

Chapter 38 LAND DIVISION**Article I. In General**

- Sec. 38-1. Definitions and usage.
- Sec. 38-2. Policy.
- Sec. 38-3. Purposes.
- Sec. 38-4. Authority.
- Sec. 38-5. Jurisdiction.
- Sec. 38-6. Enactment.
- Sec. 38-7. Interpretation and conflict.
- Sec. 38-8. Saving provision.
- Sec. 38-9. Reservations and repeals.
- Sec. 38-10. Public purpose and conditions of land division approval.
- Sec. 38-11--38-30. Reserved.

Article II. Administration and Enforcement

- Sec. 38-31. Enforcement, violations and penalties.
- Sec. 38-32. General application and approval process procedure.
- Sec. 38-33. Flexible zoning applications with land division approval.
- Sec. 38-34. Preapplication consultation.
- Sec. 38-35. Sketch plan.
- Sec. 38-36. Local government land division review checklist.
- Sec. 38-37. Preliminary plat application and approval.
- Sec. 38-38. Final map or plat application and approval.
- Sec. 38-39. Appeals process.
- Sec. 38-40. Time periods for action.
- Sec. 38-41. Sketch plan specifications.
- Sec. 38-42. Preliminary plat specifications.
- Sec. 38-43. Final map or plat specifications.
- Sec. 38-44--38-70. Reserved.

Article III. Required Improvements, Reservations and Design

- Sec. 38-71. Lot improvements.
- Sec. 38-72. Roads.
- Sec. 38-73. Stormwater management and drainage.
- Sec. 38-74. Sanitary systems.
- Sec. 38-75. Public dedication.
- Sec. 38-76. Preservation of natural features and amenities.

County Board Approval:

On March 13th, 2001, the Chippewa County Board of Supervisors adopted ordinance number 2001-02, which repealed the previous county land division ordinance and recreated it. The final ordinance provisions/regulations are presented on the subsequent pages.

Ordinance Amendment(s):

2007-07 – CSM's, State Plat, County Plat, Outlot Provisions and Buildable Lot Provisions (Adopted by the County Board on 11-13-2007).

On March 13, 2012, the County Board adopted ordinance revisions to codify Resolution No. 39-11, which restructured the County Board committees, boards, and commissions in anticipation of the downsizing of the County Board from 29 to 15 supervisors. Not all ordinance subsections were revised, but those subsections that had material changes will be specifically designated at the end of those subsections.

ARTICLE I. IN GENERAL

Sec. 38-1. Definitions and usage.

- (a) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular.
- (1) *Applicant* means the owner of land proposed to be subdivided or the owner's representative who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the premises.
 - (2) *Block* means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities. An alley may traverse a block.
 - (3) *Certified survey map* means a map of not more than four (4) lots, parcels, tracts or remnants of land, which shall be recorded in the office of the register of deeds of the county and which shall meet the requirements of Wis. Stats. § 236.34 and this chapter.
 - (4) *Chippewa County Board of Supervisors* means the body of the county government having the power to adopt ordinances.
 - (5) *Committee* means the county Planning and Zoning Committee established under Wis. Stats. § 59.69 (2).
 - (6) *Conservation designed subdivision* means a designed land division, which allows lots to be reduced in size given that land is set aside for open space, common facilities or public purpose. The number of lots created cannot exceed the number which could have been created under the current zoning on that land.
 - (7) *Contiguous* means lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot. This does not include lots that only touch at one point of any of their corners. In reference to subsection 38-71(c)(3) and contiguous buildable area of lots, contiguous means a connected, unbroken continuous area of at least 67 feet in width, of which any portion is connected to any other portion by a width of at least 67 feet.
 - (8) *Corporation counsel* means the attorney designated by the Board of Supervisors to furnish legal assistance for the administration of this chapter.
 - (9) *County plat* means any land division that creates at least five (5) or more lots, parcels, tracts or remnants of land, which are less than an equal half division of a quarter-quarter section within a five (5) year period. A county plat cannot contain more than

four (4) lots, parcels, tracts or remnants less than one-and one-half (1 ½) acres in size. County plats are not subject to department of administration review, but are subject to the surveying requirements of Wis. Stats. 236 and this chapter.

- (10) *Cul-de-sac* means a local street with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- (11) *Developer* means the owner of land proposed to be subdivided or its representative who is responsible for any undertaking that requires review and/or approval under this chapter. See *Subdivider*.
- (12) *Double frontage lots* means lots which have a street or road on any two opposite sides.
- (13) *Easement* means authorization by a property owner for another to use the owner's property for a specified purpose.
- (14) *Environmentally critical area* means, but is not limited to the following: streams, lakes, wetlands, floodplains, steep slopes, historically or architecturally significant sites, areas of endangered species and wildlife corridors.
- (15) *Extraterritorial plat approval jurisdiction* means the unincorporated area within three miles of the corporate limits of a first, second or third class city or 1 1/2 miles of a fourth class city or village.
- (16) *Final certified survey map* means a certified survey map, which does not involve successive certified survey maps, to be recorded after approval by the committee.
- (17) *Final plat* means the map of a county or state plat subdivision to be recorded after approval by the committee and any accompanying material as described in this chapter.
- (18) *Flexible zoning* means zoning which permits uses of land and density of buildings and structures different from those which are allowed as of right within the zoning district in which the land is situated. Flexible zoning applications shall include, but not be limited to, all conditional use permits, planned unit developments, density transfer or conservation designed subdivisions.
- (19) *Frontage* means that side of a lot abutting on a street and ordinarily regarded as the front of the lot; but it shall not be considered as the ordinary side of a corner lot.
- (20) *Frontage street* means any street to be constructed by the developer or any existing street where development shall take place on both sides.
- (21) *Grade* means the slope of a road, street or other public way specified in percentage terms.
- (22) *Health, safety or general welfare* means the purpose for which counties may adopt and enforce land use regulations for the prevention of harm or promotion of public benefit to the community; commonly referred to as police power.

- (23) *Hydrologic soil group* means the soils grouped according to their runoff-producing characteristics. The four hydrologic groups are defined in Appendix A of TR-55 and Table 17 of the soil survey.
- (24) *Impervious area* means any surface, which will not allow for significant infiltration into the soil, including, but not limited to: rooftops, parking lots, roads, compacted soil and gravel areas, and sidewalks.
- (25) *Improvements*. See *Lot improvement* and *Public improvement*.
- (26) *Infiltration areas* means those areas whose primary design function is stormwater infiltration and not stormwater discharge.
- (27) *Land division* means any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, condominiums, tracts or interests for the purpose of offer, sale, lease or development whether immediate or future, either on the installment plan or upon any and all other plans, terms and conditions. Land division includes the division or development of residentially and nonresidentially zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, certified survey map, plat or other recorded instrument. Land divisions also include resubdivision and condominium creation or conversion.
- (28) *Local government* means any city, village, town or county government.
- (29) *Local road* means a road whose sole function is to provide access to abutting properties and to other roads from individual properties and to provide right-of-way beneath it for sewer, water and storm drainage pipes.
- (30) *Lot* means a tract or parcel of land, legally created in a land division, which is intended for use or the placement of structures separate from other parcels in the same land division.
- (31) *Major street*. See *Primary arterial*.
- (32) *Map* means a certified survey map or the preliminary or final certified survey maps comprising successive certified survey maps.
- (33) *New development* means a project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation or enlargement of any structure; or any use or extension of land; any of which has the effect of increasing the requirements for capital improvements, measured by number of service units to be generated by such activity and which requires either the approval of a map or plat pursuant to this chapter, the issuance of a sanitary or building permit or connection to any municipality's water or sanitary sewer system.
- (34) *Nonresidential land division* means a land division the intended use of which is other than residential, such as commercial, industrial or institutional.

- (35) *Off-site* means any premises not located within the area of the property to be subdivided whether or not in the common ownership of the applicant for land division approval.
- (36) *Open land division* means a land division where land under one ownership, which is not less than two quarter-quarter sections, not less than all the contiguous land under that ownership, is divided to consolidate lots on one of the quarter-quarter sections, while permanently restricting development on the balance of the contiguous area through the use of easements or deed restrictions.
- (37) *Ordinance* means legislative action of a permanent nature, adopted in written form and denominated as such by a local government.
- (38) *Outlot* means a parcel of land other than a lot, parcel, tract or remnant, so designated on a certified survey map, county plat or state plat.
- (39) *Owner* means the record owners of the fee or a vendee in possession, including any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under definition of same ownership.
- (40) *Person* means all natural persons, partnerships, corporations and other associations, including governmental bodies, politic and corporate.
- (41) *Planned unit development (PUD)* means a development constructed on a tract of minimum size under single ownership planned and developed as an integral unit, consisting of a combination of residential and/or nonresidential uses on the land, having the potential for altered or relaxed dimensional standards from those found in the regular zoning districts and requiring a site plan review.
- (42) *Plat* means the preliminary or final map of a county or state plat.
- (43) *Police power* means inherent, delegated, or authorized legislative power for purposes of regulation to secure the health, safety and general welfare.
- (44) *Preliminary plat* means the preliminary drawing or drawings indicating the proposed manner or layout of the county or state plat to be submitted to the committee for approval.
- (45) *Primary arterial* means a road intended to move through traffic to and from major attractors such as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas and similar traffic generators within the governmental unit; and/or as a route for traffic between communities or large areas and/or which carries high volumes of traffic.
- (46) *Quarter-quarter section* means a protracted division of land equivalent to one-sixteenth of a section of land according to the government survey. A quarter-quarter section is commonly 40 acres in area but may, depending upon the section in question, be less than 40 acres in size.

- (47) *Registered engineer* means an engineer properly licensed and registered in the state.
- (48) *Registered land surveyor* means a land surveyor properly licensed and registered in the state.
- (49) *Remnant* means the remainder of a formerly contiguous parcel or tract of real estate under single ownership, which would be unaffected by the proposed land division.
- (50) *Resubdivision* and *replat* mean any change in an approval of a certified survey map or plat which affects a street as laid out therein or other area dedicated or reserved to the public or which affects any certified survey map or plat recorded prior to the adoption of this chapter.
- (51) *Right-of-way* means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for any other special use. The usage of the term "right-of-way" for land division purposes shall mean that every right-of-way after the effective date of the ordinance from which this chapter is derived established and shown on a certified survey map or final map or plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be shown on the face of the plat or certified survey map as being dedicated to public use by the maker of the certified survey map or plat on which such right-of-way is established.
- (52) *Road* means street or highway, public or private.
- (53) *Road, dead-end*, means a road or a portion of a road with only one vehicular traffic outlet.
- (54) *Road right-of-way width* means the distance between property lines measured at right angles to the centerline of the street.
- (55) *Sale* and *lease* mean any immediate or future transfer of ownership any possessory interest in land, including contract of sale, lease, devise, intestate succession or other transfer of an interest in a land division or part thereof, whether by metes and bounds or lot and block description.
- (56) *Secondary arterial* means a road intended to collect and distribute traffic in a manner similar to primary arterials, except that these roads service minor traffic-generating areas such as community commercial areas, primary and secondary educational facilities, hospitals, major recreational areas, churches and offices and are designed to carry traffic from collector streets to the system of primary arterials.
- (57) *Secondary street*. See *Secondary arterial*.

- (58) *Site* means the entire area included in the legal description of the proposed land division.
- (59) *Sketch plan* means a sketch preparatory to the certified survey map or preliminary plat to enable the subdivider to save time and expense in reaching general agreement with the committee as to the form of the certified survey map or plat and the objectives of this chapter.
- (60) *Slope class* means the slope range of a given soil as alphabetically represented (i.e., A, B, C, D, etc.) in the soil map unit symbol.
- (61) *Specific plan* means a document encompassing a specific geographic area of the local government which is prepared for the purpose of specifically implementing the local government comprehensive plan by: (i) refining the policies of the comprehensive plan to a specific geographic area; (ii) containing specific recommendation as to the detailed policies and regulations applicable to a focused development scheme. The specific plan shall consist of goals, objectives and policies; requirements for capital improvements; the level of service required for public facilities; physical and environmental conditions; housing and land use characteristics of the area; and maps, diagrams and other appropriate materials showing existing and future conditions.
- (62) *State plat* means any division of land that creates five (5) or more lots, parcels, tracts or remnants, which are one-and-one-half (1 ½) acres each or less within a five-year period.
- (63) *Stream* means a channel appearing as dashed or solid blue lines on the USGS 7.5 minute quadrangle map or that meets the following definition: A watercourse having a readily discernable source and terminus, banks and beds, through which water flows at least periodically. It does not lose its character as a watercourse even though it may break up and disappear temporarily and reappear downstream.
- (64) *Street*. See *Road*.
- (65) *Structure* means anything constructed or erected, the use of which, requires a permanent or temporary location on or in the ground, including but not limited to buildings, sheds, fences, mobile homes, bridges, antennas and transmission towers.
- (66) *Subdivide, subdivided and subdividing* mean the act or process of creating a land division.
- (67) *Subdivider* means any person who (i) having an interest in land, causes it, directly or indirectly, to be divided into a land division or who (ii) directly or indirectly, sells, leases, develops or offers to sell, lease or develop, or advertises to sell, lease or develop, any interest, lot, parcel, site, unit, map or plat in a land division, or, who (iii) engages directly or through an agent in the business of selling, leasing, developing or offering for sale, lease, or development a land division or any interest, lot, parcel, site, unit, map or plat in a land division, and who (iv) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

- (68) *Subdivision* means a land division which is affected under this chapter by a county or state plat.
- (69) *Subdivision agent* means any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing or developing, or offering to sell, lease or develop any interest, lot, parcel, unit, site or plat in a land division, except an attorney-at-law whose representation of another person consists solely of rendering legal services.
- (70) *Subdivision or final plat* means the final map or drawing, on which the subdivider's plan of land division for a county or state plat is presented to the committee for approval and which, if approved, may be submitted to the county register of deeds for filing.
- (71) *Successive certified survey maps* means a process that uses more than one or cumulative certified survey maps for successive land divisions that are not state plats and create five or more lots, parcels or building sites, any of which are 20 acres or less. Each certified survey map cannot contain more than four lots, parcels or building sites.
- (72) *Tract* means a lot, parcel or building site. The term "tract" is used interchangeably with the term "lot," particularly in the context of land division, where a "tract" is subdivided into several lots, parcels, sites, units, plots, condominiums, tracts or interests.
- (73) *Vested rights* means right to initiate or continue the establishment of a use which will be contrary to a restriction or regulation coming into effect when the project associated with the use is completed.
- (74) *Wetland* means an area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.
- (75) *Planning and Zoning Administrator* means the officer appointed by the County Administrator to administer and enforce this chapter, to assist administratively the Planning and Zoning Committee and the board of adjustment.

(Ordinance # 2007-07, 11-13-2007; Reference: Code § 18.30) (Ord. No. 11-12, 03-12-2012)

Cross references: Definitions generally, § 1-3.

Sec. 38-2. Policy.

- (a) It is declared to be the policy of the county to consider the division of land and the subsequent development of the lands portrayed on the certified survey map and plat as subject to the control of the county for the orderly, planned, efficient and economical development of the county
- (b) Land to be divided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace and that provisions have been made for drainage, water and sewerage.

- (c) This chapter shall be coordinated with and shall supplement and facilitate the enforcement of the provisions and standards contained in applicable zoning ordinances.

(Code 1980, § 18.02)

Sec. 38-3. Purposes.

This chapter is adopted for the following purposes:

- (a) To protect and provide for the public health, safety and general welfare of the county.
- (b) To guide the future growth and development of the county.
- (c) To protect the character, social and economic stability of all parts of the county.
- (d) To encourage the orderly and beneficial development of communities through appropriate growth management techniques.
- (e) To protect environmentally critical areas, such as but not limited to: streams, lakes, wetlands, floodplains, steep slopes, historically or architecturally significant sites, areas of endangered species and wildlife corridors.
- (f) To protect and conserve the value of land throughout the county, the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings.
- (g) To guide public and private policy action, in order to provide adequate and efficient transportation, water, sewerage and other public requirements and facilities.
- (h) To provide the most beneficial relationship between the uses of land and buildings, the circulation of traffic throughout the county, having particular regard to the avoidance of congestion in the streets and highways as well as the pedestrian traffic movements appropriate to the various uses of land and buildings and to provide for the proper location and width of streets.
- (i) To establish reasonable standards of design and procedures for land divisions and resubdivisions in order to further the orderly layout and use of land and to ensure proper legal descriptions and monumenting of subdivided land.
- (j) To prevent the pollution of streams and ponds, to safeguard the water table and to encourage the wise use and management of natural resources throughout the county, in order to preserve the integrity, stability and beauty of the community and the value of the land.
- (k) To remedy the problems associated with inappropriately subdivided lands and partial or incomplete land division.

(Code 1980, § 18.03) (Ord. No. 11-12, 03-12-2012)

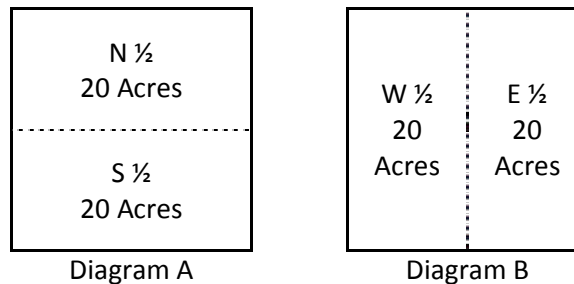
Sec. 38-4. Authority.

- (a) The county adopts this ordinance under the powers granted to it in Wis. Stats. §§ 59.69, 59.692, 92.07 and 236.45.
- (b) The County Board delegates oversight and approval authority to the Planning and Zoning Committee as the county planning and zoning agency established under Wis. Stats. § 59.69(2) (hereinafter referred to as "committee"). The committee is vested with the authority to review, approve, conditionally approve and disapprove applications for land divisions, including sketch maps, certified survey maps, preliminary and final plats, pursuant to Wis. Stats. § 236.45.

(Code 1980, § 18.04) (Ord. No. 11-12, 03-12-2012)

Sec. 38-5. Jurisdiction.

- (a) The chapter applies to land divisions located within all unincorporated areas of the county and requires the submittal of the following:
- (1) Metes and Bounds Descriptions: Any land division that creates a lot, parcel, tract or remnant, which is an equal half division of a quarter-quarter section, as shown below in diagrams A and B, requires the submittal of such instrument to the County Planning and Zoning Department for review and approval prior to being recorded with the register of deeds office.



NOTE: Diagrams A & B show an existing quarter-quarter section divided into two (2) equal halves. It is assumed for this diagram illustration that the quarter-quarter section has exactly 40 acres of land.

- (2) Certified Survey Map: Any land division that creates four (4) or less lots, parcels, tracts or remnants, which are less than an equal half division of a quarter-quarter section, requires the submittal to the county of a certified survey map for review and approval.
- (3) County Plat: Any land division that creates at least five (5) or more lots, parcels, tracts or remnants which are less than an equal half division of a quarter-quarter section within a five (5) year period requires the submittal to the county of a county plat for review and approval. A county plat cannot contain more than four (4) lots, parcels, tracts or remnants less than one-and-one-half (1 1/2) acres in size.
- (4) State Plat: Any land division that creates five (5) or more lots, parcels, tracts or remnants, which are less than one-and-one-half (1 1/2) each within a five-year period, requires the submittal to the county of a state plat for review and approval.

- (5) No other land division shall be subdivided through the use of any legal description other than in accordance with this chapter.
- (b) This chapter does not apply to the following:
- (1) Cemetery plats made under Wis. Stats. § 157.07;
 - (2) Assessor's plats made under Wis. Stats. § 70.27, but such assessor's plats are subject to Wis. Stats. § 236.03(2). This chapter does not apply to the sale or exchange of parcels of public utility or railroad right-of-way to adjoining property owners if the governing body of the municipality or town in which the property is located and the committee approves such sale or exchange.
 - (3) Transfers of interests in land pursuant to court order;
 - (4) Leases for a term not to exceed ten years, mortgages or easements;
 - (5) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum size required by this chapter.

(Code § 18.05, Ordinance # 2007-07, 11-13-2007) (Ord. No. 11-12, 03-12-2012)

Sec. 38-6. Enactment.

In order that land may be subdivided in accordance with these purposes and policies, this chapter is adopted and made effective as of April 1, 2001. Approval of final plats after the effective date for which preliminary plats were approved of under the land division ordinance in effect immediately prior thereto shall be granted or denied in accord with the standards set forth in the prior ordinance.

(Code 1980, § 18.06)

Sec. 38-7. Interpretation and conflict.

- (a) *Interpretation.* In their interpretation and application, the provisions of the chapter shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare, and purposes as established in section 38-3. This chapter shall be construed specifically to promote its stated purpose.
- (b) *Most restrictive regulation to be applied.* In the course of complying with the requirements of this chapter as to the subdividing of lands, the applicant shall comply with all of the regulations in this chapter except where regulations found in other county, town or municipal ordinances, state law or administrative code are more restrictive, in which event the more restrictive regulation shall control.
- (c) *Other private provisions.* Where the provisions of an easement, covenant, private agreement or restriction are more restrictive than the requirements of this chapter and the private provisions are not inconsistent with this chapter, then to the extent that they are more restrictive than this

chapter, the private provisions shall be enforced as minimum requirements for the land division in question. Private provisions shall be enforced by those persons or properties in which the legal right and ability to do so is vested.

(Code 1980, § 18.07)

Sec. 38-8. Saving provision.

The chapter shall not be construed as abating any action now pending under or by virtue of, prior existing subdivision or land division regulations or ordinances, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, or as waiving any right of the county under any section or provision existing at the time of adoption of the ordinance from which this chapter is derived, or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the county, except as shall be expressly provided for in this chapter.

(Code 1980, § 18.08)

Sec. 38-9. Reservations and repeals.

Upon adoption of this chapter, all prior county subdivision ordinances are repealed.

(Code 1980, § 18.09)

Sec. 38-10. Public purpose and conditions of land division approval.

Regulation of the division of land and the attachment of reasonable conditions to land division is an exercise of police power delegated by the state to this county. The subdivider or developer has the duty of compliance with minimum standards for land division as established in article III of this chapter.

(Code 1980, § 18.10)

Secs. 38-11--38-30. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT*

***Cross references:** Administration, ch. 2.

Sec. 38-31. Enforcement, violations and penalties.

(a) *General enforcement*

- (1) It shall be the duty of the Planning and Zoning Administrator or designated agent to enforce this chapter and to bring to the attention of the county corporation counsel or designated agent any violations of this chapter when necessary.
- (2) Neither the owner nor agent of the owner of a parcel of land for which a land division has been proposed by the filing of an application therefore under this chapter or with respect to which division, compliance with this chapter is otherwise required may

transfer or sell any part of that parcel before a certified survey map or final plat has been approved by the committee in accordance with this chapter.

- (3) No building or zoning permit shall be issued for the construction of any building or structure located on a lot, map or plat subdivided or sold, in violation of the provisions of this chapter.
- (b) *Violations and penalties.*
- (1) Any person causing his certified survey map or final plat to be recorded without submitting such map or plat for approval as required in this chapter, or who shall otherwise record or attempt to record a land division improperly, shall be subject to forfeiture of \$500.00.
 - (2) No person shall finalize any vacant land sale subject to this chapter or record or attempt to record any deed for the sale of vacant land subject to this chapter unless all final maps of plats have been approved and recorded.
 - a. Any contract for the sale of land subject to this chapter shall include a contingency, which requires the approval and recordation of the final map or plat prior to the closing of the transaction.
 - b. Any person who violates any provision of this chapter shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00.
 - (3) The county can institute injunction or other appropriate action or proceeding to enjoin a violation of this chapter.
 - (4) In the event the county has obtained a judgment that any person has, contrary to the requirements of this chapter, subdivided lands, it may seek to obtain an assessors plat under Wis. Stats. § 70.27, for the purpose of reconfirming the parcel description or descriptions with those which existed immediately prior to the illegal land division having taken place.
- (c) *Civil enforcement.* Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of this chapter, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described in this section.

(Code 1980, § 18.11) (Ord. No. 11-12, 03-12-2012)

Sec. 38-32. General application and approval process procedure.

- (a) *Classification of land divisions.* Before any land is subdivided, the owner of the property proposed to be subdivided, or his authorized agent, shall apply for and secure approval of the proposed land division in accordance with the following procedures:
- (1) Certified survey map.

- a. Pre-application consultation, as per section 38-34;
 - b. Local government land division review checklist;
 - c. Final certified survey map.
- (2) Successive certified survey maps, county plat or state plat.
- a. Pre-application consultation, as per section 38-34;
 - b. Local government land division review checklist;
 - c. Preliminary map or plat;
 - d. Final map or plat.
- (b) *Official submission dates.* The official submission date on which the statutory period required for formal approval, conditional approval or disapproval shall commence on the day that the certified survey map, successive certified survey map, county or state plat is received in the zoning department.

(Code 1980, § 18.12)

Sec. 38-33. Flexible zoning applications with land division approval.

- (a) *Coordination of flexible zoning application with land division approval.*
- (1) *Intent.* It is the intent of this chapter that land division review required under this chapter shall be carried out simultaneously with the review of flexible zoning applications under applicable zoning ordinance. Plans which are required to be submitted to the zoning authority in order to effect compliance with flexible zoning requirements shall also be submitted for land division approval purposes under this chapter. To the extent that requirements under applicable zoning regulations overlap with those contained in this section from the perspective of land division controls, the most restrictive of the land division and zoning regulations shall be imposed in the land division approval process.
 - (2) *General requirement.* Where an applicable zoning ordinance authorizes flexible zoning applications which permit uses of land and density, and the application entails a land division subject to the provisions of this chapter, land division approval by the committee shall be required in addition to all other procedures and approvals required in the applicable zoning ordinance; whether or not applicable zoning procedures also require committee approval, review or recommendation. Flexible zoning applications shall include, but not be limited to the following:
 - a. Conditional use permits.
 - b. Planned unit developments.

- c. Density transfer.
 - d. Conservation designed subdivisions.
 - e. Town land use plans.
- (3) *Procedure to be followed.*
- a. *Pre-application consultation.* Prior to filing a flexible zoning application, which involves a land division as set forth in subsection (a)(2) of this section, the subdivider shall consult with the Planning and Zoning Administrator for advice and assistance for the purpose of reviewing the procedures and requirements of this chapter. The Planning and Zoning Administrator may ask for a sketch plan as set forth in section 38-35 and may include all information required of a sketch plan application as set forth in section 38-41.
 - b. *Zoning approval.* The committee shall review the preliminary map or plat, with consideration of the use, density, land provided for stormwater management, dimensional and bulk standards under the flexible zoning regulations of the applicable zoning ordinance with its decision of approval, conditional approval or disapproval. Preliminary map or plat approval application shall then be made to the committee for final map or plat approval. No zoning permits shall be issued for the project until the zoning application has been finally approved and the final map or plat is recorded with the register of deeds for the county.
- (4) *Further divisions of flexible zoning developments.*
- a. A flexible zoning development or land use plan may be further divided or resubdivided for purposes of sale or lease after the project plan has been finally approved and development completed or partially completed. All further divisions must conform to this chapter and any applicable zoning ordinance.
 - b. If the further division or resubdivision of a flexible zoning development will create a new lot line, the applicant shall make application to the Planning and Zoning Administrator for the approval of the land division or resubdivision. The committee shall approve the land division, only if an amended zoning application also is approved for the flexible development plan by the committee, for all provisions governing use, density, open space, dimensional and bulk standards.

(Code 1980, § 18.13) (Ord. No. 11-12, 03-12-2012)

Sec. 38-34. Preapplication consultation.

The applicant may schedule an appointment and consult with the Planning and Zoning Administrator to discuss the application and procedure for approval of land divisions in the county, the pertinent requirements of state and federal law, and the requirements of this chapter. The Planning and Zoning Administrator shall also advise the applicant, when appropriate, to discuss the proposed land division

with those officials who must eventually approve those aspects of the land division coming under their jurisdiction.

(Code 1980, § 18.14) (Ord. No. 11-12, 03-12-2012)

Sec. 38-35. Sketch plan.

- (a) *Procedure and requirements.* Generally, each applicant for approval of a land division shall be required by the Planning and Zoning Administrator at the time of the pre-application conference to submit a sketch plan to facilitate evaluation of the application under this chapter. The Planning and Zoning Administrator shall have the discretion, nonetheless, to waive the need to submit a sketch plan in the event that an evaluation consistent with the terms and conditions of this chapter can be accomplished without the necessity of the preparation of a sketch plan.
- (b) *Classification and approval procedure.* The Planning and Zoning Administrator shall determine whether the sketch plan constitutes a certified survey map, successive certified survey maps, county plat or state plat. If no sketch plan is required, the Planning and Zoning Administrator shall determine whether the land division proposed may be accomplished by means of a certified survey map, a successive certified survey map or plat.

(Code 1980, § 18.15) (Ord. No. 11-12, 03-12-2012)

Sec. 38-36. Local government land division review checklist.

- (a) The Planning and Zoning Administrator shall issue a local government land division review checklist to the applicant seeking a land division approval. The local government land division review checklist shall be on a form provided by the Planning and Zoning Department.
- (b) The applicant shall provide one copy each of the completed local government land division review checklist to each of the following:
 - (1) The town boards of the towns in which the land division is located; and/or
 - (2) The common council or village board of any city or village that has extraterritorial map or plat approval jurisdiction over the area in which the land division is located.
- (c) The local government where the land division occurs will be responsible for completing the local government section of the local government land division review checklist and return it to the applicant.
- (d) No land division shall be denied solely because a local government did not complete and/or return a local government land division review checklist to the applicant.
- (e) Notices of meetings and hearings pertaining to land divisions within their jurisdictional limits shall be sent to the clerks of affected local governments by the Planning and Zoning Administrator.

(Code 1980, § 18.16) (Ord. No. 11-12, 03-12-2012)

Sec. 38-37. Preliminary plat application and approval.

- (a) *Generally.* If the proposed land division complies with all applicable ordinances, the applicant may apply for preliminary plat approval.
- (b) *Application procedure and requirements.* All applications shall be on forms provided by the Planning and Zoning Department and shall be accompanied by the required fee according to the county schedule of fees. Each application shall be submitted to the Planning and Zoning Administrator at least 30 days prior to the meeting of the committee at which review is scheduled to be entertained. The application shall include the following:
 - (1) A minimum of three copies of the preliminary plat;
 - (2) Evidence of compliance with the sketch plan, if one was required.
- (c) *Preliminary plat approval.* After the committee has reviewed the preliminary plat, the report of the Planning and Zoning Administrator, any municipal recommendations, any technical staff reports and exhibits; the committee shall conditionally approve, or disapprove the preliminary plat within 45 days from the official submission date.

(Code 1980, § 18.17) (Ord. No. 11-12, 03-12-2012)

Sec. 38-38. Final map or plat application and approval.

- (a) *Generally.* If the proposed land division complies with all applicable ordinances, the applicant may apply for a final certified survey map or plat approval as provided in this chapter.
- (b) *Application procedure and requirements.* All applications shall be on forms provided by the Planning and Zoning Department and shall be accompanied by the required fee according to the county schedule of fees. Each application shall be submitted to the Planning and Zoning Administrator at least 30 days prior to the meeting of the committee at which review is scheduled to be entertained. The application shall include the following:
 - (1) A minimum of three copies of the plat;
 - (2) A minimum of one copy of the certified survey map;
 - (3) Evidence of compliance with all conditions of the preliminary plat.
- (c) *Certified survey map approval.* After the Planning and Zoning Administrator has reviewed the final certified survey map for compliance with subsection 38-43(c), and local government recommendations and approvals, he shall approve, conditionally approve, or disapprove the final certified survey map within 15 days from the official submission date.
- (d) *Final plat approval.* After the committee has reviewed the final plat along with the report of the Planning and Zoning Administrator, any municipal recommendations, any technical staff reports and exhibits; the committee shall approve, conditionally approve, or disapprove the final plat within 45 days from the official submission date.

- (e) *Replat.* When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Wis. Stats. §§ 236.40--236.44. The subdivider or person wishing to replat shall then proceed as specified in section 38-36.
- (f) *Recordation of the survey map or plat and use in conveyance.* All survey maps, their preparation, uses in changing boundaries and use in conveyance shall conform to Wis. Stats. § 236.34 and this chapter.

(Code 1980, § 18.18) (Ord. No. 11-12, 03-12-2012)

Sec. 38-39. Appeals process.

- (a) *Appeals from decisions of Planning and Zoning Administrator.* The applicant for land division approval may appeal the disapproval of an application for a particular land division proposal by filing a notice of appeal with the Planning and Zoning Administrator, no later than ten days after the date on which the applicant receives notice that the application for a land division is not approved by the Planning and Zoning Administrator. The notice of appeal shall set forth in clear and concise fashion the basis for the appeal. The appeal shall be considered at the next regularly scheduled public meeting of the committee, at which time it may affirm or reverse the decision of the Planning and Zoning Administrator. The committee may reverse the decision of the Planning and Zoning Administrator only by a majority vote of the members of the committee. On appeal, the applicant and the Planning and Zoning Administrator shall be allowed to make presentations to the committee under such terms, conditions and procedures as established by the committee. If the committee reverses the Planning and Zoning Administrator's decision, the applicant may proceed to submit a certified survey map under the conditions for approval of this chapter.
- (b) *Appeals from decisions of committee.* Appeals from decisions of the committee acting under this chapter shall be taken in the same manner as certiorari appeals of zoning decisions under Wis. Stats. § 59.694(10), by filing a complaint or petition in compliance with procedural requirements seeking such review with the circuit court for the county. Certiorari review actions shall be filed with the court within 30 days of the date of the decision of the committee or the right to do so shall be deemed to have been waived.

(Code 1980, § 18.19) (Ord. No. 11-12, 03-12-2012)

Sec. 38-40. Time periods for action.

- (a) Whenever this chapter establishes a time period for approval of a map or plat by the Board of Supervisors, the Planning and Zoning Administrator or the committee and action is not taken within that time period, the map or plat shall be deemed to have been approved of by operation of law unless the subdivider and the county have agreed mutually upon an extension of the time period in question.
- (b) The duty of the county, its Board of Supervisors, Planning and Zoning Administrator or committee to act shall not arise unless and until the subdivider in his submission of a preliminary or final map or plat has acted substantially in compliance with all applicable rules, regulations, statutes, administrative code provisions and ordinances.

(Code 1980, § 18.20) (Ord. No. 11-12, 03-12-2012)

Sec. 38-41. Sketch plan specifications.

- (a) Sketch plans submitted to the Planning and Zoning Administrator may be required to show the following information:
- (1) Name;
 - (2) Name of subdivision if property is within an existing subdivision;
 - (3) Ownership. Name, address and telephone number of legal owner or agent of property;
 - (4) Name, address and telephone number of the professional person responsible for subdivision design, for the design of public improvements and for surveys;
 - (5) The approximate location and widths of proposed streets;
 - (6) Preliminary proposals for connection with existing water supply and sanitary sewage systems;
 - (7) The approximate location, dimensions and areas of all proposed or existing lots and outlots;
 - (8) The approximate location of all proposed filling, lagooning and dredging; and
 - (9) The approximate location, dimensions and area of all parcels of land proposed to be set aside for park, playground or other public use, or for the use of property owners in the proposed land division.
- (b) For purposes of complying with this chapter, should the land proposed for consideration as a land division consist of some but not all of the applicant's contiguous land holdings at that particular location, it shall be required that this be noted on the face of the sketch plan and, in addition, the applicant shall include on the sketch plan all streets which are proposed to be located on his lands outside of that portion sought to be approved for the land division as well as all portions of a proposed drainage system to be situated outside of the land proposed for division.

(Code 1980, § 18.21) (Ord. No. 11-12, 03-12-2012)

Sec. 38-42. Preliminary plat specifications.

A licensed land surveyor shall prepare the preliminary county or state plat and shall show the following, which may apply:

- (a) Name of subdivision if property is within an existing subdivision.
- (b) Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded within the county.

- (c) Ownership. Name, address and telephone number of legal owner or agent of property.
- (d) Developer. Name, address and telephone number of the person responsible for the development of the property.
- (e) Reference to recorded information or data pertaining to easements, rights-of-way or other restrictions of record.
- (f) Existing covenants on the property, if any.
- (g) Name, address and telephone number of the professional person responsible for subdivision design, the design of public improvements and surveys.
- (h) Description. Location of property by government lot, section, township, range, county, graphic scale, north arrow and date.
- (i) Location of property lines, existing easements, platted cemeteries, burial grounds, railroad rights-of-way, watercourses, drainage easements, the location of wetlands as defined by the county as well as the location of floodplains as indicated on official maps, where such maps exist; the location, width and names of all existing, mapped or platted streets or other public ways within or immediately adjacent to the tract in question.
- (j) Location, sizes, elevations and slopes of existing sewers, water mains, culverts, other underground structures and existing buildings on the tract of land and within 50 feet of the boundaries of the land division.
- (k) Topography delineated on two-foot contours or as designated by the zoning administrator.
- (l) Location and widths of proposed streets.
- (m) Preliminary proposals for connection with existing water supply and sanitary sewage systems.
- (n) Preliminary provisions for collecting and discharging surface water drainage.
- (o) Location, dimensions and areas of all proposed or existing lots and outlots.
- (p) Location of all proposed filling, lagooning and dredging.
- (q) Location, dimensions and area of all parcels of land proposed to be set aside for park, playground or other public use, or for the use of property owners in the proposed land division.

(Code 1980, § 18.22) (Ord. No. 11-12, 03-12-2012)

Sec. 38-43. Final map or plat specifications.

- (a) *State plats.* A licensed land surveyor shall prepare the final state plat and evidence of compliance with all of the following requirements:

- (1) All provisions of this chapter;
 - (2) All appropriate provisions of Wis. Stats. ch. 236; and
 - (3) All revisions required by the approving and objecting authorities.
- (b) *County plats.* A licensed land surveyor shall prepare the final county plat and shall show evidence compliance with all of the following requirements:
- (1) All provisions of this chapter;
 - (2) All appropriate provisions of Wis. Stats. ch. 236; and
 - (30) All revisions required by the approving and objecting authorities.
- (c) *Certified survey maps.* A licensed land surveyor shall prepare the final certified survey map and shall show evidence of compliance with all of the following requirements:
- (1) All appropriate provisions of Wis. Stats. ch. 236; and
 - (2) Access to existing public roads and private easements.

(Code 1980, § 18.23)

Secs. 38-44--38-70. Reserved.

ARTICLE III. REQUIRED IMPROVEMENTS, RESERVATIONS AND DESIGN

Sec. 38-71. Lot improvements.

- (a) *Lot arrangement.* Lots shall be arranged so that, when sought to be used, built upon or developed, building permits shall not be denied for reasons of those lots failing to comply with any or all of the following:
- (1) Reasons of topography or other conditions;
 - (2) Compliance with the county comprehensive zoning ordinance (chapter 70), if applicable;
 - (3) Compliance with the county shoreland ordinance (chapter 54), if applicable;
 - (4) Compliance with the county sanitary ordinance, if applicable;
 - (5) Compliance with the county wellhead protection ordinance (chapter 30, article III), if applicable;
 - (6) Compliance with town zoning ordinances, if applicable;
 - (7) Provision of driveway access directly from each lot to an approved public or private street.

(b) *Lot dimensions.*

- (1) Towns in which neither county nor town zoning is in effect: minimum lot size of one acre and minimum of 150 feet in width at the building line. In addition, no lot shall be greater than four times the lot width.
- (2) Towns with town zoning: minimum lot size designated in the township zoning ordinance.
- (3) Towns under county zoning: minimum lot size designated in the county comprehensive zoning ordinance (chapter 70).
- (4) Shoreland areas: minimum lot size and width designated in the county shoreland zoning ordinance (chapter 54).

(c) *Outlots.* An outlot may not be used as a building site unless it is in compliance with all applicable ordinances and regulations.

- (1) An outlot which does not meet the minimum lot width, lot size or length-width ratio can be created for the following reasons:
 - a. Land(s) reserved for a private street or for a future public dedication, easement or park.
 - b. Existing or planned storm water facilities and storm water conveyances.
 - c. Delineated Wetlands or other non-developable lands.
 - d. Public Access points to the ordinary high-water mark as required by state and county regulations.
 - e. As determined and allowed by County Ordinance.
- (2) A shoreland outlot, which is created solely for the purpose of providing private access for an individual lot to a navigable body of water shall meet the following requirements:
 - a. The outlot and any remnant from a land division shall meet the minimum width requirements of the appropriate zoning district or 100', whichever is greater. Minimum width will apply to the entire outlot from the ordinary high-water mark to a public or private road right-of-way
 - b. The lot shall not be greater than 4 times the lot width.
 - c. No structures, such as, but not limited to: houses, cottages, accessory buildings, boathouses, gazebos, pavilions, etc. will be allowed on the outlot.
 - d. No boatlifts, docks or other similar equipment can be stored on the outlot, but may be placed within or over the water as per local, state or federal regulations.

- e. No camping unit(s), park models, recreational units or camping site(s) shall be allowed on the outlot.
- f. No filling, grading and/or excavating shall be allowed on the outlot, except for placement of stairs which shall follow the existing contour and/or slope.
- g. Limited cutting of vegetation will be allowed for a 4' wide walkway or stairs, which will allow access to the ordinary high-water mark.
- h. The outlot must be permanently attached to a legally created piece of property through a deed restriction. A non-contiguous property meets this requirement if the outlot and piece of property are divided by a road, stream or railroad bed.
- i. Direct vehicular access to the outlot will be prohibited.
- j. The provisions as listed in a-i above shall be recorded as restrictions on the deed to the property. If these deed restrictions are relaxed, they may be released by the county Planning and Zoning Administrator.

(d) *Buildable lots and buildable area of lots.*

- (1) *Buildable lot.* Each lot, building site, tract or parcel created in a land division approved under this chapter shall have a minimum contiguous buildable area equal to one-half (1/2) the applicable minimum lot size. The sole exception shall be with respect to land divisions to which, flexible zoning is applied if the subdivider demonstrates to the committee that a smaller buildable area per lot, building site, tract or parcel will not adversely affect groundwater or surface waters or land uses in the subdivision. In addition, onsite stormwater management practices shall comply with state, county or local stormwater management regulations.
- (2) *Buildable area.* Land suitable for the actual placement and construction of a principal structure, accessory buildings, a well and on-site wastewater treatment facilities except that such facilities shall not be located in any of the following:
 - a. Slopes of 20 percent or more, or slopes of 12 percent or more on highly erodible soils where evidence of erosion already exists;
 - b. The area within the setback requirements of the chapter 54;
 - c. Bedrock outcroppings or sink holes; and
 - d. Wetlands, floodplains and drainageways.
- (3) *Buildable area; contiguity requirement.* No lot shall have a buildable area, which is less than a continuous 67 feet in width, any portion of which may be connected to any other portions of such lot by a width of at least 67 feet.

- (e) *Double frontage lots and access to lots.* Double frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. Access from major and secondary arterials. Lots shall not, in general, derive access exclusively from a major or secondary street. Where driveway access from a major or secondary street may be necessary for several adjoining lots, the committee may require that such lots be served by a combined access drive in order to limit possible traffic hazards on the street. Where possible, driveways should be designed and arranged to avoid requiring vehicles to back into traffic on major and secondary arterials.
- (f) *Soil preservation, grading and seeding.* Topsoil shall not be removed from parcels or used as spoil but shall be stabilized by seeding or planting. All topsoil shall be redistributed on the site or as otherwise approved by the Planning and Zoning Administrator.
- (g) *Debris and waste.* No cut trees or timber, construction and other debris, junk, rubbish or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street. Removal of those items and materials shall be required prior to the issuance of any zoning permit for that land division. Stumps are excluded from this subsection.

(Code § 18.24, Ordinance # 2007-07, 11-13-2007; Ord. No. 11-12, 03-12-2012)

Sec. 38-72. Roads.

- (a) *General requirements.*
 - (1) For lots whose access to public roads is provided by a private road, whether the lot in question has frontage on such a road or not, in order to evidence compliance with this chapter, the subdivider shall be required to represent either common ownership of the private road, together with a joint maintenance agreement or, by virtue of an easement, covenant or deed, a legal right to use such private road for access to and from the lot in question along with a maintenance agreement appurtenant thereto.
 - (2) Any road, public or private, in a land division subject to review and approval under this chapter must conform to the road design and construction standards of the local government where the land division is located and the road design and construction standards of this chapter. For frontage on improved roads, no land division shall be approved unless the area to be subdivided shall have frontage on and access from:
 - a. An existing state, county or town highway or existing private road; or
 - b. A road shown upon a plat approved by the committee and recorded in the county register of deeds office. Such road must be suitably improved as required by applicable highway rules, regulations, specifications or orders with the width and right-of-way required by this chapter.
- (b) *Grading and improvement plan.* Roads shall be graded and improved and conform to local government construction standards and specifications.
- (c) *Blocks.*

- (1) Blocks shall have sufficient width to provide for at least two tiers of lots of reasonable depth. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads or waterways.
 - (2) The lengths, widths and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed 1,500 feet or ten times the minimum lot width required nor be less than 400 feet in length. Wherever practicable, blocks along major arterials and collector streets shall be not less than 1,000 feet in length.
 - (3) In blocks whose length is in excess of 750 feet, the committee may require the reservation of an easement through the interior of such blocks to accommodate utilities, drainage facilities or pedestrian traffic.
 - (4) Access to primary arterials. Where a land division borders on or contains an existing or proposed primary arterial, the committee may require that access to such streets be limited by one of the following means:
 - a. Lots with frontage on both a primary arterial and a local street shall be configured to provide access to the local road. Access to and from the primary arterial shall be prohibited.
 - b. A series of culs-de-sac, U-shaped streets or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the primary arterial.
 - c. A marginal access or service road, separated from the primary arterial by a planning or grass strip and having access at suitable points.
- (d) *Road names.* All roadways shall conform to the grid numbering system of chapter 26, article II of this Code.
- (e) *Construction of roads and no outlet roads.*
- (1) *Construction of roads.* The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when the continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities and where the continuation is in accordance with the county or other local government traffic plan.
 - (2) *No outlet roads; temporary.* If the adjacent property is undeveloped and the street must temporarily be a dead-end street, the right-of-way shall be extended to the property line. A temporary turnout shall be provided on all temporary dead-end streets, with the notation on the map or plat that land outside the normal street right-of-way, which will be used as part of the minimum lot size, shall revert to abutters whenever the street is continued.
 - (3) *No outlet roads; permanent.* When a road does not extend beyond the boundary of the land division and its continuation is not required by the committee for access to

adjoining property, its terminus shall be located not closer than 50 feet from the boundary of the land division in question. Notwithstanding this regulation, the committee may require that the terminus of such a road be located at a distance greater than 50 feet from the boundary of the land division in order to provide for needed reservation of easements for drainage facilities, pedestrian traffic or utilities.

- (f) *Design standards.* In order to provide for roads of suitable location, width and improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, snow removal, schoolchildren transport, sanitation and road maintenance equipment, and to coordinate roads to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards for roads are required:
- (1) *Right-of-way width.* Public and private roads or new extensions to existing private roads shall have a right-of-way width of at least 66 feet. The width shall be greater if required by the individual township.
 - (2) *Road surfacing and improvements.* All surfacing shall be of a character suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Finished surfaces shall be as determined by the local government. Adequate provisions shall be made for culverts, drains and bridges.
 - (3) *Excess right-of-way.* Right-of-way widths in excess of the standards designated in this chapter shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three-to-one.
 - (4) *Waiver of requirements.* The committee may waive the requirements set forth in this section for land divisions with unique topography or other physical features, few lots and little potential to connect with existing or future adjacent land divisions and the waiver will secure substantially the purposes described in section 38-3 and will not be detrimental to the public safety, health or welfare or injurious to other property.
 - (5) *Radius of turnaround.* No outlet roads shall terminate with a turnaround less than 60 feet in radius. The finished surface of the turnaround shall not be less than 45 feet in radius.

(Code § 18.25, Ordinance # 2007-07, 11-13-2007;)

Sec. 38-73. Stormwater management and drainage.

- (a) *Stormwater management.* Stormwater control is of critical concern in the county, both as pertaining to ensuring, in the land division process, as well as in the use of land, generally, that adequate measures are taken by subdividers and land users alike to install and maintain stormwater control measures. To this extent, the committee is charged with the responsibility of developing a stormwater management ordinance containing stormwater controls as a separate ordinance under Wis. Stats. § 59.693.
- (b) *Drainage easements.*

- (1) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least 20 feet in width for drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat or map. Drainage easements shall extend from the road to a natural watercourse or to other drainage facilities.
- (2) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat or map.
- (3) The applicant shall dedicate by a drainage or conservation easement, land on both sides of existing watercourses a distance set by county standards or as determined by the committee.
- (4) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the number of lots to be utilized for average density procedures nor for computing the area requirement of any lot.

(Code 1980, § 18.26) (Ord. No. 11-12, 03-12-2012)

Cross references: Waste treatment and disposal and sanitation, ch. 62.

Sec. 38-74. Sanitary systems.

Septic systems shall be installed as designated in chapter 62, article IV of this Code and Wis. Admin. Code SPS ch. 383.

(Code 1980, § 18.27) (Ord. No. 11-12, 03-12-2012)

Sec. 38-75. Public dedication.

- (a) *Parks, playgrounds and recreational dedication.* The subdivider shall consult with the local government where the proposed preliminary plat of a residential subdivision will be located. If, in accord with duly enacted policies, the local government requires the designation of land on a preliminary plat for playground, park or other public purposes, the plat shall reflect such designation consistent with the local government's policies and the subdivider shall dedicate the land so designated to the public, subject to acceptance by the local government.
- (b) *Lake and stream shore access.* Dedication of public access on lakes and streams shall conform to Wis. Stats. § 236.16(3) for successive CSM's, county plats or state plats.
- (c) *Other public dedication.* Whenever a tract of land to be subdivided includes a school, recreational uses or other public use as indicated on an applicable comprehensive master or land use plan or any portion thereof, the space shall be suitably incorporated by the applicant into the land division, but only if a determination has been made to acquire the site by that public agency.

(Code 1980, § 18.28)

Sec. 38-76. Preservation of natural features and amenities.

Existing features that would add value to residential development or to the county or local government as watercourses and falls, beaches, historic spots and similar irreplaceable assets shall be preserved in the design of the land division.

(Code 1980, § 18.29)