

# **Jackson County Chapter 18**

## **Subdivision and Platting Ordinance**

## **CHAPTER 18**

### **SUBDIVISION AND PLATTING**

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## INTRODUCTION

**18.01 STATUTORY AUTHORITY.**

- (1) These regulations are adopted under the authority granted by 59.692 (3), 59.693, and 236.45 Wis. Stats.; and amendments thereto.
- (2) To the extent that this chapter contains time limits, deadlines, notice requirements or other provisions that provide protections for a subdivider contained in Chapter 236 of the Wisconsin Statutes, the time limits, deadlines, notice requirements or other provisions that provide protections for a subdivider contained in Chapter 236 shall apply.

**18.02 PURPOSE.** The purpose of this chapter 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.

**18.03 DEFINITIONS.** For the purpose of this chapter, 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.

**ARTERIAL ROAD.** 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 tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad right-of-way, shoreline, waterways or municipal boundary lines.

**BOND.** Any form of security including cash deposit, surety bond, collateral, property or instrument of credit in any amount and form satisfactory to the County.

**CERTIFIED SOIL TESTER (CST).** A person, as licensed by the Department of Safety and Professional Services, who is responsible for providing soil evaluations relative to the design, installation or maintenance of private onsite wastewater treatment systems.

**CERTIFIED SURVEY.** A map of a parcel of land dividing the parcel into not more than four (4) building sites or lots, or the division of a lot, block or outlot within a recorded subdivision into not more than four (4) building sites or lots, without changing the original exterior boundaries of the lot, block or outlot. Certified Survey Maps shall be prepared by a professional land surveyor and meet the requirements of 236.34, Wis. Stats; and this chapter.

**COLLECTOR ROAD.** A street used or intended to be used to carry traffic from local streets to arterial streets and includes entrance roads to large subdivisions.

**COMBINING PARCELS.** The voluntary act of creating a single lot description and tax parcel from two or more separately described parcels.

**COMMITTEE.** The Zoning and Land Information Committee.

**CONSTRUCTION PLAN.** 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 chapter or conditions placed on the plat by the Committee.

**CORNER LOT.** A lot abutting 2 or more streets at their intersection provided that the interior angle of such intersection does not exceed 135°.

**DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES (DSPS).** The State of Wisconsin department responsible for ensuring the safe and competent practice of licensed professionals; also administers and enforces laws to assure safe and sanitary conditions in public and private buildings.

**DEVELOPER.** The owner of land proposed to be subdivided or his authorized representative.

**DIVISION.** The Division or Department of Planning and Zoning and County Surveyor and Land Information Department.

**EXTRATERRITORIAL PLAT APPROVAL JURISDICTION.** The unincorporated area within 1 1/2 miles of a fourth class city or a village or within 3 miles of all other cities.

**FINAL PLAT.** The map of a subdivision and the accompanying data as required in Section 18.51 of this chapter necessary for final approval of the proposed sub-division by the Committee and recording in the Office of the Register of Deeds.

**FLOODPLAINS.** Those lands adjacent to a body of water subject to inundation by the 100 year recurrence flood as determined by the Division from studies and maps prepared by the U.S. Department of Housing and Urban Development, Federal Insurance Administration or other official floodplain maps.

**FRONTAGE.** The side or sides of a lot adjacent to a public right-of-way or private road.

**FRONTAGE ROAD.** A minor street auxiliary to and located adjacent to an arterial road for control of access and for service to the abutting development.

**HALF STREET.** A street which does not meet the minimum right-of-way widths set forth in this chapter.

**HIGH WATER ELEVATION.** The average annual high water level of a pond, stream, land flowage or wetland referred to an established datum plan 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.

**IMPROVEMENT, PUBLIC.** 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.

**LOCAL ROAD.** A road used or intended to be used to carry traffic from those lots fronting on the local road to collector or arterial roads.

**LOT.** A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area or other open space provisions of the Zoning Code, Shoreland Code, Floodplain Code or other applicable local municipal ordinances.

**OUTLOT.** A parcel of land located in a plat or certified survey which is not included in a block or lot. An outlot is intended as open space, and shall not be used for a principal residential structure or dwelling unit unless it is in compliance with this chapter, and all other applicable laws or ordinances.

**OWNER.** 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.

**PARENT PARCEL (LOT OF RECORD).** The parent parcel or lot of record for the purpose of this ordinance is known as one quarter-quarter section or forty (40).

**PRELIMINARY PLAT.** The preliminary map of a subdivision described in Section 18.40 of this chapter, indicating the proposed manner of layout of the subdivision to be submitted to the Committee for approval.

**PRIVATE ONSITE WASTEWATER TREATMENT SYSTEM (POWTS).** Private onsite wastewater treatment systems (POWTS) also called septic systems, are wastewater systems designed to treat and dispose of effluent on the same property that produces the wastewater, in areas not served by public sewage infrastructure.

**PRIVATE ROAD.** Any street or road not dedicated to the public, which serves as a vehicular access to 2 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 and the local municipality.

**PROFESSIONAL LAND SURVEYOR (PLS).** A person who, by reason of his or her knowledge of law, mathematics, physical sciences and measurement techniques, acquired by education and practical experience, is granted a license under this chapter to engage in the practice of professional land surveying. (In accordance to State Statute 443.01 (7m))

**REPLAT.** The process of changing or the map or plat that 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 such block, lot or outlot, and which does not affect the layout of a road or other public land shall not be considered a replat.

**SHORELAND.** Those lands lying within the following distances: 1,000' from the high water elevation of navigable lakes, ponds and flowages or 300' from the high water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

STATE DEFINED SUBDIVISION. A division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or building development where:

- (a) The act of division creates 5 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 area created by successive division within a period of 5 years.

SUBDIVISION. The division of a parcel of land into five (5) or more building sites or lots all of which are over 1.5 acres in size. All subdivisions, which are not State Defined Subdivisions, shall be exempt from submission to the State agencies except as required by State law or in special circumstances where the Committee may require that submittal for reasons they have reduced to writing in the minutes of an official meeting.

TAX PARCEL. A piece of land held in one ownership and listed for the purpose of assessment and taxation purposes.

ZONING CODE. The County Zoning Code contained in Ch. 17 and the Floodplain and Shoreland Zoning contained in Chs. 16 and 20 of this General Code.

**18.04 ABROGATION AND GREATER RESTRICTIONS.** It is not the intent of this chapter 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 chapter imposes greater restrictions, the provision of this chapter shall govern.

**18.05 INTERPRETATION.** In the interpretation and application of the provisions of this chapter, 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.

**18.06 SEVERABILITY AND NONLIABILITY.**

- (1) If any section, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.
- (2) The County does not guarantee, warrant or represent that only those areas designated as floodplains will be subject to periodic inundation and thereby assets 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 chapter.

## GENERAL PROVISIONS

**18.10 JURISDICTION.** These regulations shall apply to all land and water located in the unincorporated areas of the County. The provisions of this chapter apply to all divisions of tracts of land, including divisions under land contract. However, these regulations shall not apply to:

- (1) Transfers of interest in land by will or pursuant to a court order.
- (2) Leases for a term not to exceed ten years, mortgages or easements.
- (3) Sale or exchange of parcels of land between adjoining property owners, if additional lots are not thereby created and the resultant lots are not reduced below the minimum sizes required by this chapter or other applicable laws or ordinances. The parcel being conveyed must include the adjoining legal description, otherwise an additional parcel is being created, which would require a survey. The County will require review of such sales or exchanges for compliance with Ch. 236.45 (2) 3.
- (4) Parcels which are divided by a dedicated roadway, or railroad and all of said parcel lies between these stated public entities and the quarter-quarter lines.
- (5) Divisions which are 20 acres or greater in size, or can be described as a rectangular half of a government protracted quarter-quarter.

### **18.11 COMPLIANCE.**

- (1) **PROHIBITED ACTIONS.** No owner or representative shall divide any land located within the jurisdiction of these regulations which results in a subdivision, certified survey or replat as herein defined and no such subdivision, certified survey or replat shall be entitled to be recorded and no street shall be laid out or improvements made without compliance with all the requirements of this Code, State law and administrative rule and official municipal regulations or plans.
- (2) **RECORDING STATEMENT.**
  - (a) No person shall record or attempt to record any deed, lease or other property conveyance for which a certified survey map, plat or replat is required by this chapter without first filing such certified survey map, plat or replat.
  - (b) The Register of Deeds shall report all violations of pars. (a) above to the County Zoning Administrator.
  - (c) Any person who violates par. (a) shall be subject to the penalties set forth in 18.19 of this chapter.

**18.12 STREET AND ROAD DEDICATIONS.** Street and road rights-of-way and the improvements required thereon by this chapter and town road ordinances shall be dedicated to the town. All proposed subdivision plats must be served by a dedicated public road, meeting local municipal standards. 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.

Examples of existing roadways, which do not meet standards:

- Brook Trout Trail – Town of Garfield
- Niemi Addition Road – Town of Millston
- Rainbow Trout Trail – Town of Garfield
- River Run Road – Town of Brockway
- Samsco Lane – Town of Garfield
- Staley Road – Town of Komensky

**18.13 REQUIRED PUBLIC ACCESS.** Any subdivision, as defined in Wis. Stats. 236.16 (3) and/or this ordinance, abutting a navigable river, lake or stream shall provide a public access of at least 60 feet wide from the ordinary high watermark to a public road. Such access points shall be located at a minimum of ½ mile intervals. The Committee shall have the option of selecting the access most suitable for public use. The access would need to meet the following:

- (1) Must be cleared to a maximum of 20 feet in width from public road to the ordinary high watermark.
- (2) Area must be leveled and graveled with 6 inch of base.
- (3) Parking area to be supplied, however, this must be located greater than 35 feet from the ordinary high watermark. The parking area shall be defined and delineated on the plat.
- (4) The Committee has the authority to modify these requirements on a case-by-case basis.

**18.14 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.

**18.15 SURVEY MONUMENTS.**

- (1) **REQUIRED.** Prior to final plat approval, the subdivider shall cause the installation of all survey monuments in accordance with the requirements of 236.15, Wis. Stats. 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. In addition to meeting Wis. Stats. 236.15 requirements, the following is required:
  - (a) The external boundaries of a subdivision shall be monumented in the field by iron rods or pipes at least thirty (30) inches in length, weighing not less than 3.65 pounds per lineal foot.
  - (b) All lot, outlot, park and public access corners and the corners of land dedicated to the public shall be monumented in the field by iron pipes at least twenty-four (24) inches in length and one (1) inch outside

diameter, weighing not less than 1.13 pounds per lineal foot, or by round or square iron bars at least twenty-four (24) inches in length and weighing not less than 1.13 pounds per lineal foot.

- (c) The lines of lots, outlots, parks and public access and land dedicated to the public that extend to lakes or streams shall be monumented in the field by iron pipes at least twenty-four (24) inches in length and one (1) inch outside diameter, weighing not less than 1.13 pounds per lineal foot, or by round or square iron bars at least twenty-four (24) inches in length and weighing not less than 1.13 pounds per lineal foot. These monuments shall be placed at the point of intersection of the lake or stream lot line with a meander line established not less than twenty (20) feet back from the ordinary high watermark of the lake or from the bank of the stream.
- (2) All Certified Survey Maps and County Survey Record Maps shall be monumented in the field by iron pipes or bars a minimum of twenty-four (24) inches in length and weighing not less than 1.13 pounds per lineal foot. See Section 18.16 of this chapter for variances to this requirement.
- (3) **POLICY AND PROCEDURE.** The following policy shall apply with regard to the restoration, monumentation and recording of the original corners of the U.S. Public Land Survey, which were established in the County in the years 1839 to 1853.
  - (a) Application. The application for corner restoration and monumentation shall contain the following information:
    1. Identification of corners to be monumented.
    2. General type of monumentation work anticipated.
    3. Reason for request.
      - a. Type of survey to be performed.
      - b. Name of person or agency requesting survey.
    4. Name of professional land surveyor applying for corner monumentation.
  - (b) Conference. Prior to commencing such monumentation work, the professional land surveyor shall confer with the County Surveyor to plan the work and determine methods and procedure. The procedure may include additional consultation with the County Surveyor at later steps in the work.
  - (c) Evidence. Any monumented corner shall be supported and documented with record as well as field evidence, the best evidence of the location of the original corner being a continuous chain of history through acceptable records, back to the original monumentation or established in accordance

with related laws, rules and/or regulations of the State and the U.S. Government as may be required.

1. The professional land surveyor shall search for known or record corner evidence whenever necessary and shall coordinate such work with the County Surveyor prior thereto.
  - a. All excavation for corner evidence in County, State and federal highways shall be performed as approved by the County Highway Department.
  - b. All excavation for corner evidence in township highways shall be performed after conference with the respective town board chairman.
  - c. All highway repair resulting from such excavations in township, County, State and federal highways shall be performed by the County Highway Department or by the town if it is a town board.
2. From the evidence found or not found after the search, it may be necessary to run horizontal control to fix the location of corners. Therefore, all corner data shall be discussed with the County Surveyor to determine if this control is necessary or whether a monument can be placed.
3. After conference, it may be deemed necessary to reestablish the corner in accordance with related laws, rules and regulations of the State and the U.S. Government. If so, the professional land surveyor may proceed with the necessary measurements with errors not to exceed one part in 10,000 in distance or 5 seconds per setup in angle. Again, the professional land surveyor shall consult the County Surveyor to determine final position.

(d) Monumentation. The corner monumentation shall be performed as follows:

1. A standard corner monument furnished by the County or its equivalent as approved by the County Surveyor shall be set at the corner in accordance with the specifications set forth by the County Surveyor.
2. A minimum of 4 reference ties shall be made for each monumented corner. Tie monuments furnished by the County shall be used where required by the County Surveyor. The County Surveyor may waive the requirements of 4 ties as site conditions may warrant.

(e) Documentation. Within 15 working days following the completion of the monumentation of an original government corner, the professional land surveyor shall document evidence of such corner, together with location data, with the County Surveyor on standard forms provided by the

County. A complete report including all research information and procedure, together with a suitable map of the land surveyed, shall be filed for the public record in the office of the County Surveyor.

- (f) Inclusion. All original government survey corners necessary to perform a particular survey shall be monumented in accordance with this policy.
- (g) Enforcement. Any professional land surveyor who does not comply with the provisions of this policy shall be referred by complaint to the Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors.

**18.16 VARIANCES.** Where in the judgment of the Committee it would be inappropriate to apply literally the provisions of 18.70-18.94 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 and without impairment to the intent and purpose of this chapter. The Committee shall cause to be recorded in its minutes such action and the reasons therefore.

**18.17 LAND SUITABILITY.**

- (1) All lots greater than one acre in size shall have a minimum of one acre located above the elevation of the 100 year recurrence interval flood. Lots smaller than one acre shall have an area equal to the minimum lot size required by the Zoning Code above the 100-year recurrence interval flood. Floodplain elevations shall be determined by studies and maps prepared by the U.S. Department of Housing and Urban Development or the Federal Insurance Administration. If no such data is available, the Committee may require the subdivider to conduct those hydrologic studies necessary to determine floodplain elevations.
- (2) Shoreland as defined by this ordinance is not to be divided into building sites, which are to be served by private onsite wastewater treatment systems except as provided by DSPS 383 and DSPS 385, Wis. Adm. Code.
- (3) Lands filled with organic materials within the last 10 years are not to be served by soil absorption waste disposal systems.
- (4) Lands that are proposed to be divided either by the Certified Survey Map method or by the Subdivision procedure can be approved by the Committee if it finds that the lots to be created qualify for a private sewage disposal system as described in DSPS 383; Wis. Adm. Code and that the division does not encroach upon farmland under the Farmland Preservation Agreement, wetlands, or other natural landmarks.
- (5) Land drained by farm drainage tiles or farm ditch systems shall not be divided into building sites.
- (6) Land that has inadequate drainage or may cause severe erosion or other detriment shall not be divided into building sites, unless a minimum of one acre of land is deemed suitable.

- (7) The Committee may require restrictive covenants to be filed with the final plat or certified survey which will have the effect of protecting environmentally sensitive areas such as steep slopes, wetlands and watercourses from erosion, siltation and other damages.
- (8) The Committee, in applying the provisions of this section, shall in writing recite the particular facts on which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider the opportunity to present evidence regarding such suitability if he so desires. Thereafter, the Committee may affirm, modify or withdraw its determination of unsuitability.

**18.18 VIOLATIONS.**

- (1) No person shall divide, convey, record or monument any land in violation of this chapter or the Wisconsin Statutes; and no person shall be issued a County land use permit or sanitary permit authorizing building on or improvement of any lot or part of the subdivision, certified survey or replat within the jurisdiction of this chapter until the provisions and requirements of this chapter have been fully met. The County may institute appropriate action or proceedings to enjoin violation of this chapter.
- (2) The Jackson County Zoning Administrator is authorized to post an order stopping work upon land, which has had a permit revoked or on land currently undergoing activity in violation of this ordinance. Notice is given by both posting upon the land where the violation occurs with a stop work placard and by mailing a copy of the order by certified mail to the person whose activity is in violation of this ordinance. The order shall specify that the activity must cease or be brought into compliance immediately.

**18.19 PENALTIES.** Any person who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$25 or not more than \$500 and the cost of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense. In addition to the penalties noted, compliance may be obtained by creating the CSM under the direction of the County Surveyor and placing the cost thereof on the tax roll as a special assessment.

**18.20 APPEALS.** Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal there from, as provided in 236.13(5), Wis. Stats., 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 has been arbitrary, unreasonable or discriminatory.

**18.21 FEES.**

- (1) **PAYMENT OF.** The subdivider shall pay to the County all fees as herein required at the time specified.
- (2) **SUBDIVISION PLAT, REPLAT AND CERTIFIED SURVEY REVIEW FEES.**
  - (a) The subdivider shall pay the fees as required for the sketch plat hearing, preliminary plat, final plat, replat review, and certified survey map review

prior to the review taking place. These fees are established by the Zoning and Land Information Committee and can be viewed in Appendix A of this ordinance.

- (3) **LEGAL, ENGINEERING AND INSPECTION FEES.** The subdivider shall pay to the County at the times specified by the Committee, a fee equal to the actual cost of any extraordinary legal, engineering or inspection expenses incurred by the County in conjunction with plat review. Engineering work shall include preparation or review of plans or specifications. Legal work shall include the review of contracts between the County and the subdivider, review of improvement guarantees and review of covenants and easements. Inspection work shall include any extraordinary inspections required to insure compliance with this chapter.

## PROCEDURE

**18.30 GENERAL.** Any division of land within the unincorporated areas of the County which results in a subdivision as herein defined shall follow the procedures as outlined in this chapter.

**18.31 SKETCH PLAN.**

- (1) Any proposed Subdivision Plat will be required to be reviewed as a Sketch Plan by the Committee at a Public Hearing. This Hearing must follow the procedures as set in 17.97 of the Zoning Code for Notification. The petitioner and/or his agent must attend the public hearing.
- (2) Subdividers must prepare for review by the ~~Zoning~~ Committee, a Sketch Plan of the proposed Subdivision. The sketch plan shall contain, at a minimum, the following information:
  - (a) Site location showing adjacent roads and adjoining development types.
  - (b) Subdivision boundaries.
  - (c) Approximate topographic and physical features. The use of a topographic map as a base map is recommended.
  - (d) Proposed general street design.
  - (e) Proposed lot layout.
  - (f) Location of any existing easement.
  - (g) Proposed surface water drainage.
- (3) The Sketch Plan will be considered as a basis for discussion between the Subdivider and the staff. The Division will advise the subdivider of the extent to which the proposed subdivision conforms to this and other applicable provisions of this code and will discuss possible modifications to the subdivision proposal. No fee shall be required for the submission of Sketch Plans. Information relevant to the review of the Sketch Plan by the Land Conservation staff to determine the need for erosion control measures may be advantageous.

**18.32 PRELIMINARY PLAT SUBMITTAL.**

- (1) At least 10 days prior to the committee meeting at which the plat is to be reviewed, 4 copies of the preliminary plat plus sufficient copies to be transmitted to approving and objecting agencies, shall be submitted to the Division. The preliminary plat shall be prepared by a professional land surveyor and meet the requirements for preliminary plats outlined in Ch. 236, Wis. Stats. This Section applies to State defined subdivision.
- (2) A review fee shall be paid by subdivider to the County upon submission of the preliminary plat. In addition, the subdivider shall submit a check sufficient to cover review by objecting agencies as indicated in Ch. 236, Wis. Stats.

- (3) Within 2 workdays of receipt of the preliminary plat, the Division shall transmit 2 copies to the Wisconsin Department of Administration. Additional copies shall be sent for retransmission as follows:
  - (a) Two copies to the Wisconsin Department of Transportation, Division of Highways and Transportation Facilities if the subdivision abuts a State Trunk Highway or connecting street.
  - (b) Two copies to the Jackson County Highway Department if the subdivision abuts a County Trunk Highway.
  - (c) Two copies to the applicable town clerk.
  - (d) Two copies to the clerk of any city or village if the plat lies within the extraterritorial plat approval jurisdiction.

**18.33 PRELIMINARY PLAT REVIEW.**

- (1) The subdivider shall file the preliminary plat with the Division at least ten (10) days prior to a scheduled review by the Committee. The subdivider is responsible for filing a copy of the preliminary plat with other approving and objecting agencies within their timeframes. The Division and other objecting agencies shall review the plat and notify the subdivider and all other agencies under the procedures and timetables established in Ch. 236, Wis. Stats.
- (2) The Committee shall, within 60 days of the submittal of the preliminary plat, approve, conditionally approve or reject the plat unless the time is extended by agreement with the subdivider. One copy of the plat shall therefore be returned to the subdivider with the date and action endorsed thereon. If the plat is conditionally approved or rejected, it shall be so stated in the minutes of the meeting and a letter stating the conditions or reasons for rejecting the plat shall accompany the plat. One copy of the plat and letter shall be placed in the Division permanent file.
- (3) Approval or conditional approval of the preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within 12 months of preliminary plat approval and conforms substantially to the preliminary plat layout, the final plat shall be entitled to approval with respect to such layout.

**18.34 PRELIMINARY PLAT APPROVAL.** Approval, conditional approval or rejection of a preliminary plat by the Committee shall be based on compliance with the provisions of Ch. 236, Wis. Stats., this Code, applicable municipal ordinances and official maps and unsatisfied objections by objecting agencies.

**18.35 FINAL PLAT SUBMITTAL.**

- (1) The final plat or portion thereof, shall be submitted to the Committee within 12 months of the first required preliminary plat approval. The time limit may be extended by agreement between the Committee and the subdivider without additional costs or fees.

- (2) The subdivider shall file the final plat with the Division at least ten (10) days prior to a scheduled review by the Committee. The subdivider is responsible for filing a copy of the final plat with other approving and objecting agencies within their timeframes. The Division and other objecting agencies shall review the plat and notify the subdivider and all other agencies under the procedures and timetables established in Ch. 236, Wis. Stats.
- (3) The final plat shall be prepared by a professional land surveyor and meet the requirements for final plats outlined in Ch. 236, Wis. Stats., and this chapter. All supplemental data, construction plans, contracts and surety bonds required by 18.92 or the Committee shall be submitted with the final plat.

**18.36 FINAL PLAT REVIEW AND APPROVAL.**

- (1) The Committee and the approving and objecting agencies shall review the plat in accordance with the procedures and timetables established in Ch. 236, Wis. Stats. The Committee shall not approve the final plat if there are unsatisfied objections by objecting agencies.
- (2) Failure of the 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.
- (3) After approval of the final plat and prior to recording, the subdivider or his assignee shall provide to the County a copy of the plat in a digital file, AutoCAD readable, if capable.

**18.37 RECORDING THE FINAL PLAT.**

- (1) To entitle the final plat to be recorded, the subdivider shall cause to be completed and signed the certificates as required by 236.21 and 236.25, Wis. Stats.
- (2) The final plat shall be submitted to the Register of Deeds Office within 12 months of the date of last approval and 36 months from the first approval of the preliminary plat. Failure to submit the plat within the time limit shall render the plat void, unless the committee extends the time limit.

**18.38 REPLAT.**

- (1) The replatting of all or part of an existing plat, which contains no dedication to the public, may be accomplished by following the procedures established in 18.30 through 18.37 or 18.39.
- (2) If the repair alters areas dedicated to the public, the existing plat shall first be vacated in accordance with 236.36 through 236.445, Wis. Stats. Replatting shall then be accomplished by following the procedures established in 18.30 through 18.37 or 18.39.

**18.39 CERTIFIED SURVEY MAP.**

- (1) REVIEW. When it is proposed to divide land into not more than four building sites or lots, the owner or representative shall divide them by use of a certified survey map. The certified survey map shall include all parcels, however only four building sites or lots may be created from a lot of record existing on the date of adoption of

this Chapter within a five year period by use of the certified survey map process. Additional building sites or lots must be created through the subdivision process. Certified survey maps shall be prepared in accordance with 18.01 through 18.17 and 18.70 through 18.94 of this chapter.

- (a) Prior to submittal of the proposed certified survey map, the subdivider or his representative shall submit a copy of the proposed map and appropriate review fee to the Division. The map shall be reviewed by the Division for conformance with this ordinance and plans adopted by the County or municipalities.
  - (b) Refer to Section 18.75 of this chapter for minimum lot sizes.
  - (c) Refer to Section 18.70 (1) of this chapter for easement requirements.
- (2) APPROVAL.
- (a) Certified survey maps, which do not contain dedications to the public, may be reviewed and approved by the Division. Staff review shall consist of conformance to the requirements of 18.01 through 18.17, 18.70 through 18.94 and other applicable ordinances.
  - (b) Certified survey maps fronting on any dedicated public roads or highways are required to have driveway access approval prior to recording of the certified survey map. Approval is either by certificate on the face of the map or other written authorization by the approving agencies.
  - (c) When referred by the Division, the Committee shall approve, conditionally approve or reject the map within 40 days from the date of filing of the map unless the time is extended by agreement with the subdivider. Failure to act within the 40-day time limit shall constitute approval. If the map is approved, the Committee shall cause it to be so certified on its face and the map returned to the subdivider. If conditionally approved or rejected, the conditions applied or the reasons for rejection shall be so stated in the minutes of the meeting and the subdivider notified in writing. Any conditions applied by the Committee shall be satisfied prior to the recordation of the map. Failure by either the Committee or Division to act within the 40-day limit shall constitute approval.
- (3) RECORDING. The certified survey map, upon Division approval, shall be submitted to the Register of Deeds for recording within six (6) months of the date of approval by the Division. Prior to recording, the subdivider or his representative shall obtain the signatures on the accompanying certificates as required by 236.34, Wis. Stats.

## PRELIMINARY PLAT

**18.40 PLAT DATA.** A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a professional land surveyor and prepared on tracing cloth or paper of good quality at a scale of not more than 100' to the inch. The preliminary plat shall include the following:

- (1) Name of the proposed subdivision.
- (2) Location of the proposed subdivision by government lot, quarter section, township, range, County and State, date, scale and north point.
- (3) Name and address of the owner, or representative, and professional land surveyor preparing the plat.
- (4) The area contiguous to the proposed plat owned or controlled by the subdivider shall be indicated on the preliminary plat even though only a portion of the plat is proposed for subdivision development.
- (5) Approximate length of the exterior boundaries of the subdivision and the total acreage encompassed thereby.
- (6) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas and other significant features within the tract being subdivided or immediately adjacent thereto.
- (7) Location, right-of-way width and name of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (8) Location and names of any adjacent subdivisions, parks or cemeteries and the owners of record of abutting unplatted lands.
- (9) 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.
- (10) Location, size and invert elevation of any existing sanitary or storm sewers, culvert and drain pipes, manholes, catch basins, hydrants, electrical and communication facilities, whether overhead or underground and the location and size of any existing water or gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewer or water mains are located on or adjacent to the tract, any such service within 1,320' of the plat shall be noted.
- (11) Corporate limit lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (12) If the topography of the proposed plat is such that there is little change in elevation or soils, then the CST can use their discretion for soil test pit numbers and

locations. Consult with the Division staff for the same. At no point can the number of test pits be less than one per every four lots.

- (13) Contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets at vertical intervals of not more than two (2) feet, if the grade exceeds 10% slope and is in the areas of proposed town roads or private roads.
- (14) High water elevation of all ponds, streams, lakes, flowages and wetlands located within the boundaries of the plat referenced to mean sea level datum.
- (15) Floodplain and Shoreland boundaries and the contour line lying a vertical distance of 2' above the elevation of the 100 year recurrence flood. If the elevation of the 100-year flood has not been determined, the subdivider shall cause those calculations to be made by a registered engineer. Methodology and calculations shall be submitted with the plat as accompanying data.
- (16) For lots not served by public sewer facilities, location and results of soil test pits, conducted by a CST (Certified Soil Tester), done with a backhoe to a depth of 6' or 3' below the bottom of a proposed seepage system, whichever is greater. At least one test per lot shall meet the standards for approval as required by Ch. DSPS 385, Wis. Adm. Code.
- (17) Location, width and proposed names of all streets and public rights-of-way such as alleys and easements.
- (18) Approximate dimensions of all lots together with proposed lot and block numbers.
- (19) Location and approximate dimensions of any site proposed to be reserved or dedicated for parks, playgrounds, drainage ways or other public use or which are to be used for group housing, shopping centers, church sites or other public or quasi-public use.
- (20) Approximate radii of all curves.
- (21) Location and dimensions of any proposed lake or stream access.
- (22) Any proposed lake or stream improvement or relocation and notice of application for approval, where applicable, by the Division of Environmental Protection and Department of Natural Resources.

#### **18.41 ADDITIONAL INFORMATION.**

##### **(1) EROSION CONTROL PLAN.**

- (a) The Committee may require erosion and sedimentation control plans upon determining from a review of the sketch plan or the preliminary plat that the soil, slope, vegetation and drainage characteristics of the site will require substantial cutting, clearing, grading or other site alterations that will present severe erosion hazards. Erosion and sedimentation control plans shall be prepared by a registered engineer and approved by the

County Land Conservation and Agriculture Committee or its designee. When required, erosion and sedimentation control plans shall be submitted to the Committee which shall transmit them to the County Land Conservation and Agriculture Committee for review and approval.

- (b) These comments shall be available to the Committee for review 2 weeks prior to submittal of the final plat and before any land surfaces are disturbed. Guidelines, standards and specifications, which should provide the framework for the development, review and implementation of erosion controls, are contained in the Natural Resources Conservation Service (NRCS) Technical Guide and guidelines developed by the County Land Conservation and Agriculture Committee.
- (2) On a majority vote, the Committee may require the subdivider to submit other reasonable and pertinent information necessary to review the plat.

## FINAL PLAT

**18.50 GENERAL.** A final plat prepared by a professional land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of 236.20, Wis. Stats.

**18.51 ADDITIONAL INFORMATION.** The final plat shall show correctly on the face of the plat or as accompanying documents the following information in addition to that required by 236.20, Wis. Stats.:

- (1) Additional building setback lines or yards required by the zoning district in which the plat is located or which are proposed by the subdivider and are to be included in recorded protective covenants. The Division is not responsible for the maintenance and enforcement of these covenants.
- (2) Normal high-water elevation, date of survey information and the contour line lying at a vertical distance of 2' above the elevation of the 100 year recurrence flood. If the elevation of the 100-year flood has not been determined, the subdivider shall cause those calculations to be made by a registered engineer. Methodology and calculations shall be submitted with the plat as accompanying data.
- (3) Provisions and plans for the use and maintenance, including a schedule for construction and performance bonds or other guarantee instruments required by the Committee for all property reserved for common use of all property owners in the subdivision.
- (4) Special restrictions required by the Committee and any other approving or objecting agency relating to access control, the provision of planting strips or shorelands and floodplains.
- (5) Any other information required by the Committee.
- (6) Bonds and contracts required by 18.92 to guarantee the installation of improvements.
- (7) Location of the soil morphology test pits must be shown on the final plat.

**18.52 SURVEYING AND MONUMENTING.** All final plats shall meet all the surveying and monumentation requirements of 18.15 of this chapter.

**18.53 CERTIFICATE.**

- (1) All final plats shall contain the certificates required by 236.21, Wis. Stats., and in addition, the professional land surveyor shall certify that he has fully complied with all the provisions of this chapter.
- (2) The final plat shall be ready for Committee Chairman signature at the time of final plat approval by the Committee. The following signatures must be on the final plat prior to the Committee Chairman endorsing:
  - a. Lending or Mortgage Company.
  - b. Professional Land Surveyor.

- c. All property owners.
- d. Township Chairman and Township Treasurer.
- e. County Treasurer.
- f. State or local Highway Departments, if plat is affected by such.
- g. Any other signatures and certificates that may be required.

## CERTIFIED SURVEY MAP

**18.60 GENERAL.** All certified survey maps shall be prepared by a professional land surveyor licensed in the State of Wisconsin and comply in all respects to 236.34, Wis. Stats. Certified survey maps shall comply with 18.01 through 18.17 and 18.60 through 18.94.

**18.61 ADDITIONAL INFORMATION.** The certified survey map shall show correctly on the face of the map or on accompanying documents the following information in addition to that required by 236.34, Wis. Stats.

- (1) Date of map, scale, name and address of owner, or representative and professional land surveyor.
- (2) Any existing buildings that are encroaching on established setbacks, watercourses, or other divisions pertinent to proper subdivision.
- (3) A statement on the certified survey map in regards to any existing structures being located on any of the proposed lots. If there are no structures on the proposed lots then this must be stated.
- (4) Names and location of adjoining streets, highways, parks, cemeteries, subdivisions, ponds, streams, lakes, flowages and wetlands.
- (5) Additional building setback lines or yards required by the Committee which are more restrictive than the regulations of the zoning district in which the plat is located or are proposed by the subdivider and are to be included in recorded protective covenants.
- (6) All lands reserved for future public acquisition.
- (7) If particular problems are posed by topography or drainage, the Committee may require the subdivider to furnish topographic information at 2' contours for part of all of the certified survey.
- (8) Certified survey maps, which contain lots not designed for building purposes shall note on the face of the survey map, "This lot is not approved for building purposes. No land use or sanitary permits for habitable structures shall be issued until this lot meets all of the criteria for a building lot as defined by Chs. 16, 17 and 20 of the General Code of Jackson County." Permission to build shall not be granted by the Division or Committee until the lot has been reviewed under the terms of this chapter and other applicable ordinances.
- (9) Where the committee finds it needs additional information relative to a particular problem presented by a proposed development to review the certified survey map, it shall have the authority to request in writing such information from the subdivider, including the information required in 18.40.
- (10) Certified survey maps proposed in the same parent parcel (40) shall not have duplicate lot numbers.

- (11) All proposed lots are to be developed with frontage to a dedicated public road. If an easement or private road is proposed, the following will be required:
- (a) The easement or private road must be shown on the plat or Certified Survey Map.
  - (b) All easements or private roads must be a minimum of 66 feet in width.
  - (c) If an easement of less than sixty-six (66) feet is proposed, see 18.16.
  - (d) All proposed easements that are to serve more than two lots must be approved by the Town Board.
  - (e) All proposed easements or private roads must be approved by the Committee.

**18.62 CERTIFICATES.**

- (1) The professional land surveyor shall certify on the face of the map that he has fully complied with all the provisions of this chapter.
- (2) Dedication of streets and other public areas shall require in addition, the owners' certificate, mortgagee's certificate and certification of approval by the town board in substantially the same form as required by 236.21(2) (a), Wis. Stats.

**18.63 RECORDING.** The certified survey map, upon Division approval, shall be submitted to the Register of Deeds for recording within six (6) months of the date of approval by the Division. Prior to recording, the subdivider or his representative shall obtain the signatures on the accompanying certifications as required by 236.34, Wis. Stats.

## DESIGN STANDARDS

### 18.70 STREET ARRANGEMENT.

- (1) In any new subdivision the street, block and lot layouts shall conform to the arrangement, width and location indicated on an official map or comprehensive plan component adopted by the County or town board. In areas where no such plan exists the street layout shall recognize the functional classification system and shall be developed in proper relation to existing and proposed streets, the topography, such natural features as streams and tree growth, public convenience and safety, the proposed use of the land and the most advantageous development of adjoining property. The subdivision shall be so designed to provide each lot with satisfactory access to a public street.
- (2) Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless the Committee finds that such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.
- (3) Whenever a proposed subdivision contains or is adjacent to an arterial street or highway, adequate protection of residential properties, limitation of access and separation of through traffic shall be provided by reversed frontage lots. Provisions for screen plantings, nonaccess reservations and frontage roads shall be used to protect the integrity of the arterial street or highway.
- (4) Reserve strips shall not be provided on any plat to control access to streets, except where control of such strips is placed with the town or County under conditions approved by the Committee to protect the integrity of a highway or street.
- (5) Alleys shall be provided in industrial and commercial districts for off-street loading and service access, but alleys in residential districts and dead-end alleys shall be prohibited.
- (6) Street names shall be approved by the town board and shall not duplicate or be similar to existing street names. New streets, which are projections of existing streets, shall have the same name as the existing street. Review required insuring that there are no conflicts with Emergency Management and the residential address numbering for emergency services response.

### 18.71 LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY TREATMENT.

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

- (1) When lots within a proposed residential subdivision back upon the right-of-way of an existing or proposed limited access highway or railroad, a planting strip at least 30' in depth in addition to the normal lot depth shall be provided. The strip shall be a part of the platted lots, but shall have the following restriction lettered on the face of the plat; "This strip reserved for the planting of trees and shrubs and the building of all structures, except for public and private utility structures hereon is prohibited."

- (2) Plats within commercial and industrial districts shall have provided, on each side of the limited access highway or railroad, service or frontage streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between the limited access street or railroad and the service street.

**18.72 STREET DESIGN STANDARDS.**

- (1) GENERAL. Street layouts shall conform to the arrangement, width and location indicated on any applicable official map or comprehensive plan of a municipality or County. Streets shall be designed considering the topography and bearing capacity of the land, potential for erosion and obstruction to flow of surface water, and least disturb the existing terrain, flora, fauna and water regimen. Care should be taken to ensure adequate provisions for public services such as access for police and fire vehicles, snowplowing and for pedestrian traffic.
- (2) WIDTH. Unless specified by a comprehensive plan or official map, town roads shall have a right-of-way width of 66'. Streets of the plat shall have a minimum cleared width of 12 feet for each lane of travel (excluding shoulders and parking), and at least 13'6" nominal vertical clearance shall be provided and maintained over the full width of the roadway\*. The Committee shall have the option of requiring greater right-of-way widths for arterial or collector roads or roads designed to serve industrial or commercial areas.
- (3) ALIGNMENT. When a continuous street centerline deflects at any point by more than 10°, a circular curve shall be introduced having a minimum centerline radius of 100'. A tangent at least 100' in length shall be provided between reverse curves.
- (4) PERMANENT CUL-DE-SACS. Maximum length shall be one mile with a minimum turnaround distance of 60' radius/120' outside diameter of the traveled way. A Cul-de-sac exceeding 1200 feet in length shall be provided with approved intermediate turn arounds at a maximum of 1200-foot intervals with a minimum turnaround distance of 60' radius/120' outside diameter of the traveled way\*.
- (5) TEMPORARY CUL-DE-SACS. Temporary cul-de-sacs may be required by the Committee to ensure continuity of the road pattern between adjoining subdivisions. The Committee shall determine maximum length, turnaround dimensions and design.
- (6) HALF STREETS. The platting of half streets shall not be permitted. However, where an existing dedicated or platted half street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider.
- (7) ELEVATIONS. Streets passing through floodplain areas shall be situated at least 2' above the 50-year recurrence flood level. Such streets shall be constructed in a manner that will not impede the flow of floodwaters.

*\*(NFPA [National Fire Protection Association] 1141 – Standard for Fire Protection*

*Infrastructure for Land Development in Wildland, Rural, and Suburban Areas*).

**18.73 STREET INTERSECTION STANDARDS.**

- (1) Streets shall intersect each other at as nearly right angles as topography and other limiting factors permit.
- (2) No more than 2 streets shall converge at an intersection.
- (3) The number of street intersections along arterial town and County roads shall be held to a minimum. Whenever practical, the distance between such intersections shall not be less than 1,320'.

**18.74 BLOCK STANDARDS.**

- (1) GENERAL. The width, length and shape of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access control and safety of street traffic and topography.
- (2) LENGTH. Blocks in residential areas shall not be shorter than 600' or longer than 1,500' in length unless otherwise dictated by exceptional topography or other limiting factors of good design.
- (3) WIDTH. Blocks shall have sufficient width to allow 2 tiers of lots of appropriate depth except where greater depth is required to separate residential development from through traffic, public parks, cemeteries, railroad rights-of-way bulkhead lines, shorelines, waterways or extreme topography.
- (4) PEDESTRIAN WAYS. In blocks over 900' long, the Committee may require paved pedestrian ways through blocks as deemed necessary for access to streams, lakeshores, public parks, schools or other public and quasi-public areas.

**18.75 LOT STANDARDS.**

- (1) GENERAL. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Solar access shall be considered to maximize the potential for the use of solar energy.
- (2) SIZE. All proposed lots are to be a minimum of 1.5 acres in size, unless one of the following applies:
  - (a) Local municipality has passed an ordinance which is more restrictive.
  - (b) Specific County Code of Ordinances or State Administrative Code allowing for lot sizes below the required 1.5 acre size.
  - (c) A variance is granted by the County's Board of Adjustment by following the required public hearing procedure.
- (3) LOT LINES. Side lot lines shall generally be at right angles to street lines or radial to curved streets or cul-de-sacs.

- (4) **DOUBLE FRONTAGE LOTS.** Double frontage lots shall be prohibited except when necessary to provide separation from heavily traveled streets or to overcome specific disadvantages of topography and orientation.
- (5) **ACCESS.** Every lot shall front on a public street, approved private road or easement. In a planned unit development, the lots shall front on an approved private street for the minimum lot width as required by the Zoning Code, Sections 17.27, 17.28 and 17.34. Lots located on cul-de-sacs shall have the full lot frontage as required by the Zoning Code within seventy-five (75) feet of the right-of-way line. The minimum frontage on any public street or approved private road cannot be less than 66 feet.
- (6) **DEPTH.** Lots shall have a minimum average depth of 100'. Lots shall have a maximum length to width ration as follows:
  - (a) Lots having frontage of less than 300 ft. shall have a maximum length to width ratio of 3:1.
  - (b) Lots having frontage of 300 ft. or more shall have a maximum length to width ratio of 4:1.
  - (c) The Jackson County Zoning Committee must approve any lot that would have a length to width ratio greater than 4:1.
- (7) **CORNER LOTS.** Corner lots with an interior angle of less than 135° when located in a zoning district which permits lot widths of 100' or less, shall be platted with at least 15' of width over the minimum required for the zoning district.
- (8) **LOTS OF FIVE ACRES OR LESS.** Whenever a tract is divided into lots of 5 acres or less in an area and more than twice the minimum required for the zoning district in which it is located, the Committee may require such lots to be arranged and dimensioned so as to allow resubdivision.
- (9) **ABUTTING A LAKE OR STREAM.** In any plat or certified survey abutting a lake or stream, lands lying between the meander line and the water's edge and any otherwise unplattable land which lies between the proposed subdivision and the water's edge shall be included as parts of lots or public dedications.
- (10) **COMMERCIAL OR INDUSTRIAL USE.** Size, depth and width of parcels designed for commercial or industrial use shall be adequate to provide for off-street parking and loading.
- (11) Generally flag lots will be prohibited. All other layout options will be considered before approval of a flag lot(s). The Zoning and Land Information Committee reserves the right to limit the number of flag lots in a proposed subdivision.

**18.76 EASEMENTS.** The Committee may require easements for electric power and communication facilities, storm and sanitary sewers, gas, water and other utility lines. Easements shall be of sufficient width for the proposed use and shall be placed wherever feasible along lot lines. All easements shall be noted on the final plat followed by a

reference to the use or uses for which they are intended.

**18.77 PLANNED UNIT DEVELOPMENT DESIGN.**

- (1) GENERAL. With the approval of the Committee, the subdivider may elect to apply for approval of a plat employing a planned unit development design. Under such a plan, dwelling units may be grouped on lots below the minimum size specified in Chs. 16, 17 and 20 of this Code and the remaining land in the plat shall be reserved for common open space or recreational uses.
  
- (2) STANDARDS FOR PLANNED UNIT DEVELOPMENT DESIGN.
  - (a) The maximum number of lots or dwellings permitted in the development shall be determined by dividing the total area of the subdivision, excluding streets, by the minimum lot sizes required by Chs. 16, 17 and 20 of this Code.
  
  - (b) The remaining lands not proposed to be used for lots; streets or other public facilities shall be committed to remain in open space or recreational uses. This may be accomplished by conveyance in common to the owners of lots in the subdivision with the creation of a legally constituted homeowners association to manage such land or by dedication and acceptance by a local governing body. Dedication of such lands to the lot owners in common shall name the County as a beneficiary with enforcement powers pursuant to 236.293, Wis. Stats.
  
  - (c) Water supply and sewage disposal plans for the subdivision shall meet the standards of Chs. 16 and 20 of this Code, NR 112, DSPS 383 and DSPS 385, Wis. Adm. Code, and other applicable County codes, State laws and administrative rules.
  
  - (d) Plats submitted under this section shall be reviewed by the Committee and shall be approved if found to conform to applicable standards of this Code and State law, and shall effect on the carrying capacity of the land and water, impact on neighboring land and ability of the design to accommodate sewage disposal.
  
  - (e) Lot orientation and layout of streets shall take the utilization of solar energy into consideration by maximizing solar access whenever possible.

**18.78 COMBINATION OF TAX PARCELS**

Tax Parcels may be combined if one of the following provisions is met:

- (1) Pursuant to the recording of a subdivision plat, certified survey map, assessors plat, or the establishment of a condominium. **AND** provided that **ALL** of the following criteria are met:
  - (a) The ownership on all the requested parcels is the same. A parcel owned by John Doe is not the same as a parcel owned by John and Jane Doe nor is it the same as the John Doe Trust.

- (b) Title of all requested tax parcels is held in the same manner. For example, if a person owned one parcel by warranty deed and another parcel by land contract, the combination would be denied.
  - (c) There are no delinquent taxes due on any of the tax parcels in the requested combination.
  - (d) All the tax parcels being combined are within the same taxing jurisdiction.
- (2) Contiguous tax parcels that are within the same lot or outlot of a recorded subdivision plat, certified survey map, or assessor's plat will be combined to comply with State Statutes 236.28, 236.34(3), and 70.27(3) if described together in a conveyance. **AND** provided that **ALL** of the following criteria are met:
- (a) The ownership on all the requested parcels is the same. A parcel owned by John Doe is not the same as a parcel owned by John and Jane Doe nor is it the same as the John Doe Trust.
  - (b) Title of all requested tax parcels is held in the same manner. For example, if a person owned one parcel by warranty deed and another parcel by land contract, the combination would be denied.
  - (c) There are no delinquent taxes due on any of the tax parcels in the requested combination.
  - (d) All the tax parcels being combined are within the same taxing jurisdiction.
- (3) Contiguous tax parcels that are not part of a recorded subdivision plat, certified survey map, assessor's plat or condominium, but are described by a single metes and bounds on the same conveyance per request of the landowner or discretion of the Real Property Lister. **Full Quarter-Quarters and Government Lots are not to be combined under this provision.** Self deeding of multiple metes and bounds descriptions is prohibited for combining tax parcels. **AND** provided that **ALL** of the following criteria are met:
- (a) The ownership on all the requested parcels is the same. A parcel owned by John Doe is not the same as a parcel owned by John and Jane Doe nor is it the same as the John Doe Trust.
  - (b) Title of all requested tax parcels is held in the same manner. For example, if a person owned one parcel by warranty deed and another parcel by land contract, the combination would be denied.
  - (c) There are no delinquent taxes due on any of the tax parcels in the requested combination.
  - (d) All the tax parcels being combined are within the same taxing jurisdiction.
- (4) One or more tax parcels are considered to be substandard lots and the

combination of such results in a standard lot or parcel as defined in this ordinance. **AND** provided that **ALL** of the following criteria are met:

- (a) The ownership on all the requested parcels is the same. A parcel owned by John Doe is not the same as a parcel owned by John and Jane Doe nor is it the same as the John Doe Trust.
  - (b) Title of all requested tax parcels is held in the same manner. For example, if a person owned one parcel by warranty deed and another parcel by land contract, the combination would be denied.
  - (c) There are no delinquent taxes due on any of the tax parcels in the requested combination.
  - (d) All the tax parcels being combined are within the same taxing jurisdiction.
  - (e) The owner of the property completes and signs an official "Request to Combine Tax Parcels" obtained from the Division.
- (5) Per assessor's directive per SS 70.23(2) which reads in part: When two or more lots or tracts owned by the same person are deemed by the assessor so improved or occupied with buildings as to be practically incapable of separate valuation they may be entered as one parcel. **AND** provided that **ALL** of the following criteria are met:
- (a) The ownership on all the requested parcels is the same. A parcel owned by John Doe is not the same as a parcel owned by John and Jane Doe nor is it the same as the John Doe Trust.
  - (b) Title of all requested tax parcels is held in the same manner. For example, if a person owned one parcel by warranty deed and another parcel by land contract, the combination would be denied.
  - (c) There are no delinquent taxes due on any of the tax parcels in the requested combination.
  - (d) All the tax parcels being combined are within the same taxing jurisdiction.
- (6) As directed by a court order. **AND** provided that **ALL** of the following criteria are met:
- (a) The ownership on all the requested parcels is the same. A parcel owned by John Doe is not the same as a parcel owned by John and Jane Doe nor is it the same as the John Doe Trust.
  - (b) Title of all requested tax parcels is held in the same manner. For example, if a person owned one parcel by warranty deed and another parcel by land contract, the combination would be denied.
  - (c) There are no delinquent taxes due on any of the tax parcels in the

requested combination.

- (d) All the tax parcels being combined are within the same taxing jurisdiction.
- (e) The owner of the property completes and signs an official “Request to Combine Tax Parcels” obtained from the Division.

Each request for combining parcels will be reviewed for individual merit. The Real Property Lister reserves the right to accept or deny the request for combinations at his or her discretion. Combinations requested in the current year will appear on the following year’s assessment roll and tax bill. Once a tax parcel combination has been completed, it shall be considered a new parcel and future splits are subject to the regulations laid out in this ordinance.

## REQUIRED IMPROVEMENTS

**18.80 SURVEY MONUMENTS.** The subdivider shall install all survey monuments in accordance with 18.15 of this chapter.

**18.81 ROAD DESIGN STANDARDS.** In order to provide for roads of suitable location, width and improvement and to accommodate anticipated traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation and road maintenance equipment, the following design standards are required. Road classification shall be determined by the Committee if not indicated on an official map or plan adopted by the town or County. The following design standards shall apply:

<u>IMPROVEMENT</u>	<u>RESIDENTIAL</u>		<u>COMMERCIAL/INDUSTRIAL</u>	
	<u>WITH C/G</u>	<u>WITHOUT C/G</u>	<u>WITH C/G</u>	<u>WITHOUT C/G</u>
<u>Minimum R.O.W.</u>	66'	66'	66'	66'
<u>Minimum Width of Base Coarse</u>				
Local	30'	28'	32'	32'
Collector	32'	32'	40'	50'
Arterial	40'	34'	40'	50'
<u>Minimum Width of Pavement</u>				
Local	30'	22'	32'	32'
Collector	32'	22'	40'	40'
Arterial	40'	24'	40'	40'
<u>Maximum Grade (percent)</u>				
Local	10	10	8	8
Collector	8	8	6	6
Arterial	6	6	6	6
Minimum Grade .5				
<u>Minimum Radius of Curve</u>				
Local	100'	100'	200'	200'
Collector	100'	100'	200'	200'
Arterial	300'	300'	400'	400'
<u>Corner Radius at Intersections</u>				
	15'	30'	15'	30'

**Minimum Length of Vertical Curve**

Local - 100', but not less than 20' for each algebraic difference in grade.

Collector - 200', but not less than 50' for each one percent.

Arterial - 300', but not less than 50' for each algebraic difference in grade.

IMPROVEMENT	RESIDENTIAL		COMMERCIAL/INDUSTRIAL	
	WITH C/G	WITHOUT C/G	WITH C/G	WITHOUT C/G
<u>Minimum Length of Tangents Between Reverse Curves</u>				
Local	100'	100'	200'	200'
Collector	100'	100'	200'	200'
Arterial	200'	200'	300'	300'

Minimum Sight Distance

Local	200'	200'	250'	250'
Collector	240'	240'	250'	250'
Arterial	275'	275'	300'	300'

Design Speed (miles per hour)

Local	30'	30'	30'	30'
Collector	35'	35'	35'	35'
Arterial	40'	40'	40'	40'

IMPROVEMENT	RESIDENTIAL		COMMERCIAL/INDUSTRIAL	
	WITH C/G	WITHOUT C/G	WITH C/G	WITHOUT C/G

Cul-De-Sacs (permanent) Maximum length - 5,280' or one mile

Minimum R.O.W. Radius

Local	60'	60'	60'	60'
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Minimum Base Course Radius

Local	40'	48'	40'	48'
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Minimum Pavement Radius

Local	40'	40'	40'	40'
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Roadway Width. For residential subdivisions, the following roadway width standards shall apply:

	WITH C/G	WITHOUT C/G
Streets: Width of Base Course	32'	28'
Width of Surfaced Area	32'	22'

Cul-de-Sacs (permanent):  
Radius of Base Course

Radius of Surfaced Area                      30'                      40'

**18.82 ROAD CONSTRUCTION.** The subdivider shall grade all roadways to subgrade and ditches to the gradient shown on approved plans. Cut and fill lands shall be graded to a maximum slope of 1:4 or the soils angle of repose, whichever is less. All unpaved graded areas shall be sodded or seeded and mulched with appropriate permanent vegetation.

- (1) Road construction, including type and depth of base coarse and paving material shall be subject to town board approval. The town board shall have the power to inspect material for conformance to standards contained in its applicable ordinances.
- (2) The town board may require the subdivider to construct concrete curb and gutters in accordance to the plans and standard specifications approved by the town board.

**18.83 STORM WATER DRAINAGE.**

- (1) Subdivisions shall be designed with a storm water drainage system to accommodate the maximum potential flow during a 10 year, 24-hour rainstorm. The system shall drain the land in a manner which will present no hazards to property or life, minimize soil erosion and sedimentation, permit unimpeded flow of natural watercourses and assure drainage away from on-site sewage disposal systems. Facilities to achieve these results may include, but are not limited to, curbs and gutters, road ditches and open channels, easements, dedicated drainage ways and catch basins.
- (2) Drainage systems shall utilize maximum infiltrations into the soil and efficient, soil conserving runoff facilities and shall utilize natural watercourses whenever possible.
- (3) Road ditches and waterways shall be shaped and seeded or seeded and mulched as grass waterways. Where the velocity of flow is in excess of 4' per second on soils having severe or very severe erosion hazard or in excess of 6' per second on soils having moderate or slight erosion hazard, the subdivider shall install paved invert or check dams, flumes or other energy dissipating devices.
- (4) If the subdivision is located where it can feasibly be served by an existing storm sewer system, the subdivider shall cause an extension of the system to adequately drain the subdivision. The size of the facilities to be installed shall be determined by the Committee taking into account the extent of the watershed, existing drainage patterns, existing and planned land uses and zoning. Costs for the extension shall be borne by the subdivider. However, if an area larger than the subdivision is to be served by the extension and larger facilities required, the cost of excess capacity shall be borne either by the town or sanitary district or assessed by the governmental unit against the additional territory for which the excess capacity is required.
- (5) Plans for the storm sewer facilities shall be approved by the town board and the governmental agency with jurisdiction over the sewer system.

**18.84 WATER SUPPLY FACILITIES.**

- (1) When a public water system is available to a subdivision, the subdivider shall construct all water main laterals and appurtenances necessary for the provision of adequate water service to each lot.
- (2) The size of the facilities to be installed shall be determined by the Committee taking into account the water system service area adopted water plans, existing and planned land use and zoning. Costs for the extension shall be borne by the subdivider. However, if an area larger than the subdivision is to be served by the extension and larger facilities required, the cost of excess capacity shall be borne either by the town or water district or assessed by the governmental unit against the additional territory for which the excess capacity is required.
- (3) Plans for water facilities shall be reviewed by the town board and the governmental agency with jurisdiction over the water extension.

**18.85 SANITARY SEWER FACILITIES.**

- (1) When public sanitary sewer facilities are available to the subdivision, the subdivider shall construct sanitary sewer facilities so as to make adequate sewer available to each lot.
- (2) The size of the facilities to be installed shall be determined by the Committee taking into account the sewer system service area, adopted sewer plans, existing and planned land use and zoning. Costs for the extension shall be borne by the subdivider. However, if an area larger than the subdivision is to be served by the extension and larger facilities required, the cost of excess capacity shall be borne either by the town or sanitary district or assessed by the governmental unit against the additional territory for which the excess capacity is required.
- (3) Plans for sewer facilities shall be reviewed by the town board and the governmental agency with jurisdiction over the sewer extension.

**18.86 OTHER UTILITIES.**

- (1) The subdivider shall cause electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot.
- (2) All new electrical or communication lines shall be installed underground within all newly platted subdivisions containing 5 or more lots unless the Committee shall find that the location, soil, vegetation or other physical barriers would make underground installation unreasonable or that the lots can be served directly from existing overhead facilities. Associated equipment and facilities such as substations, pad mounted sectionalizing switches and pedestal mounted terminal boxes may be located above ground.
- (3) Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to serve the subdivision shall be approved by the Division.

**18.87 EROSION CONTROL AND SEDIMENTATION MEASURES.**

- (1) All public rights-of-way may be sodded or seeded at the time of construction or mulch applied to protect the soil until a permanent seeding can be established. This conforms to standards acceptable to the Land Conservation and Agriculture Committee and the Natural Resource Conservation Service Staff.
- (2) Any other measures or practices necessary to comply with the requirements established during the review process shall be completed prior to approval of the plat or may be assured by posting a bond sufficient to accomplish the work agreed upon as well as correction of the damages to adjoining public or private property likely to occur because the necessary measures were not accomplished.

## **SUBDIVISION IMPROVEMENT GUARANTEES**

**18.90 INTENT.** It is the intent of this chapter to insure that all improvements required by the Committee or the town is installed in a timely fashion at the expense of the subdivider.

**18.91 COMMENCEMENT.** No construction or installation of improvements shall commence and no land use permit shall be issued until the final plat has been approved by all reviewing authorities and recorded in the Office of the Register of Deeds.

**18.92 IMPROVEMENT GUARANTEES.** At the time of final certified survey map and plat approval, the Committee shall, upon advice of the Corporation Counsel, approve an instrument guaranteeing the installation of the required improvements or in the alternative, accept a letter from the town board of the town in which the land is located, indicating that an instrument guaranteeing installation of the required improvements has been filed with and approved of by the town. The instrument shall be in the form of one or more of those listed below for an amount sufficient to cover the cost of improvements as estimated by the subdivider and approved by the Committee. The duration of the guarantees shall be until the installation is completed and accepted by the town and County.

- (1) **SURETY PERFORMANCE BOND.** The subdivider may obtain a security bond from a surety bonding company authorized to do business in the State, payable to the County.
- (2) **ESCROW ACCOUNT.** The subdivider may deposit cash or other instrument readily convertible to cash at face value, including real estate, either with the County Treasurer or in an approved bank escrow account. The use of any instrument other than cash shall be subject to the approval of the Committee when its value is insufficient or unsubstantiated. In the case of an escrow account, the subdivider shall file with the Division an agreement between the bank or County Treasurer and himself guaranteeing that funds in or from the account will be held in trust until released by the Committee and may not be pledged by the subdivider as security in any other matter during that period. In the case of failure on the part of the subdivider to complete required improvements, the bank or County Treasurer shall immediately make the funds available to the County for use in the completion of the required improvements. Any unused funds shall be returned to the subdivider.
- (3) **LETTER OF CREDIT.** The subdivider shall provide, from a bank or other reputable institution or individual subject to the approval of the Committee, a letter of credit and shall execute and file with the Division documents guaranteeing the following:
  - (a) The creditor guarantees funds in the amount equal to the cost of completing all required improvements.
  - (b) In case of failure on the part of the subdivider to complete the specified improvements within the required time period, the creditor shall pay to the County Treasurer and without further action, such funds as are necessary to finance the completion of improvements up to the limit of

credit stated in the letter.

- (c) The letter of credit may not be withdrawn or reduced in amount, until released by the Committee.

**18.93 TIME LIMITS.**

- (1) The subdivider and the Committee shall agree upon a deadline for the completion of all required improvements not exceeding 2 years from the date of final plat approval. Extensions may be made only upon mutual agreement between the subdivider and the Committee.
- (2) A subdivider is allowed to construct a project – including necessary public improvements in phases approved by the governing body, and the approval may not be unreasonably withheld. If the project is constructed in phases, the amount of any surety bond or other security required by the governing body must be limited to the phase of the project being constructed. The governing body may not require the subdivider to provide security for improvements sooner than is reasonably necessary before the commencement of the installation of the improvements.

**18.94 INSPECTION AND CERTIFICATION.**

- (1) Upon completion of any work required within the subdivision, the subdivider shall notify the Division. The Division or its designee shall inspect the improvements and shall file with the Committee a report regarding the improvements which have been made in accordance with the provisions of this subtitle or any additional requirements made of the subdivider by the Committee or a listing of uncompleted or defective work. If the work has been completed in a satisfactory manner, the Committee shall release any performance guarantees placed on the subdivision.
- (2) If upon the completion date, improvements have not been installed or have been installed in an unsatisfactory manner, the Committee shall cause the security to be forfeited. Upon forfeiture of these securities, the Division shall use them or receipts from their sale, to finance the construction or correction of required improvements. Unused portions of these securities shall be returned to the subdivider, bonding company or crediting institution, as appropriate.
- (3) Prior to commencement of any work within the subdivision, such as grading, excavating, clearing of land, etc., for which erosion control measures were to be provided, the subdivider shall notify the Division so that inspection of those measures can be accomplished. The inspection shall be completed within 2 workdays from the time the request is made of the Division.