. No construction or installation of improvements shall commence in a proposed subdivision until the Preliminary Plat has been approved by the Town of Eldorado Plan Commission and Town Board.

- (1) Upon approval and recording of the Final Plat, the Subdivider shall install all street, utility and other improvements as required in this section. Such improvements may be completed prior to submission for approval of any Final Plat or final certified survey map, but must be made to the satisfaction of the Town Engineer or designee within twelve (12) months from the date of Final Plat approval or such approval will be considered null and void. If for some reason the required improvements cannot or should not be made within the prescribed 12-month period, the Town Board may extend the period and require a cash bond or irrevocable letter of credit in an amount equal to one hundred twenty percent (120%) of the cost of completing such improvements as estimated by the Town Engineer or designee as a guarantee that the required improvements will be made within a reasonable period prescribed by and satisfactory to the Town Board. Any such cash bond or irrevocable letter of credit shall remain in the custody of the Town, and the Town will not be obligated to pay interest thereon. In no event shall the provision of a cash bond or irrevocable letter of credit for completion of required improvements remove the burden of such completion from the Subdivider.
- (2) All private sewerage systems in the Town of Eldorado shall be constructed pursuant to applicable regulations of the Town of Eldorado, Fond du Lac County, and the State of Wisconsin, including Chapter SPS 363.

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- (3) When it is proposed to establish a private water supply and distribution system (or common sanitary system) to serve (2) or more parcels or dwelling units, the applicant shall construct the facilities in such a manner as to make adequate water service (and sewer) available to each parcel within the subdivision or Certified Survey Map (CSM). Private water supply systems shall conform to all applicable regulations of the State of Wisconsin.
- (4) No drainageway contained within a drainage easement shall be disturbed in accordance with the following:
 - (a) No artificial obstruction may be constructed, planted, or maintained within any man-made or natural drainageway so that such an obstruction impedes the natural flow of water and/or diminishes the natural aesthetic quality of the drainageway.
 - (b) Lot boundaries shall be made to coincide with new and/or pre-existing man-made and natural drainageways to avoid the creation of lots that can be built upon by altering such drainageways.
 - (c) Surface water shall not be regarded as unduly retained or diverted if:
 - 1. The retention or diversion results from a technique, practice, or device deliberately installed as part of an approved sedimentation or stormwater runoff control plan.
 - 2. The retention or diversion is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such a retention presents a danger to health or safety.
 - 3. The retention or diversion results from the actions of natural obstructions, whereby maintenance shall be performed by the property owner.
 - 4. The retention or diversion has been allowed or required by the Town of Eldorado, Fond du Lac County Zoning Department, or Fond du Lac County Land Conservation Department and noted on the approved drainage plan.

18.92 Plans. The following plans and accompanying construction specifications may be required by the Plan Commission and Town Board before authorization of construction or installation of improvements:

- (1) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.

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- (2) Installation of street signs meeting the approval of the Town of Eldorado and Fond du Lac County at all intersections.
- (3) Sanitary system plans and profiles showing the locations, grade, sizes, elevations and materials of required facilities in accordance with County and State Requirements. Each parcel shall indicate a location of a septic field and a viable alternative location for a replacement septic field on the site should the system fail.
- (4) Surface water drainage facilities, which may include curb and gutters, catch-basins and inlets, road ditches and open channels, as may be required to provide adequate surface drainage for the subdivision.
- (5) Erosion control plans in accordance with State, County, and, if applicable, Town Standards.

18.93 Inspection and Guarantee. The applicant, prior to commencement of any work within the land division, shall make arrangements with the Town Board to provide for adequate inspection. The Town Board or designee shall inspect and approve all completed work prior to approval of the Final Plat or release of the sureties. All public improvements shall be guaranteed against physical defect and repaired by the developer for a period of one year following initial acceptance of such improvements by the Town Board.

18.94-99 Reserved.

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**ARTICLE X
DEFINITIONS**

18.100 Definitions. For the purpose of this ordinance, certain words that may or may not be used therein are defined as follows:

- (1) Adjusted Tract Area - The area of the total parcel minus any primary conservation areas.
- (2) Alley – A public or private right-of-way which provides secondary access to abutting properties.
- (3) Agricultural Use - As per the Town of Eldorado Zoning Ordinance, any of the following activities conducted for the purpose of producing an income or livelihood:
 - (a) Crop or forage production.
 - (b) Keeping livestock.
 - (c) Beekeeping.
 - (d) Nursery, sod, or Christmas tree production.
 - (e) Floriculture.
 - (f) Aquaculture.
 - (g) Fur farming.
 - (h) Forest management.
 - (i) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
 - (j) Other activities that DATCP may define by rule.
- (6) Applicant – The Subdivider or Subdivider’s Developer’s agent.
- (7) Arterial Street – A street used, or intended to be used, primarily for fast or heavy through traffic. Arterial streets shall include freeways and expressways, as well as standard arterial streets, highways, and parkways.
- (8) Block – A group of parcels existing within well-defined and fixed boundaries,

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usually being an area surrounded by streets or other physical barriers and having an assigned number, letter or other name through which it may be identified.

- (9) Bufferyard – An area of land within the boundaries of a parcel or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or using trees, shrubs, fences and/or berms, designed to limit continuously the view and/or sound from the parcel or site to adjacent parcels or sites. Bufferyards are typically defined by a delineated easement graphically indicated on the fact of the Certified Survey Map or Subdivision Plat.
- (10) Building – A structure having a roof supported by columns or wall. When separated by division walls from the ground up and without openings, each portion of each building shall be deemed a separate building.
- (11) Clerk – The Town of Eldorado employee with the official title of Clerk or his/her designee.
- (12) Certified Survey, Certified Survey Map, and/or CSM - A map of a minor land division prepared in accordance with sec. 236.34, Wis. Stats. and in full compliance with the applicable provisions of this Ordinance.
- (13) Collector Street – A street used, or intended to be used, to carry traffic from minor streets to the major system or arterial streets, including principal entrance streets to residential developments.
- (14) Common Element - The common facilities in a condominium, condominium development, or condominium subdivision.
- (15) Common Facilities - All the real property and improvements set aside for the common use and enjoyment of the residents of a cluster development, including, but not limited to, buildings, open space, private streets, parking areas, walkways, recreation area, drainage easements, and any utilities that service more than one unit, such as sewerage and well facilities.
- (16) Common Open Space - Undeveloped land within a conservation design subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common Open Space shall not be part of individual residential parcels, and shall be substantially free of structures, but may contain such recreational facilities for residents as are shown on the approved development plan.
- (17) Comprehensive Plan – The official guide for the physical, social, and economic

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growth of a municipality, properly enacted or adopted according to statute, which is now or may hereafter be in effect.

- (18) Conditional Approval – Approval of a land division, subject to the land division meeting certain requirements as determined by the Plan Commission.
- (19) Condominium - A form of ownership combining individual unit ownership with shared use and ownership of common property or facilities, established in accordance with the requirement of Chapter 703 of the Wis. Stats. Common areas and facilities are owned by all members of the condominium association on a proportional, undivided basis. A condominium is a legal form of ownership and not a specific building type or style.
- (20) Condominium Agreement - A legal agreement outlining the management of the common open space.
- (21) Condominium Association - An association, whose members consist of owners of units in a condominium, which administers and maintains the common property and common elements of a condominium.
- (22) Conservation Areas, primary – The primary conservation areas are those areas that are automatically set aside when determining open space for conservation development subdivisions. The following are areas of primary conservation: all lands located within existing street Right-of-Ways, all lands located within existing Utility and Railway Right-of-Ways, all lands located within floodplain, all lands located within wetlands, all slopes of twelve percent (12%) or greater.
- (23) Conservation Areas, secondary – Those areas identified in, but not limited to, Section 18.57 of this ordinance.
- (24) 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.
- (25) 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.
- (26) County – Reference to County shall mean Fond du Lac County and shall include any agency, department or committee thereof.

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- (27) Cul-de-sac Street – A minor street with only one outlet and having a turn around for the safe and convenient reversal of traffic movement.
- (28) Dead end Street – A street having only one outlet for vehicular traffic and no vehicular turn around.
- (29) 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.
- (30) Detention Basin – A man-made or natural depression below the surrounding grade level designed to collect surface and/or subsurface water so that it might impede its flow and to gradually release the same at a rate not greater than that prior to the development of the property, into natural or man-made outlets (i.e. storm sewer, culvert or stream).
- (31) Development – Any man-made changes to improved or unimproved real estate including, but not limited to, construction of or addition or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.
- (32) Developer's Agreement - An agreement by which the Town and the sub-divider agree in reasonable detail to all of those matters which the provisions of these regulations permit to be covered by the developers agreement and which shall not take effect unless and until an irrevocable Letter of Credit or other appropriate surety has been issued to the Town.
- (33) Drainageway – The land on either side of and within fifty (50) feet of the centerline of any intermittent or perennial stream graphically shown on : a topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two (2) feet or the U.S. Geological Survey (USGS) 7.5-minute quadrangle topographic map of the area.
- (34) Easement – Authorization by a property owner for another to use the owner's property for a specified purpose.
- (35) Existing Parcel – A parcel, lot, or tract of land which the enclosing boundaries are separately described and recorded with the Office of register of Deeds, Fond du Lac County Planning and Zoning Department, Town of Eldorado Plan Commission, or defined by an existing tax parcel.

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- (36) Fees / Forfeitures - Sums as prescribed by the most recent Fee Schedule adopted by the Town Board.
- (37) Final Plat - A map prepared in accordance with requirements of Chapter 236 of the Wisconsin State Statutes and this Ordinance for the purpose of precisely dividing larger parcels into smaller parcels and used in conveying these new parcels.
- (38) Floodlands – Those lands, including the channels, floodways and floodplain fringe of any given reach, which are subject to inundation by the flood within a given recurrence frequency. The one hundred year (100-year) recurrence interval flood (or that flood having a one percent (1%) probability of occurring in any given year) is generally used for regulation.
- (39) 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.
- (40) Frontage – the length of the front property line of the parcel, or tract of land abutting the right-of-way of a public street road or highway.
- (41) Grade or Gradient – the slope of land, a road, street or other public way, specified in percent.
- (42) Grading Plan – A drawing of a proposed area with plans and specifications for grading.
- (43) Gross Tract Area – The entirety of the parcel proposed for subdivision, including all primary and secondary conservation areas.
- (44) High Water Elevation and High Water Mark – 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.
- (45) Highway, Limited Access – a freeway or expressway providing a trafficway for through traffic, in respect to which owners or occupants of abutting property on lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over the trafficway.
- (46) Homeowners' Association – A Wisconsin membership corporation which serves

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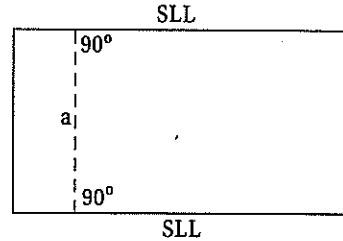
as an association of homeowners within a Subdivision or Certified Survey Map having shared common interests, responsibilities with respect to costs and upkeep of common private property of a Subdivision or Certified Survey Map. Such common property includes private recreation and open space areas within the Subdivision or Certified Survey Map.

- (47) Improvement, Public – Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip, off-street parking area or other facility for which the County or Town may ultimately assume the responsibility for maintenance and operation.
- (48) Land Divider - Any person, partnership, corporation, or other legal entity that has an ownership or other legal interest in the subject land that is being divided, or proposed to be divided, resulting in a land division.
- (49) Land Division - The division of an outlot, parcel, or tract of land by the owner of the land, or the owner's agent, for the purpose of sale or for development when the act of division creates two or more parcels or building sites by a division or by successive divisions of any part of the original property, including any land division by or for a Conservation Subdivision, a Cluster Development, a Statutory Subdivision, a Minor Land Division, Replat, and Certified Survey Map, and any other land division.
- (50) Landscaping – Living material, such as grass, groundcover, flowers, shrubs, vines, hedges and trees and nonliving durable material, such as rocks, pebbles, sand, mulch, wood chips or bark, walls and fences, but not including paving.
- (51) Lot - A parcel of land resulting in a division of a parcel pursuant to this ordinance.
- (52) Lot, Corner – A parcel abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of one hundred thirty five degrees (135°) or less measured on the parcel line.
- (53) Lot, Double Frontage – A lot other than a corner lot which has frontage on two substantially parallel streets.
- (54) Lot, Flag – A parcel of land roughly shaped like a flag, with a narrow strip providing access to a public street and the bulk of the property containing no frontage.
- (55) Lot Lines (or Parcel Lines) – The peripheral boundaries of a parcel of land.
- (56) Lot, Through – A parcel which has a pair of opposite parcel lines among two parallel streets and which is not a corner lot. On a through lot both street lines

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shall be deemed front parcel lines.

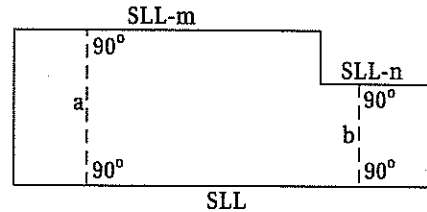
- (57) Lot Width (or Parcel Width) – The mean horizontal distance between the side lot lines of a parcel measured at right angles to the depth. On irregularly (non-perpendicular) shaped parcels, the width shall be the average width of the parcel (see below). Lot width shall be measured at the building line (e.g. location at which the principal structure is located). Width shall also be measured at the shoreyard setback line. At least fifty percent (50%) of the parcel shall be greater than or equal to the required lot width.



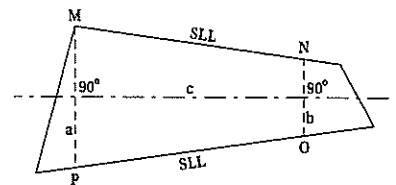
(a) The following illustrations and formulas are provided to explain the methods of average parcel width determination.

1. Parallel Lot Lines.

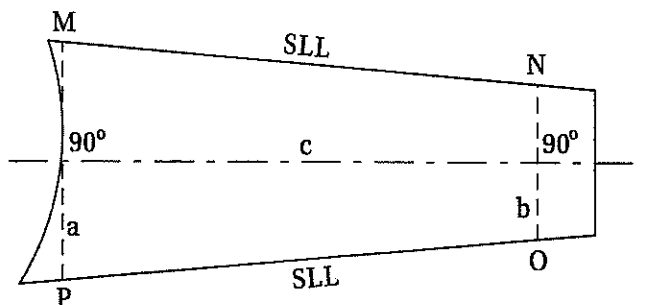
Average Lot Width is the perpendicular distance between Side Lot Lines (SLL) Use only that part of length n that, when added to area of m portion of lot, satisfies minimum area requirements.



2. Nonparallel Parcel Lines, Alternative 1. Average Parcel Width is area of MNOP equals Minimum Parcel Area, and line c bisects angle formed by lines MN and OP extended.

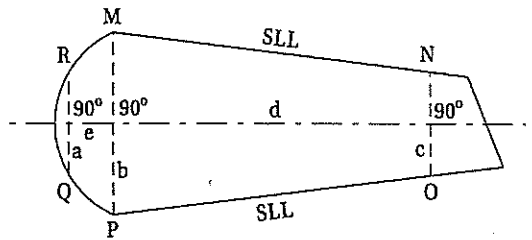


3. Nonparallel Parcel Lines, Alternate 2. Average Parcel Width is area of MNOP equals Minimum Parcel Area and line c bisects angle formed by lines MN and OP extended. c is the perpendicular distance between lines a and b.

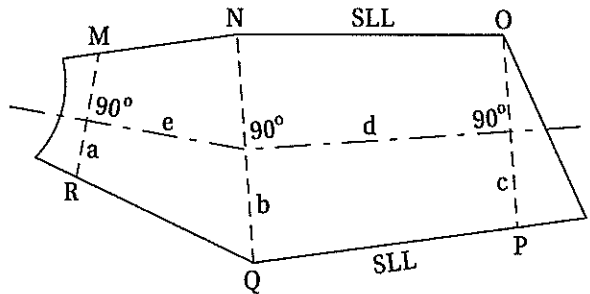


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4. Nonparallel Parcel Lines, Alternate 3. Average Parcel Width is area of MNOPQR equals Minimum Parcel Area and line d bisects angle formed by lines MN and OP extended. d is the perpendicular distance between lines b and c. e is the perpendicular distance between lines a and b.



5. Nonparallel Parcel Lines, Alternate 4. Average Parcel Width is area of MNOPQR equals Minimum Parcel Area, line e bisects angle formed by lines MN and QR extended, and line d bisects angle formed by lines NO and PQ extended. d is the perpendicular distance between lines b and c. e is the perpendicular distance between lines a and b.



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- (58) Major Street – Arterial and collector roads primarily intended for through traffic with a secondary function of direct access.
- (59) Minor Land Division - Any division of land other than a statutory subdivision and including all Certified Survey Maps.
- (60) Minor Street – A street used or intended to be used primarily for access to abutting properties.
- (61) Navigable Waters - Any body of water defined as navigable under the laws of the State.
- (62) Net Developable Area - The area of the tract in a conservation design subdivision that can be divided into parcels.
- (63) Nonprofit Conservation Organization - A nonprofit corporation, charitable trust, or other nonprofit organization described in Section 501 (c)(3) of the Internal Revenue Service 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.
- (64) Open Space - The area of lands within a conservation design subdivision that cannot be developed. This area includes forty percent (40%) of the Gross Tract Area held in common ownership. This area is for passive/active recreational use by the residents of the development and, where specified, the larger community.
- (65) Outlot - A parcel of land other than a residential lot or block so designated on a land division plat or Certified Survey Map.
- (66) Owner - For purposes of this Ordinance the word "owner" if used herein shall be deemed to mean the person holding the fee title to the lands involved, except that where lands have been divided on a land contract the land contract vendee shall be deemed the owner.
- (67) Plan Commission - The Town of Eldorado Plan Commission is the Plan Commission for the purposes of this ordinance.
- (68) Plat - A map of a subdivision.
- (69) Preliminary Plat - A map showing the salient features of a proposed subdivision as described in Articles VI through VII, submitted to the Plan Commission for the purposes of preliminary consideration by the Plan Commission prior to any land division.

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- (70) Prime Agricultural Lands - - Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses.
- (71) Public Utility – Every corporation, company, associations, sanitary district, or municipality that may own or operate any plant or equipment for the conveyance of telephone or other electronic messages, or for the production, transmission, delivery, or furnishing of heat, electricity, gas, water, cable television, sewer, or and other service deemed to be in the public interest shall be deemed a public utility.
- (72) Public Way – any public road, street highway, walkway, drainageway or part thereof.
- (73) 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.).
- (74) 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, fishing, hunting).
- (75) Replat - The process of changing the map or plat which changes the boundaries of a recorded Statutory Subdivision Plat, Minor Land Division, Certified Survey Map, or other land division or part thereof; the division of a large block, parcel, or outlot within a recorded subdivision plat or certified survey which changes the exterior boundaries of said parcel, block, or outlot is a replat.
- (76) Restrictive Covenant - A deed restriction on the use of the land usually set forth in the deed that is binding upon subsequent owners of the property.
- (77) Retention Basin – A man-made or natural body of water of a depth of not less than three (3) feet, designed to contain water at all times, the levels of which will be increased as a result of the flow into it from surface and subsurface water collected therein and released gradually into natural and man-made outlets.
- (78) Review Period – The number of calendar days allotted to review a land division.
- (79) Right-of-Way – A strip of land occupied or intended to be occupied for a special use, dedicated to the public by the owner of the land division on which such right-of-way is established.
- (80) Setback – Those minimum street, front, rear, and/or side yards required between

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a building and a parcel line and as defined in the Town of Eldorado Zoning Ordinance.

- (81) Shoreland Jurisdiction – The area within one thousand (1,000) feet of the ordinary high water mark of a navigable lake, pond or flowage; or within three hundred (300) feet of the ordinary high water mark of a river or stream; or to the landward side of a floodplain, whichever distance is greater.
- (82) Slope – The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.
- (83) State Plat – A map of a division of land prepared in accordance with Chapter 236 of the Wis. Stats. and the terms of this ordinance.
- (84) Stream – A course of running water, either perennial or intermittent, flowing in a channel (e.g. water body that forms a link between two bodies of water).
- (85) Street - A public way for vehicular and pedestrian traffic.
- (86) Structure – Anything constructed or erected on the ground including, but not limited to, all types of buildings and attachments to buildings.
- (87) Subdivider - Person or persons requesting review or action on a subdivision.
- (88) Subdivision - The division of a parcel or parcel of land by the owner thereof or his agent where the act of division creates one or more parcels of land.
- (89) Surface Ditch Invert – a structure, typically made of concrete, which allows for the conveyance of stormwater while minimizing erosion and stormwater runoff.
- (90) Surveyor – A person who surveys land and is duly registered in the State of Wisconsin.
- (91) Town – Reference to town shall mean the Town of Eldorado including the Town Board, Town Clerk, or any other designated Town Commission or staff.
- (92) Tract– A contiguous area of land that exists or has existed in single ownership.
- (93) Utility Easement - An easement to place, replace, maintain or move utility facilities.
- (94) Variance – A departure from the terms of this Ordinance as applied to a specific building, structure, or parcel of land, which the Plan Commission may permit, pursuant to this Ordinance.

Town of Eldorado
Chapter 18
Land Division / Subdivision Ordinance

Adoption

Pursuant to Chapter 236.45 (4), Wis. Stats., a public hearing was held on June 25th, 2012, before the adoption of this Ordinance.

Following passage by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

ADOPTED this 26th day of June, 2012.

Posted and published this 22nd day of August, 2012.



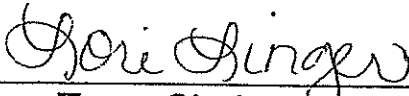
Gary Miller, Town Chairman



Dennis Mueller, Supervisor



Bill Averbeck, Supervisor

Attest: 

Lori Linger, Town Clerk