

3. Dimensional Requirements.
 - a. Height regulations. No structure or growth shall exceed the height permitted by the airport height limitation as shown on the official airport height limitation zone map. The restrictions shall not apply to structures that are less than 35 feet above ground level.
 - b. Setback regulations. The setback requirements shall meet the municipal setback requirements of the applicable ordinances.
 - c. Minimum area regulations. The minimum lot area shall meet the municipal area requirements of the applicable codes.
4. Construction Requirements.
 - a. Construction plans for residential, commercial, and industrial structures shall be submitted to the department for review and permitting if greater than 35' above ground level. (Ord. 151-13, Sec. 2, 2007; Ord. 145-96, Sec. 5, 2002).

18.60.120 Fees. Chapter 4.35 shall apply. (Ord. 145-96, Sec. 5, 2002).

III. SUBDIVISION CONTROL

Chapter 18.76

INTRODUCTION

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18.76.001 Statutory authority. These regulations are adopted under the authority granted by Wis. Stat. § 59.69, 281.31, and 236.45. (Ord.141-03, Sec.1, 1997; Ord. 80-81/286 Sec.2(part), 1981).

18.76.002 Purpose. The purpose of this subtitle is to regulate and control the division of land within the unincorporated areas of the county in order to promote the public health, safety, prosperity, aesthetics, economic well-being, and general welfare of the county. (Ord. 80-81/286 Sec.2(part), 1981).

18.76.003 Definitions.

A. For the purposes of this subtitle, the following definitions shall be used. Words in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular. The word "shall" is mandatory and not directory.

1. Arterial Road. "Arterial road" means a street used, or intended to be used, primarily for fast or heavy through traffic. "Arterial street" includes freeways and expressways as well as standard arterial streets, highways and parkways.

2. Best Management Practices. "Best Management Practices" (or "BMP") means structural and nonstructural measures, practices, techniques or devices employed to avoid or minimize sediment or other pollutants carried in runoff.

3. Bond. "Bond" means any form of security including cash deposit, surety bond, collateral, property, or instrument of credit in any amount and form satisfactory to the county.

4. Certified Survey. "Certified survey" means a map of a parcel of land, dividing the parcel into not more than 4 building sites or lots any of which is less than a government protracted quarter-quarter section, or the division of a lot, block, or outlot within a recorded subdivision into not more than four building sites or lots, without changing the original exterior boundaries of the lot, block or outlot. Certified survey maps shall be prepared by a registered land surveyor and meet the requirements of Wis. Stat. ch. 236.34 and this subtitle.

5. Collector Road. "Collector road" means a street used, or intended to be used, to carry traffic from local streets to arterial streets and includes entrance roads to large subdivisions.

6. Construction Plan. "Construction plan" means the maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in a subdivision in accordance with the requirements of this subtitle or conditions placed on the plat by the committee.

7. "Contamination" means any physical, chemical, biological or radiological substance or matter in water that exceeds current state or federal standards.

8. Contiguous. Lots or parcels shall be considered contiguous if they share a common boundary. Lots or parcels that only meet at a single point are not considered contiguous. Lots or parcels divided by public roads shall not be considered contiguous.

9. Contiguous building area. "Contiguous building area" is the area of a lot for building use exclusive of environmentally sensitive areas, zoning and wetland setbacks, navigable waterways, drainage ways, road rights-of-way, and easements.

10. Corner Lot. "Corner lot" means a lot abutting two or more streets at their intersection provided that the interior angle of such intersection does not exceed 135°.

11. Developer. "Developer" means the owner of land proposed to be subdivided or his or her authorized representative.

12. Environmentally sensitive areas. "Environmentally sensitive areas" are defined as being of the following areas:

a. Wetlands, as defined and designated as wetlands on the Wetlands Inventory Maps, and regulated by Chapter 18.19 of this code.

b. Floodplains, as identified on the official maps and revisions and regulated by Chapter 18.20 of this code.

c. Slopes of 20 % or greater. For the purposes of application of these regulations, slope shall be measured over a horizontal distance of 50 feet. Slopes shall be measured as the change in elevation over the horizontal distance between consecutive contour lines and expressed as a percent.

13. Erosion Control Plan. "Erosion Control Plan" means a plan that will describe how the permit holder and other responsible party will minimize, to the maximum extent practicable, soil erosion and the transport of sediment from land disturbing activities to waters of the state or other property.

14. Extraterritorial Plat Approval Jurisdiction. "Extraterritorial plat approval jurisdiction" means the unincorporated area within 1 1/2 miles of a 4th class city or a village or within 3 miles of all other cities.

15. Final Plat. "Final plat" means the map of a subdivision and accompanying data, as required in Chapter 18.80, necessary for final approval of the proposed subdivision by the committee and recording in the office of the register of deeds.

16. Flag lot. "Flag lot" is a lot with its widest point set back from the road, and having a thin, long strip ("the flagpole") of land connected to the road to provide legal access and frontage.

17. Frontage Road. "Frontage road" means a minor street auxiliary to and located adjacent to an arterial road for control of access and for service to the abutting development.

18. High Water Elevation. "High water elevation" means the average annual high water level of a pond, stream, lake flowage or wetland referred to an established datum plane or where such information is not available, the elevation to which the presence of the water is so frequent as to leave a distinct mark by erosion, change in, or destruction of vegetation or other easily recognized topographic, geologic, or vegetative characteristics.

19. Improvement, Public. "Public improvement" means any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access sidewalk, pedestrian way, planting strip, or other facility for which the county or town may ultimately assume the responsibility for maintenance or operation.

20. Lot. "Lot" means a parcel of land having frontage on a public street or approved private road, intended as a unit for the purpose, whether immediate or future, of transfer of ownership or building development.

21. Lot of Record. "Lot of Record" shall mean any lot that existed at the effective date of this code which is March 15, 1981.

22. Outlot. "Outlot" means a parcel of land located in a plat or certified survey which is not included in a block or lot.

23. Owner. "Owner" means any person, group, firm, corporation, or partnership having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

24. Preliminary Plat. "Preliminary plat" means the preliminary map of a subdivision described in Chapter 18.79, indicating the proposed manner of layout of the subdivision to be submitted to the committee for approval.

25. Private Road. "Private road" means any street or road not dedicated to the public which serves as a vehicular access to two or more parcels or lots or which crosses a property line. All private roads shall meet the requirements of local roads, and shall be approved as private roads by the committee.

26. Replat. "Replat" means the process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, or lot within a recorded subdivision plat without changing the exterior boundaries of said block, lot, or outlot, and which does not affect the layout of a road or other public land shall not be considered a replat.

27. State Defined Subdivision. "State defined subdivision" means a division of a lot, parcel or tract of land by the owner thereof or his or her agent for the purpose of sale or building development where:

a. The act of division creates five or more parcels or building sites of 1 1/2 acres each or less in area; or

b. Five or more parcels or building sites of 1 1/2 acres each or less in are created by successive division within a period of five years.

28. Storm Water Permit. "Storm Water Permit" means a written authorization made by the land conservation division to the applicant to conduct land disturbing or land development activities in accordance with the requirements of Chapter 17.05. A storm water permit regulates both construction site erosion and post-construction storm water runoff from a site.

29. Subcollector Road. "Subcollector road" means a road used or intended to be used to carry traffic from those lots fronting on the subcollector road to collector or arterial road.

30. Subdivision. "Subdivision" means the division of a parcel of land into 5 or more building sites or lots each of which is less than a government protracted quarter-quarter section or where an act of division creates 5 or more parcels or building sites of less than a government protracted quarter-quarter section from a lot of record within a 5 year period.

31. Zoning Code. "Zoning code" means Subtitle I of Title 18. (Ord. 160-014, Sec. 1. & 2., 2016; Ord. 153-31, Secs. 1-7, 2010; Ord. 150-42, Sec. 8, 2007; Ord. 143-98, Secs. 1-6, 2000; Ord. 143-84, Secs. 1-4, 1999; Ord. 128-74 Secs. 13,14, 1985; Ord. 126-16 Secs.5, 6, 1982; Ord. 81-82/213 Secs.1, 2, 1981; Ord. 80-81/286 Sec.2(part), 1981).

18.76.010 Abrogation and greater restrictions. It is not the intent of this subtitle to repeal, abrogate, annul, impair, or interfere with existing easements, covenants, deed restrictions or permits previously adopted or issued pursuant to law. However, where this subtitle imposes greater restrictions, the provisions of this subtitle shall govern. (Ord. 80-81/286 Sec.2(part), 1981).

18.76.020 Interpretation. In the interpretation and application of the provisions of this subtitle, requirements shall be held to be the minimum requirements and shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. (Ord. 80-81/286 Sec.2(part), 1981).

18.76.030 Severability and nonliability.

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

B. The county does not guarantee, warrant, or represent that only those areas designated as floodplains will be subject to periodic inundation and thereby asserts that there is no liability on the part of the county, its agencies, or employees for sanitation and water supply problems or structural damages that may occur as a result of reliance upon, and conformance with this subtitle. (Ord. 80-81/286 Sec.2(part), 1981).

Chapter 18.77

GENERAL PROVISIONS

Sections:

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| <u>18.77.020</u> | Compliance. |
| <u>18.77.030</u> | Street and road dedications. |
| <u>18.77.040</u> | Required public access. |
| <u>18.77.050</u> | Inclusion of floodplains. |
| <u>18.77.060</u> | Survey monuments. |
| <u>18.77.070</u> | Variances. |
| <u>18.77.080</u> | Land suitability. |
| <u>18.77.090</u> | Groundwater management and drinking water supply. |
| <u>18.77.100</u> | Violations. |
| <u>18.77.110</u> | Penalties. |
| <u>18.77.120</u> | Appeals. |

18.77.010 Jurisdiction. This chapter shall apply to any division of a lot, parcel, or tract of land, including divisions under land contract, for the purpose of transfer of ownership or building construction where the act of division creates a lot of less than 40 contiguous acres, excluding one quarter (1/4) of one quarter (1/4) section as defined by the original Public Land Survey System, and condominium developments, all located within the unincorporated areas of the county. However, these regulations shall not apply to:

- A. Transfers of interests in land by will or pursuant to court order;
- B. Leases for a term not to exceed 10 years, mortgages, or easements;
- C. The sale or exchange of parcels of land between adjoining property owners if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by the zoning code or other applicable laws and ordinances. (Ord. 160-14, Sec. 3, 2016; Ord. 159-24, Sec. 1, 2015; Ord. 147-90, Sec.4, 2004; Ord. 143-84, Sec. 5, 1999; Ord. 129-74 Sec.16, 1986; Ord. 81-82/213 Sec.3, 1981; Ord. 80-81/286 Sec.2(part), 1981).

18.77.020 Compliance.

A. No owner shall divide any land located within the jurisdiction of these regulations which results in a subdivision, certified survey, condominium plat or replat as defined in this subtitle, and no such subdivision, certified survey, condominium, or replat shall be entitled to be recorded, and no street shall be laid out or improvement made without compliance with all the requirements of the code of general ordinances, state law and administrative rule and official municipal regulations or plans.

B. No permit or approval pursuant to this chapter shall be issued where the applicant is in violation of this or any code administered by the department nor for any parcel(s) of land which have an outstanding violation until the violation has been corrected. A request for waiver of these provisions may be made, to grant a permit or approval on the merits of the application, to the department director. (Ord. 149-09, Sec. 6, 2005; Ord 147-90 Sec.5, 2004; Ord. 80-81/286 Sec.2(part), 1981).

18.77.030 Street and road dedications. Street and road rights-of-way and the improvements required thereon by this subtitle and town road ordinances shall be dedicated to the town. Private roads may be allowed only in planned unit developments and must be approved by the committee and town board at the time of final plat approval. (Ord. 80-81/286 Sec.2(part), 1981).

18.77.040 Required public access. Any subdivision abutting a navigable river, lake or stream shall, according to Wis. Stat. ch. 236.16 (3), provide public access at least 60 feet wide from the low-water mark to a public road. Such access points shall be located at a minimum of 1/2 mile intervals. The committee, town and developer shall select the access suitable for public use. (Ord. 143-84, Sec. 6, 1999; Ord. 80-81/286 Sec.2(part), 1981).

18.77.050 Inclusion of floodplains. Whenever a tract of land to be subdivided embraces any part of floodplains such floodplain shall be made a part of the plat. Floodplain portions of the plat shall be included in lots or dedicated for public use as provided above. (Ord. 80-81/286 Sec.2(part), 1981).

18.77.060 Survey monuments. Prior to final plat a approval, the subdivider shall cause the installation of all survey monuments in accordance with the requirements of Wis. Stat. ch. 236.15 The committee may waive this requirement for a reasonable period of time on the condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required. (Ord. 80-81/286 Sec.2(part), 1981).

18.77.070 Variances.

A. Where, in the judgement of the committee, it would be inappropriate to apply literally the provisions of Chapters 18.82, 18.83 and 18.84 because exceptional or undue hardship would result, the committee may waive or modify any requirement to the extent deemed just and proper. When such relief is granted, it shall be without detriment to the public good, without impairment to the intent and purpose of this subtitle. The committee shall cause to be recorded in its minutes such action and the reasons therefor.

B. Where, in the judgement of the Planning and Development Department, that it would be inappropriate to apply literally the provisions of Chapters 18.82, 18.83 and 18.84 to 18.77.010 Land Suitability for transfer of interest in land by will or court order, and sale or exchange of parcels of land between adjoining property owners and to 18.81.035 Reconfigurations because exceptional or undue hardship would result, the Department may waive or modify any requirement to the extent deemed just and proper. When such relief is granted, it shall be without detriment to the public good, without impairment to the intent and purpose of this subtitle. The Department shall cause to be recorded in its files such action and the reasons therefor and no fee shall be charged for the variance. (Ord. 159-24, Sec. 4, 2016; Ord. 80-81.286; Sec.2(part), 1981).