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## CHAPTER 16 SUBDIVISION ORDINANCE

### 16.1.01 Definitions

For the purpose of this ordinance, the following definitions shall be used.

- (a) Block: A platted tract of land bounded by streets or by a combination of streets and public parks, or other recognized lines of demarcation.
- (b) Certified Survey Map: A map of a minor subdivision, as defined in this ordinance, prepared in accordance with Section 236.34, Wisconsin Statutes.
- (c) Committee: The Dunn County Planning, Resources and Development Committee.
- (d) County: Dunn County, including any agency, department or committee thereof.
- (e) Department: The Dunn County Planning, Resources and Development Department.
- (f) Plat: The map or plan of record of a County plat or major subdivision and any accompanying material.
- (g) Land division: The act or process of dividing land into two (2) or more parcels or building sites.
- (h) Lot: Designated parcel, tract, building site or area of land established by plat land division or is otherwise permitted by law to be used, developed or built upon as a unit.
- (i) Outlot: A parcel of land not to be used for building purposes, so designated on a minor subdivision, county plat or major subdivision.
- (j) Preliminary plat: A map showing the salient features of a proposed County plat or major subdivision submitted to the Planning, Resources and Development Committee for the purposes of preliminary consideration.
- (k) Replat: The process of changing, or the map or plat which changes the boundaries of a recorded subdivision plat, certified survey map or a part thereof.
- (l) Road: A way for vehicular traffic that provides vehicular access to lots, not including access driveways within lots.
- (m) Street: A way for vehicular traffic that provides vehicular access to lots, not including access driveways within lots.

### **16.1.02 Purpose**

The purpose of these regulations is to promote public health, safety, and general welfare; to encourage the most appropriate use of land; to provide the best possible environment for human habitation; and to conserve the value of buildings placed upon the land by:

- (a) Reducing congestion in the streets or highways;
- (b) Furthering the orderly lay-out and use of land;
- (c) Securing safety from fire, panic, and other dangers;
- (d) Providing adequate light and air;
- (e) Avoiding undue or improper concentration of population;
- (f) Facilitating adequate provisions for transportation, water, sewer, schools, parks, playgrounds, and other public requirements; and
- (g) Facilitating, where appropriate, further resubdivision of larger tracts into smaller parcels.

### **16.1.03 Statutory Authority**

These regulations are adopted under the authority granted by Wisconsin Statute Section 236.45. Chapter 236 of the Wisconsin Statutes is hereby incorporated by reference and which shall apply until amended and then shall apply as amended.

### **16.1.04 Geographic Jurisdiction**

Except as provided under Section 16.11, the provisions of this ordinance apply to all lands within Dunn County and outside the boundaries of incorporated cities or villages.

## **16.2 LAND DIVISIONS GOVERNED BY THIS ORDINANCE**

This ordinance shall apply to the act of division of a lot, parcel, or tract existing on the effective date of this ordinance or prior subdivision ordinances by the owner thereof, or his agent for the purpose of transfer of ownership or building development where the act of division creates one (1) or more new lots, parcels, or tracts of less than a rectangular half of a government protracted quarter-quarter section or a government lot. Parcels remaining as a result of the creation of one (1) or more new lots, parcels or tracts within a government protracted quarter-quarter section or a government lot shall be surveyed or if requested, exempt from survey based on the following conditions:

- (a) The remaining parcel and adjoining lands are twenty (20) acres or greater and under the same ownership;
- (b) The owner records a deed restriction on forms furnished, agreeing to survey said remaining parcel upon its' independent sale;
- (c) This exemption may be transferred to any subsequent owner meeting the requirements of (a) above.

### **16.2.01 Land Divisions NOT Governed by this Ordinance**

- (a) Transfers of interest in land by court order;
- (b) Easements;
- (c) Assessor's Plats made under Section 70.27 and 236.03(2), Wisconsin Statutes;
- (d) Existing parcels affected by the transfer of interest in land acquired on existing right-of-way or for additional right-of-way; and,
- (e) Highway Right-of-Way Plats.

### **16.3 CLASSIFICATION OF LAND DIVISIONS**

Land divisions, unless excluded under Section 16.2.01, shall be created by a property survey defined as any land surveying which includes as one of its principal purposes, describing, monumenting, locating the boundary lines of or mapping one or more parcels of land. The term includes the restoration, perpetuation or reestablishment of a U.S. Public Survey corner. Land divisions are classified under this ordinance as either:

- (1) Minor Subdivision
- (2) County Plat
- (3) Major Subdivision

#### **16.3.01 Minor Subdivision**

Minor subdivisions include certified survey maps and retracement certified survey maps. Lands, regardless of use, which are a government protracted quarter-quarter section or government lot and are under unified ownership shall be considered a single parcel even when divided by a public or private street, road, highway or railroad unless a separate parcel description exists prior to the effective date of this ordinance.

- (a) Certified Survey Map When it is proposed to divide land into not more than four (4) building sites or lots, any of which is less than a rectangular half of a government protracted quarter-quarter section (twenty (20) acres) in size, the owner shall divide them by use of a certified survey map. The certified survey map shall include all parcels less than a rectangular half of a government protracted quarter-quarter section and may, at the owner's option, include any parcel or parcels of greater size. However, only four (4) lots or building sites may be created from a lot of record existing on the date of adoption of this ordinance within a five (5) year period by use of the certified survey map process. Additional lots or building sites must be created through the major subdivision process or county plat process. Certified surveys shall:
  - (1) Meet the minimum requirements of Section 236.34, Wisconsin Statutes;
  - (2) Not cause the creation of a parcel of less than twenty (20) acres by omission;
  - (3) Show all existing improvements including wells and private sewage system vents when visible;

- (4) Show all access by easements, if applicable, together with a statement "parcel(s) created by this map may not be conveyed unless accompanied by the easement description";
  - (5) Indicate the name of the owner, subdivider and surveyor;
  - (6) Show discrepancies between surveyed and occupied lines;
  - (7) Provide for the approval signature of the Dunn County Zoning Office;
  - (8) Be submitted for review together with the completed application/checklist form provided by the Department. The County Surveyor shall have the authority to require other reasonable and pertinent information necessary to review the map; and,
  - (9) Provide square footage and acreage of parcel including and excluding road right-of-ways.
- (b) Retracement Certified Survey Map. Retracement survey is a certified survey map that retraces, identifies and locates the boundary of an existing parcel, where no new additional parcels are thereby created. Retracement certified survey maps are not required by this ordinance and may not be required by any agency of Dunn County. Retracement certified surveys shall:
- (1) Meet the minimum requirements of Section 236.34 of Wisconsin Statutes;
  - (2) Meet the minimum requirements as set forth in Section 16.3.02(a)2-8;
  - (3) Have the standard "Certified Survey Map" heading and "Retracement of lands described in Volume\_\_\_\_, Page\_\_\_\_" as a subheading; and,
  - (4) Include in the surveyor's certificate, "this certified survey map is not a division of property but solely a retracement and depiction of the land boundaries recorded in Volume\_\_\_\_, Page\_\_\_\_, Dunn County Records".

### **16.3.02 County Plats**

County plat is a map of a division of land prepared in the same manner as required in creating a major subdivision, except that all reviews are completed at the County level in accordance with the terms of this ordinance and where:

- (a) The act of division creates five (5) or more parcels or building sites, each less than twenty (20) acres in area, of which no more than four (4) lots are one and one-half (1.5) acres or less in area; or
- (b) Five (5) or more lots, each less than twenty (20) acres in area, of which no more than four (4) lots are one and one-half (1.5) acres or less in area, are created by successive divisions within a period of five (5) years.
- (c) County plats may be titled by name, unduplicated by any other plat in Dunn County, but must include the following: Dunn County Plat Number \_\_\_\_, Volume \_\_\_\_, Page \_\_\_\_.

### **16.3.03 Major Subdivisions**

Major subdivision is a division of land requiring a review by state agencies and county where:

- (a) The act of division creates five (5) or more parcels or building sites, of one and one-half (1.5) acres each or less in area; or
- (b) Five (5) or more parcels or building sites of one and one-half (1.5) acres each or less in area are created by successive divisions within a period of five (5) years.

## **16.4 GENERAL PROVISIONS FOR MINOR SUBDIVISIONS, COUNTY PLATS AND MAJOR SUBDIVISIONS**

### **16.4.01 Compliance**

No owner shall divide any land located within the jurisdiction of these regulations which results in the creation of a minor subdivision, county plat or major subdivision as defined in this ordinance, without compliance with all the requirements of this ordinance, State law and administrative rules. No owner or owner's agent may offer or contract to convey, or convey a minor subdivision county plat or major subdivision as defined in this ordinance knowing that the certified survey map, county plat or major subdivision has not been recorded; except where the preliminary plat, final plat of the subdivision or county plat, or the certified survey map has been filed for approval with the county and town in which the division lies, an offer or contract to convey may be made if that offer or contract states on its face that it is contingent upon approval of the final plat or certified survey map.

### **16.4.02 Required Public Access**

Any county plat and major subdivision abutting a navigable river, lake or stream shall provide public access at least sixty (60) feet wide from the high-water mark to a public road. Such access points shall be located at a minimum of one-half (0.5) mile intervals.

### **16.4.03 Inclusion of Floodplains**

Whenever a minor subdivision, county plat or major subdivision embraces any part of floodplains, such floodplain boundary line shall be shown on the map together with the contour line lying a vertical distance of two (2) feet above the floodplain boundary line. All parcels shall contain a minimum of 10,000 square feet of contiguous land lying a vertical distance of two (2) feet above the floodplain. Where the 100 floodplain elevation is unknown, the subdivider shall provide at least one (1) permanent elevation point conveniently located on the map referred from some permanent established datum plane.

#### **16.4.04 Survey Monuments**

Prior to final review and approval, the subdivider shall cause the installation of all survey monuments in accordance with the requirements of Section 236.15, Wisconsin Statutes. The County Surveyor may waive this requirement for a reasonable period of time but can require a surety bond to insure the placing of such monuments within the time required. All surveys will be reviewed only when accompanied by all corresponding section corner ties and data sheets.

#### **16.4.05 Variances**

Where, in the judgment of the Department and/or Committee, it would be inappropriate to apply literally the provisions of Chapter 16 because exceptional or undue hardship would result, the staff and/or committee may waive or modify any county 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 ordinance.

#### **16.4.06 Pre-Application Consultation**

Subdividers are encouraged to prepare, for review with the department staff, a sketch plan of the proposed minor subdivision, county plat or major subdivision. This plan is a basis for discussion between the subdivider and staff to prevent the expenditure of time and money on a survey that will be denied because of zoning regulations, or extensively modified because of site limitations such as floodplains, wetlands, soil suitability and drainage.

### **16.5 COUNTY PLATS AND MAJOR SUBDIVISION REVIEW**

All land within the exterior boundary of a county plat or major subdivision plat shall be zoned for its intended purpose.

#### **16.5.01 Preliminary Plat Submittal**

Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and an application. The preliminary plat shall be prepared in accordance with Section 16.5.02 of this ordinance and the subdivider shall file six (6) copies of the plat and application with the Department. The subdivider shall give copies to the clerk of each adjoining city or village if the subdivision lies within the extraterritorial plat approval jurisdiction of the city or village; copies to the applicable town clerk; and copies to each affected public or private utility.

The Department shall transmit a copy of the preliminary plat to affected county commissions or departments, including the Dunn County Soil and Water Conservation District, County Highway Commissioner, and County Surveyor for review and recommendations.

### **16.5.02 Preliminary Plat Content**

- (a) A preliminary plat shall be based upon a survey by a land surveyor registered in Wisconsin and a plat prepared on suitable drafting media of good quality at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:
1. All information required on preliminary plat by Sections 236.15; 236.20; and 236.21(1) and (2) of the Wisconsin Statutes hereby incorporated by reference and which shall apply until amended and then shall apply as amended; and
  2. Provisions of all restrictive covenants which apply or which the subdivider intends to apply to land within the subdivision.
- (b) Where the Department finds that the County requires additional information relative to a particular problem presented by the proposed development in relation to County standards, the Department shall have the authority to request in writing, that the following information be included on the preliminary plat or on accompanying documents:
- (1) Existing and proposed zoning on the adjacent property adjacent to the proposed subdivision;
  - (2) Location of existing boundary lines, structures, drives, streams and watercourses, marshes, rocks, rock outcroppings, wooded areas, railroad tracks, and other significant features within the tract or immediately adjacent thereto;
  - (3) Contours within the plat and extended to the centerline of adjacent public streets or vertical intervals of not more than two (2) feet, where the slope of the ground surface is not more than ten (10%) percent, and of not more than five (5) feet where the slope is ten (10%) percent or more;
  - (4) Plans and profiles for streets, curbs, gutters, sidewalks, boulevard improvements, walkways, greenways, drainage ways, storm sewers and culverts, location of manholes, catch basins, hydrants, sanitary sewer, water mains, gas mains, electrical and communication (whether overhead or underground) within or immediately adjacent to the tract. If no sewer or water mains are located on or immediately adjacent to the tract, the nearest such facilities which might be extended to service the tract shall be indicated by the direction and distance from the tract, size, and invert elevations;
  - (5) Water elevations of all parcels, streams, lakes, flowages, and wetlands within the tract or located within 100 feet therefrom and the approximate low water elevations;
  - (6) Floodplain and shoreland boundaries and the contour line lying a vertical distance of two (2) feet above the 100 year recurrence interval flood, or where such information is not available, the subdivider shall provide at least one (1) permanent elevation point conveniently located on the map referenced from some permanent established datum plane.

- (7) Grading plan with proposed contours shown at two (2) feet intervals.
- (8) Location and dimensions of all sites to be reserved or dedicated for public use, such as parks, playgrounds, drainage ways.
- (9) Any proposed lake or stream access and any proposed lake or stream improvement or relocation;
- (10) Identification or the proposed use of all lands within the proposed subdivision;
- (11) Identification of sources of water supply and sewage services; and
- (12) Location and names of any adjacent subdivision; parks; cemeteries, identification of owner or record of abutting, non-platted lands; sketch plan for future use; and development of all adjoining lands owned by the subdivider.

- (c) **Affidavit.** The surveyor preparing the preliminary plat shall certify on the face of the plat that is a correct representation of the indicated features and that he has fully complied with this ordinance.

### **16.5.03 Preliminary Plat Approval**

Approval by all state objection agencies shall be one of the requirements for the Committee's approval for major subdivisions.

The Committee, within ninety (90) days of the date of filing of a preliminary plat with the Department, shall approve, approve conditionally, or reject such plan, unless the time is extended by mutual agreement with the subdivider. Rejection of the major subdivision plat by any State agency will require submittal of the corrected or amended preliminary plat within the thirty (30) day time interval commencing at the date of resubmittal. One (1) copy of the plat shall thereupon be returned to the subdivider with the date and the action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall be placed in the Committee's meeting minutes.

Failure of the Committee to act ninety (90) days of the date of filing or within the time as extended by agreement with the subdivider shall constitute an approval.

Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within six (6) months of the preliminary plat approval and conforms substantially to the preliminary plat lay-out, the final plat shall be entitled to approval with respect to such lay-out.

#### **16.5.04 Final Plat Submittal**

The subdivider shall prepare a final plat and an application in accordance with this ordinance and shall file four (4) copies of the plat and the application with the Department.

The Department shall, within two (2) days after filing, transmit copies to the Highway Commissioner and the County Surveyor.

The subdivider shall give copies to the clerk of each adjoining city or village if the subdivision lies within the extraterritorial plat approval jurisdiction of the city or village; and copies to each affected town and public or private utility.

#### **16.5.05 Final Plat Content**

The final plat prepared by the land surveyor registered in Wisconsin shall be required for all county plats and major subdivisions. It shall comply in all respects to the requirements of Section 236.20 of the Wisconsin Statutes hereby incorporated by reference and which shall apply until amended and then shall apply as amended.

In addition to the requirements of Section 236.20, the final plat shall correctly show on its face:

- (a) Lands reserved for future public acquisition or for the common use of the property owners within the subdivision; and
- (b) Special restrictions required by reviewing authorities. All final plats shall provide all certificates required by Section 236.21 of the Wisconsin Statutes hereby incorporated by reference and which shall apply until amended and then shall apply as amended and that the Surveyor will certify that all provisions of this ordinance that have been complied with.

#### **16.5.06 Final Plat Approval**

- (a) All land within the exterior boundary of a county plat, major subdivision plat, or condominium plat shall be zoned for its intended purpose.
- (b) The Wisconsin Department of Commerce, the Wisconsin Department of Transportation, and the Wisconsin Department of Administration, which are designated by State law (Section 235.12) as objecting agencies will notify the subdivider and all other approving agencies of any objections on major subdivisions. If there are not objections, they so certify on the face of their copy of the plat. Objecting agencies failing to act within twenty (20) days are deemed to have no objection to the plat.
- (c) The Committee shall, within sixty (60) days of the date of filing the final plat with the Department, approve or reject such plat unless the time is extended by agreement with the subdivider. After passage by the Committee, the Committee Chairperson can certify on the face of the plat that the plat has been approved by the County. If the plat is rejected,

the reasons shall be stated in the minutes of the meeting and written statement of the reasons forwarded to the subdivider and surveyor.

- (1) The plat shall be deemed approved upon failure of the Committee to act within sixty (60) days, and the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.

#### **16.6 SUITABILITY STANDARDS**

No land which held unsuitable for its proposed use for the reasons of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature or circumstance likely to result in the imposition of unreasonable costs to remedy severe and avoidable problems or to be harmful to the health, safety, or general welfare of the future residents of the major subdivision, county plat, minor subdivision or of the community, shall be developed into a major subdivision, county plat or minor subdivision.

#### **16.7 PROHIBITION AGAINST SUBDIVIDING AGRICULTURAL LANDS**

It is declared to be the policy of Dunn County to preserve the agricultural use of lands. In the interest of furthering the orderly use of land, preserving the character of agricultural portions of the county and encouraging the use of land most appropriate to the essential nature of the land itself the Committee may grant approval of a land division subdividing portions of agricultural lands provided that the Committee shall determine that the proposed land division will assist and assure the continuation of the agricultural use. If the committee finds that the agricultural use of the lands proposed to be divided is not the most appropriate, to the essential nature of the land, the land may be divided without consideration to the sustained agricultural use of the land.

#### **16.8 PROHIBITION OF LARGE LOT, UNSEWERED DEVELOPMENTS IN AREAS WHICH HAVE POTENTIAL FOR SANITARY SEWER SERVICE.**

It is hereby declared to be the policy of Dunn County to encourage sanitary sewer service for subdivided developments. In the interest of promoting the orderly use and development of lands and facilitating adequate provisions for sewage services, the following standards shall apply to all subdivisions and to all minor subdivisions:

- (a) Developments which can be connected to sanitary sewage collection and treatment facilities at the time of development shall have all laterals and services to the property line installed in the course of development and shall be connected to the available treatment system prior to occupancy.
- (b) Developments in areas wherein sanitary sewage treatment service can reasonably be expected to be available within a five (5) year period form the date of project completion shall have a sewage collection system including services to the property

lines installed prior to completion and occupancy. Such collection systems within the boundaries of the tract shall be capped pending availability of a connection to the expected treatment system. The Committee shall make diligent inquiry into all municipal, state, and federal policies which bear upon the likelihood that service will, in fact, be provided on schedule. If payments from the developer and/or owner are a precondition to provision of a sewage service, the requirement that appropriate funds be placed in escrow may be imposed.

## **16.9 DESIGN STANDARDS**

### **16.9.01 General**

Subdivision and minor subdivision lay-outs shall be planned in proper relation to existing and proposed streets, topography, surface water, vegetation cover, and other natural features and the most advantageous development of all adjoining areas.

### **16.9.02 Street Lay-Out; General Standards**

Street lay-outs shall conform to the arrangement, width, and location indicated on any applicable official map or comprehensive plan of a municipality, town, or county, and shall be designed so as to be within the capability of the land and water resources, considering topography and bearing capacity of the land and potential for erosion and obstruction to flow of surface waters; at least disturb the existing terrain, flora, fauna, and water regimen; to meet all floodplain and shoreland regulations of Dunn County; to promote public convenience and safety, including fire protection, snow plowing, and pedestrian traffic; to relate all lands to be served or affected by such streets. Each lot shall have a satisfactory access to a public street. The lay-out shall recognize the functional classification of various types of streets and through traffic shall be discouraged on minor streets which serve primarily to provide access to individual lots.

- (a) When establishing curves on new or existing roadways, every effort shall be made to conform to AASHTO-Design of Highways and Streets. The County Surveyor's Office shall maintain a copy of these standards.

### **16.9.03 Street Design Standards**

Minimum and maximum standards concerned with sight distances, widths, grades, curves, and access requirements will be handled on an individual basis since no two roads would have identical engineering characteristics. The following regulations will control all newly created roads or accesses;

- (a) If the road or access is concerned with County Trunk Highways, the Dunn County Highway Department will write the special provisions concerning the road or access. If other than a County Trunk, or if access in not onto a County Trunk

- Highway, the municipality or town having jurisdiction will enumerate the provisions concerned with the road or access;
- (b) A written permit will be required for all new roads or access. The permit will be obtained from the governing unit having road jurisdiction for that area; and
  - (c) All proposed public streets dedicated in any subdivision will require a permit and concurrence from the local governing body and where applicable, the Dunn County Highway Department.

#### **16.9.04 Easements**

The Committee may require easements or widths deemed adequate for intended purposes at the property side of front yard lines, on each side or rear lot lines, on each side of all lot lines, or across lots where necessary for electric power and communications facilities; storm and sanitary sewers; streets; trees; and gas, water, or other utility lines. All easements shall be noted on the final plat followed by reference to the intended use and proprietors.

#### **16.9.05 Blocks**

- (a) Blocks in residential areas shall not exceed 1,320 feet in length.
- (b) Blocks shall have sufficient width to allow two (2) tiers of lots, except where required variation is required to separate residential development from through traffic of other incompatible conditions.
- (c) Double frontage shall be prohibited except along service roads.

#### **16.9.06 Lots**

- (a) Unless specifically waived by the Committee or other provisions of this ordinance, a separate lot shall be provided for each structure intended for residential use.
- (b) Lot size shall conform to the zoning district and sanitary code and to the following standards of this ordinance:
  - (1) Corner lots shall be platted with a width at least fifteen (15) feet wider than the minimum required by the Zoning Ordinance;
  - (2) The Committee may require that lots within subdivisions located within potential sewer service zones be arranged and dimensions so as to allow orderly re-subdivision of such parcels upon availability of sanitary sewer service. In addition, the Committee may establish control over the use and/or re-subdivision of interim multiple lots by contract or covenant requirements; and;
  - (3) The Committee may require that large lots in a rural location be restricted against further re-subdivision by restrictive covenants with the County being granted enforcement and waiver rights pursuant to Section 236.93,

Wisconsin Statutes. County approval of the final plat shall not be granted until the plat has been certified as non-objectionable by all state agencies, or county departments in the case of a county plat, having authority to object. County departments having the authority to object to a county plat are the Highway Department and the Department. The Committee shall take action on the final plat within sixty (60) days after the plat has been officially submitted. If disapproval or conditionally approved, the reasons or conditions shall be stated on the record of the Committee and forwarded in writing to the Surveyor and the subdivider.

- (4) Lot size may be reduced below minimum for utilities providing essential services, i.e. telephone switching stations, fiber optic housing; community sewer systems; Structures shall maintain shoreland and highway setback requirements but are excluded from rear yard and side yard setbacks. Lots created having less than the minimum size required in the district, shall have a statement on the face of the certified survey that its' use is for essential services and any other use will require full compliance with the provisions of the district. In no event shall the allowable number of units be increased due to lot size reduction for essential services.

#### **16.9.07 Parks, Playgrounds, and Open Space**

In the design of the subdivision, due consideration shall be given to the preservation of suitable sites of adequate area for future schools, parks, playgrounds, drainage ways and other public purposes. Such areas as are shown on an adopted master plat or official map shall be made a part of the subdivision design. Consideration shall also be given in the design of the subdivision to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourses, watersheds and ravines.

#### **16.9.08 Storm Water Drainage**

The design of the subdivision shall include provision for storm drainage facilities, as needed, to permit the unimpeded flow of natural watercourses; to insure drainage of all points along the line of streets; to provide positive drainage away from on-site sewage disposal facilities. Special consideration shall be given to prevention of erosion and sedimentation and prevention of excess runoff on adjacent properties. The Committee may require easements and/or the construction of dedicated drainage ways sufficient to accommodate anticipated storm water runoff.

### **16.9.09 Utility Placement**

Utilities may not place any poles, pedestals, lines (overhead or underground), within three (3) feet of any monumented section corner or property corner.

## **16.10 CONDOMINIUM DEVELOPMENTS**

### **(a) Purpose.**

(1) The County Board of Supervisors hereby finds that certain issues arise in condominium developments that require limited applicability of this Chapter to condominium developments. The State Legislature has recognized that subdivision ordinances may apply to condominiums but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.

(2) The factor that makes this Chapter applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate "parcels," with each property entity having different ownership and management. The County Board of Supervisors determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management, and control.

(3) Thus, the County Board of Supervisors hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:

- a. Additional population density.
- b. Possibility of use of particular land in a manner unsuitable to the land's characteristics.
- c. Additional demands upon area parks, recreation areas, utility facilities and schools.
- d. Additional traffic and street use.

(b) **Applicability.** Any condominium, including, if applicable, lands designated for condominium expansion and/or multiple condominiums subject to the same master association, which shall be construed to be one condominium for the purposes of this Ordinance, established or amended according to Chapter 703, Wisconsin Statutes, in which land is allocated into building sites of less than twenty (20) acres where the individual portions of land are defined as "units," shall be subject to the requirements and approval procedures of this Chapter. Standards of 16.1, 16.2, 16.3, 16.4, 16.5, 16.6, 16.7, 16.8, and 16.9 shall apply to all condominium projects subject to this

section. The technical requirements for minor subdivisions, preliminary plats and final plats set forth in Sections 16.3, 16.4 and 16.5 shall not apply, since condominiums have separate technical standards set forth in Chapter 703, Wis. Stats. Lot size and dimension standards of Section 16.9.06 shall be applied to condominiums by description in the application of lot equivalents per each structure and the lot equivalents shall satisfy lot standards. In the application of these standards, condominium projects shall be subject to no more restrictive rules than non-condominium projects that are physically equivalent.

(c) **Exceptions** This Section shall not apply to the following:

(1) Any condominium plat recorded prior to the effective date of this Chapter.

(2) Any conversion of a structure or structures in existence on the effective date of this Chapter to a condominium after the effective date of this Chapter.

**16.11 OTHER CONDOMINIUM PLAT REVIEW**

Section 703.115 of the Wisconsin Statutes is hereby incorporated by reference and shall apply until amended and then shall apply as amended. Any condominium plat that is not subject to 16.10(b) above, or any condominium plat in an incorporated city or village within Dunn County, shall be reviewed pursuant to the standards prescribed by Section 703.115 of the Wisconsin Statutes, by the Department, prior to recording with the Dunn County Register of Deeds.

**16.12 FEES**

(a) The subdivider shall pay the County all fees hereinafter specified to defray any administrative expenses:

<b>Type of Review</b>	<b>Fees</b>
Certified Survey Map (1 <sup>st</sup> lot)	\$ 150.00
Cost per additional lot	\$ 20.00
State Plat	\$ 1,000.00
cost per additional lot	\$ 20.00
County Plat	\$ 1,000.00
Cost per additional lot	\$ 20.00
Condominium Plat (>5 units)	\$ 1000.00
cost per additional unit	\$ 20.00
Condominium Plat (<4 units)	\$ 250.00
cost per additional unit	\$ 20.00
Certified Survey Map Resubmittal	\$ 100.00
Condominium Plat Review under 16.11	\$ 500.00

(b) The subdivider shall pay to the County at times specified by the committee, a fee equal to the actual costs to the County of any engineering and/or legal work incurred by the County in conjunction with the plat review. Engineering work shall include preparation of

construction plans and specifications and inspections; legal work shall include the drafting of contracts between the County and the subdivider and review of covenants, easements, and documents involved in dedications.

### **16.13 ENFORCEMENT**

- (a) It is unlawful for any person to build upon, divide, convey, record, or monument any land in violation of this ordinance or the Wisconsin Statutes, and no person, firm or corporation or their agents shall be issued a permit by the County authorizing the building upon or improvement on, any subdivision, minor subdivision, replat, road right-of-way plat or County Plat subdivision within the geographic jurisdiction of the ordinance not on record as of the effective date of this ordinance have fully been met.
- (b) Any person, firm or corporation who fails to comply with the provisions of this Chapter or who shall willfully enter into a conspiracy with one or more other persons for the purpose of circumventing this Chapter, shall, upon conviction thereof, forfeit no less than Two Hundred Dollars (\$200) nor more than Two Thousand Dollars (\$2,000) and the costs of prosecution for each violation, and in default of payment of such forfeiture costs shall be imprisoned in the County Jail until payment thereof, but not exceeding ninety (90) days. Each day a violation exists or continues shall constitute a separate offense.
- (c) Recordation improperly made has penalties provided in Section 236.30, Wisconsin Statutes.
- (d) Conveyance of lots in unrecorded plats has penalties provided in Section 236.32, Wisconsin Statutes.
- (e) Monuments disturbed or not placed have penalties provided in Section 236.32, Wisconsin Statutes.
- (f) Assessor's plat made under Section 70.27, Wisconsin Statutes, may be ordered by the County at the expense of the subdivider/developer when a land division is created by successive divisions.

### **16.14 CIVIL PENALTIES**

The civil remedies provided by Sections 236.30 and 236.31 of the Wisconsin Statutes shall be available to the County Board of Supervisors.

### **16.15 APPEALS**

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Section 236.13(5) of the Wisconsin Statutes, within thirty (30) days of notification of 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 the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

**16.16 SEVERABILITY**

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

Adopted March 22, 2006.