

Chapter 11 Subdivision Ordinance
Code of Ordinances of the County of Florence, Wisconsin
May 2003



Prepared by:
Bay-Lake Regional Planning Commission



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**CHAPTER 11: SUBDIVISION ORDINANCE
CODE OF ORDINANCES OF THE COUNTY OF FLORENCE,
WISCONSIN**

Adopted: May 16 1969

Repealed and Reenacted May 20, 2003:

Assistance Provided By:

Bay-Lake Regional Planning Commission

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Green Bay, Wisconsin 54303

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1.00 INTRODUCTION

1.01 AUTHORITY

Pursuant to the authority granted by Sections 59.692 (3), 144.26 (2), 144.26 (8), 236.45 and 281.31 of the Wisconsin Statutes, the County Board of Supervisors of Florence County does ordain as follows:

1.02 TITLE

This Ordinance shall be known as, referred to, or cited as the Subdivision Ordinance, Florence County, Wisconsin or Chapter 11 of the Florence County Code of Ordinances

1.03 PURPOSE AND INTENT

The purpose of this Ordinance is to regulate and control the division of land within the unincorporated areas of Florence County for the following purposes: to promote the public health, safety, aesthetics and general welfare of Florence County. More particularly and with out limitation it is the purpose of this Ordinance to:

- A. Further the orderly layout and use of land;
- B. Prevent the over-crowding of land and avoid the undue concentration of population;
- C. Lessen congestion in the streets and highways;
- D. Provide for adequate light and air;
- E. Facilitate adequate provisions for water, sewage and other public requirements;
- F. Provide for proper ingress and egress from development sites;
- G. Promote monumenting of subdivided land and conveyancing by accurate legal description,
- H. Provide safe and orderly shoreland subdivision layouts.
- I. Implement the County's development plan and comments thereof and to facilitate enforcement of community standards as set forth in the zoning code.
- J. Promote the wise use, development, conservation and protection of the soil, water, wetland, woodland, and wildlife resources in the County, and to achieve a balanced relationship between land use and development and the supporting and sustaining the natural resource base.
- K. Avoid the Harmful Effects of premature division or development of land.

- L. Secure Safety from fire, flooding, water pollution, and other hazards and minimize expenditures for flood relief and flood control projects.
- M. Prevent and Control Erosion, sedimentation, and other pollution of surface and subsurface waters.
- N. Preserve Natural Vegetation and cover and protect the natural beauty of the County.
- O. Facilitate the Division of land into smaller parcels.
- P. Facilitate and Ensure the adequate provision of transportation, water sewerage, stormwater management, schools, parks, playgrounds, and other public facilities and services.
- Q. Ensure Adequate Legal Description and proper survey monumentation of divided land.
- R. Provide Adequate, Affordable Housing.
- S. Restrict Building in areas of unsuitable soils.
- T. Provide for the Administration and enforcement of this Ordinance.

1.04 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Ordinance to repeal, abrogate, annual, 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 Ordinance imposes greater restrictions, the provisions of the Ordinance shall govern.

1.05 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 Florence County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

1.06 SEVERABILITY

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

1.07 REPEAL

All other ordinances or parts of ordinances of Florence County inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

1.08 DISCLAIMER OF LIABILITY

The County does not guarantee, warrant or represent that only those areas delineated as floodplains on plats and certified survey maps will be subject to periodic inundation, nor does the

county guarantee, warrant or represent that the soils shown to be unsuited for a given land use from tests required by the Ordinance are the only unsuited soils within the jurisdiction of this Ordinance; and there by asserts that there is no liability on the part of the County Board, its agencies or agents, or employees for flooding problems, sanitation problems, or structural damage that may occur as a result of reliance upon and conformance with this Ordinance.

2.00 GENERAL PROVISIONS

2.01 JURISDICTION

The jurisdiction of this ordinance shall include all unincorporated lands within the County Where the governing body of a town or municipality within Florence County has enacted an ordinance regulating subdivisions, compliance must be made with the most restrictive requirements as provided in Section 236.13 (4) of the Wisconsin Statutes.

2.02 APPLICABILITY

- A. Subdivision: Any division of land within the County or the extraterritorial plat approval jurisdiction of the County that results in subdivision as defined in Section 12.00 shall be, and any other division of land may be, surveyed and a plat thereof approved and recorded pursuant to the provisions of Section 5.00 this Ordinance and Chapter 236 of the Wisconsin Statutes.
- B. Minor Land Division: Any division of land within the County or the extraterritorial plat approval jurisdiction of the County that results in a minor land division as defined in Section 12.00 shall be surveyed and a certified survey map of such division approved and recorded as required by Section 6.00 of this Ordinance and Chapter 236 of the Wisconsin Statutes.
- C. It is the Express Intent of this Ordinance to regulate condominiums having one or more principal structures on any parcel, except for condominium conversions of existing structures where no additional units are being created. In no case shall the maximum number of units in a condominium exceed the maximum number of lots the same parcel could have accommodated under the County Zoning Ordinance if the parcel had been conventionally divided.
- D. However, in no instance shall the provision of this Ordinance apply to:
- (1) Transfer of Interests in land by will or pursuant to court order.
 - (2) Leases for a term not to exceed 10 years, mortgages or easements
 - (3) Sale or Exchange of land between owners of adjoining property if additional lots are not thereby created and the resultant lots are not reduced below the minimum sizes required by these regulations, the County Zoning Ordinance, or other applicable laws or ordinance
 - (4) Cemetery plats made under Section 157.07 of the Wisconsin Statutes.
 - (5) Assessors plats made under Section 70.27 of the Wisconsin Statutes; however, assessors' plats shall comply with Sections 236.15(1)(a) through (g), and 236.20(1), and (2)(a) through (e) of the Wisconsin Statutes unless waived under Section 236.20(2)(L).
 - (6) Sale or exchange of parcels of public utilities or railway rights-of-way to adjoining

property owners if the *County Planning and Zoning Committee* and the county planning agency approve such sale or exchange on the basis of applicable local ordinances or the provisions of Chapter 236 of the Wisconsin Statutes.

2.03 COMPLIANCE

No person shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, a replat, or condominium as defined herein, no such subdivision, minor subdivision, replat or condominium shall be entitled to record; and, no improvements shall be made to land without compliance with all requirements of this Ordinance, and with

- A. Duly Approved Regional and County Comprehensive Plans, or approved plan components including the County Zoning Ordinance and County Sanitary Ordinance.
- B. Applicable Local Ordinances.
- C. The provisions of Chapter 236, Wisconsin Statutes.
- D. The provisions of Chapter 703 of the Wisconsin Statutes for all proposes condominiums.
- E. The rules of the Wisconsin Department of Commerce regulating lot size and lot elevation for proper sanitary conditions if any lot or unit is not served by a public sewer and provisions for such service have not been made.
- F. The rules of the Wisconsin Department of Transportation relating to the provision for the safety of entrances upon and departure from state trunk highways or connecting highways and for the preservation of the public interest and investment in such highways.
- G. The rules of the Wisconsin Department of Natural Resources setting water quality standards preventing and abating pollution and regulating development within the floodplain, wetland, and shoreland areas.

2.04 LAND SUITABILITY

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

2.05 DEDICATION AND RESERVATIONS OF LAND

- A. Whenever proposed subdivision, minor land division, or condominium plat encompasses all or any part of a street, drainage way, or other public way which has been designated in the adopted regional and county comprehensive plans, or adopted plan components, said public way shall be made a part of the plat or certified survey map, and dedicated or reserved, as determined by the County, by the subdivider in the locations and dimensions indicated on said plan or map as set forth in Section 7.00.
- B. Whenever a proposed Park, Playground, Public Access, Open Space Site or other public land, other than streets or drainage ways, designated in the adopted regional and county comprehensive plans, or adopted plan components is embraced, all or in part, in a tract of land to be subdivided, such proposed public lands shall be made a part of the plat and shall either be dedicated to the public, or be reserved for acquisition at undeveloped land costs, for a period not to exceed 3 years from the date of recordation, unless extended by mutual agreement between the subdivider and the public agency having jurisdiction. If the reserved land is not acquired by said public agency within the above time limit, the land shall be released to the owner.
- C. All Public Access to the low watermark of navigable lakes and streams required by Section 236.16 (3), Wisconsin Statutes shall be at least 60 feet wide.
- D. The Lands Lying Between the Meander Line established in accordance with Section 236.20 (2) (g), Wisconsin Statutes, and the waters edge, and any otherwise unplattable lands which lie between a proposed subdivision and the waters edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided, but also to all lands under option to the subdivider or in which he holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream as provided in Section 236.16 (4), Wisconsin Statutes.

2.06 RESERVED

2.07 IMPROVEMENTS

The subdivider shall not install any streets or other improvements required by the Town until the Final Plat has been approved by the County Planning and Zoning Committee. Before recording the Final Plat with the County Register of Deeds, the subdivider shall enter into a contract with the Town agreeing to install all required improvements, and shall file with said contract a surety bond or other satisfactory security meeting the approval of the Town Attorney as a guarantee that such improvements will be completed by the subdivider or his subcontractors within the time limit established by the subdivider or his subcontractors within the time limit established by the Town Board. In order that adequate inspections can be made, the subdivider shall notify the Town Board one week prior to the time each improvement is to be installed, and upon completion of the project.

- A. Contracts and contract specifications for the construction of street and utility improvements within public street rights-of-way, as well as contractors and subcontractors providing such work, shall be subject to approval of the County Planning and Zoning Administrator.
- B. Governmental Units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.
- C. Survey Monuments. Before final approval of any plat within the corporate limits of the County, the subdivider shall cause survey monuments to be installed as required by and placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes, and as may be required by the County Planning and Zoning Administrator. The County Planning and Zoning Administrator may waive the placing of monuments, as provided in Section 236.15(1)(h) of the Wisconsin Statutes, for a reasonable time, not to exceed one year, on condition that the subdivider provide a letter of credit, certified check, or surety bond equal to the estimated cost of installing the monuments to ensure the placing of such monuments within the time required by statute. Additional time may be granted upon show of cause.

2.08 DEVELOPMENT AGREEMENT

Before or as a condition of receiving final approval from the County Planning and Zoning Committee of any final plat, condominium plat, or certified survey map for which public improvements are required by this Ordinance; or for which public improvements, dedications, or fees are being deferred under this Ordinance; or for which phasing approval is being granted under Section 9.02 of this Ordinance, the subdivider shall sign and file with the County Planning and Zoning Committee a development agreement. The development agreement shall be approved as to form by the County Attorney, and shall be approved by the County Planning and Zoning Committee prior to approval of the final plat, condominium plat, or certified survey map.

2.09 VARIANCES

In any particular case where the subdivider can show that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirements of this Ordinance would cause practical difficulty or exceptional and undue hardship, the County Planning and Zoning Committee may relax such requirement to the extent deemed just and proper, so as to relieve such difficulty or hardship, provided such relief may be granted without detriment to the public good and without impairing the intent and purpose of this Ordinance or the desirable general development of the County. A 2/3 vote of the entire membership of the County Planning and Zoning Committee shall be required to grant any modification to these regulations, and any modification thus granted shall be entered in the minutes of the Committee setting forth the reasons, which in the opinion of the Committee, justified the modification.

- A. Exceptional Circumstances. There are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Ordinance would result in severe hardship. Such hardships should not apply generally to

other properties or be of such a recurrent nature as to suggest that this Ordinance should be changed.

- B. Preservation of Property Rights. That such exception or modification is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
- C. Absence of Detriment. That the exception or modification will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.
- D. A Simple Majority Vote of the full membership of the Planning and Zoning Committee shall be required to grant any exception or modification of this Ordinance, and the reasons shall be entered into the minutes of the Committee.

2.10 VIOLATIONS

It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Ordinance of the Wisconsin Statutes, and no person, firm or corporation shall be issued a County Land Use Permit and/or a Town building permit authorizing the building on, or improvement of, any subdivision, minor subdivision or replat within the jurisdiction of this Ordinance have been fully met. The County may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes.

2.11 PENALTIES

Any person, firm or corporation that fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$1,000.00 and the cost of prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof for a period not to exceed 6 months. Each day a violation exists or continues shall constitute a separate offense.

- A. Recordation improperly made has penalties as provided for in Section 236.30, Wisconsin Statutes.
- B. Conveyance of lots in unrecorded plats has penalties as provided for in Section 236.31, Wisconsin Statutes.
- C. Monuments disturbed or not placed have penalties as provided for in Section 236.32, Wisconsin Statutes.
- D. Assessors Plat made under Section 70.27 of the Wisconsin Statutes, may be ordered by the County as a remedy, at the expense of the subdivider when subdivision is created by successive divisions.

2.12 APPEALS

Any person aggrieved by an objection to a plat or failure to approve a plat may appeal such objection or failure to approve, as provided in Sections 236.13 (5) and 62.23 (7)(e) of the Wisconsin Statutes, within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable, or discriminatory.

3.00 LAND DIVISION PROCEDURES

3.01 PRE-APPLICATION AND SKETCH PLAN

A. Preliminary Consultation

Prior to filing an application for approval of a preliminary plat, condominium plat, or certified survey map the subdivider shall consult with the County Planning and Zoning Administrator to become informed of the purpose and objectives of these regulations, adopted regional and county comprehensive plans, or adopted plan components, and duly adopted plan implementation ordinances of the County, and to otherwise assist the subdivider in planning the development. In so doing, the subdivider will gain a better understanding of the subsequent required procedures.

B. Sketch Plan

As a part of this consultation, or thereafter, but prior to filing an application for approval of a preliminary plat, the subdivider shall submit six copies of a sketch plan of sufficient scale and reasonable accuracy indicating the following information:

- (1) Title, Scale, North Arrow, and Date
- (2) Boundaries of the property being considered for platting or development.
- (3) General Soil Conditions, seasonally wet areas, rock outcrops and areas with existing slopes of over 12 percent, including the general direction of slope.
- (4) Proposed Filling, Grading, Lagooning, and Dredging with a general indication of the finished grade and percentages of slopes over 10 percent.
- (5) Delineation of any periodically flooded areas, shorelines, and high water lines.
- (6) Total acreage of subdivision, number of proposed lots, general lot layout showing proposed lot widths and depths, in accordance with relative zoning regulations.
- (7) Land Uses adjacent to proposed subdivision, proposed roads, easements, public access to navigable water, dedications, community facilities, and utilities.
- (8) A Description of all property owned or controlled by the subdivider contiguous to the proposed plat even though only a part of the area is proposed for immediate development.
- (9) Name and Address of Subdivider or his Agent.

C. Consultation with County Planning and Zoning Committee

When submitting copies of the sketch plan, the subdivider shall file a request for a consultation with the County Planning and Zoning Committee. This request must be filed at least 15 days prior to the County Planning and Zoning Committee meeting at which it will be discussed. Within two days after receiving such a request, the County

Planning and Zoning Administrator shall notify the subdivider, applicable Town Clerk and the Bay-Lake Regional Planning Commission of the date, time, and place of this meeting. When informing the Town Clerk and Regional Planning Commission, the County Planning and Zoning Administrator shall also submit two copies of the sketch plan to each of these agencies for their review and comments.

- D. After Review of the Sketch Plan by the county Planning and Zoning Committee, or within 20 days thereafter, the subdivider will be informed of any additions, changes, or corrections to his sketch plan necessary to expedite the Preliminary Plat and Final Plat procedures.

3.02 PRELIMINARY PLAT REVIEW

Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat in accordance with Section 4.0 of this Ordinance. The subdivider shall file the required number of copies of the Preliminary Plat as outlined in Section 3.02 A and a letter of application with the County Planning and Zoning Administrator at least 25 days prior to the meeting of the County Planning and Zoning Committee, at which action is desired. The letter of application must indicate that copies of the plat are on file with the utility companies having jurisdiction over the subject area so that adequate provisions can be made by the utility companies to serve the proposed subdivision.

- A. The County Planning and Zoning Administrator shall, within two days after filing, transmit copies of the Plat to the following agencies:
- (1) Four copies to the County Planning and Zoning Committee.
 - (2) Two copies to the applicable Town Clerk.
 - (3) Two copies to the clerk of an adjoining city or village if the subdivision lies within the extraterritorial plat approval jurisdiction of the city or village.
 - (4) Two copies to the Bay-Lake Regional Planning Commission.
 - (5) Two copies to the Director of Plat Wisconsin Department of Administration.
 - (6) Two copies to the Division of Highways, Wisconsin Department of Transportation, if the subdivision abuts or adjoins a state trunk highway or connecting highway or when the landowner has interest in the land between the subdivision and a state trunk highway or interstate highway.
 - (7) Two copies to the Wisconsin Department of Commerce, if the subdivision is not served by a public sewer and provision for such service has not been made.
 - (8) Two copies to the Wisconsin Department of Natural Resources, if the subdivision is within the Shoreland Jurisdictional Area.

- B. Agencies (1) (2) and (3) are designated approving agencies while agencies (4) (5) (6) and (7) are designated objecting agencies.
- C. The Bay-Lake Regional Planning Commission shall serve as a reviewing agency and shall make recommendations to the County Planning and Zoning Committee. For the purpose of this Ordinance, the Bay-Lake Regional Planning Commission shall have the same time limits as the objecting agencies.
- D. Alternate Procedure. In accordance with Section 236.12 (6) of the Wisconsin Statutes, the subdivider or his agent may submit the original drawing of the Preliminary Plat directly to the Director of Plats of the Department of Administration, who will prepare and forward copies of the original Plat to each of the State agencies required to review it. When this procedure is used, it shall be the responsibility of the subdivider or his agent to submit copies of the Plat to the approving agencies and the Bay-Lake Regional Planning Commission as specified in Section 3.02 A of this Ordinance.
- E. The County Clerk shall also transmit, within two normal working days after filing, one copy each of the preliminary plat to affected public and private utility companies, and the affected school district or districts for their review and recommendation concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Planning and Zoning Committee within 20 days from the date the plat is received.

3.03 PRELIMINARY PLAT APPROVAL

- A. The objecting agencies shall, within 20 days of the date of receiving their copies of the Preliminary Plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of a copy of the Plat and shall return that copy to the County Planning and Zoning Committee. If an objecting agency fails to act within 20 days, it shall be deemed to have no objections to the Plat. However, when the Plat is submitted under the alternate procedure listed in Section 3.02 D, the Head of the Planning Function shall have 30 days in which to object to the Plat.
- B. The County Planning and Zoning Administrator shall inform the applicable Town Clerk and the Bay-Lake Regional Planning Commission not less than 20 days in advance of the date, time and place of the County Planning and Zoning Committee meeting at which the Plat will be reviewed.
- C. The County Planning and Zoning Committee shall review the Plat for conformance with this Ordinance and all other ordinances, rules, regulations and adopted regional and county comprehensive plans or adopted plan components which affect the Plat.
- D. The County Planning and Zoning Committee within 40 days of the date of filing of Preliminary Plat with the County Planning and Zoning Administrator shall approve, approve conditionally, or reject such Plat unless the time is extended by agreement with the subdivider. One copy of the Plat shall thereupon be returned to the subdivider with

the date and action endorsed thereon; and if approved conditionally or rejected, or rejected, a letter setting forth the conditions of approval or the reasons for rejections shall accompany the Plat. One copy of the Plat shall be placed in the County Planning and Zoning Committee's permanent file.

- E. Failure of the County Planning and Zoning Committee to act within 40 days of the filing date shall constitute an approval.
- F. Approval or Conditional Approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within 6 months of Preliminary Plat approval and conforms substantially to the Preliminary Plat layout, including any conditions of that approval, and to local plans and ordinances in the Final Plat shall be entitled to approval with respect to such Layout as provided Section 236.11 (1) (b), of the Wisconsin Statutes,

3.04 FINAL PLAT REVIEW

The subdivider shall prepare a Final Plat in accordance with Section 5.0 of this Ordinance and shall file the required number of copies of the Final Plat as outlined in Section 3.02 A and a letter of application with the County Planning and Zoning Administrator at least 25 days prior to the meeting of the County Planning and Zoning Committee at which action is desired.

- A. The County Planning and Zoning Administrator shall, within 2 days after filing, transmit copies of the Plat to the agencies identified in Section 3.02 A of this Ordinance which are required to review the Plat.
- B. Alternate Procedure. The subdivider or his agent may submit the original drawing of the Final Plat directly to the Head of the Planning Function of the Department of Administration as provided in Section 3.02 D of this Ordinance.
- C. Partial Platting. The Final plat may, if permitted by the County Planning and Zoning Committee, constitute only that portion of the approved Preliminary Plat which the subdivider proposes to record at that time.

3.05 FINAL PLAT APPROVAL

The objecting agencies shall, within 20 days of the date of receiving their copies of the Final Plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of a copy of the Plat and shall return that copy to the County Planning and Zoning Committee. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the Plat. However, when the Plat is submitted under the alternate procedure listed in Section 3.02 D the Head of the Planning Function shall have 30 days in which to object to the Plat.

- A. The County Planning and Zoning Administrator shall inform the applicable Town Clerk and the Bay-Lake Regional Planning Commission not less than 20 days in advance of the

date, time and place of the County Planning and Zoning Committee meeting at which the Plat will be reviewed.

- B. The County Planning and Zoning Committee shall examine the Final Plat as to its conformance with the approved Preliminary Plat; any conditions of approval of the Preliminary Plat; this Ordinance and all Ordinances, rules regulations and adopted regional and county comprehensive plans or adopted plan components which may affect the Plat.
- C. The County Planning and Zoning Committee shall within 60 days of the date of filing of the Final Plat with the County Planning and Zoning Administrator, approve, approve conditionally or reject the Plat unless the time is extended by agreement with the subdivider. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting, and a written statement of the reasons forwarded to the subdivider. If the Plat is approved, the County Planning and Zoning Committee shall not inscribe its approval on the face of the original Final Plat until the County Planning Administrator certifies on the face of the original Final Plat that copies were forwarded as required by section 3.04 A of this Ordinance, the date thereof, and that no objections have been filed within 20 days or, if filed, have been satisfied. If the Plat was submitted under the alternate procedure outlined in Section 3.02 D of this Ordinance, certification of no objections on the face of the Final Plat shall be signed by the Head of the Planning Function rather than the County Planning and Zoning Administrator.
- D. Failure of the County Planning and Zoning Committee to act within 60 days, the time having not been extended and no unsatisfied objections having been filed, the Plat shall be deemed approved.
- E. Recordation. After the Final Plat has been approved by the County Planning and Zoning Committee, the Town Board and any other approving agencies, the subdivider shall record the Plat with the County Register of Deeds in accordance with Section 236.25 of the Wisconsin Statutes.

3.06 RESERVED

3.07 MINOR LAND DIVISION

When it is proposed to divide land into more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, any one of which is less than five acres by a division or by successive divisions of any part of the original parcel within a five-year period and the division does not result in a subdivision; or when it is proposed to divide land into five or more parcels or building sites inclusive of the original remnant parcel, more than 1 ½ each but less than 5 acres each in area, by a division or by successive divisions of any part of the original parcel within a period of five year and the division does not result in a subdivisions; or when it is proposed to divide a block, lot, or outlot within a recorded subdivision plat into more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, without changing the exterior boundaries of the subdivision plat, and the division does not result in a

subdivision, the subdivider may effect the division by use of a certified survey map. The subdivider shall prepare the certified survey map in accordance with this Ordinance and shall file sufficient copies of the map and the completed application with the County Clerk at least 10 days prior to the meeting of the Planning and Zoning Committee at which action is desired. The Planning and Zoning Committee may for good reason, such reason being set forth in the minutes of the meeting concerned, accept for review and approval certified survey maps that consist of a single parcel.

- A. A Pre-Application Staff Conference similar to the consultation required in Section 3.01 of this Ordinance is recommended.
- B. The County Clerk shall, within two normal working days after filing, transmit the copies of the map and letter of application to the County Planning and Zoning Committee.
- C. The County Planning and Zoning Committee shall transmit a copy of the map to all affected County Committees for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the County Planning and Zoning Committee within 20 days from the date the map is received. The map shall be reviewed by the Planning and Zoning Committee for conformance to this Ordinance, and all other ordinances, rules, regulations, and comprehensive plans and components thereof as may be applicable.
- D. The County Planning and Zoning Committee shall approve, approve conditionally and thereby require resubmission of a corrected map, or reject such map within 60 days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the County Planning and Zoning Committee shall cause the County Clerk to so certify on the face of the original map.
- E. Recordation. After the certified survey map has been approved by the County Planning and Zoning Committee, the County Clerk shall cause the certification inscribed upon the map attesting to such approval to be duly executed and the map returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds shall not record the map unless it is offered for recording within 30 days after the date of the last approval and within 12 months after the first approval.
- F. Copies. The subdivider shall file 10 copies of the recorded certified survey map with the County Clerk. The Clerk shall distribute copies of the map to the County Planning and Zoning Administrator, County Planner, Building Inspector, Assessor, Land Information Officer, and other affected County officials for their files.

3.08 REPLATS

- A. When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries or a recorded subdivision, or part thereof, the subdivider or person desiring to

replat shall vacate or alter the recorded Plat as provided in Sections 236.40 through 236.44, Wisconsin Statutes. The subdivider, or person desiring to replat, shall then proceed as specified in Section 3.01 through 3.06 of this Ordinance.

B. The County Planning and Zoning Administrator shall schedule a public hearing before the County Planning and Zoning Committee when a Preliminary Plat of a replat of lands within the County's jurisdiction 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 200 feet of the exterior boundaries of the proposed replat.

C. The Subdivider shall furnish the names of all property owners within 200 feet of the exterior boundaries of the proposed replat to the county Planning and Zoning Administrator. Such names shall be obtained from the approved County tax roll.

3.09 CONDOMINIUM PLATS

A condominium plat prepared by a land surveyor registered in Wisconsin is required for all condominium plats or any amendments or expansions thereof. Such plat shall comply in all respects with the requirements of Section 703.11 of the Wisconsin Statutes and shall be reviewed and approved or denied in the same manner as a subdivision plat as set forth in Sections 3.01 through 3.06 of this Ordinance. Such plat shall comply with the design standards, improvements, and all other requirements of this Ordinance that would otherwise apply to subdivision plats, including, but not limited to, those set forth in Sections 7.00 and 8.00 of this Ordinance.

4.00 PRELIMINARY PLAT

4.01 GENERAL

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

- A. Title or Name under which the proposed subdivision is to be recorded.
- B. Legal Description and General Location of proposed subdivision and relative location to a nearby municipality.
- C. Date, Graphic Scale and North Arrow.
- D. Names and Addresses of the owner, subdivider and land surveyor preparing the plat
- E. The Entire Area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. The County Planning and Zoning Committee may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and undue hardship would result from strict application thereof.

4.02 SITE ANALYSIS INFORMATION-RESERVED

4.03 PLAT DATA

All Preliminary Plats shall show the following:

- A. Length and Bearing of the exterior boundaries of the proposed subdivision referenced to two corners established in the U.S. Public Land Survey and the total acreage encompassed thereby. The length of lines shall be given to the nearest 0.01 foot and bearings to the nearest one second of an arc. The arc length, chord length, radius length, and bearing shall be given for all curved lines.
- B. Contours at vertical intervals of not more than 2 feet where the slope of the ground surface is less than 12 percent and of not more than 5 feet where the slope of the ground surface is 12 percent or more. Elevations shall be marked on such contours referenced to the North American Vertical Datum (NAVD) of 1988 or where in the judgment of the County Planning and Zoning Committee undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
- C. Boundaries of the 100-year recurrence interval floodplain and related regulatory stages, as determined by the Federal Emergency Management Agency. Where such data are not

available, the floodplain boundaries and related stages shall be determined by a registered professional engineer retained by the subdivider and the engineer's report providing the required data shall be submitted with the plat for review and approval by the County Planning and Zoning Administrator.

- D. Location and Water Elevations at the date of the survey, of adjoining lakes, ponds, rivers, creeks, streams, and drainage ditches at the edge of the survey and within 200 feet of the exterior boundaries of the plat, approximate high and low water elevation, and the ordinary high water mark, all referenced to NAVD 1988.
- E. Lake and Stream Meander Lines proposed to be established
- F. Location, Right-of-Way Width and Names of all existing and proposed streets, highways, alleys or other public ways, pedestrian and bicycle ways, vision corner easements and other easements, active and abandoned railroad rights-of way, and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat, or immediately adjacent thereto.
- G. Location and Names of Any Adjacent Subdivisions, parks, schools and cemeteries, public lands, and water courses, including impoundments, and owners of record of abutting unplatted lands.
- H. Type, Width and Elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations, all referenced to NAVD 1988.
- I. Location, Size and Invert Elevation of any existing sanitary or storm sewers, culverts and drainpipes, the location of manholes, catch basins, hydrants, power and telephone poles, electric and communication facilities whether overhead or underground, and the location and size of any existing water and gas mains within the exterior boundaries of the plat located on, or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size and invert elevations. All elevations shall be referenced to NAVD 1988.
- J. Location of All Existing Property Boundary Lines structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.
- K. Approximate Dimensions of All Lots, the minimum lot size required by the district in which the plat is located and the proposed lot and block numbers.
- L. Location and Approximate Dimensions, and Area to be reserved or dedicated for parks, playgrounds, drainage ways or other public use.

- M. Location and Approximate Dimensions, and Area of any sites which are to be used for group housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.
- N. Location and Approximate Dimensions, and Area of any proposed common areas or facilities.
- O. Approximate Radii of All Curves
- P. All Existing Structures, together with an identification of the type of structure, such as residence, garage, barn, or shed; the distances of such structures from existing and proposed property lines, wells, watercourses, and drainage ditches; and existing property boundary lines in the area adjacent to the exterior boundaries of the proposed plat and within 100 feet thereof. The proposed use of existing structures to be retained shall be noted. All wells within the exterior boundaries of the plat, and within 50 feet of the exterior boundaries of the plat, shall be shown.
- Q. Existing Zoning and Proposed Use on the adjacent to the proposed subdivision.
- R. Location of all civil division boundary lines, and U.S. Public Land Survey system section and quarter section lines within the plat and with 100 feet of the exterior boundaries of the plat.
- S. Any Proposed Lake and Stream Access, and the width of the proposed access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
- T. Any Proposed Lake and Stream improvement or relocation and proposed filling, grading, lagooning and dredging and the notice of application for Division of Resource Development, Department of Natural Resources approval when applicable.
- U. Land Characteristics including seasonally wet areas, and slopes over 12 percent.
- V. Building or Setback Lines which are proposed to be more restrictive than the regulations of the zoning district in which the plat is located.
- W. The Approximate Location of any existing onsite sewage treatment and disposal facilities.
- X. Any Additional Information requested by the Planning and Zoning Committee

4.04 STREET PLANS AND PROFILES

The subdivider shall provide street plans and profiles showing existing ground, surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested by the County Planning and Zoning Administrator and

all, plans and profiles shall meet the approval of same Administrator. All elevations shall be based upon NAVD 1988.

4.05 TESTING

Planning and Zoning Administrator.

- A. The Planning and Zoning Committee upon recommendation of the County Planning and Zoning Administrator, may, in order to determine the suitability of specific areas for the construction of buildings and supporting roadways, require that soil borings and tests be made to ascertain subsurface soil conditions and depths to bedrock and to the groundwater table. The number of such borings and tests shall be adequate to portray for the intended purpose the character of the soil and the depths to bedrock and groundwater from the undisturbed surface.
- B. Where a Subdivision is not to be served by public sanitary sewer, soil borings and tests shall be made to determine the suitability of the site for the use of onsite sewage treatment and disposal systems. Such borings and tests shall meet the requirements of Chapters Comm 83 and 85 of the Wisconsin Administrative Code. The location of the borings shall be shown on the preliminary plat and the findings, with respect to the suitability of the site for the use of onsite sewage treatment and disposal systems, shall be set forth in a separate report submitted with the plat.

4.06 SOIL AND WATER CONSERVATION

The Planning and Zoning Committee, upon the recommendation of the County Planning and Zoning Administrator, after determining from a review of the preliminary plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the subdivision or otherwise entail a severe erosion hazard, may require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the guidelines and standards contained in the current version of “The Wisconsin Construction Site Best Management Practice Handbook.

4.07 COVENANTS AND CONDOMINIUM OR HOMEOWNERS ASSOCIATION DOCUMENTS

- A. A Draft Copy of any proposed protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision shall accompany the preliminary plat. The proposed covenants shall be subject to review and approval by the County Attorney as to form.
- B. A Draft Copy of any proposed condominium or homeowners association declarations, covenants, or other documents shall accompany the preliminary plat. The proposed documents shall be subject to review and approval by the County Attorney as to form.

4.08 AFFIDAVIT

The surveyor preparing the Preliminary Plat shall certify on the face of the Plat that it is a correct representation of the exterior boundaries of the proposed plat and of all existing land divisions and features within and adjacent thereto; and that the surveyor has fully complied with the provisions of this Ordinance and of Chapter 236 of the Wisconsin Statutes.

5.00 FINAL PLAT

5.01 GENERAL

A Final Plat prepared by a registered land surveyor shall be required for all subdivisions and condominiums. It shall comply in all respects with the requirements of Chapter 236 of the Wisconsin Statutes.

5.02 ADDITIONAL INFORMATION

The Final Plat shall show correctly on its face, in addition to the information required by Section 236.20, Wisconsin Statutes, the following:

- A. Length and Bearing of the centerline of all streets. The lengths shall be given to the nearest 0.01 foot and bearings to the nearest one second of arc. The arc, chord, and radius lengths and the chord bearings, together with the bearings of the radii at the ends of the arcs and chords, shall be given for all curved streets.
- B. Street Width along the line of any obliquely intersecting street to the nearest 0.01 foot.
- C. Active and Abandoned Railway rights-of-way within and abutting the exterior boundaries of the plat.
- D. Building or Setback Lines required by the County Planning and Zoning Committee or other approving or objecting agency which are more restrictive than the regulations of the zoning district in which the plat is located, or which are proposed by the subdivider and are to be included in recorded private covenants.
- E. Easements for any Public sanitary sewers, water supply mains, stormwater management facilities, drainageways, or access ways.
- F. All Lands Reserved for future public acquisition or reserved for the common use of property owners within the plat. If property reserved for common use is located within the subdivision or condominium, the information required by Section 2.06 shall be submitted with the Final Plat, together with any associated deed or plat restrictions required by the Planning and Zoning Committee.
- G. Boundaries of the 100-year recurrence interval floodplain and related regulatory stages as determined by the Federal Emergency Management Agency. Where such data are not available, the floodplain boundaries and related stages shall be determined by a registered professional engineer retained by the subdivider and the engineer's report providing the required data shall be submitted with the plat for review and approval by the County Planning and Zoning Administrator.
- H. Location and Right-of-Way of existing and proposed bicycle and pedestrian ways and utility rights-of-way.

I. Notations or Any Restrictions required by County Planning and Zoning Committee or other approving or objecting agency relative to access control along any public ways within or adjacent to the plat; the provision and use of planting strips; or provisions for the protection of any existing wetlands or other environmentally significant lands within the exterior boundaries of the plat.

5.03 DEED RESTRICTIONS

Any deed restrictions attached to the subdivision shall be filed with, or placed on the face of the Final Plat.

5.04 SURVEY ACCURACY

Survey shall meet the requirements of Section 236.15 (2) of the Wisconsin Statutes

5.05 SURVEYING AND MONUMENTING

All Final Plats shall meet all the surveying and monumenting requirements of Section 236.15, Wisconsin Statutes.

5.06 STATE PLANE COORDINATE SYSTEM

Where the plat is located within a one-quarter section, the corners of which have been located, monumented, and placed on the State Plane Coordinate System the plat shall be tied directly to two adjacent section or quarter-section corners defining a quarter section line so located, monumented, and placed on the State Plane Coordinate System. The grid bearing and distance of each tie shall be determined by field measurements. The Wisconsin State Plane Coordinates, together with a description of the monuments marking the section or quarter-section corners to which the plat is tied shall be shown on the plat. All distances and bearings shall be referenced to the Wisconsin State Plane Coordinate System based upon the North American Datum of 1983(91). (All distances shall be recorded to the nearest 0.01 foot and all bearings to the nearest one second of arc.)

5.07 CERTIFICATES

All Final Plats shall provide all the certificates required by Section 236.21, Wisconsin Statutes; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this Ordinance.

5.08 FILING AND RECORDING

- A. The Final Plat shall be submitted for recording in accordance with Section 3.05 E of this Ordinance.
- B. The County Register of Deeds shall record the plat as provided by Section 236.25 of the Wisconsin Statutes .
- C. The Subdivider shall file a copy of the final plat with the clerk of the municipality of town in which the subdivision is located, as provided in Section 236.27 of the Wisconsin Statutes.

6.00 CERTIFIED SURVEY MAP

6.01 GENERAL REQUIREMENTS

A certified survey map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Sections 236.34 of the Wisconsin Statutes. The minor land division shall comply with the design standards and improvement requirements set forth in Sections 7.00 and 8.00 of this Ordinance.

A preliminary map or sketch map may be submitted by the subdivider to the County Planning and Zoning Committee or its staff for review and comment prior to the submission of a proposed certified survey map for review and approval.

6.02 REQUIRED INFORMATION

The map shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:

- A. Inset Map of the area concerned showing the location of the proposed certified survey map in relation to the U.S. Public Land Survey section and quarter-section lines and abutting and nearby public streets and highways.
- B. Date, graphic scale, and north point.
- C. Name and addresses of the owner, subdivider, and land surveyor preparing the plat.
- D. All Existing Structures, together with an identification of the type of structure, such as residence, garage, barn, or shed; the distances of such structures from existing and proposed property lines, wells, watercourses, and drainage ditches; and existing property boundary lines in the area adjacent to the exterior boundaries of the proposed certified survey map and within 100 feet thereof. The proposed use of existing structures to be retained shall be noted. All wells within the exterior boundaries of the proposed certified survey map, and within 50 feet of the exterior boundaries of the map, shall be shown.
- E. Location, Approximate Dimensions, and Area of any sites to be reserved dedicated for parks, playgrounds, drainageways, open space preservation, or other public use.
- F. Building or Setback Lines required by the County Planning and Zoning Committee, or other approving or objecting agency, which are more restrictive than the regulations of the zoning district in which the certified survey map is located, or which are proposed by the subdivider and are to be included in recorded private covenants.
- G. Location and Names of any adjoining streets, highways, subdivisions, parks, cemeteries, public lands, and watercourses, including impoundments. The owners of record of abutting unplatted lands shall also be shown.

- H. Length and Bearing of the centerline of all streets. The lengths shall be given to the nearest 0.01 foot and the bearings to the nearest of one second of arc. The arc, chord, and radius lengths, and the chord bearing, together with the bearings of the radii of the ends of the arcs and chords, shall be given for all curved lines.
- I. Street Width along the line of any obliquely intersecting street line to the nearest 0.01 foot.
- J. Active and Abandoned Railway rights-of-way within and abutting the exterior boundaries of the proposed certified survey map and the location and right-of-way of existing and proposed bicycle and pedestrian ways.
- K. Notations or Any Restrictions required by the County Planning and Zoning Committee or other approving or objecting agency relative to access control along any public ways within or adjacent to the proposed certified survey map; the provision and use of plating strips; or provisions for the protection of any existing wetlands or other environmentally significant lands within the exterior boundaries of the proposed certified survey map.
- L. Easements for any Public sanitary sewers, water supply mains, stormwater management facilities, drainageways, or access ways.

6.03 ADDITIONAL INFORMATION

The Planning and Zoning Committee may require that the following additional information be provided when necessary for the proper review and consideration of the proposed land division:

- A. Topographic Features, including existing and/or proposed contours, with two-foot intervals for slopes less than 12 percent and at no more than five-foot intervals for slopes 12 percent and greater. Elevations shall be marked on such contours, referenced to North American Vertical Datum (NAVD) of 1988. The requirement to provide topographic data may be waived if the parcel or parcels proposed to be created are fully developed.
- B. Soil Types as shown on the soil survey maps prepared by the U.S. Soil Conservation Service (now known as the Natural Resources Conservation Service).
- C. The Square Footage and elevation of the first floor of all buildings proposed to remain on the site or sites included in the certified survey map.
- D. The County Planning and Zoning Committee, upon recommendation of the County Planning and Zoning Administrator, may, in order to determine the suitability of the site concerned for the construction of buildings and supporting roadways, require that soil borings and tests be made to ascertain subsurface soil conditions and depths to bedrock and the groundwater table. The number of such borings and tests shall be adequate to portray for the intended purpose the character of the soil and the depths to bedrock and groundwater from the undisturbed surface.

- E. Where the Site is Not to be Served by public sanitary sewer, soil borings and tests shall be made to determine the suitability of the site for the use of onsite sewage treatment and disposal systems. Such borings and tests shall meet the requirements of Chapters Comm 83 and 85 of the Wisconsin Administrative Code. The location of the borings shall be shown on the map and the findings, with respect to suitability for the use of onsite sewage treatment and disposal systems, set forth in a separate report submitted with the proposed certified survey map.
- F. Boundaries of Key Environmental Features as mapped and approved by the Florence County Board. The boundaries of wetlands shall also be shown. The wetland boundaries shall be determined on the basis of a field survey made to identify, delineate, and map those boundaries; and the name of the person, agency, or firm identifying, delineating, and mapping the wetland boundaries shall be provided together with the date of the field survey concerned.
- G. Boundaries of the 100-year recurrence interval floodplain and related regulatory stages, as determined by the Federal Emergency Management Agency. Where such data are not available, the floodplain boundaries and related stages shall be determined by a registered professional engineer retained by the subdivider, and the engineer's report providing the required data shall be submitted for review and approval by the County Planning and Zoning Administrator.
- H. The Location of Woodlands within the proposed certified survey map.
- I. The Approximate Location of existing and proposed onsite sewage treatment and disposal facilities.
- J. Historic, Cultural, and Archaeological Features, with a brief description of the historic character of buildings, structures, ruins, and burial sites.
- K. Location and Water Elevations at the date of the survey of all lakes, ponds, rivers, streams, creeks, and drainage ditches within the proposed certified survey map. Approximate high and low water elevations and the ordinary high water mark referenced to NAVD 1988 shall also be shown.
- L. The County Planning and Zoning Committee may require that the entire area contiguous to the land encompassed within proposed certified survey map and owned or controlled by the subdivider be included in the certified survey map even though only a portion of said area is proposed for immediate development. The County Planning and Zoning Committee may also require the submission of a sketch plan, drawn to scale, showing the entire contiguous holdings owned or controlled by the subdivider and identifying proposed future development of the parcel, including general street and parcel locations.

6.04 STATE PLANE COORDINATE SYSTEM

Where the plat is located within a one-quarter section, the corners of which have been located, monumented, and placed on the State Plane Coordinate System the plat shall be tied directly to

two adjacent section or quarter-section corners defining a quarter section line so located, monumented, and placed on the State Plane Coordinate System. The grid bearing and distance of each tie shall be determined by field measurements. The Wisconsin State Plane Coordinates, together with a description of the monuments marking the section or quarter-section corners to which the plat is tied shall be shown on the plat. All distances and bearings shall be referenced to the Wisconsin State Plane Coordinate System based upon the North American Datum of 1983(91). (All distances shall be recorded to the nearest 0.01 foot and all bearings to the nearest one second of arc.)

6.05 CERTIFICATES

All certified survey maps shall provide all of the certificates required for final plats by Section 236.21 of the Wisconsin Statutes. The County Planning and Zoning Committee shall certify its approval on the face of the map. In addition, the surveyor shall certify that he or she has fully complied with all of the provisions of this Ordinance.

6.06 RECORDING

After the certified survey map has been duly approved by the Planning and Zoning Committee, the County Clerk shall cause the certificate to be inscribed upon the map attesting to such approval.

7.00 DESIGN STANDARDS

7.01 STREET ARRANGEMENT

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

- A. In any new land division or condominium, the street layout shall conform to the arrangement, width, type and location indicated on the adopted County jurisdictional highway system plan, any applicable official map in effect, the adopted County comprehensive plan or plan component. In areas where such plans have not been completed or are of insufficient detail, the street layout shall recognize the functional classification of various street types and shall be developed and located in proper relation to existing and proposed streets, with due regard to topographical conditions, natural features such as streams and trees, utilities, land uses, and public convenience and safety, and the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street as provided herein. The following conditions shall apply for street arrangement in all proposed subdivisions:
- B. Arterial Streets shall be arranged so as to provide ready access to centers of employment; high density residential areas; centers of government activity, community shopping areas; community recreation; and points beyond the boundaries of the community. They shall also be properly integrated with, and related to, the existing and planned system of arterial streets, major streets and highways and shall be, insofar as is practicable, continuous and in alignment with existing or planned streets with which they are to connect.
- C. Collector Streets, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and high way system and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population, and to the major streets into which they feed.
- D. Minor Streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- E. Proposed Streets shall extend to the boundary lines of the lot, parcel or tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board or County Planning and Zoning Committee, such extension is not necessary or desirable for the coordination of the layout of the land division or condominium or for the advantageous development of adjacent land tracts. Such streets shall terminate with a temporary turnaround of 120 feet right of way diameter and a roadway of not less than 90 feet diameter.

- F. Arterial Street and Highway Protection. Whenever the proposed subdivision contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by **reversed frontage**, with screen planting contained in a non-access reservation along the rear property line, **or** by the use of **frontage streets**.
- G. Stream or Lake Shores shall have 60' feet of public access platted to the low water mark as required by Section 2.05 C of this Ordinance.
- H. Reserve Strips controlling access to streets or alleys shall be prohibited except where their control is definitely placed with the Town or County.
- I. Alleys may be required in commercial and industrial districts to provide for off-street loading and service access, but shall not be approved in residential districts unless required by unusual topography or other exceptional conditions. Dead-end alleys shall not be approved, and alleys shall not connect to a Federal, State, or County Trunk Highway.
- J. Street Names shall be approved by the County and shall not duplicate or be similar to existing street names, and existing street names shall be projected or continued wherever possible. Where an adopted County street address system exist, the street names shall be assigned in accordance with the recommendations of such plan or plans.

7.02 LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY TREATMENT

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

- A. When Residential Lots Within the Proposed Subdivision or condominium back upon the right-of-way of an existing or proposed limited access highway or railroad non access easement and planting area at least 50 feet in depth shall be provided adjacent to the highway or railroad right-of-way. The minimum lot depth required by the County Zoning ordinance shall be increased by 50 feet to accommodate the non-access easement and planting area. This non-access easement and planting area shall be part of all lots and shall have the following restriction lettered on the face of the plat or survey map: "This area is reserved for planting of tress and shrubs. No access shall be permitted across this area. The building of structures, except public or private utility structures and fences is prohibited thereon.
- B. Plats Located in Commercial and Industrial Districts shall provide on each side of the limited access highway or railroad, streets approximately parallel to such streets and highway or railroad.. A distance of not less than 150 feet shall be provided to allow for the appropriate use of the land between such streets and highway or railroad.
- C. Streets Parallel to a Limited Access Highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway,

shall be located at a minimum distance of 250 feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of minimum distance required for the future separation of grades by means of appropriate approach gradients.

7.03 STREET, BICYCLE, AND PEDESTRIAN WAY DESIGN STANDARDS

A. The Minimum Right-of-way of all proposed streets shall be as specified on any applicable street plan officially adopted by the County; or, if no width is specified, the minimum right-of-way width shall be as follows:

<u>TYPE OF STREET</u>	<u>MINIMUM RIGHT-OF-WAY</u>
Arterial Streets	120 feet
Collector Streets	80 feet
Minor Streets	66 feet
Frontage Streets	66 feet
Pedestrian and Bicycle Ways	20 feet-when separate from street rights-of way

B. Minimum Roadway Width and Surface Width of all new subdivision roads shall comply with the Town Road Standards contained in Section 86.26 of the Wisconsin Statutes unless locally adopted Town Road Standards require a greater width.

C. Cul-de-Sac Streets designed to have one end permanently closed shall not normally exceed 600 feet in length. Such streets shall terminate in a circular turn-around having a minimum right-of-way radius of 60 feet and a minimum roadway radius of 45 feet.

D. Temporary Termination of streets intended to be extended at a later date shall be accomplished with the construction of a temporary “T”-shaped turnabout contained within the street right-of-way.

E. Bicycle and Pedestrian Ways with right of way width of 20 feet may be required where deemed necessary by the County Planning and Zoning Committee to provide adequate bicycle and pedestrian circulation or access to schools, shopping centers, recreational areas, adjacent subdivisions or condominiums or transportation facilities. Bicycle and pedestrian ways in wooded and wetland areas shall be so designed and constructed as to minimize the removal of trees, shrubs, and other vegetation, and to preserves the natural beauty of the area.

F. Street Grades

(1) Unless necessitated by exceptional topography subject to the approval of the County Planning and Zoning Committee, the maximum centerline grade of any street or public way shall not exceed the following:

- (a) Arterial streets: 6 percent
- (b) Collector streets: 8 percent

- (c) Minor streets, alleys and frontage streets: 10 percent. Pedestrian ways: 12 percent, unless steps of acceptable design are provided.
- (d) Bicycle ways: 5 percent, however steeper grades are acceptable for a distance of 500 feet.
- (e) The grade of any street shall in no case exceed 12 percent or be less than one-half (.5) of one percent.

- (2) Street Grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 15 times the algebraic difference in the rates of grade for major streets, and one-half (1/2) this minimum for all other streets.
- (3) The grade of any street shall in no case exceed 12 percent or be less than one-half of one percent for streets with an urban cross-section and one percent for streets with a rural cross section

G. Radii of Curvature When a continuous street centerline deflects at any one point by more than 10 degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

- (1) Arterial streets and highways: 500 feet
- (2) Collector streets: 300 feet
- (3) Minor streets: 100 feet

A Tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.

H. Elevations of Arterial Streets shall be set so that they will not be overtopped by a 50-year recurrence interval flood.

I. Bridges and Culverts. All new and replacement bridges and culverts over navigable waterways, including pedestrian and other minor bridges, shall be designed so as to accommodate the peak rate of discharge of a 100-year recurrence interval flood event without raising the peak stage, either upstream or downstream, more than 0.01 foot above the peak stage for the 100-year recurrence interval flood as established by the Federal Emergency Management Agency. Larger permissible flood stage increases may be acceptable for reaches having topographic or land use conditions which could accommodate the increased stages without creating additional flood damage potential upstream or downstream of the proposed structure, providing that flood easements or other appropriate legal measures have been secured from all property owners affected by the excess stage increases. Such bridges and culverts shall be so designed and constructed as to facilitate the passage of ice flows and other debris.

- J. Half-Streets shall be prohibited except where:
- (1) The other half has already been dedicated.
 - (2) Its alignment is shown on an officially adopted street plan.

7.04 STREET INTERSECTIONS

- A. Right Angles Streets shall intersect each other as nearly as possible at right angles.
- B. Not more than two streets shall intersect at one point unless approved by the County Planning and Zoning Committee.
- C. Number of Intersections along major streets and highways shall be held to a minimum. Wherever practicable the distance between such intersections should not be less than 1,200 feet.
- D. Continuation of Land Access and Collector Streets. Land access and collector streets shall not necessarily continue across arterial streets; but if the centerlines of such streets approach the arterial streets from opposite sides within 300 feet of each other, measured along the centerline of the arterial or collector streets, then the location of the collector and/or land access streets shall be so adjusted so that a single intersection is formed.
- E. Vision Clearance Easements shall be provided at street intersections as may be required by County zoning ordinance and by any approving or objecting authority concerned.
- F. Corner Curves Property Lines at Street Intersections shall be rounded with a minimum radius of 15 feet or of a greater radius when required by a County Planning and Zoning Committee.
- G. Street Jogs with center line offsets of less than 125 feet shall not be approved.

7.05 BLOCKS

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

- A. Length. Blocks in residential areas should not as a rule be less than 750 feet not more than 1500 feet in length unless otherwise dictated.
- B. Pedestrian Ways, of not less than 10 feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the County Planning and Zoning Committee or Town Board to provide adequate pedestrian circulation or access to schools, shopping centers, churches or transportation facilities.
- C. Width. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from through

traffic or where lots abut a lake or stream. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning provisions for such use.

- D. Utility Easements. All utility lines for electric power and telephone service shall be placed on mid-block easements along rear lot lines whenever carried on overhead poles except where lots abut a lake or stream.

7.06 LOTS

- A. General Requirements. The size, shape, and orientation of lots shall be appropriate for the location of the land division and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated. Lots shall follow municipal boundaries rather than cross them.
- B. Side Lot Lines should be at right angles to straight street lines or radial to curved street lines on which the lots face, unless a non-conventional lot layout is approved by the Planning and Zoning Committee.
- C. Double Frontage and Reversed Frontage Lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- D. Public Street Frontage. Every lot shall front or abut on a public street for a distance of at least 30 feet.
- E. Area and Dimensions of lots shall conform to the requirements of the County Zoning Ordinance. Lots shall contain sufficient area to permit compliance with all required setbacks, including those set forth in the County Zoning Ordinance and Shoreland/Wetland Ordinance, and those that may be required to meet the requirements of Chapter Trans 233 of the Wisconsin Administrative Code. Buildable lots that will not be served by a public sanitary sewerage system shall be of sufficient size to permit the use of a private onsite waste water treatment system designed in accordance with Chapter COMM 83 of the Wisconsin Administrative Code.
- F. Re-division of Lots. Whenever a lot, parcel or tract is subdivided into lots or parcels with area in excess of the zoning requirements, the Planning and Zoning Committee may require such parcels should be arranged and dimensioned so as to allow re-subdivision of any such parcels into normal lots in accordance with the provisions of the ordinance.
- G. Depth. Lots should be designed with a suitable proportion between width and depth. Neither long, narrow or wide, shallow lots are normally desirable. Normal depth should not exceed 2 ½ times the width, nor be less than 150 feet.

- H. Width of Lots shall conform to the requirements of the zoning ordinance, and no case be less than 60 feet in width at the building setback line, unless otherwise provided in the County Zoning Ordinance.
- I. Corner Lots shall be designed with extra width to permit adequate building setback from both streets.
- J. The Shape of lots shall be approximately rectangular, with the exception of lots located on a curved street or on a cul-de-sac turnabout. Flag lots shall be prohibited, except where necessary to accommodate exceptional topography or to preserve natural resources.
- K. Lands Lying Between the Meander Line and the water's edge and any otherwise unplatted lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream.
- L. Restrictions Prohibiting Development. Whenever a lot appearing on a final plat, condominium plat, or certified survey map is not intended to be buildable, or is intended to be buildable only upon certain conditions, an express restriction to that effect, running with the land and enforceable by the County, shall appear on the face of the plat or map.

7.07 BUILDING AND SETBACK LINES

Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than required in the applicable zoning district, may be permitted or required by the Planning and Zoning Committee and shall be shown on the final plat, condominium plat, or certified survey map. Examples of the application of this provision would include requiring greater setbacks on cul-de-sac lots to achieve the necessary lot width at the setback line, requiring greater setbacks to conform to setbacks of existing adjacent development, requiring greater setbacks to accommodate a coving design, requiring greater setbacks to avoid placing buildings within easements or vision clearance triangles, setting special yard requirements to protect natural resources, or requiring greater setbacks along arterial streets and highways to meet the requirements of Chapter Trans 233 of the Wisconsin Administrative Code.

7.08 EASEMENTS

- A. Utility Easements. The Planning and Zoning Committee may require utility easements of widths deemed adequate for the intended purpose. Such easements shall be located as determined by the applicable utility company, but preferably should be located along rear and side lot lines and should be designed to avoid the location of such facilities as electric power transformers in the flow lines of drainage swales and ditches. All lines, pipes, cables and similar equipment shall be installed underground unless the Planning and Zoning Committee finds that the topography, soils, depth to bedrock, woodlands, wetlands, or other physical barriers would make underground installation impractical, or that the lots to be served by said facilities can be served directly from existing overhead facilities and requiring underground installation would constitute an undue hardship upon the subdivider. Associated equipment and facilities which are appurtenant to underground

electric power, communications, and gas facility systems, including but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches, above-grade pedestal-mounted terminal boxes, junction boxes, meter points, and similar equipment may be installed at ground level. A landscape screening plan for such aboveground equipment shall be submitted by the subdivider to the affected utility and the Planning and Zoning Committee for approval. All utility easements shall be noted on the final plat, condominium plat, or certified survey map followed by reference to the use or uses for which they are intended.

- B. Drainage Easements. Where a land division or condominium is traversed by a drainageway or stream, an adequate easement shall be provided as required by the Planning and Zoning Committee. The location, width, alignment, and improvement of such drainageway or easement shall be subject to the approval of the County Planning and Zoning Administrator; and parallel streets or parkways may be required in connection therewith. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the County Planning and Zoning Administrator.

7.09 PROTECTION OF NATURAL RESOURCES

Where natural drainage channels, floodplains, wetlands, or other environmentally sensitive areas are encompassed in whole or in part within a proposed land division or condominium, the Planning and Zoning Committee may require that such areas be dedicated or that restriction be placed on the plat or certified survey map to protect such resources. The Planning and Zoning Committee may further require that such areas be included in outlots designated on the plat or certified survey map and restricted from development.

7.10 PARK AND OPEN SPACE AND OTHER PUBLIC SITES

- A. In the Design of a subdivision or condominium plat or a certified survey map, due consideration shall be given to the dedication or reservation of suitable sites or adequate size for future schools, parks, playgrounds, public access to navigable waters, and other public purposes. Accordingly, each subdivider of land in the County shall dedicated park and open space lands designated on the County official map or comprehensive plan or component thereof, or, where no park or open space lands are directly involved, pay a public site fee. Proposed school sites shall be reserved by the subdivider for future acquisition by the School Board.

- (1) Dedication of public parks and open space sites. Whenever a proposed public playground, park, parkway, trail corridor, public open space site, or other public lands designated on the County's official map or comprehensive plan or component thereof is encompassed, in whole or in part, within a proposed land division or condominium, the public lands shall be made a part of the subdivision or condominium plat or certified survey map and shall be dedicated to the public by the subdivider. Should the value of the land to be dedicated by less than the value of public site fee, the subdivider shall be required to pay the County the difference

between the value of the land dedicated and the public site fee. Should the value of the land to be dedicated exceed the public site fee, any lands in excess of the value of the public site fee shall be reserved for a period not to exceed three years, unless extended by mutual agreement, for purchase by the County at the price agreed upon and set forth in the Development Agreement. If the reserved lands are not acquired within the three-year period, the land will be released from reservation to the owner. Land values shall be determined in accordance with Subsection 7.10B.

- (2) Reservation of school sites. Whenever a proposed public school site designated on the County's official map or comprehensive plan or component thereof is encompassed, in whole or in part, within a proposed land division or condominium, the proposed school site shall be made a part of the plat and reserved at the time of final plat or certified survey map approval for a period not to exceed three years, unless extended by mutual agreement, for acquisition by the School Board at a price agreed upon and set forth in the Development Agreement.
- (3) Public site fee option. If a proposed land division or condominium does not encompass a proposed public playground, park, parkway, open space site, or other public lands, the subdivider shall pay a public site fee to be used for the acquisition of public sites to serve the future inhabitants of the proposed subdivision, minor land division or condominium at the time of application for final plat or certified survey map approval at the rate and in accordance with the procedures set forth in Section 11.06.

B. The Value of Land to be dedicated for park or open space purposes shall be agreed upon by the County and the subdivider on the basis of full and fair market value of the land to be dedicated. If the value cannot be agreed upon by the County and developer, an appraisal board consisting of one appraiser selected by the County and retained at the County's expense, one appraiser selected by the subdivider and retained at the subdivider's expense, and a third appraiser selected by the other two appraisers and retained at a cost shared equally the County and the subdivider, shall determine the value of the land.

C. Navigable Streams or Lakeshores shall have a public access-way at least 60 feet in width platted to the low water mark at intervals of not more than one-half mile and connecting to existing public streets, unless wider access or greater shoreline intervals are agreed upon by the Wisconsin Department of Administration, the Wisconsin Department of Natural Resources, and the County, as required by Section 236.16(3) of the Wisconsin Statutes.

8.00 REQUIRED IMPROVEMENTS

8.01 SURVEY MONUMENTS

The subdivider shall install survey monuments in accordance with the requirements of Section 236.15, Wisconsin Statutes.

8.02 REQUIRED IMPROVEMENTS

As required by Section 2.07 of this Ordinance, the subdivider shall enter into a contract with the Town agreeing to install all required improvements and shall file with said contract a surety bond or other satisfactory security meeting the approval of the Town Attorney as a guarantee that such improvements will be completed by the subdivider or his subcontractors within the time limit established by the Town Boards. The Towns may adopt local ordinances requiring the subdivider to install the following improvements or any other improvements the Towns deem necessary.

A. Grading and Surfacing

The subdivider shall grade and surface all streets proposed to be dedicated in accordance with the construction standards of the Town. Where no Town construction standards have been adopted, the minimum standards required by the Wisconsin Statutes and Wisconsin Division of Highways for Town roads shall apply. In addition, the subdivider shall finish grade all shoulders and road ditches and install all culverts necessary to provide adequate surface drainage for the subdivision.

B. Storm Water Drainage Facilities

- (1) The subdivider shall construct storm water drainage facilities, which may include curb and gutters, catch basins and inlets, storm sewers, road ditches and open channels as may be required to provide adequate surface drainage for the subdivision.
- (2) Storm Drainage Facilities, where needed shall be designed to permit the unimpeded flow of natural watercourses; insure the drainage of all points along the line of streets; and provide positive drainage away from on-site sewage disposal facilities. In designing storm drainage facilities, special consideration shall be given to protection against Shoreland erosion and siltation of surface waters and preventing excess water run-off on adjacent property. The County Planning and Zoning Committee or Town Board may require that easements or drainage ways of widths sufficient to accommodate anticipated storm water-runoff be provided. All storm water drainage facilities shall be constructed in accordance with plans and standard specifications approved by the Town Board.

C. The Subdivider Shall Install Street Signs meeting the approval of the Town Board at all intersections.

8.03 LOTS NOT ABUTTING PUBLIC ROADS

No Subdivider shall sell any parcel of land of one and one-half (1 ½) acres or less in size if it abuts on a road which has not been accepted as a public road unless the seller informs the purchaser by letter of the fact that the road is not a public road and is not required to be maintained by the Town or County.

8.04 PUBLIC SANITARY SEWERAGE AND PRIVATE SEWERAGE DISPOSAL SYSTEMS

A. In Areas that have a sanitary sewer system on or near the proposed subdivision, the local municipality furnishing such service and the County Planning and Zoning Committee shall determine the feasibility of service and the procedures to be followed by the subdivider in joining the system.

(1) If Public Sanitary Sewer Facilities are not available to the plat at the time of final platting, but will become available within a period of 3 years from the date of the plat recording, the subdivider shall install or cause to be installed sanitary sewers and sewer laterals to the street lot line and shall cap all laterals. The size type and installation of all proposed sanitary sewers to be constructed shall be in accordance with plans and standard specifications approved by the local municipality which will furnish such facilities.

B. If Public Sewer Facilities Are Not Available, the Subdivider shall make provision for adequate private sewerage disposal systems as specified by the Wisconsin Department of Commerce

(1) Except as provided in sub. (2), for each proposed land division not served by public sewer, soil borings and soil tests complying with COMM 83 and COMM 85, Wisconsin Administrative Code, shall be submitted for each proposed lot. The location of the borings shall be shown on the Preliminary Plat. Not more than 4 lots that are created from the same parent parcel shall be planned to be developed with holding tanks as the onsite waste disposal system. Such systems shall be installed in accordance with the County Sanitary Ordinance.

(2) Land divisions for public utilities and certain public facilities involving structures not requiring onsite waste disposal systems (e.g., water towers, pumping stations, power relay stations) and other land divisions where conditions warrant, as determined by the Planning and Zoning Administrator, may be approved with the following required notation: "Restrictive Covenant. The construction of structures which rely upon onsite sewerage disposal systems for sanitary waste disposal shall be prohibited on this lot until all state, county, and municipal regulations have been met and a sanitary permit has been issued by the Florence County Zoning Administrator's Office"

- (3) The Planning and Zoning Administrator may require that the locations and dimensions of sites for private onsite wastewater treatment systems be identified on final plats and certified survey maps for those lots with limited suitable area, as determined by the Florence County Zoning Office.
- (4) The County Planning and Zoning Committee may prohibit the installation of sewage disposal facilities requiring soil absorption systems where such systems would impair water quality, and the Committee may, with approval of the Department of Natural Resources Division of Resource Development, allow alternative methods of waste treatment and disposal including, but not limited to package treatment plants, or incinerator or chemical toilets.

9.00 PLANNED RESIDENTIAL UNIT DEVELOPMENT

9.01 PURPOSE

Grouping of residences in cluster subdivisions will permit individual minimum lot sizes to be reduced provided overall density within the subdivision is maintained. The remaining undeveloped area within the subdivision is to be used to provide common open space and preserve the scenic qualities of an applicable Shoreland area. Grouping of residences facilitates common water supply and sewage disposal systems and encourages the improved use of land in proper respect to the preservation of natural resources.

9.02 REVIEW

Planned Residential Unit Development Subdivisions shall be submitted for review in the same manner as any other subdivision as outlined in Section 3.0 of this Ordinance.

9.03 REQUIREMENTS

- A. Proposed Cluster Developments shall include a minimum of 5 acres and shall be platted according to the requirements of this Ordinance.
- B. The Minimum distance between principal structures shall be 20 feet.
- C. The Maximum permitted number of lots in such development shall be determined by dividing the total area of the subdivision, excluding streets, by the minimum lot sizes required by the County Zoning Ordinance.
- D. Excess Land not used for lots and streets shall be dedicated for open space purposes. This may be accomplished by conveyance in common to each of the owners of lots in the development or by dedication to the County or Town. Lands dedicated to the public must be accepted by appropriate action of the governing body of the accepting unit of government. If the land is to be conveyed to owners of lots in the development, a homeowners association or similar legally constituted body shall be created to maintain the open space land.
- E. Any restriction placed on platted land by covenant, grant of easement or any other manner which was required by a public body or which names a public body as grantee, promisee or beneficiary, shall vest in the public body the right to enforce the restriction at law or in equity against anyone who has or requires an interest in the land subject to the restriction.
- F. Water Supply and Sewage Disposal shall meet the minimum standards of the Wisconsin Department of Commerce, the County Sanitary Ordinance and other applicable regulations.

G. Tree Cutting Regulations of the County Zoning Ordinance shall apply except that maximum width of a lake frontage opening shall be 100 feet.

10.00 CONSTRUCTION

10.01 COMMENCEMENT

No construction or installation of improvements shall commence in a proposed subdivision until the Final Plat has been approved by the County Planning and Zoning Committee.

10.02 PHASING

The Planning and Zoning Committee may permit construction and installation of public improvements in phases corresponding to the development phases of a final plat.

10.03 BUILDING PERMITS

No land-use permit and/or building permit shall be issued for erection of a structure on any lot not of record until all the requirements of this Ordinance have been met.

10.04 PLANS

The following plans and accompanying construction specifications may be required by the Town Board or the County Planning and Zoning Committee before authorization of construction or installation of improvements:

- A. Street Plans and Profiles showing existing and proposed grades, elevations, cross sections and other details of required improvements.
- B. Sanitary Sewer plans and profiles showing the locations, grades, sizes, elevations, materials, and other details of required facilities.
- C. Plans for Stormwater Management Facilities showing the locations, grades, sizes, cross sections, elevations, materials, and other details of required facilities, together with the path of the drainage to the receiving storm sewer, drainage channel, or watercourse.
- D. Water Supply and Distribution Plans showing the locations, sizes, elevations, materials, and other details of required facilities.
- E. Grading Plans showing existing and proposed topographic contours, mass and finished grading plans, proposed top of building foundation and finished yard grade elevations, and such supplemental information as required by the County Engineer.
- F. Erosion and Sedimentation Control Plans showing those structures necessary to retard the rate of runoff water and those measures and practices that will minimize erosion and sedimentation, in accordance with Section 4.06.
- G. Landscaping Plan Plans.showing and describing in detail the location, size, and species of any proposed new trees, shrubs, and other vegetation; existing trees, shrubs, and other

vegetation proposed to be retained; nonliving durable material such as rocks, sand, gravel, or mulch; and structures such as walls, fences, and entrance signs.

H. Additional special plans or information as required by the Planning and Zoning Committee or Town Board.

10.05 EARTH MOVING

Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channeling, clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to minimize erosion and sedimentation and disturbance of the natural fauna, flora, watercourse, water regimen, and topography.

10.06 PRESERVATION OF EXISTING VEGETATION

The subdivider shall make every effort to protect and retain all existing desirable trees, shrubs, grasses, and groundcover not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, and bicycle and pedestrian ways. Trees shall be protected and preserved during construction in accordance with the approved landscaping plan and with sound conservation practices, including the preservation of trees by well islands or retaining walls, whenever abutting grades are altered.

10.07 INSPECTION

The subdivider, prior to commencement of any work within the subdivision, shall make arrangements with the Town Board to provide for adequate inspection. The Town Board shall inspect and approve all completed work prior to approval of the Final Plat or release of the sureties.

10.08 COMPLETION OF IMPROVEMENTS

All of the improvements required under this ordinance shall be completed prior to the final approval of a subdivision or condominium plat, except that in lieu of completion of construction, a certified check, surety bond or letter of credit approved by the County Corporation Council may be furnished as provided in Section 2.07.

10.09 AS –BUILT PLANS-RESERVED

11.00 FEES

11.01 GENERAL

The subdivider shall pay the County all fees as hereinafter required and at the specified time before being able to record the Plat or Certified Survey Map concerned.

11.02 PRELIMINARY PLAT OR CERTIFIED REVIEW FEE

- A. The Subdivider shall pay a fee as set forth in the County fee schedule to the County Treasurer at the time of first application for approval of any Preliminary Plat or certified survey map to assist in defraying the cost of review.
- B. A Re-application Fee as set forth in the County fee schedule shall be paid to the County Treasurer at the time of reapplication for approval of any Preliminary Plat or certified survey map which has been previously reviewed.

11.03 IMPROVEMENT REVIEW FEE

- A. The Subdivider Shall pay a fee or present a letter of credit or a bond equal to one percent of the cost of the required public improvements as estimated by the County Planning and Zoning Administrator at the time of the submission of improvement plans and specifications to partially cover the cost to the County of reviewing such plans and specifications.
- B. The Fee May be recomputed, upon demand of the subdivider or County Planning and Zoning Administrator, after completion of improvement construction in accordance with the actual cost of such improvements and the difference, if any, shall be paid by or remitted to the subdivider. Evidence of cost shall be in such detail and form as required by the County Planning and Zoning Administrator.

11.04 CONSTRUCTION REVIEW FEE

The subdivider shall pay a fee equal to the actual cost to the County for such inspection as the County Planning and Zoning Administrator deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications, and ordinances of the County or any other governmental authority.

11.05 FINAL PLAN REVIEW FEE

- A. The Subdivider Shall pay a fee as set forth in the County fee schedule for each lot or parcel within the final plat to the County Treasurer at the time of first application for approval of said plat to assist in defraying the cost of review.

- B. A Reapplication Fee as set forth in the County fee schedule shall be paid to the County Treasurer at the time of a reapplication for approval of any final plat which has previously been reviewed.

11.06 PUBLIC SITE FEE

- A. If Required by the Planning and Zoning Committee under Section 7.10, a fee for the acquisition of public sites to serve the future inhabitants of the proposed land division or condominium shall be paid to the County Treasurer at the time of first application for approval of a final plat or certified survey map of said land division or condominium in the amount set forth in the County fee schedule.
- B. Public Site Fees shall be placed in a nonlapsing separate Service District Fund by the County Treasurer to be used only for the acquisition of playground park, parkway, or other open space site that will serve the proposed land division or condominium. Said fund shall be established on the basis of the service area of existing or proposed park or open space sites.

11.07 ENGINEERING FEE

- A. The Subdivider Shall pay a fee equal to the actual cost to the County for all engineering work incurred by the County in connection with the plat.
- B. Engineering Work shall include the preparation of construction plans and standard specifications. The County Planning and Zoning Administrator may require that the subdivider to furnish all, some, or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications.

11.08 SPECIAL LEGAL AND FISCAL REVIEW FEES

The subdivider shall pay a fee equal to the cost of any special legal or fiscal analyses which may be undertaken by the County in connection with the proposed land division or condominium plat, including the drafting of contracts between the County and the subdivider. These fees may also include the cost of obtaining independent professional opinions of engineers, landscape architects, and land planners requested by the County Planning and Zoning Committee in connection with the review of the land division or condominium plat being considered.

11.09 APPEAL OF FEES

The Subdivider shall have the right to challenge the amount of any fees levied under Section 11.03, 11.04, 11.07, and 11.08 of this Ordinance by an appeal to the County Board. Upon receipt of such an appeal, the County Board, upon due notice, shall hold a public hearing at which the Subdivider and the County officials concerned can present their case. Based upon review of relevant records and the testimony presented at the public hearing, the County Board shall make a determination with respect to the fairness of the amount of the fees challenged and shall make a determination to decrease, affirm, or increase the fees concerned.

12.00 RULES AND DEFINITIONS

12.01 RULES

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

- A. Words used in the present tense shall include the future, and words used in the singular number shall include the plural number, and the plural is singular.
- B. The word "shall" is mandatory not discretionary.
- C. The word "may" is permissive.
- D. The masculine gender includes the feminine and neuter.

12.02 DEFINITIONS

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

ADVISORY AGENCY: Any agency, other than an objecting agency, to which a plat or certified survey map may be submitted for review and comment. An advisory agency may give advice to the County and suggest that certain changes be made to the plat or certified map, or it may suggest that a plat or certified survey map be approved or denied. Suggestions made by an advisory agency are not, however, binding on the County Board or Planning and Zoning Committee.

APPROVING AUTHORITIES: Each governmental body having authority to approve or reject a preliminary or final plat. Approving authorities are set forth in Section 236.10 of the Wisconsin Statutes.

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

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

BUILDING: Any structure built for the support, shelter, to enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land.

BUILDING SETBACK LINE: A line parallel to the street defined by the County Zoning Ordinance beyond which buildings may not be erected.

CERTIFIED SURVEY MAP: A map, prepared in accordance with Section 236.34 of the Wisconsin Statutes and this Ordinance, for the purpose of dividing land into not more than four parcels; or used to document for recording purposes survey and dedication data relating to single parcels.

COUNTY ENGINEER: A registered professional engineer who is a full time employee of the County, or a consulting engineer who provides resident staff services to the County, and who is duly appointed by the County Board to the position.

COLLECTOR STREET: A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets including principal entrance streets to residential developments.

CONDOMINIUM: A form of ownership combining individual unit ownership with shared use and ownership of common property or facilities, established in accordance with Chapter 703 of the Wisconsin Statutes. Common areas and facilities are owned by all members of the condominium association on a proportional, undivided bases. A condominium is a legal form of ownership, and not a specific building type or style.

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.

CONDOMINIUM DECLARATION: The instrument by which property becomes subject to Chapter 703 of the Wisconsin Statutes.

CONDOMINIUM UNIT: A part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors (or parts thereof) in a building. A unit may include two or more noncontiguous areas.

COUNTY PLANNING AGENCY: The agency created by the County Board and authorized by Statute to plan land use and to review subdivision plats and certified survey maps.

COVENANT: A restriction on the use of land, set forth in the deed.

COUNTY: Reference to County shall mean Florence County including any agency, department or committee thereof.

COUNTY PLANNING AND ZONING COMMITTEE: The County Zoning Committee as authorized by Section 56.69. Wisconsin Statutes or any other Committee created by the County Board and authorized to plan land use.

COUNTY SANITARY ORDINANCE: Reference to County Sanitary Ordinance shall mean the Florence County Sanitary Ordinance.

COUNTY ZONING ORDINANCE: Reference to County Zoning Ordinance shall mean the Florence County Zoning Ordinance.

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 as provided by this Ordinance.

DEED RESTRICTION: A restriction on the use of property set forth in the deed.

DEVELOPMENT AGREEMENT: An agreement entered into by and between the County and a subdivider whereby the County and subdivider agree as to the design, construction, and installation of required public improvements; the payment for such public improvements; dedication of land; and other matters related to the requirements of this Ordinance. The

Development Agreement shall not come into effect unless and until a letter of Credit or other appropriate surety has been provided to the County by the subdivider.

EXTRATERRITORIAL PLAT APPROVED JURISDICTION: The unincorporated area within 1-1/2 miles of a fourth class city or village and within 3 miles of all other cities over which cities and villages may exercise Plat approval provided they have enacted an Official Map Ordinance or Subdivision Control Ordinance in accordance with Section 236.10, Wisconsin Statutes.

FINAL PLAT: The map prepared in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and this Ordinance for the purpose of creating a subdivision.

FLOODPLAINS: Those lands, including the floodplains, floodways, and channels, subject to inundation by the 100-year recurrence interval flood or, where such data are not available, the maximum flood of record.

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

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

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

HEDGEROW: A row of shrubs or trees planted for enclosure or separation of fields.

HOMEOWNERS ASSOCIATION. An association combining individual home ownership with shared use, ownership, maintenance, and responsibility for common property or facilities, including private open space, within a land division.

IMPROVEMENT, PUBLIC: Any sanitary sewer, storm sewer, drainage ditch, watermain, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip, off-street parking area, or other facility for which the County or Town may ultimately assume the responsibility for maintenance and operation.

LAND DIVISION: A generic term that includes both subdivisions and minor land divisions, as those terms are defined in this Section.

LANDSCAPING: Living plant material, such as grass, groundcover, flowers, shrubs, vines, hedges, and trees; nonliving durable material such as rocks, pebbles, sand, mulch, wood chips or bark; and structures such as walls and fences.

LETTER OF CREDIT: A irrevocable written agreement guaranteeing payment for improvements, entered into by a bank, savings and loan, or other financial institution authorized to do business in the State of Wisconsin and which has a financial standing acceptable to the County, which secures a subdivider's obligation to pay the cost of designing, constructing, and installing required public improvements and certain other obligations in connection with an approved land division or condominium.

LOT: A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet lot width, lot frontage, lot area, setback, yard, parking, and other requirements of the County Zoning Ordinance.

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

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

MINOR LAND DIVISION: A minor land division is any division of land that:

1. Creates more than one, but less than five, parcels or building sites inclusive of the original remnant parcel, any one of which is less than five acres in area, by a division or by successive divisions of any part of the original parcel within a period of five years and the division does not result in a subdivision; or

2. Creates five or more parcels or building sites inclusive of the original remnant parcel, more than 1 ½ each but less than 5 acres each in area, by a division or by successive divisions of any part of the original parcel within a period of five year and the division does not result in a subdivisions; or

3. Divides a block, lot, or outlot within a recorded subdivision plat into more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, without changing the exterior boundaries of said plat or the exterior boundaries of blocks within the plat, and the division does not result in a subdivision.

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

MUNICIPALITY: An incorporated city or village.

NATIONAL MAP ACCURACY STANDARDS: Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all Federal agencies having surveying and mapping functions and responsibilities.

NAVIGABLE WATER: Lake Michigan, all natural inland lakes within Wisconsin, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of Wisconsin which are navigable under the laws of this State. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. The Wisconsin Department of Natural Resources is responsible for determining if a water body or watercourse is navigable.

OBJECTING AGENCY: An agency empowered to object to a subdivision plat pursuant to Chapter 236 of the Wisconsin Statutes. The County may not approve any plat upon which an objection has been certified until the objection has been satisfied. The objecting agencies include the Wisconsin Department of Administration, the Wisconsin Department of Commerce, the Wisconsin Department of Transportation, and the County Planning Agency.

OFFICIAL MAP: A document prepared and adopted pursuant to Section 62.23(6) of the Wisconsin Statutes, which shows the location of existing and planned streets, parkways, parks, playground, railway rights-of way, waterways, and public transit.

OPENSOURCE: Any site, parcel, lot, area, or outlot of land or water that has been designated, dedicated, reserved, or restricted from further development. Open space may be privately or publicly owned, but shall not be part of individual residential lots. Open space shall be substantially free of structures, but may contain recreational facilities approved by the County.

OPEN SPACE, COMMON: Privately-owned land within a land division or condominium that has been restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the land division or condominium. Common open space shall be substantially free of structures, but may contain recreational facilities approved by the County.

OPEN SPACE, PUBLIC: Land within a land division or condominium that has been dedicated to the public for recreational or conservation purposes. Open space lands shall be substantially free of structures, but may contain recreational facilities approved by the County.

ORDINARY HIGH WATER MARK: The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

OUTLOT: A parcel of land, Other than a buildable lot or block, so designated on the plat, which is used to convey or reserve parcels of land. Outlots may be created to restrict a lot which is unbuildable due to high groundwater, steep slopes, or other physical constraints or to create common open space. Outlots may also be parcels of land intended to be re-divided into lots or combined with lots or outlots in adjacent land divisions in the future for the purpose of creating buildable lots. An outlot may also be created if a lot fails to meet requirements for a private onsite wastewater treatment system, but which may be buildable if public sewer is extended to the lot or land division.

Section 236.13(6) of the Wisconsin Statutes prohibits using an outlot as a building site unless it complies with all the requirements imposed for buildable lots. The County will generally require that any restrictions related to an outlot be included on the face of the plat.

PARCEL: A single piece of land separately owned, either publicly or privately, and capable of being conveyed separately.

PLAT: A map prepared, as required by Section 2.02 of this Ordinance, for the purpose of recording a subdivision, minor land division, or condominium.

PLANNING ADMINISTRATOR: Person designated by the County Planning and Zoning Committee to administer this Ordinance.

PRELIMINARY PLAT: A map showing the salient features of a proposed subdivision submitted to the County Planning and Zoning Committee for purposes of preliminary consideration. A preliminary plat precisely describes the location and exterior boundaries of the parcel proposed to be divided, and shows the approximate location of lots and other improvements.

PUBLIC INVOLVEMENT: Any sanitary sewer, storm sewer, open channel, water main, street, park, sidewalk, bicycle or pedestrian way, or other facility for which the County may ultimately assume the responsibility for maintenance and operation.

PUBLIC WAY: Any public road, street, highway, walkway, drainage-way or part thereof.

REPLAT: The process of changing of the map or plat which changes the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.

RESERVE STRIP: Any land which would prohibit or interfere with the orderly extension of streets, bicycle or pedestrian ways, sanitary sewer, water mains, storm water facilities or other utilities or improvements between two abutting properties.

SHORELANDS: Those lands lying within the following distances: 1,000 feet from the ordinary high water elevation of a navigable lake, pond, or flowages; or 300 feet from the ordinary high water elevation of a navigable stream, or to the landward edge of the floodplain, whichever is greater.

SOIL MAPPING UNIT: Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the U.S. Soil Conservation Service (now known as the Natural Resources Conservation Service).

SUBDIVIDER: Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor land division, or replat, or any person who creates a condominium under Chapter 703 of the Wisconsin Statutes.

SUBDIVISION: The division of a lot, parcel or tract of land by the owner thereof, or the owner's agent, for the purpose of transfer of ownership or of building development, including condominium development where the act of division creates five (5) or more parcels or building sites of 1-1/2 acres each, or less in area, or where the act of division creates five (5) or more parcels or building sites of 1-1/2 acres each or less in area by successive division within a five year period.

TRACT: A parcel lying in more than one U.S. Public Land Survey section.

UNIT: See condominium unit.

WETLAND: 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.

SURETY BOND: A bond guaranteeing performance of a contract or obligation through possible forfeiture of bond of said contract or obligation is unfulfilled by the subdivider.

TOWN: Reference to Town shall mean Town of the County including the Town Board, Town Clerk or any other designated Town Committee.

13.00 EFFECTIVE DATE

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

Bay-Lake Regional Planning Commission

May, 2003

Commission Members

Brown County

William M. Clancy
Paul Jadin
Clarence J. Lamers

Door County

Colleen Crocker-MacMillin

Florence County

Edwin Kelley
Yvonne Van Pembrook
John Zoeller

Kewaunee County

Gerald Novickis
Charles R. Wagner
Mary Hanrahan

Manitowoc County

Gregory E. Buckley
Kevin M. Crawford
Donald C. Markwardt

Marinette County

Florence I. Magnuson
Cheryl R. Maxwell, Vice Chairperson
Mary G. Meyer

Oconto County

Donald A. Glynn
Lois L. Trever, Sect./Tres.
Nomination Pending

Sheboygan County

James E. Gilligan, Chairperson
Michael K. Leibham
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Wisconsin Department of Commerce

Sec., Cory Nettles

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