

**Richland
County
Land Division
Ordinance**

Ordinance
00-11

RICHLAND COUNTY LAND DIVISION ORDINANCE

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Ordinance 00-11

Establishing a County-wide Land Division Ordinance:

The Richland County Board of Supervisors does hereby ordain as follows:

1. AUTHORITY AND GENERAL PROVISION

1.01 STATUTORY AUTHORITY

These regulations are adopted under the authority granted by Chapter 236 and Sections 59.02, 59.69, 236.45, 281.31 and 703.27 Wisconsin Statutes.

1.02 TITLE

This ordinance shall be known as the "Richland County Land Division Ordinance".

1.03 PURPOSE AND INTENT

- 1) The purpose of this chapter is to regulate and control the division of land within the unincorporated areas of the county for the following purposes: To promote the public health, safety and general welfare; to further the orderly layout and use of land; to prevent the overcrowding of land; to lessen congestion on the roads, streets and highways; to provide for adequate light and air; to facilitate adequate provisions for water, sewerage and other public requirements; to provide for proper ingress and egress; to prevent and control erosion, sedimentation and other pollution of surface and subsurface waters; to preserve natural vegetation and cover and promote the natural beauty of the county; to ensure adequate legal description and property survey monumentation of the subdivided land; to provide for the administration and enforcement of this chapter; and to provide penalties for its violation.
- 2) It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any recorded easements, covenants, deed restrictions or agreements, adopted ordinances, rules and regulations or permits previously issued pursuant to law. However, whenever this chapter imposes greater restrictions, the provision of this chapter shall govern.

1.04 VALIDITY AND REPEAL

- 1) If any section, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the chapter shall not be affected thereby.
- 2) All other ordinances or parts of ordinances of Richland County, (including the Richland County Floodplain, Shoreland, Sanitation, Sub-Division Ordinances)

inconsistent or in conflict with this ordinance, to the extent of inconsistency or conflict only, are hereby repealed.

1.05 DEFINITIONS

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

- 1) ACT OF DIVISION: The execution and delivery of a deed, land contract or other conveyance which has the effect of dividing an existing parcel of land into two or more smaller lots or parcels or the recording of a certified survey map or Chapter 236 plat which has a similar effect.
- 2) ADMINISTRATOR: The Richland County Zoning Administrator.
- 3) BLOCK: A group of lots existing within well defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter or other name through which it may be identified.
- 4) BUILDING: Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind and which is permanently affixed to the land.
- 5) CERTIFIED SURVEY MAP: A map of land division, not a subdivision, prepared in accordance with Section 236.34, Wisconsin Statutes, and in full compliance with the applicable provisions of this ordinance. A certified survey map has the same legal force and effect as a subdivision plat.
- 6) COMMITTEE: The Richland County Zoning Committee as authorized by Section 59.69, Wisconsin Statutes.
- 7) CUL-DE-SAC: Roads having one end open to traffic and the other permanently terminated by a vehicular turnaround.
- 8) EASEMENT: A grant by a property owner for the right to use all or part of the owner's land for a specific limited purpose.
- 9) DEPARTMENT: The Richland County Zoning Administrator and his/her staff.
- 10) FINAL PLAT: The map of record of subdivision, and any accompanying material.
- 11) FRONTAGE: The length of the front property line of the lot, lots, or tract of land abutting a public street, road, highway or public right-of-way.
- 12) GRADE: The slope of a road, street, alley, footpath, lot or block, specified in percent.
- 13) HALF STREET: A street or highway, typically bordering upon a boundary of a subdivision, which is only one-half the width of such a street or highway required by this ordinance.

- 14)HIGHWAY: Synonymous with street or road.
- 15)HIGHWAY, MAJOR: A designated federal, state or county highway.
- 16)IMPROVEMENT, PUBLIC: Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, park, parkway, public access, sidewalk, pedestrian walk-way, planting strip, off-street parking area or other facility for which the county or town may ultimately assume the responsibility for maintenance and operation.
- 17)LAND DIVISION: The division of a lot or parcel of lands into 2 or more smaller parcels for the purpose of transfer of ownership or building development.
- 18)LOT: A portion of a subdivision or other parcel of land which may be intended for transfer of ownership or for building development.
- 19)LOT, CORNER: A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding one hundred thirty-five degrees.
- 20)LOT, THROUGH: Also known as a double frontage lot, a lot which has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. On a "through lot" or "double frontage lot" both street lines shall be deemed front lot lines.
- 21)NAVIGABLE WATER: As defined in Sec. 281.31(2) Wisconsin Statutes or in Administrative Code NR 115 or in Richland County Shoreland Ordinance, whichever has the broader definition.
- 22)OUTLOT: A parcel of land other than a lot or block, intended for transfer of ownership, dedication or for use as a private right-of-way. An outlot may not be used as a building site unless it is in compliance with restrictions imposed under this ordinance with respect to building sites. An outlot may be the site of a private road or private alley, a non-buildable parcel having poor soils or topographic conditions or a remnant parcel.
- 23)OWNER: Any person, group of persons, firm, corporation or any other legal entity having legal title to land sought to be divided under this ordinance.
- 24)PARCEL: All of a contiguous area of land to which legal or equitable title is held by a single owner, regardless of whether the owner acquired the land by one conveyance or by more than one conveyance and regardless of whether the contiguous land lies in more than one political unit.
- 25)PRELIMINARY PLAT: A map showing the salient features of a proposed subdivision, submitted to the committee for purposes of preliminary consideration.
- 26)RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a street, walkway, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for a similar use. The usage of the term "right-of-way" for land established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and

not include within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, walkways, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be shown on the plat or certified survey map and shall be dedicated to such public use by the owner of the lands depicted on the plat or certified survey map.

- 27)ROAD: Synonymous with “street”.
- 28)ROADWAY: The surfaced portion of a street or highway available for vehicular traffic.
- 29)SEWAGE DISPOSAL SYSTEM, a/k/a PRIVATE ON-SITE WASTE DISPOSAL SYSTEM: An on-site septic, aerobic, experimental, holding or other system approved for use by the Wisconsin Department of Commerce and conformity with all applicable codes.
- 30)STREET: A public or private right-of-way which affords a primary means of vehicular access to abutting properties, whether designated as a drive, street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but excepting private driveways to buildings.
- 31)STREET, MAJOR: A street which carries traffic from minor streets to the system of major highways, including the principal entrance streets of a residential development and the principal circulating streets within such a development. Town highways known as roads or drives are typically designated as major streets.
- 32)STREET, MINOR: A street of limited continuity used primarily for access to abutting properties and local needs of a neighborhood. Town highways known as lanes are typically designated as minor streets.
- 33)SUBDIVIDER: Any person, corporation, partnership, LLC or other legal entity or authorized agent thereof who undertakes the subdivision of land as defined in this section.
- 34)SUBDIVISION, STATE: A division of a lot, contiguous parcel or tract of land for the purpose of sale or of building development, where:
- a) The act of division creates five or more parcels or building sites of one and one-half (1-1/2) acres each or less in area; or
 - b) Five (5) or more parcels or building sites of one and one-half (1-1/2) acres each or less in area are created by successive divisions within a period of five (5) years
 - c) Or as defined by Chapter 236 Wisconsin Statutes
- 35)SUBDIVISION DESIGN STANDARDS: The basic land planning standards established as guides for the preparation of preliminary plats and certified survey maps.
- 36)TRACT: Synonymous with “parcel”.

- 37)WALKWAY: A walkway or crosswalk is a right-of-way within a block, dedicated to public use and intended primarily for pedestrians, but which may include utilities where necessary.
- 38)WATER SUPPLY, PRIVATE: A well, or any other domestic water source and appurtenances, usually supply only one lot.
- 39)ZONING REGULATIONS: All zoning regulations or ordinances duly adopted or approved by the governmental unit having zoning jurisdiction.

1.06 GEOGRAPHICAL JURISDICTION

The provisions of this ordinance apply to all unincorporated lands within Richland County, except land which is within the extraterritorial zone of a city or village which has properly exercised its extraterritorial zoning authority. Where a duly adopted town subdivision ordinance contains more restrictive provisions than the provisions of this ordinance then the towns more restrictive provisions shall apply. When any town adopts a subdivision ordinance after the effective date of this ordinance, no provisions of such town ordinance shall be less restrictive than the provision of this ordinance. This ordinance shall not repeal, impair or modify private covenants or other ordinances, except that it shall apply whenever it imposes stricter regulations.

Cr. 4-26-00; 4-25-06, 06-9, add ETZ

1.07 LAND DIVISIONS GOVERNED BY THIS ORDINANCE

- 1) This ordinance shall apply to the act of division of a contiguous lot, parcel or tract on the effective date of this Ordinance for the purpose of recording where such act of division creates one (1) or more new lots, parcels or tracts which are ten (10) acres or less in area.
- 2) The Certified Survey Map requirements of this Ordinance shall apply to any survey prepared for the purpose of monumenting or describing an existing lot, tract or parcel 10 acres or less in size which was previously conveyed by a metes and bounds or rectangular description. In addition to other requirements of this Ordinance for a Certified Survey Map, the recording date of the last previous deed of record conveying such lot, tract or parcel shall be shown on the face of the map.
- 3) This ordinance shall not apply to (see Section 236.45(2)) Wisconsin Statutes:
 - a) transfers of interest in land by will or pursuant to court order.
 - b) leases for a term not to exceed ten (10) years, mortgages or easements.
 - c) the sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the parcels resulting are not reduced below the minimum lot sizes required by this Ordinance or other applicable laws and ordinances. A survey map depicting the lands being exchanged or the parcels as they will exist after the exchange for the purpose of verifying that additional lots are not thereby created and the lots resulting therefrom are not reduced below the minimum sizes required by law shall be required unless there are existing Certified Survey Maps or

subdivision plats depicting the lands involved in the sale or exchange so that such verification can be made without the need for new or additional surveys.

- d) assessor's plats made under Section 70.27, Wisconsin Statutes.
- e) transfers of parcels which are larger than 10 acres, excluding any public highway right-of-way.
- f) a correction document executed solely for the purpose of merely correcting typographical or scrivener's errors in a document recorded prior to the effective date of this ordinance.
- g) conveyance of land to a governmental unit for street or highway purposes.
- h) options to purchase. However, this Ordinance shall apply to a conveyance given upon the exercise of an option to purchase, whether the option was granted before or after the effective date of this ordinance.
- i) a deed in performance of a land contract entered into prior to May 1, 2000, which conveys all of the real estate originally conveyed by the land contract. However, this Ordinance shall apply to a deed given in partial performance of any land contract if the deed conveys a parcel which is less than the entire parcel of real estate originally conveyed by the land contract and which is 10 acres or less in area.

Cr. 4-26-00; 7-18-00, 2000-15 add 2, renumber 2 to 3

1.08 CLASSIFICATION OF LAND DIVISIONS

Any contiguous parcel or tract of land which is owned, controlled or managed as a single entity shall be treated as a single parcel or tract for the purpose of this ordinance unless it is divided by an existing dedicated street, public highway or by navigable water. The Zoning Administrator shall determine whether the proposed land division satisfies the above definition and this determination may be reviewed by the Committee. Land divisions are classified under this chapter as either:

1) Minor Subdivisions.

A minor subdivision shall include the creation of one (1) but not more than four (4) parcels or building sites which are ten (10) acres or less in size or the division of a lot or outlot within a recorded subdivision into not more than four (4) parcels or building sites without changing the original exterior boundaries of the lot or outlot within any five (5) year period.

2) County Subdivision.

A county subdivision shall include the creation of five (5) or more parcels or building sites which are greater than one and one-half (1-1/2) acres but not exceeding ten (10) acres in size and may include not more than four parcels of one and one-half (1-1/2) acres or less within any five (5) year period.

3) State Subdivisions.

Land divisions meeting the definition of state subdivisions are subject to mandatory State review under Chapter 236, Wisconsin Statutes, as well as County approval under this chapter.

2. PROCEDURES FOR APPLICATION AND REVIEW OF LAND DIVISIONS

2.01 PRE-APPLICATION CONSULTATION.

Prior to submitting an application for County approval of a land division it is recommended that the applicant or agent meet with the administrator. At this meeting, the applicant should inform the administrator of the location and nature of the project which will be proposed. Based upon this information, the administrator shall explain to the applicant:

- 1) Whether the proposal will require Town, County or State reviews.
- 2) Which standards of this ordinance apply and which standards of Chapter 236, Wisconsin Statutes, will apply to the land division.
- 3) The procedure to follow to submit a land division for review.

2.02 APPLICATION AND REVIEW OF MINOR SUBDIVISIONS

- 1) Minor subdivisions shall be created by use of a certified survey map (CSM). The original map and an application, on a form supplied by Richland County, shall be submitted to the administrator. It is recommended that the original CSM not be recorded until final review and approval in case any changes are required as a condition of approval.
- 2) The CSM shall comply with the requirements of Section 236.34 Wisconsin Statutes which include but are not limited to the following requirements:
 - a) Date of preparation.
 - b) Name of the owner of the parcel to be divided.
 - c) Location of existing buildings, and adjoining streets, highways, parks, cemeteries and subdivisions.
 - d) Location of existing wells, drainfield vents, septic, pump and holding tanks.
 - e) Easements or private rights-of-way which adjoin or cross the property.
 - f) If a certified survey map is created to depict boundaries of an existing parcel, reference to previous deed of record shall be included on the map.
- 3) The administrator may send any minor subdivision to state agencies for advisory review and comments upon a determination that such a referral could yield information that might be useful in the review process.
- 4) Where the administrator finds that the county requires additional information relative to a particular problem posed by the proposed subdivision, he/she shall have the authority to request such information in writing from the subdivider. Such additional information may include, but not be limited to the following:

- a) All lands reserved for future public acquisition.
 - b) Report on soil borings and percolation tests, as required by Wisconsin Administrative Code for all lots not served by public sewer.
 - c) Two (2) foot contour intervals in the areas of lots to be used for building sites and the installation of private water supplies and private sewage systems.
 - d) An erosion control plan.
- 5) The application for any proposed minor subdivision with lots, parcels, or new public streets(s) requiring direct access onto a County, State, U.S. or Federal Highway shall be reviewed by the highway commissioner or Wisconsin Department of Transportation (DOT) as appropriate. When access is being requested onto a town road or county highway, a copy of the application shall be forwarded to the town chairman or highway commissioner by the zoning administrator at the time of application. If, within five (5) workdays, the application has not been approved or denied the survey may be reviewed pursuant to Section 2.02 (6). When access is being requested onto a State, U.S. or Federal Highway, there shall be compliance with the provisions of Administrative Code TRANS 233. A copy of the decision of the Wisconsin Department of Transportation shall be submitted with the request for review of a survey map.
 - 6) The administrator shall review and approve, conditionally approve, or disapprove a minor subdivision within twenty (20) work days from the date that a complete application is submitted unless this time period is extended by mutual agreement between the owner or his agent and the administrator. A minor subdivision may be approved upon submittal provided an appointment has been made with the administrator. The administrator's decision shall be based upon the standards of this ordinance and shall be provided to the subdivider in writing.
 - 7) The approval or disapproval of a minor subdivision by the administrator is appealable to the Richland County Zoning Committee. Appeals shall be filed within thirty (30) days of the date of the written decision of the administrator on forms available from the department.
 - 8) The administrator shall transmit one copy of the minor subdivision to each of the town clerk and town chairman of the board in which the division has been approved.

2.03 APPLICATIONS AND REVIEW OF PROPOSED COUNTY SUBDIVISION

- 1) The requirements applicable to a minor subdivision set forth in 2.02(2), (4) and (5) shall apply to County Subdivisions.
- 2) County subdivisions shall comply with the requirements and procedures set forth in 2.04 of this ordinance except that no transmittals to or approvals from the stat objecting agencies are needed unless required by the Zoning Administrator where he/she finds a State review to be necessary.

- 3) The developer may request waiver of soil testing as required by 2.04 (2) (b) of this ordinance. Where soil survey maps and department records indicate uniform conditions exist relative to the installation of private sewage systems, testing may be waived. Where the County has waived soil-testing requirements, the developer shall provide a statement on the face of the plat that soil suitability for construction and operation of private sewage systems has not been verified.
- 4) All lots in county subdivisions shall have direct access to public streets. County subdivisions shall not be approved where private roads or easements are proposed to provide access. [4.03 (10)]

2.04 APPLICATION AND REVIEW OF PROPOSED STATE SUBDIVISIONS

- 1) **Pre-Preliminary Plat Conference.** Where it is desired to create a state subdivision it is recommended that the subdivider meet with the administrator and appropriate town board(s) for a conference prior to preparation of the preliminary plat.

It is also recommended that the following information be prepared for the conference.

- a) A sketch of reasonable scale and accuracy showing the boundaries of the property being considered for division.
 - b) The proposed general layout.
 - c) A description of all contiguous lands owned by the divider.
 - d) Existing and proposed zoning for the subdivision.
- 2) **Preliminary Plat Submittal Requirements.** For all state subdivisions, a preliminary plat conforming to Section 236.11 Wisconsin Statutes shall be prepared for review. Material and information to be submitted shall include the following:
 - a) A preliminary plat map based upon a survey by a land surveyor registered in Wisconsin and a written application prepared on a form provided by the department. The plat shall show correctly on the face the following information:
 1. A legal description of the exterior boundaries of the proposed land division and total area in acres or square feet to be divided.
 2. Ordinary High Water Mark or, where established, an OHW elevation based on USGS datum, and boundaries of wetlands within or contiguous to the subdivision, from the most recent DNR Wetlands Inventory Maps or as staked in the field by a wetland delineator as approved by the state.
 3. Any existing lake, river or stream access.
 4. The regional floodplain boundary if boundary if floodplain lands fall within the proposed plat.

- b) Report on soil borings and percolation tests are required in COMM 85, Wisconsin Administrative Code.

The department shall be notified by the developer or soil tester at least two (2) work days prior to conducting soil tests for any proposed subdivision for the purpose of making a field appointment. Unless waived by the administrator, he/she, or a department representative shall be on site for all soil testing.

- a) Where the administrator finds that the county requires additional information on the preliminary plat or the accompanying documents, relative to a particular problem presented by the proposed subdivision, he/she shall have the authority to request in writing the additional information including, but not limited to, the following:
 - 1. Identification of surface drainage patterns, showing direction of flow, grading plan and indicating the manner and extent to which the drainage patterns will be altered by the subdivision and its development and an erosion control plan.
 - 2. Proposed or existing deed and/or plat restrictions.
 - 3. Identification of owners of record of abutting nonplatted lands and a plan for future use and development of adjoining land owned by the subdivider.
- b) The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of the features and that he has fully complied with this ordinance.

3) Preliminary plat approval process

- a) For all preliminary plats not served by a public sewerage system, the department shall act as the agent for distribution of copies to all objecting and approving agencies and other agencies such as utility companies. The number of copies of each plat shall be determined by the "Zoning Administrator's Checklist for Distribution of Plats".
- b) The committee, within ninety (90) days of the date of filing of a complete preliminary plat and application with the administrator shall approve, approve conditionally or reject such plat unless the time is extended by mutual agreement with the divider. A letter setting forth the conditions of approval or the reasons for rejection shall be sent to the divider. One (1) copy of each of the plat and letter shall be placed in the committee's permanent file.
- c) Failure of the committee to act within ninety (90) days, or the time as extended by agreement with the subdivider, shall constitute an approval. The ninety (90) day time period shall commence with the filing of the complete plat and application and not the preliminary conference.
- d) The committee or approving authority shall not approve any preliminary plat which is subject of an objection of an objecting agency.

- e) The administrator shall not place the preliminary plat on the committee agenda for review unless there has been a complete submittal at least five (5) work days prior to the meeting.
- 4) **Final Plat.** Upon approval of the preliminary plat, the subdivider or agent shall prepare a final plat for review. The application and review shall include the following:
- a) A final plat prepared by a land surveyor registered in Wisconsin. The plat shall comply with all applicable requirements of Chapter 236 Wisconsin Statutes.
 - b) In addition to the requirement of Chapter 236 Wisconsin Statutes the final plat shall correctly show on its face:
 - 1. Lands reserved for future public acquisition or for the common use of the property owners within the subdivision. Such lands shall be described and established as outlots.
 - 2. Special restrictions required by the reviewing authorities.
 - 3. Final plats shall provide all certificates required by Section 236.21 Wisconsin Statutes, and in addition, the surveyor shall certify specific compliance with all provisions of this ordinance.
 - c) The administrator shall not place a final plat on the committee agenda for review unless the plat or a true copy is submitted at least five (5) workdays prior to the meeting.
 - d) The committee, within sixty (60) days of the date of filing of a complete final plat with the administrator, shall approve, approve conditionally, or reject such plat, unless the time is extended by mutual agreement with the subdivider. If approved, the certifications of the plat shall be completed. If approved conditionally, the certifications shall not be completed until the conditions are met. If rejected, a letter or copy of the committee minutes setting forth the reasons for rejections shall accompany the plat.
 - e) Failure of the committee to act within the sixty (60) days, or the time as extended by agreement with the subdivider, shall constitute an approval.
 - f) The committee shall not choose to approve any final plat, which is the subject of an objection of any objecting agency.
 - g) Relationship between preliminary and final plat:
 - 1. Approval of a preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted and a guide to the preparation of the final plat which will be subject to further consideration by the committee at the time of its submission.
 - 2. If the final plat conforms substantially to the preliminary plat as approved, including any conditions of the preliminary approval, and to local plans and ordinances authorized by law, it is entitled to approval. If the final plat is not submitted within six (6) months of the last required

approval of the preliminary plat, any approving authority may refuse to approve the final plan.

- h) Partial platting. The final plat may constitute only that portion of the approved preliminary plat that the subdivider proposes to record at that time. Approval of a final plat for only a portion of the preliminary plat shall extend approval for the remaining portion of the preliminary plat for twelve (12) months from the date of such final plat approval unless extended by the committee.
- i) Deed restrictions. The committee reserves the right to add or require further deed restrictions or covenants as provided in Section 236.293 Wisconsin Statutes, as a condition of final plat approval.

3. SUITABILITY STANDARDS

APPLICABLE TO MINOR SUBDIVISIONS AND STATE SUBDIVISIONS

3.01 GENERAL

- 1) Section 236.45 Wisconsin Statutes authorizes the County to prohibit the division of lands where such prohibition will carry out the purposes set forth in this ordinance. The county may also regulate the manner of land division in areas where divisions are permitted.
- 2) The suitability standards of this section are in addition to standards set forth in other regulatory ordinances.
- 3) These suitability standards shall be applied to all proposed land divisions under the authority stated herein.

3.02 GENERAL SUITABILITY STANDARDS

No land shall be divided which is determined by the administrator or committee to be unsuitable for its proposed use for reasons of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage capabilities, or any other features or circumstances likely to result in the imposition of unreasonable costs or to be harmful to the health, safety or general welfare of the future residents of the land division or of the community.

3.03 ZONING

- 1) Divisions of lands under this ordinance shall be made in conformity with the provisions of the Richland County Zoning Ordinance if said zoning ordinance is applicable in the town in which the division is located.
- 2) No permanent easement shall be recorded which reduces the lot size below the minimum required for the zoning district in which the lot is located.

4. SUBDIVISION DESIGN STANDARDS

4.01 GENERAL

Subdivision design standards shall apply to all divisions of land regulated by this ordinance. Land division layouts shall be planned in proper relation to existing and proposed land divisions and streets, topography, surface water, vegetative cover and other natural features. Land divisions shall conform to any county development plan, local master plan or element thereof applicable to the lands included.

4.02 SURFACE DRAINAGE AND EROSION CONTROL

- 1) Land division shall be designed so as to minimize soil erosion and to provide reasonable management of surface water drainage. The committee may require engineering studies of erosion potentials and may impose preventive design requirements. The committee may require documentation of surface water drainage patterns and may impose design requirements to assure that flows are transported and disposed of without causing undue erosion and siltation of surface waters, undue runoff onto adjoining lands or streets or other rights-of-way or excessive infiltration into locations of on-site waste water disposal facilities. Dividers may request assistance and consultation from the department and Land Conservation Committee in meeting the above requirements.
- 2) Storm Water Easement and Drainage Right-of-Way. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such water course, and such width or construction or both as will be adequate for drainage purposes. Wherever possible, it is desirable that the drainage be maintained by an open channel with natural or landscaped banks and adequate width for maximum potential volume of flow.

4.03 PUBLIC STREETS AND ROADS AND EASEMENTS

- 1) **Streets: General Considerations.** Streets shall be designed and located in relation to existing and planned streets, to topographic conditions and natural terrain, to promote convenience and safety, and in appropriate relation to the proposed uses of land to be served by such streets.

These provisions shall apply to all streets, roads and highways within the jurisdiction of the ordinance.

- a) All newly created roads and any widened right-of-way, whether a recorded or unrecorded road, shall be surveyed by a registered land surveyor as a right-of-way plat and approved by the town(s) in which it lies and the County Zoning Department. If, when a survey is conducted adjacent to an existing town road, and there is no record of a right-of-way width, a right-of-way shall be dedicated to the town on the survey that meets the town's standards.

- b) Town road names are subject to approval by the town board and the County Zoning Department to ensure conformity with the County Wide Addressing System. Before any minor subdivision, county subdivision or state subdivision can be approved for recording, all streets and town roads shall be named with the approval of the administrator and these names as approved shall appear on the document to be recorded.

2) Arrangement of streets.

- a) All streets shall be properly integrated with the existing and proposed system of streets, highways and dedicated rights-of-way.
- b) All streets shall be properly designed to accommodate special traffic generators, such as industries, business districts, schools, churches and shopping centers.
- c) Minor streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and sewer systems, and to require the minimum amount of streets necessary to provide convenient and safe access to property.
- d) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the committee such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
- e) In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

3) Access to Major Streets. The number of residential streets entering a major street shall be kept to a minimum. Where a subdivision borders on or contains an existing or proposed major street, the committee may require that access to such major streets be limited.

4) Width of Streets. Right-of-way and paving widths of all streets shall be determined by the town board of the town in which the street is located but shall not be less than that specified in Section 86.26 Wisconsin Statutes.

5) Cul-de-Sacs or Dead End Streets.

- a) The use of cul-de-sacs in street layouts shall be limited to portions of developments which, due to unusual shape, size, location, topography, floodplain, wetland or other condition may better be served by cul-de-sacs than by continuous streets. A layout making unrestricted use of cul-de-sacs or courts will not be acceptable.

- b) A cul-de-sac shall not be longer than eight hundred fifty (850) feet, measured on its centerline unless, by reason of topography or other circumstances beyond the control of the developer, the committee, upon the recommendation of the administrator, finds a greater length to be justifiable.
 - c) The diameter of the road of a permanent cul-de-sac shall not be less than eight-five (85) feet. The improved roadway shall not be less than seventy-five (75) feet in diameter.
 - d) Temporary cul-de-sac or "T" turnarounds may be required where a roadway will not be immediately completed as a through street. The committee may approve turnarounds of smaller diameter or different design on a case by case basis.
- 6) **Half Streets.** Half streets in new subdivisions shall not be permitted without committee approval. Where a half street is adjacent to a new subdivision, the other half of the street shall be dedicated by the subdivider. Where a new subdivision abuts an existing street of inadequate right-of-way width, additional right-of way width shall be required to be dedicated and the subdivider shall meet the requirements of this ordinance.
- 7) **Street Intersection.**
- a) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection to two new streets at an angle of less than seventy (70) degrees shall not be acceptable. Not more than two (2) streets shall intersect at any point unless specifically approved by the Committee.
 - b) Proposed new intersections along one side of an existing street shall coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted. Where streets intersect major streets their alignment shall be continuous.
 - c) The street grade at intersections may not exceed standards determined by the Richland County Highway Commissioner of the town board on a case by case basis.
 - d) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer, at the direction of the town board, shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide adequate sight distance.
- 8) **Alleys**
- a) Alleys may be required by the committee where deemed necessary.
 - b) The width of alleys shall not be less than twenty-four (24) feet.

- c) Dead end alleys are prohibited except under very unusual circumstances, and crooked and “T” alleys shall be discouraged. Where dead end alleys are unavoidable, they shall be provided with adequate turnaround facilities at the dead end.
- 9) **Easements**
- a) Utility easements shall be at least ten (10) feet wide.
 - b) Roadway easements, if allowed, shall be at least sixty-six (66) feet wide.
- 10) **Minimum lot frontage.** Every residential lot or parcel created under the terms of this Ordinance shall have a minimum of 33 feet of frontage directly on a public street. Where the terms of this section cannot be met, a modification as authorized by 7.03(2)(a) may be requested.

4.04 LOTS AND BLOCKS

- 1) **Residential blocks.**
- a) The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated.
 - b) Walkways, not less than ten (10) feet wide, may be required by the Committee through the center of blocks more than nine hundred (900) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.
- 2) **Nonresidential blocks.** Blocks designed for business, commercial, or industrial uses shall be of such length and width as may be determined suitable by the committee for the prospective use.
- 3) **Lots.** In 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. Lot dimensions shall conform to the requirements of applicable zoning regulations. No lot area calculation shall include any road right-of-way or permanent easement.
- 4) **Residential lots.** Residential lots to be served by private sewage systems shall comply with the rules of the Wisconsin Department of Commerce and the Richland County Sanitation Ordinance.
- 5) **Business, commercial and industrial properties.** Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the applicable zoning regulations.
- 6) **Corner lots.** Corner lots for residential use shall have extra width to permit full building setback as required in the appropriate zoning regulations.
- 7) **Lot frontage.** Every lot shall front on or abut a roadway as required by town ordinance or 4.03 (10) of this ordinance.

- 8) **Drainage requirements.** Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
- 9) **Lot lines.** Lot lines shall follow municipal boundary lines whenever practicable, rather than cross them.
- 10) **Through lot and double frontage lot.** Through lots and double frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

4.05 LAND NEAR WATER'S EDGE

The lands lying between the meander line, established in accordance with Section 236.20(2)(g) Wisconsin Statute and the water's edge and any otherwise unplattable lands, such as floodways, which lie between a proposed land division and the water's edge shall be included as part of lots, outlots or public dedications in any map or plat abutting a lake or stream. This requirement applies not only to lands proposed to be divided, but also to all lands under option to the subdivider or in which he holds an interest and which abut a lake or stream as provided in Section 236.16(4) Wisconsin Statutes. Lands located below the ordinary high water mark of any navigable water shall not be included in the total area of any lot or parcel created under the terms of this ordinance. See OAG-88-78.

4.06 RESERVATION OF LAND

When applicable, reservation of land shall be required which is in conformance with any county development plan or parts thereof.

5. DEDICATIONS AND IMPROVEMENTS

5.01 DEDICATIONS

- 1) **Roads.** The subdivider shall be required to offer for dedication to the county or town, whichever is applicable, all streets, roads and other public ways which are proposed to be established within the subdivision.
- 2) **Terms of reservation.** Reservation of land for public acquisition shall be for a period specified by the committee not to exceed ten (10) years. Land so dedicated or reserved shall be shown on the final plat.
- 3) **Method of offering dedications.** Dedications shall be effected as provided in Section 236.29 Wisconsin Statutes. Dedications to the county shall require approval of the Richland County Board of Supervisors. Dedication to a town shall require approval of the town board.

5.02 IMPROVEMENTS

- 1) **Survey monuments.** The surveyor shall install all survey monuments in accordance with the requirements of Section 236.15 Wisconsin Statutes.
- 2) **Ties to the County Coordinate System.** Any state or county plat or CSM recorded in the Register of Deeds office or any plat of survey recorded in the county surveyor's office shall be tied by lengths and bearings to the boundary line of a quarter section, private claim or federal reservation in which the subdivision lies; and description of monuments at ends of the line; and bearing and distance between those monuments. Boundary bearing references shall be the bearings established by the county in its county coordinate system. If no bearings have been established on any of the boundaries of the section being work in, a reference to a magnetic, true or other identifiable direction may be used for reference to the boundary. When re-dividing an existing CSM or subdivision plat which is already connected to county bearings the re-division may be referenced to those bearing.

5.03 COMMENCEMENT OF IMPORVEMENTS AND CONSTRUCTION

Commencement. No construction or installation of improvements shall commence in a proposed subdivision until the final plat has been approved by all reviewing authorities; provided, however, that construction or installation of improvements may commence following approval of a preliminary plat if the committee's approval of the preliminary plat included explicit approval of such commencement.

6. CONDOMINIUMS

6.01 INTENT

This ordinance is specifically made applicable to condominiums. It is the intent of this section to regulate condominiums as they relate to zoning and the division of land for the purpose of establishing any condominium plat.

6.02 ZONING

Land divided for the establishment of a condominium plat shall meet the requirements of the Richland County Zoning Ordinance or Town Zoning. Ordinance in independently zoned towns.

6.03 CONDOMINIUM PLATS

A condominium plat shall be submitted to the committee for review and approval on the same basis as a state subdivision.

6.04 STANDARDS

- 1) The provision of this code relating to Suitability Standards, Design Standards and Dedications and Improvements of this ordinance, shall apply to condominium plats, where appropriate.

- 2) Condominium plats shall meet the requirements of Chapter 703.11 Wisconsin Statutes.

6.05 UNITS

- 1) Unlike subdivision of lots and blocks, units, as defined in Chapter 703 Wisconsin Statutes are applied to condominium plats. Units shall be fully described as provide by Section 703.12 Wisconsin Statutes.
- 2) Units within multi-unit or multi-story structures shall be shown and described on the plat.

6.06 APPROVAL

As a condition of approval of condominium plats, the committee may consider all provisions of Chapter 703 Wisconsin Statutes prior to granting approval for the recording of the instruments specified.

7. ADMINISTRATION AND ENFORCEMENT

7.01 ZONING COMMITTEE

The Zoning Committee as appointed by the Richland County Board, shall be empowered to conduct such hearings and meetings as necessary in accordance with this ordinance and to approve, conditionally approve or reject applications under the terms as set forth herein and set fees and adjust them from time to time as is deemed necessary.

7.02 ZONING ADMINISTRATOR

The administrator shall be responsible for the administration and enforcement of this ordinance and may delegate duties to subordinates within the department.

7.03 FEES, ENFORCEMENT, PENALTIES, VARIANCES AND APPEALS

- 1) **Fees**
 - a) Application fees. The subdivider shall pay the fees specified below at the time of formal submission of application.
 1. Minor subdivision review, Fifty dollars (\$50.00)
 2. State and county subdivision review.
 - a. Preliminary plats – sewer and unsewered – Two hundred fifty dollars (\$250.00)
 - b. Final state plat: Thirty-five dollars (\$35.00)
 - c. Final county plat: One hundred dollars (\$100.00)
 3. Replat. The same fees as listed in paragraph 2. b).
 4. Preliminary condominium: One hundred fifty dollars (\$150.00)
 5. Final condominium plat: Thirty-five dollars (\$35.00)

6. Land division ordinance: Three dollars (\$3.00) per copy.
 - a. Legal and engineering fees. Upon mutual agreement, the subdivider shall pay the county at times specified by the committee, a fee equal to the actual cost to the county of any engineering 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 a review of covenants, easements and documents involved in dedications.
 - b. Permit fees shall be set and amended from time to time by the Richland County Board of Supervisors.
 - c. A double permit fee will be charged for all after-the-fact permit applications to partially recover the cost of obtaining compliance.

2) Variances and appeals.

- a) Variances. Where, because of unique topographic or other conditions of the land involved, or because of other conditions predating adoption of this ordinance, or to achieve consistency with a city or village extraterritorial ordinance, it is inappropriate to apply literally the provisions of this ordinance and where such literal application would impose undue hardship, the committee may vary the requirements of this code. The committee may attach conditions to the granting of such variances to assure that the purpose and intent of the ordinance are observed and that compliance with state law is achieved.
- b) Appeals
 1. The Richland County Board of Adjustments shall hear and decide appeals where it is alleged that the administrator erred in applying the provisions of this ordinance. Any person aggrieved by a failure to approve any land division or condominium plat may appeal therefrom to the courts as provided in the Wisconsin Statutes.

3) Replats, vacations or alterations in recorded plats

- a) Replats of all or part of a recorded land division shall occur pursuant to Sections 236.36 through 236.455 Wisconsin Statutes.
- b) Upon submission to the county of a preliminary plat for an area for which a plat was vacated or altered by action pursuant to Sections 236.40 through 236.44 Wisconsin Statutes the committee shall hold a public hearing. While the proposed new plat is pending before the committee, notices of the hearing shall be mailed to the owners of all properties within the area of the subdivision and to all landowners within three hundred (300) feet of the proposed replat.

4) Surveying, mapping and recording of documents

Any division of land which results in a state subdivision, county subdivision, minor subdivision or condominium plat as defined in this ordinance, shall be surveyed, mapped or platted, and the map or plat shall be approved as provided herein. The approved map or plat shall be recorded with the Richland County Register of Deeds prior to conveying any lot, parcel or tract included within the proposed division. However, in the case of a subdivision which has been the subject of a preliminary plat approved by the committee, offers to purchase or contracts to convey parcels, lots, or tracts within the proposed land divisions may be entered into pending approval of the final plat if the offer to purchase or contract to convey states on its face that it is contingent upon recording of the final plat and shall be void if such plat is not recorded within a specified time.

5) Successive Divisions

Lots may be further divided, providing the parcels resulting from the further division meet all land division standards of this and other applicable ordinances. It shall be unlawful for any person to build upon, divide, convey, record or monument any land in violation of this ordinance or the Wisconsin Statutes.

6) Enforcement & Penalties

a) Enforcement.

1. This ordinance shall be administered and enforced by the Zoning Administrator acting through the Corporation Counsel.
2. The administrator or his/her designee may issue compliance orders, field directives, suspension orders or termination orders to enforce and assure compliance with the provisions of this ordinance.

b) Imposition of forfeiture for violations.

1. Any person, partnership, corporation, limited liability company, trust, voluntary association or other legal entity who shall violate or fail or refuse to comply with any section of this ordinance or any agent of any of said entities who participates in a violation, failure or refusal to comply with any section of this ordinance shall forfeit to the County of Richland not less than \$10.00 nor more than \$500.00, together with the costs of prosecution and any applicable assessments. Each day that a violation is maintained or permitted to exist shall constitute a separate violation.
2. In the event such forfeiture, costs and assessments are not paid, any natural person adjudged liable for such forfeiture, whether the person committed the violation as a natural person or as an agent, officer, director or in some other representative capacity shall, upon order of the Circuit Court, be imprisoned in the Richland County jail until such forfeiture, costs and assessments are paid, but not to exceed 180 days.
3. Prosecution for a violation of this ordinance may be brought and maintained against any of the following violators: a natural person, any

partner of a violation partnership, any officer or director of a violating corporation or other entity, any managing member of a violating limited liability company or any trustee of a violating trust.

4. Any agent or employee of another person or entity who as such agent or employee materially participates in a violation of this ordinance shall be subject to the forfeiture imposed under b) above.
 5. The penalties of Sections 236.31 and 236.32 Wisconsin Statutes apply to this ordinance.
 6. Assessor's plats made pursuant to Section 70.27 Wisconsin Statutes may be ordered by the county at the expense of the divider or the owners of record when a land division is created by successive divisions, not in compliance with this code.
 7. The zoning department shall withhold permit(s) or approval(s) pursuant to this ordinance and also land use permits under the Richland County Zoning Ordinance, where the applicant, owner, or licensed contractor is in violation of this or any ordinance administered by the zoning department, and for any parcel(s) of land which has an outstanding violation(s) until the violation(s) has been corrected. A request for waiver of these provisions may be made, to grant or deny a permit or approval on the merits of the application, to the zoning committee.
- c) Other remedies available.
1. In addition to the imposition of a forfeiture, the County may, in circumstances it deems appropriate, bring proceeding to enjoin any violation of this ordinance or of state law, either pursuant to Section 236.31 Wisconsin Statutes or pursuant to any other authority. Any such proceeding, if brought, shall not be deemed waived by the imposition of a forfeiture for the same violation, nor shall the pursuit of injunctive or other available remedies be deemed a waiver by the County of its right to seek a forfeiture for the same violation.

Cr. 4-26-00; 7-16-02, 2002-23, Fees; 12-14-04, 2004-35, Fees; 12-12-06, 06-38, Fees; 12-10-08, 2008-29, Fees

7.04 RECORDING AND COVENANCE OF LOT OR PARCELS INCLUDED WITHIN LAND DIVISION REQUIRING COUNTY APPROVAL

- 1) **Recording.** Pursuant to Section 236.45(2) Wisconsin Statutes, the Richland County Register of Deeds is directed to accept for recording all plats and certified survey maps and accompanying documents which are required to be prepared and approved by this ordinance, and to keep and record same. No person shall attempt to record a plat or document purporting to create parcels of land for sale or development that is not in conformity with this ordinance.
- 1) **Conveyance.** Lands described in plats and maps recorded pursuant to subparagraph 1) shall be described by reference to the recorded plat or map and recording document number for all purposes, including those of assessment,

taxation, devise, descent and conveyance as defined in Section 706.01(3) Wisconsin Statutes.

7.05 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern. In their interpretation and application, the provisions of this ordinance shall be liberally construed to favor of Richland County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

7.06 WAIVER OF LIABILITY

- 1) In carrying out any of the provisions of this ordinance or in exercising any power or authority granted to them thereby, there shall be no personal liability upon the department, its agents and employees.
- 2) In such matters, it is understood that the department, its agents and employees act as agents and representatives of the county.
- 3) Since there can be considerable variations in the ability of soil to absorb sewage effluent on the individual lots approved pursuant to this code, attention is directed to the necessity of conducting individual lot soil tests by a certified soil tester as specified in Wis. Admin. Code COMM 83. There shall be no personal liability upon the department, its agents and employees where, as a result of individual lot soil tests, a state approved private sewage system other than the type expected, must be used.

7.07 EFFECTIVE DATE – This ordinance shall be effective immediately upon its passage and publication.

- 1) This ordinance shall be effective immediately upon its passage and publication.

ORDINANCE OFFERED BY THE
RICHLAND COUNTY ZONING COMMITTEE

	FOR	AGAINST
<u>Allen E. Goss</u>	✓	_____
<u>Barford Deets</u>	✓	_____
<u>William C. Ferguson</u>	✓	_____
<u>Janice Lewis</u>	✓	_____
<u>Marilyn Marshall</u>	✓	_____

Dated: April 26, 2000

Passed: April 26, 2000

Published: _____

Ann M. Greenheck

Ann M. Greenheck, Chairman
Richland County Board of Supervisors

ATTEST:

Victor V. Vlasak

Victor V. Vlasak
Richland County Clerk

ADDENDUM

2002-23	Fee change
2004-35	Fee change
06-9	Add ETZ
06-38	Fee change
2008-29	Fee change