

CHAPTER 13

OCONTO COUNTY LAND DIVISION ORDINANCE

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CHAPTER 13

OCONTO COUNTY LAND DIVISION ORDINANCE

13.100 TITLE AND AUTHORIZATION

13.101 Title

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

13.102 Statutory Authority

These regulations are adopted under the authority granted by §59.97, §144.26, Chapter 236 and Chapter 703 Wisconsin Statutes.

13.200 PURPOSE

- (a) To control the division of land, the promotion of the public health, safety and general welfare of the municipality. The regulations are designed 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.
- (b) To protect and provide for the public health, safety, and general welfare of the municipality.
- (c) To guide the future growth and development of the municipality in accordance with adopted Master Plans or Comprehensive Plans where applicable.
- (d) To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- (e) To protect the character and the social and economic stability of all parts of the municipality and to encourage the orderly and beneficial development of all parts of the municipality.
- (f) To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings.
- (g) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- (h) To provide the most beneficial relationship between the uses of land and buildings and circulation of traffic throughout the municipality having particular regard to avoidance of congestion in the streets and highways and pedestrian traffic movements appropriate to various uses of land and buildings, and to provide for proper litigation and width of street and building lines.
- (i) To establish reasonable standards of design and procedures for subdivisions and re-subdivisions in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.
- (j) To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- (k) To prevent and control erosion, sedimentation, and other pollution of air, streams, and ponds; to insure the adequacy of draining facilities; to safeguard potable water supplies; and to encourage

the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land.

- (l) To preserve the natural beauty and topography of the municipality and to insure appropriate development with regard to these natural features.
- (m) To prevent destruction of unique environmental areas.
- (n) To obtain the wise use, conservation, protection, and proper development of the County's soil, water, wetland, woodland, and wildlife resources, and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base.

13.300 DEFINITIONS

Terms used in this Ordinance mean as follows:

- (a) Act or Action: In the content of the Oconto County Planning & Zoning Department review of a preliminary or final subdivision shall mean approval, conditional approval, denial, or a request for a modification, or for additional study, field inspections, or documentation.
- (b) Alley: A public or private way which provides a secondary access to a lot, block, or parcel of land.
- (c) Block: A parcel, lot, or 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.
- (d) Building Setback Line: The distance from the boundaries of a lot within which building(s) shall not be erected.
- (e) Certified Survey Map: A map of a division of land into four (4) lots or less prepared in accordance with Chapter 236, Wisconsin Statutes, and the terms of this ordinance may be referred to as a CSM.
- (f) Channel: A natural or artificial watercourse.
- (g) Committee: The governing body of the Ordinance as appointed by the Oconto County Board of Supervisors.
- (h) Comprehensive Plan: The official guide for the physical, social, and economic growth of a municipality, properly enacted or adopted according to statute, which is now or may hereafter be in effect.
- (i) Conditional Approval: Approval of a land division by the Planning & Zoning Department, subject to the land division meeting certain specified requirements as determined by the Planning & Zoning Department.
- (j) County Board: The governing body of the County of Oconto.
- (k) County Plat: County Plat: A map of a division of land prepared in the same manner as required in Chapter 236, Wisconsin Statutes, except that all reviews are completed at the local level, in accordance with the terms of this ordinance and where:
 - (1) the act of division creates five or more lots of which no more than four (4) lots are one and one-half (1½) acres or less in area, or

- (2) five (5) or more lots, of which no more than four (4) lots one and one-half (1½) acres or less in area, are created by successive division within a period of five (5) years.
- (l) Cul-de-sac: A short minor street having one end connected to a public street open to motor traffic and the other end terminated by a vehicular turnaround. This vehicular turnaround portion shall be a minimum of ¾ circumference.
- (m) Days: Shall refer to calendar days.
- (n) Dead End Street: A street having only one outlet for vehicular traffic and no vehicular turnaround.
- (o) Development: The act of constructing buildings or installing site improvements.
- (p) Document Number: Number assigned by the Register of Deeds when recording the document.
- (q) Double Frontage Lots: A lot other than a corner lot which has frontage on two (2) substantially parallel streets.
- (r) Drainage Easement: A strip of land reserved to promote the free flow of storm water.
- (s) Easement: The portion of land set aside or over which a liberty, privilege, or advantage in land without profit, existing distinct from the ownership of land, is reserved for the public, utility, or some particular person, corporation or part of the public for limited right of use.
- (t) Existing Parcel: A parcel, lot or tract of land of which the enclosing boundaries are separately described and recorded in the Office of the Register of Deeds, Planning & Zoning Department or defined by an existing tax parcel.
- (u) Final Plat: A subdivision prepared in compliance with the provisions of Chapter 236 Wisconsin Statutes, and the terms of this Ordinance.
- (v) Floodplain: The land adjacent to a body of water which has been or may be hereafter covered by floodwater including but not limited to, the regional flood.
- (w) Frontage: A length of the front property line of the lot, lots, or tract of land abutting a public street, road, or highway.
- (x) Gradient: The slope of land, road, street, or other public way specified in percent (%).
- (y) Grading Plan: A drawing of a proposed area with plans and specifications for grading.
- (z) High Water Elevation: The recorded average of all the high water elevations during the period of record for a flowage or other body of water referenced to specific datum.
- (aa) Improvement: The act of changing or enhancement that alters the present condition.
- (bb) Improvement, Public: Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrian way, planting strip, off-street parking area or other facility for which the local municipality may ultimately assume the responsibility for maintenance and operation.
- (cc) Land Division: The act of creating one (1) or more new separately described parcels.
- (dd) Limited Access Expressway or Freeway: A traffic-way including toll roads for through-traffic in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except only at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic-way.

- (ee) Local unit: A local unit in this Ordinance includes the County, as well as Towns, Villages, and Cities.
- (ff) Lot: A fractional part of a subdivision or Certified Survey Map having an assigned number through which it may be identified and meeting the requirements of this Ordinance for a building site. A lot may also include the terms parcel, tract, or building site in determining the applicability of this ordinance to land divisions.
- (gg) Lot Area: The area contained within the property lines of the individual parcels of land as shown on a land division, excluding any area within a street right-of way, but including the area of any easement.
- (hh) Mean Sea Level Datum: Mean Sea Level Datum, a 1929 adjustment, as established by the U.S. Coast Guard and Geodetic Survey or other datum accepted and published by Oconto County.
- (ii) Minor Subdivision: Certified Survey Map.
- (jj) Municipality: All units with local self-government.
- (kk) Owner: The title holder of a parcel and shall be so noted on the land division..
- (ll) Official Map: The map of the City, village, Town, or County by law showing thereon streets, highways, parkways, parks, schools, and other public facilities, as provided by §62.23 (6), §60.74, or §80.64 Wisconsin Statutes.
- (mm) Outlot: A parcel of land which is unbuildable or does not meet the requirements of a lot.
- (nn) Parcel: A continuous acreage of land described in a single description in a deed or one of a number of lots or outlots on a land division, separately owned or capable of being separately conveyed.
- (oo) Planning Department Staff: Employees retained by the Oconto County Planning & Zoning Department to administer this Ordinance.
- (pp) Preliminary Plat: A map showing the features of a proposed subdivision submitted to the Planning & Zoning Department for purposes of preliminary consideration.
- (qq) Public Utility: Every corporation, company, association, sanitary district, or municipality that may own, or operate any plant or equipment for the conveyance of telephone messages, or for the production, transmission, delivery, or furnishing of heat, electricity, gas, water, cable television, sewer, or any other service deemed to be in the public interest, shall be deemed a public utility.
- (rr) Restrictive Covenant: Written stipulations regarding development which the owner(s) must abide by and be governed by the owner(s) of interest unless otherwise so stipulated, that may not be less restrictive than any local ordinance.
- (ss) Retracement Certified Survey Map: A Certified Survey Map that retraces, identifies and locates the boundaries of an existing parcel(s) of land and no new additional parcels are created.
- (tt) Reviewing Agency: Means an agency which is entitled to review and make recommendations concerning a land division prior to the Committee action.
- (uu) Review Period: The number of calendar days allotted to review a land division.
- (vv) Right-of-way: A strip of land occupied or intended to be occupied for a special use, dedicated to the public by the owner of the land division on which such right-of-way is established.

- (ww) Roadway: A surfaced curb to curb or paved portion of a street available for vehicular traffic movement and parking.
- (xx) Service Drive: A road parallel to an existing controlled right-of-way.
- (yy) State Plat: A map of a division of land prepared in accordance with Chapter 236 Wisconsin Statutes and the terms of this ordinance where:
- (1) the act of division creates five (5) or more lots each one and one-half (1½) acres or less in area; or
 - (2) five (5) or more lots each one and one-half (1½) acres or less in area are created by successive divisions within a period of five (5) years
- (zz) Street: Means and includes all access ways in common use such as streets, roads, lanes, highways, avenues, boulevards, alleys, parkways, viaducts, circles, courts, and cul-de-sacs, and includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets whether improved or unimproved, and whether dedicated for public use or held in trust, under the terms of a reservation; but shall not include those access ways, such as easements and rights-of-way intended for solely limited utility purposes, such as for electric power lines, gas lines, telephone lines, water lines, or drainage and sanitary sewers.
- (aaa) Street, Arterial: A major high capacity street designed to carry large volumes of traffic between major activity areas of the community.
- (bbb) Street, Collector: A street which provides moderate speed movement within major activity areas and collects and distributes traffic between arterial and local streets. Included would be principal entrance and traffic movement streets within a residential development.
- (ccc) Street, Local: A street designed for low speed travel and generally low traffic volumes which provides land access from neighborhoods and minor activities to the collector and arterial systems.
- (ddd) Structure: Anything constructed or erected on the ground including, but not limited to, all types of buildings, and attachments to buildings.
- (eee) Subdivider: Any individual, firm association, syndicate, partnership, corporation, guardian, attorney, trust or any other legal entity commencing proceedings under the regulations of this Chapter to effect a land division of land hereunder for himself or for another or for others.
- (fff) Subdivision: A division of land per State and local regulations.
- (ggg) Surveyor: A person who surveys land and is duly registered in the State of Wisconsin.
- (hhh) Tax Parcel Number: An identification number assigned to real estate in Oconto County for taxation purposes.
- (iii) Thoroughfare: A street with a high degree of continuity, including collectors, major arterial and limited access highways.
- (jjj) Tract: See Parcel.
- (kkk) Utility Easement: An easement to place, replace, maintain, or move utility facilities, such as telephone, water, sewer, gas, cable television.

- (III) Variance: A departure from the terms of this Ordinance as applied to a specific building, structure, or parcel of land, which the Committee may permit, pursuant to this Ordinance.
- (mmm) Wisconsin Administrative Code: The rules of administrative agencies having rule making authority in Wisconsin published in a loose leaf, continual revision system as directed by Chapters 35 and 227 Wisconsin Statutes, including subsequent amendments to those rules.

13.400 LAND DIVISIONS GOVERNED BY THIS ORDINANCE

13.401 Geographic Jurisdiction

Jurisdiction of these regulations shall include all land and waters within Oconto County, except cities and villages. Where the governing body of a Town, City, or village within Oconto County has enacted an Ordinance regulating subdivisions, compliance must be made with the most restrictive requirements as provided in §236.13 (4) Wisconsin Statutes except for objecting review by the County over preliminary Plats in Cities and Villages.

The Planning & Zoning Committee shall receive and review preliminary Plats of State defined subdivisions located within Oconto County Cities and Villages, on an objection basis as specified in §236.12 (2) (b) and §236.12 (6) Wisconsin Statutes, and shall file an objection to such land divisions upon a determination that conflict exists between the proposed subdivision and any existing or planned parks, highway or road, airport, drainage channels, flood plains, wetlands, schools, or other public facilities. The committee shall issue a response to the land division as provided in §236.12 (3) or §236.12 (6) Wisconsin Statutes.

13.402 Land Divisions Governed By This Ordinance

- (a) This ordinance shall apply to the following:
 - (1) Any act of division of a lot, parcel or tract which existed on the effective date of this ordinance by the owner thereof or his agent for the purpose of transfer of ownership or building development where the act of division creates one or more new lots, parcels, tracts or units, if the lot, parcel, tract or unit, being created is equal to or smaller in area than ten (10) acres in size, determined from the right-of-way.
 - (2) All Certified Survey Maps non-restrictive to size.
- (b) This ordinance shall not apply to:
 - (1) Transfers of interest in land by will or pursuant to court order.
 - (2) Leases for a term not to exceed ten (10) years, mortgages or assessments.
 - (3) The sale or exchange of parcels of land between adjoining property if additional lots are not thereby created and the lots resulting are not reduced in size below the minimum size required by applicable laws and ordinances. However, this ordinance shall apply to any attachment of lands to an adjoining parcel if required upon review by the Oconto County Planning & Zoning Department for clarity of description and compliance with the Oconto County Zoning Ordinance.
 - (4) Assessor's Plats made under §70.27 Wisconsin Statutes, provided, however, that such Plats shall conform with §70.27 and §236.03(2) Wisconsin Statutes.
- (c) This ordinance shall apply to all land divisions whether the division is new or an attempt to clarify prior metes and bounds or other descriptions.

13.500 CERTIFIED SURVEY MAPS *(Created 02/22/18 Ord. O2018-02-01)*

13.501 Classification

Certified Survey Maps shall include the creation not more than four (4) parcels or building sites smaller than ten (10) acres in size in any five (5) year period each meeting the requirements of the Oconto County Zoning Ordinance. Certified Survey Maps shall be prepared and submitted for review, approval, dedication, and recording as required by this Ordinance and Chapter 236, Wisconsin Statutes, as applicable.

13.502 Pre-Application Consultation

Prior to submitting an application for County approval of a certified Survey Map, the applicant or agent may meet with the County Planning & Zoning Administrator. At this meeting, the applicant will inform the administrator of the location and nature of the project which will be proposed. Based upon this information, the administrator will explain to the applicant:

- (a) Whether the proposal will require County or County and State reviews, documents, and any procedures required.
- (b) Which standards of the ordinance will apply to the division.
- (c) The Planning & Zoning Administrator shall make and retain a record of such pre-application consultation and a summary of the information shared at the meeting.

13.503 Application for Certified Survey Map

Where it is desired to create a minor subdivision, the subdivider shall do so by use of a Certified Survey Map which complies with the requirements of §236.34 Wisconsin Statutes and all applicable sections of this ordinance. The Certified Survey Map shall be prepared by a Registered Land Surveyor. The subdivider, or their designated agent, shall file the application and five (5) copies of the CSM with the Planning & Zoning Administrator.

13.504 County Action upon Receipt of Application for Certified Survey Map

- (a) Upon receipt of an application for a Certified Survey Map, the Planning & Zoning Administrator shall transmit one (1) copy of the map to each of the following objecting authorities. Their recommendations must be returned to the Planning & Zoning Administrator within fifteen (15) days from the date the copy is transmitted. If a recommendation is not received within fifteen (15) days it shall be deemed an approval.
 - (1) Oconto County Land Information Systems Department. The Land Information Systems Department shall have objecting authority in the Certified Survey Map approval process.
 - (2) Town Clerk. The Town shall have objecting/ approving authority in the Certified Survey Map approval process
 - (3) Clerk of the adjoining City or Village if the subdivision lies within their extraterritorial Plat approval jurisdiction.
 - (4) Where applicable, Oconto County Highway Commissioner, Oconto County Forest and Park Administrator and the Wisconsin Department of Transportation.
- (b) The Planning & Zoning Administrator shall review and approve, conditionally approve or disapprove Certified Survey Maps, within forty (40) days of the date submitted. The Planning &

Zoning Administrator's decision shall be based upon the standards of this section, Wisconsin Statutes and all applicable portions of this ordinance. This decision shall be in writing.

- (c) Any substantial change determined by the Planning & Zoning Administrator may cause the CSM to be re-submitted including all fees and review. In addition every re-submittal or submittal required to clarify matters regarding said maps shall constitute a new time frame for review purposes.

13.505 Appeal

- (a) The applicant may appeal the decision of the Planning & Zoning Administrator. This appeal must be received within thirty (30) days of the date of the decision of the Planning & Zoning Administrator. The appeal shall be in writing and shall explicitly state what part of the denial is being appealed and why. Upon receipt of the appeal the Planning & Zoning Administrator shall transmit the appeal to the Planning & Zoning Committee.
- (b) The Committee shall, within forty (40) days of the date of submission, review the appeal against the applicable standards of this ordinance, and approve, approve conditionally or deny the appeal based upon a determination of conformity or non-conformity with the applicable standards.
- (c) The action of the Committee on the appeal shall be stated in writing in the minutes of the committee meeting and those minutes or an extract thereof shall be mailed to the applicant. Failure of the committee to act within forty (40) days of the date of submission to the Committee or within a time as extended by agreement with the subdivider shall constitute an approval.

13.506 Requirements of Certified Survey Maps

- (a) In addition to all requirements of §236.34 Wisconsin Statutes the Certified Survey Map shall include the following:
 - (1) A clear and concise legal description that exactly matches the bearings and distances shown on the map. The error of closure for the legal may not exceed 1 in 3,000.
 - (2) Owners name, along with reference to the recorded document(s) from Oconto County records that show(s) title to the Platted area. The reference to the recorded document(s) of the affected property may be shown on the map, in the Surveyor's Certificate or in the Owner's Certificate.
 - (3) Show recorded document(s) reference or platted status (i.e. State or County Plat by name and lot number, CSM by volume, page and lot number) of adjoining lands.
 - (4) Area of each lot shown in square feet (nearest square foot) and acres (nearest 100th acre).
 - (5) All curve data. (All arc distances shall be shown on the map.)
 - (6) Proposed and existing road(s) showing road name and right angle width. Proposed and existing roads shall be dedicated as required in Section 13.1100.
 - (7) Public areas to be dedicated, identified as "*dedicated to the public.*"
 - (8) Building setback lines shall be shown or noted on the face of the map. A note to the effect that "*prior to construction applicable building setback lines for the property contained herein must be established by the Oconto County Planning & Zoning Department*" shall meet this requirement.

- (9) Floodplain, wetland and shoreland boundaries. Source of the data shall be identified.
- (10) Locations of existing buildings, watercourses, drainage ditches, fences and any other pertinent features.
- (11) Locations and names of adjoining parks, cemeteries, subdivisions, ponds, streams, lakes and flowages.
- (12) Any proposed lake or stream access or any proposed lake or stream improvement or relocation.
- (13) A 21/2"x 3" box be provided on sheet one for recording information by the Register of Deeds. This location upon certain situations may be altered by the Planning & Zoning Administrator.
- (14) Certificates of approval in substantially the same form as required by §236.21(2)(a) and §236.21(3) Wisconsin Statutes, and as per this ordinance as follows:
 - (A) Owner(s) Certificate with Notary Seal
 - (B) Town Certificate
 - (C) County Planning & Zoning Certificate
 - (D) Town Treasurer's Certificate
 - (E) County Treasurer's Certificate
 - (F) Other certificates as required by the Planning & Zoning Administrator and §236.21 Wisconsin Statutes.
- (15) Road name application must be submitted to the LIS division for approval for any new road names (i.e. new, extension, private, etc...)
- (16) Certification that the CSM is a true and correct representation of the features surveyed and mapped and that the Surveyor has fully complied with Chapter 236, the Oconto County Land Division Ordinance and any other local ordinances.
- (17) Where the Planning & Zoning Administrator finds that the County requires additional information relative to a particular problem presented by the proposed subdivision, the Planning & Zoning Administrator shall have the authority to request such information from the subdivider. Such additional information may include, but not be limited to the following:
 - (A) 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.
 - (B) Information concerning the potential for soil erosion resulting from the land division.
 - (C) All adjoining lands reserved for future public acquisition.
 - (D) Two-foot contour intervals in the areas of the lots to be used for building sites and the installation of private water supplies.

- (E) Erosion and sediment control measures.
- (F) Report on Soil Borings and Percolation Tests. Locations of borings shall also be shown on the face of the map.
- (G) An area development plan for future use may be required if proposed development in some way affects adjoining lands.
- (H) Any other additional information and special restrictions required by the reviewing authorities.
- (I) The review of all certified survey maps, non-restrictive to area.

13.550 REALIGNMENT CERTIFIED SURVEY MAPS

13.551 Classification

A Certified Survey Map that reconfigures lot boundaries between existing parcels to address the following exchange(s) of lands that occur among adjacent property owners: including but not limited to encroachments, occupation issues, gaps and overlaps (junior/senior rights issues), attachments/exchange of parts of platted lots to adjoining parcels, as well as other situations wherein the result creates no new additional parcels.

13.552 Pre-Application Consultation

Prior to submitting an application for County approval of a Realignment Certified Survey Map, the applicant or agent may meet with the County Planning & Zoning Administrator. At this meeting, the applicant will inform the administrator of the location and nature of the project which will be proposed. Based upon this information, the administrator will explain to the applicant:

- (a) Whether the proposal will require County or County and State reviews, documents, and any procedures required.
- (b) Which standards of the ordinance will apply.
- (c) The Planning & Zoning Administrator shall make and retain a record of such pre-application consultation and a summary of the information shared at the meeting.

13.553 Application for Realignment Certified Survey Map

Where it is desired to realign the boundaries of an existing parcel (s) to resolve encroachment or other issues and to establish a concise legal description for record of title, conveyance, etc., the subdivider shall do so by use of a Realignment Certified Survey Map which complies with the requirements of §236.34 Wisconsin Statutes and all applicable sections of this ordinance. The Realignment Certified Survey Map shall be prepared by a Registered Land Surveyor. The subdivider, or their designated agent, shall file the application and two (2) copies of the Realignment CSM with the Planning & Zoning Administrator.

13.554 County Action upon Receipt of Application for Realignment Certified Survey Map

- (a) Upon receipt of an application for a Realignment Certified Survey Map, the Planning & Zoning Administrator shall transmit two (2) copies of the map to the Oconto County Land Information Systems Department. The Land Information Systems Department shall have objecting authority in the Realignment Certified Survey Map approval process. Their recommendation must be returned to the Planning & Zoning Administrator within fifteen (15) days from the date the copy is transmitted. If a recommendation is not received within fifteen (15) days it shall be deemed an approval.

- (b) The Planning & Zoning Administrator shall review and approve, conditionally approve or disapprove Realignment Certified Survey Maps, within thirty (30) calendar days of the date submitted. The Planning & Zoning Administrator's decision shall be based upon the standards of this section, Wisconsin Statutes and all applicable portions of this ordinance. This decision shall be in writing.
- (c) Any substantial change determined by the Planning & Zoning Administrator may cause the Realignment Certified Survey Map to be re-submitted including all fees and review. In addition every re-submittal or submittal required to clarify matters regarding said maps shall constitute a new time frame for review purposes.

13.555 Appeal

- (a) The applicant may appeal the decision of the Planning & Zoning Administrator. This appeal must be received within thirty (30) days of the date of the decision of the Planning & Zoning Administrator. The appeal shall be in writing and shall explicitly state what part of the denial is being appealed and why. Upon receipt of the appeal the Planning & Zoning Administrator shall transmit the appeal to the Planning & Zoning Committee.
- (b) The committee shall, within forty (40) calendar days of the date of submission, review the appeal against the applicable standards of this ordinance, and approve, approve conditionally or deny the appeal based upon a determination of conformity or non-conformity with the applicable standards.
- (c) The action of the committee on the appeal shall be stated in writing in the minutes of the committee meeting and those minutes or an extract thereof shall be mailed to the applicant. Failure of the committee to act within forty (40) days of the date of submission to the Committee or within a time as extended by agreement with the subdivider shall constitute an approval.

13.556 Requirements of Realignment Certified Survey Maps

- (a) In addition to all requirements of §236.34 Wisconsin Statutes the Realignment Certified Survey Map shall include the following:
 - (1) The face of the map shall show:
 CERTIFIED SURVEY MAP NO. _____
 A REALIGNMENT SURVEY
 - (2) A clear and concise legal description that exactly matches the bearings and distances shown on the map. The error of closure for the legal may not exceed 1 in 3,000.
 - (3) Owners name, along with reference to the recorded document(s) from Oconto County records that show(s) title to the Platted area. The reference to the recorded document(s) of the affected property may be shown on the map, in the Surveyor's Certificate or in the Owner's Certificate.
 - (4) Show recorded document(s) reference or platted status (i.e. State or County Plat by name and lot number, CSM by volume, page and lot number) of adjoining lands.
 - (5) Area of each lot shown in square feet (nearest square foot) and acres (nearest 100th acre).
 - (6) All curve data. (All arc distances shall be shown on the map)
 - (7) Existing road(s) showing road name and right angle width.
 - (8) Building setback lines shall be shown or noted on the face of the map. A note to the effect that "*prior to construction applicable building setback lines for the property contained herein*"

must be established by the Oconto County Planning & Zoning Department shall meet this requirement.

- (9) Floodplain, wetland and shoreland boundaries. Source of the data shall be identified.
- (10) Locations of existing buildings, watercourses, drainage ditches, fences and any other pertinent features.
- (11) Locations and names of adjoining parks, cemeteries, subdivisions, ponds, streams, lakes and flowages.
- (12) Any proposed lake or stream access or any proposed lake or stream improvement or relocation.
- (13) A 2 1/2" x 3" box be provided on sheet one for recording information by the register of deeds. This location upon certain situations may be altered by the zoning administrator.
- (14) Certificates of approval in substantially the same form as required by §236.21(2)(a) and §236.21(3) Wisconsin Statutes, and as per this ordinance as follows:
 - (A) Owner(s) Certificate with Notary Seal
 - (B) County Planning & Zoning Certificate
 - (C) Other certificates that maybe required by the Planning & Zoning Administrator and §236.21 WI Statutes. (including but not limited to, Town & County Treasurer's Certificates, Town Certificates, etc.)
- (15) Certification that the CSM is a true and correct representation of the features surveyed and mapped and that the Surveyor has fully complied with Chapter 236, the Oconto County Land Division Ordinance and any other local ordinances.
- (16) Where the Planning & Zoning Administrator finds that the County requires additional information relative to a particular problem presented by the proposed subdivision, the Planning & Zoning Administrator shall have the authority to request such information from the subdivider. Such additional information may include, but not be limited to the following:
 - (A) 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.
 - (B) Information concerning the potential for soil erosion resulting from the land division.
 - (C) All adjoining lands reserved for future public acquisition.
 - (D) Two-foot contour intervals in the areas of the lots to be used for building sites and the installation of private water supplies.
 - (E) Erosion and sediment control measures.
 - (F) Report on Soil Borings and Percolation Tests. Locations of borings shall also be shown on the face of the map.
 - (G) Any other additional information and special restrictions required by the reviewing authorities.

13.600 RETRACEMENT CERTIFIED SURVEY MAPS

13.601 Classification

A Certified Survey Map that retraces, identifies and locates the boundaries of an existing parcel(s) of land and no new additional parcels are created. A retracement Certified Survey Map cannot be used as a tool for conveying adjacent lands between adjoining properties. Retracement Certified Survey Maps may be used to combine existing lots of record into one lot.

13.601 Pre-Application Consultation

Prior to submitting an application for County approval of a Retracement Certified Survey Map, the applicant or agent may meet with the County Planning & Zoning Administrator. At this meeting, the applicant will inform the administrator of the location and nature of the project which will be proposed. Based upon this information, the administrator will explain to the applicant:

- (a) Whether the proposal will require County or County and State reviews, documents, and any procedures required.
- (b) Which standards of the ordinance will apply to the division.
- (c) The Planning & Zoning Administrator shall make and retain a record of such pre-application consultation and a summary of the information shared at the meeting.

13.602 Application for Retracement Certified Survey Map

Where it is desired to show the boundaries of an existing parcel (s) and establish a convenient legal description for record of title, conveyance, etc., the subdivider shall do so by use of a Retracement Certified Survey Map which complies with the requirements of §236.34 Wisconsin Statutes and all applicable sections of this ordinance. The Retracement Certified Survey Map shall be prepared by a Registered Land Surveyor. A land division violation cannot be corrected by use of a Retracement Certified Survey Map. The subdivider, or their designated agent, shall file the application and five (5) copies of the CSM with the Planning & Zoning Administrator.

13.603 County Action upon Receipt of Application for Retracement Certified Survey Map

- (a) Upon receipt of an application for a Retracement Certified Survey Map, the Planning & Zoning Administrator shall transmit one (2) copy of the map to the Oconto County Land Information Systems Department. The Land Information Systems Department shall have objecting authority in the Retracement Certified Survey Map approval process. Their recommendation must be returned to the Planning & Zoning Administrator within fifteen (15) days from the date the copy is transmitted. If a recommendation is not received within fifteen (15) days it shall be deemed an approval.
- (b) The Planning & Zoning Administrator shall review and approve, conditionally approve or disapprove Retracement Certified Survey Maps, within thirty (30) calendar days of the date submitted. The Planning & Zoning Administrator's decision shall be based upon the standards of this section, Wisconsin Statutes and all applicable portions of this ordinance. This decision shall be in writing.
- (c) Any substantial change determined by the Planning & Zoning Administrator may cause the Retracement Certified Survey Map to be re-submitted including all fees and review. In addition every re-submittal or submittal required to clarify matters regarding said maps shall constitute a new time frame for review purposes.

13.604 Appeal

- (a) The applicant may appeal the decision of the Planning & Zoning Administrator. This appeal must be received within thirty (30) days of the date of the decision of the Planning & Zoning Administrator. The appeal shall be in writing and shall explicitly state what part of the denial is being appealed and why. Upon receipt of the appeal the Planning & Zoning Administrator shall transmit the appeal to the Planning & Zoning Committee.
- (b) The committee shall, within forty (40) calendar days of the date of submission, review the appeal against the applicable standards of this ordinance, and approve, approve conditionally or deny the appeal based upon a determination of conformity or non-conformity with the applicable standards.
- (c) The action of the committee on the appeal shall be stated in writing in the minutes of the committee meeting and those minutes or an extract thereof shall be mailed to the applicant. Failure of the committee to act within forty (40) days of the date of submission to the Committee or within a time as extended by agreement with the subdivider shall constitute an approval.

13.605 Requirements of Retracement Certified Survey Maps

- (a) In addition to all requirements of §236.34 Wisconsin Statutes the Retracement Certified Survey Map shall include the following:
 - (1) The face of the map shall show:

CERTIFIED SURVEY MAP NO. _____
A RETRACEMENT SURVEY
 - (2) A clear and concise legal description, that exactly matches the bearings and distances shown on the map. The error of closure for the legal may not exceed 1 in 3,000.
 - (3) Owners name, along with reference to the recorded document(s) from Oconto County records that show(s) title to the Platted area. The reference to the recorded document(s) of the affected property may be shown on the map, in the Surveyor's Certificate or in the Owner's Certificate.
 - (4) Show recorded document(s) reference or platted status (i.e. State or County Plat by name and lot number, CSM by volume, page and lot number) of adjoining lands.
 - (5) Area of each lot shown in square feet (nearest square foot) and acres (nearest 100th acre).
 - (6) All curve data. (All arc distances shall be shown on the map)
 - (7) Existing road(s) showing road name and right angle width.
 - (8) Building setback lines shall be shown or noted on the face of the map. A note to the effect that "*prior to construction applicable building setback lines for the property contained herein must be established by the Oconto County Planning & Zoning Department*" shall meet this requirement.
 - (9) Floodplain, wetland and shoreland boundaries. Source of the data shall be identified.
 - (10) Locations of existing buildings, watercourses, drainage ditches, fences and any other pertinent features.

- (11) Locations and names of adjoining parks, cemeteries, subdivisions, ponds, streams, lakes and flowages.
- (12) Any proposed lake or stream access or any proposed lake or stream improvement or relocation.
- (13) A 21/2" x 3" box be provided on sheet one for recording information by the register of deeds. This location upon certain situations may be altered by the zoning administrator.
- (14) Certificates of approval in substantially the same form as required by §236.21(2)(a) and §236.21(3) Wisconsin Statutes, and as per this ordinance as follows:
 - (A) Owner(s) Certificate with Notary Seal
 - (B) County Planning & Zoning Certificate
- (15) The Surveyor's Certificate shall include the following statement, "*This Certified Survey Map is not a division of property but solely a retracement and depiction of the land boundaries recorded in (list recorded documents from Oconto County Records) Oconto County Records*".
- (16) Certification that the CSM is a true and correct representation of the features surveyed and mapped and that the Surveyor has fully complied with Chapter 236, the Oconto County Land Division Ordinance and any other local ordinances.
- (17) Where the Planning & Zoning Administrator finds that the County requires additional information relative to a particular problem presented by the proposed subdivision, the Planning & Zoning Administrator shall have the authority to request such information from the subdivider. Such additional information may include, but not be limited to the following:
 - (A) 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.
 - (B) Information concerning the potential for soil erosion resulting from the land division.
 - (C) All adjoining lands reserved for future public acquisition.
 - (D) Two-foot contour intervals in the areas of the lots to be used for building sites and the installation of private water supplies.
 - (E) Erosion and sediment control measures.
 - (F) Report on Soil Borings and Percolation Tests. Locations of borings shall also be shown on the face of the map.
 - (G) Where additional time is required for acceptance by local municipalities, in the dedication of public lands.
 - (H) Any other additional information and special restrictions required by the reviewing authorities.

13.700 COUNTY AND STATE PLATS

13.701 Classification

- (a) County Plat: The division of a lot, parcel or tract, for the purpose of transfer of ownership or building development where the act creates five (5) or more parcels or building sites four (4) of which maybe less than one and one-half (1½) acres in size with the remainder of the lots being larger than one and one-half (1½) acres which are created by successive divisions within a five (5) year period from a parcel or tract which existed on the effective date of this ordinance. County Plats shall be prepared and submitted for review, approval, dedication, and recording as required by this Ordinance and Chapter 236 Wisconsin Statutes, as applicable. Subdivisions satisfying this classification, while they resemble "State Subdivisions" are subject to County reviews, but not to mandatory State reviews.
- (b) State Plat: The division of a lot, parcel or tract, for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of one and one-half (1½) acres each or less in area within a five (5) year period. State Plats shall be prepared and submitted for review, approval, dedication, and recording as required by this Ordinance and Chapter 236 Wisconsin Statutes, as applicable. Subdivisions satisfying this classification are subject to mandatory State review under Chapter 236 Wisconsin Statutes as well as County review under this ordinance.

13.702 Pre-Application Consultation

Prior to submitting an application for County approval of a County or State Plat, the applicant or agent may meet with the County Planning & Zoning Administrator. At this meeting, the applicant will inform the administrator of the location and nature of the project which will be proposed. Based upon this information, the administrator will explain to the applicant:

- (a) Whether the proposal will require County or County and State reviews, documents, and any procedures required.
- (b) Which standards of the ordinance will apply to the division.
- (c) The Planning & Zoning Administrator shall make and retain a record of such pre-application consultation and a summary of the information shared at the meeting.

13.703 Application for County or State Plat

Where it is desired to create a subdivision, the subdivider shall do so by use of a Plat that conforms to the requirements of Ch. 236 Wisconsin Statutes and all applicable sections of this ordinance. The Plat shall be prepared by a Registered Land Surveyor. The subdivider, or their designated agent, shall file the application and one (1) copy of the preliminary Plat on paper no smaller than 22" x 30" and ten (10) copies of the preliminary Plat on 11" x 17" paper with the Planning & Zoning Administrator.

13.704 County Action upon Receipt of Application County or State Plat

- (a) Upon receipt of an application for a County or State Plat, the Planning & Zoning Administrator shall transmit one (1) copy of the map to each of the following. Their recommendations must be returned to the Planning & Zoning Administrator within fifteen (15) days from the date the copy is transmitted. If a recommendation is not received within fifteen (15) days it shall be deemed an approval.

- (1) Oconto County Land Information Systems Department. The Land Information Systems Department shall have objecting authority in the County or State Plat approval process.
 - (2) Town Clerk. The Town shall have objecting/ approval authority in the County or State Plat approval process.
 - (3) Clerk of the adjoining City or Village if the subdivision lies within their extraterritorial Plat approval jurisdiction.
 - (4) Any affected public or private utility
 - (5) Local School District
 - (6) County Soil Conservationist
 - (7) Department of Natural Resources
 - (8) Where applicable, Oconto County Highway Commissioner, Oconto County Forest and Park Administrator and the Wisconsin Department of Transportation.
- (b) The preliminary review for approval shall be at the next regular scheduled Planning & Zoning Committee meeting provided that all required information is submitted two (2) weeks prior to that meeting date to the Planning & Zoning Department. If the Plat is not received two (2) weeks prior, it will be scheduled at the following regular meeting.
 - (c) The Committee, within sixty (60) days of the date of filing of a preliminary Plat with the Planning & Zoning Administrator shall approve, approve conditionally or reject such Plat, unless the time is extended by mutual agreement with the subdivider. One (1) copy of the Plat shall thereupon be returned to the subdivider with the date and the action recorded thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the Plat. One (1) copy each of the Plat and letter shall be placed in the Planning & Zoning Administrator's permanent file.
 - (d) Upon approval of the preliminary Plat the subdivider shall submit a final Plat based upon a survey by a Wisconsin Registered Land Surveyor for review and approval of the Planning & Zoning Administrator.
 - (e) The Planning & Zoning Administrator, within forty (40) days of the date of filing of a final Plat with the Planning & Zoning Department, shall approve, approve conditionally or reject such Plat, unless the time is extended by mutual agreement with the subdivider. If approved, the certifications on the Plat shall be completed. If approved conditionally, the certifications shall not be completed until the conditions are met. If rejected, a letter setting for the reasons for rejection shall accompany the Plat. Failure of the Planning & Zoning Administrator to act within the time as extended by agreement with the subdivider, shall constitute an approval. The sixty (60) day period shall commence with the filing of the final Plat with the Planning & Zoning Administrator, and not the preliminary approval.
 - (f) The committee or approving authority shall not 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 Planning and Planning & Zoning Administrator at the time of its submission.

- (2) If the final Plat conforms substantially to the preliminary Plat as approved, including any conditions of the 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 last approval of the preliminary Plat, any approving authority may refuse to approve the final Plat.
- (h) Restrictive Covenants: The committee reserves the right to add further restrictive covenants as provided in §236.293 Wisconsin Statutes.
- (i) Any substantial change determined by the Planning & Zoning Administrator shall cause the Plat to be re-submitted including all fees and review. In addition every re-submittal or submittal required to clarify matters regarding said maps shall constitute a new time frame for review purposes.

13.705 Appeal

- (a) The applicant may appeal the decision of the Planning & Zoning Administrator. This appeal must be received within thirty (30) days of the date of the decision of the Planning & Zoning Administrator. The appeal shall be in writing and shall explicitly state what part of the denial is being appealed and why. Upon receipt of the appeal the Planning & Zoning Administrator shall transmit the appeal to the Planning & Zoning Committee.
- (b) The committee shall, within forty (40) days of the date of submission, review the appeal against the applicable standards of this ordinance, and approve, approve conditionally or deny the appeal based upon a determination of conformity or non-conformity with the applicable standards.
- (c) The action of the committee on the appeal shall be stated in writing in the minutes of the committee meeting and those minutes or an extract thereof shall be mailed to the applicant. Failure of the committee to act within forty (40) days of the date of submission to the Committee or within a time as extended by agreement with the subdivider shall constitute an approval.

13.706 Requirements of County and State Plats

- (a) Preliminary Plat Review: In addition to the requirements of Ch. 236 Wisconsin Statutes the preliminary Plat submitted shall include the following:
 - (1) A map of sufficient scale showing the boundaries of the property being considered for division.
 - (2) General lot layout as proposed.
 - (3) The proposed subdivision name. This name shall not duplicate the name of any Plat previously recorded in Oconto County. A subtitle of "County Plat" shall be required for all County Plats.
 - (4) Owners name, along with reference to the recorded document(s) from Oconto County records that show(s) title to the Platted area. The reference to the recorded document(s) of the affected property may be shown on the map, in the Surveyor's Certificate or in the Owner's Certificate.
 - (5) Show recorded document(s) reference or platted status (i.e. State or County Plat by name and lot number, CSM by volume, page and lot number) of adjoining lands.
 - (6) Radius of all curves.
 - (7) Proposed and existing road(s) showing road name and right angle width. Proposed and existing roads shall be dedicated as required in Section 13.1003.

- (8) Public areas to be dedicated, identified as “dedicated to the public.”
 - (9) Floodplain, wetland and shoreland boundaries. Source of the data shall be identified.
 - (10) Locations of existing buildings, watercourses, drainage ditches, fences and any other pertinent features.
 - (11) Locations and names of adjoining parks, cemeteries, subdivisions, ponds, streams, lakes and flowages.
 - (12) Any proposed lake or stream access or any proposed lake or stream improvement or relocation.
 - (13) The name and address of the surveyor and subdivider/owner placed on the face of the Plat.
 - (14) Report on Soil Borings and Percolation Tests. Locations of borings may be required to be shown on the face of the map.
 - (15) A general description of all property owned and controlled by the subdivider contiguous to the proposed land division.
 - (16) An area development plan for future use may be required if proposed development in some way affects adjoining lands.
 - (17) Road name application must be submitted to the LIS division for approval for any road names (i.e. new, extension, private etc...)
- (b) Final Plat Review: Upon approval of the preliminary Plat the subdivider shall submit a final Plat based upon a survey by a Wisconsin Registered Land Surveyor for review. In addition to the requirements of the preliminary Plat and Ch. 236 Wisconsin Statutes the final Plat submitted shall include the following:
- (1) A clear and concise legal description that exactly matches the bearings and distances shown on the map. The error of closure for the legal may not exceed 1 in 3,000.
 - (2) Area of each lot shown in square feet (nearest square foot) and acres (nearest 100th acre).
 - (3) All curve data.
 - (4) Building setback lines shall be shown or noted on the face of the map. A note to the effect that “*prior to building applicable building setback lines for the property contained herein must be established by the Oconto County Planning & Zoning Department*” shall meet this requirement.
 - (5) Lands reserved for the common use of the property owners within the subdivision. The ownership of these common lands shall be shown and described. These lands shall be established as outlots.
 - (6) Proposed deed and Plat restrictions.
 - (7) It shall be required that on sheet one of the Plat that a pre designed recording block be available for the Register of Deeds to be placed on the Plat for recording information.
 - (8) Show arc distances on the face of the map

- (9) Certificates of approval in substantially the same form as required by § 236.21(2)(a) and §236.21(3) Wisconsin Statutes, and as per this ordinance as follows:
 - (A) Owner(s) Certificate with Notary Seal
 - (B) Mortgagee's Certificate
 - (C) Town Certificate
 - (D) County Planning & Zoning Certificate
 - (E) Town Treasurer's Certificate
 - (F) County Treasurer's Certificate
 - (G) Other certificates as required by the Planning & Zoning Administrator and §236.21 Wisconsin Statutes.
 - (10) Certification that the Plat is a true and correct representation of the features surveyed and mapped and that the Surveyor has fully complied with Chapter 236, the Oconto County Land Division Ordinance and any other local ordinances.
 - (11) Special restrictions required by the reviewing authorities.
 - (12) Where the Planning & Zoning Administrator finds that the County requires additional information relative to a particular problem presented by the proposed subdivision, the Planning & Zoning Administrator shall have the authority to request such information from the subdivider. Such additional information may include, but not be limited to the following:
 - (A) 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.
 - (B) Information concerning the potential for soil erosion resulting from the land division.
 - (C) All adjoining lands reserved for future public acquisition.
 - (D) Two-foot contour intervals in the areas of the lots to be used for building sites and the installation of private water supplies.
 - (E) Erosion and sediment control measures.
 - (F) Any other additional information and special restrictions required by the reviewing authorities.
- (c) Final Plat Submittal: Upon approval of all corrections addressed in the preliminary and final plat reviews the subdivider shall submit a final Plat for recording.

13.800 CONDOMINIUMS

13.801 Intent

It is the intent of this section to regulate condominiums as relates to zoning and for the division of land for the purpose of establishing a condominium Plat.

13.802 Zoning

Land divided for the establishment of a condominium Plat shall meet the requirements of the Oconto County Zoning Ordinance.

13.803 Condominium Plats

- (a) A condominium Plat shall be submitted to the Planning & Zoning Committee for review and approval on the same basis as County Plats.
- (b) Condominium Plats shall meet the requirements of §703.11 Wisconsin Statutes.

13.804 Standards

The provisions of Section 13.1000, 13.1100 and 13.1203 of this ordinance, shall apply to condominium Plats, where appropriate.

13.805 Units

- (a) Unlike subdivision of lots and blocks, units are applied to condominium Plats. Units shall be fully described as provided by §703.12 Wisconsin Statutes.
- (b) Units within multi-unit or multi-story structures shall be shown and described on the Plat.

13.806 Approval

As a condition of approval of condominium Plats, the Planning & Zoning Committee may consider all provisions outlined in Chapter 703 Wisconsin Statutes prior to the recording of the instruments specified.

13.807 Addendums

Addendums to an existing Condominium Plat or condominium declaration shall be reviewed and approved by the Planning & Zoning Administrator.

13.900 SURVEYING REQUIREMENTS AND GENERAL PROVISIONS

13.901 Surveying Requirements

- (a) The location of the subdivision shall be tied to (2) two Federal Land Survey corners indicated by bearing and distance from a boundary line of a quarter section, Government Lot, or federal reservation in which the subdivision is located. The monumentation at the ends of the boundary line shall be described and the bearing and distance between them shown, as outlined in Ordinance no. 287-1996 PLSS REMONUMENTATION
- (b) A Section protraction shall be required if the boundary of the affected property is along, adjacent to, or controlled by the allocated parts of the Section or other lot of the Federal Survey. The protraction shall be shown either as a part of the map or on a separate document prepared on a "Certificate of Survey" and shall include:
 - (1) The exterior boundaries that control such protraction, by bearings and distances.
 - (2) Protraction into quarters and quarter-quarters within the quarter that such Plat is located.

- (3) The protraction of the Section need not be shown if it is an acceptable prior County record. Then a note of the recorded number of the document where the protraction is to be found will be sufficient. Example:
- "Parts of this boundary are based from the protraction of the Section located in (list recorded documents from Oconto County Records) or County Surveyor's file number_____."
- (4) If the protraction into quarters is not according to §59.62 Wisconsin Statutes, Intersection of Quarter Lines, it shall be explicitly noted on the protraction if it is not on a prior County form.
- (c) Any mapping or surveying of a parcel of land that encompass or intersects one or more allocated or protracted parts of a Section shall show the protracted lines of said parts by distance and bearing and show the area of each effected part thereof. Where no adequate PLSS corner certificate is on file the surveyor completing the survey must provide County Surveyor with a corner certificate.
- (d) In areas where the County has determined Section protractions and said protractions are expressed in the Oconto County Coordinate System and placed them on file in the Office of the County Surveyor, the proposed subdivisions may be required to be referenced to the County Coordinate bearing bases and so noted on the subdivision.
- (e) All lot corners and angle points shall be monumented on the ground and placed flush with the surface of the ground.
- (f) All surveying that is within, or in some way affects Oconto County, shall comply with the policies of the Land Information System Department and shall be enforced by the County Surveyor.
- (g) The surveyor shall install all survey monuments in accordance with the requirements of §236.15 Wisconsin Statutes at the expense of the subdivider. The Planning & Zoning Committee, may waive the placing of monuments for a reasonable time on condition that the subdivider executes a security bond to ensure that he or she will place the monuments within the time required.
- (h) Any consultant, business, agency or person that may perform projects that put any survey marker at risk must have a qualified Wisconsin Registered Land Surveyor provide the County Surveyor with temporary ties of the subject marker and upon completion provide the County Surveyor with a revised U.S. Public Land Survey Monument Record sheet.

13.902 General Provisions

- (a) If a survey is dividing or resurveying an existing CSM or Plat the previous CSM (by Volume, Page, and lot number) or Plat shall be so noted.
- (b) The Government Lot or Quarter-Quarter as well as the Section, Township and Range, Municipal Township, County, and State in which a survey is located shall be noted on the map.
- (c) The map shall show the area within the right-of-way of the Plat or Certified Survey Map.
- (d) No land division shall be approved if any portion or part of the parent parcel has any unpaid taxes or outstanding special assessments without prior approval of the local and Oconto County Treasurer.
- (e) A fire number is required for any parcel that is created or left as a remnant if the new or parent parcel has any improvements located on it.

- (f) The size and font used for lettering on maps must be legible, easy to read, balanced between line weight, letter size and font style and clearly reproduced when copied. Successively larger and bolder fonts from lot to block to exterior boundary lengths and bearings shall be used. The exterior boundary of the area being divided must be in the same line weight. This line weight shall be heavier than other lines on the map. Other lines shown on the map shall be appropriately weighted and styled.
- (g) Divisions of lands under this ordinance shall comply with the provisions of the Oconto County Zoning Ordinance.

13.1000 DESIGN STANDARDS

13.1001 General

Land division layouts shall be planned in proper relation to existing and proposed streets, topography, surface water, vegetative cover, and other natural features and the most advantageous development of all adjoining areas. Land divisions shall conform to any comprehensive plan or element thereof applicable to the lands included.

13.1002 Surface Drainage and Erosion Control

When a proposed subdivision or Certified Survey Map is located in an area having the potential to cause soil erosion and sedimentation problems, the Planning & Zoning Department staff may require that the subdivider prepare a detailed erosion and sediment control plan. The plan shall detail all proposed grading techniques, land division design, landscaping, vegetative cover, berms, sediment basins, and other storm drainage and surface water runoff measures to reduce erosion and sedimentation caused by surface water runoff. Erosion and sediment control plans shall be submitted to Planning & Zoning Department staff who shall transmit them where appropriate, to the Oconto County Land Conservation Department for review and comment. Guidelines, standards, and specifications which should provide a framework for the development, review, and implementation of erosion control can be found in an Wisconsin Department of Natural Resources publication, "Wisconsin Construction Site Best Management Practice Handbook". Planning & Zoning Department staff may require that some or all of the erosion and sediment control measures, including those recommended by the Oconto County Land Conservation Department, become a restrictive covenant on the final Plat or Certified Survey Map. In addition, the staff may require additional side and/or rear building setback limits when a severe slope or unstable soil types exist on the proposed land division.

13.1003 Public Streets and Roads

- (a) The arrangement, character, extent, width, and location of all streets shall conform to all applicable plans officially adopted by the applicable local unit of government, and shall be related to existing and planned streets, topographic conditions, existing natural features, public convenience and safety, and proposed uses of land to be served by such streets.
- (b) All Town roads must comply with the minimum design standards of §82.50 Wisconsin Statutes.
- (c) Arterial streets shall be properly integrated with the existing and proposed system of major streets, highways, and thoroughfares.
- (d) Collector streets shall be properly related to special traffic generation facilities, such as schools, churches, and shipping centers. Population densities, and to the arterial streets into which they feed.
- (e) Local streets shall be laid out to conform as much as possible to topography, to permit efficient drainage and sewer systems, to require the minimum amount of street necessary to provide convenient, safe access to property.

- (f) When a subdivision abuts or contains an existing or proposed arterial street, the Planning & Zoning Department may require service drives, reverse frontage lots with screen planting contained in a non-access reservation along the rear of the property line, deep lots with rear service alleys of such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through traffic and local traffic.
- (g) Arc distances for lot frontage on all curved rights-of-way's shall be provided for on the face of the map.
- (h) Streets shall be laid out so as to intersect as nearly as possible at right angles and no streets shall intersect any other street at less than sixty (60) degrees, and more than two (2) streets intersection at one (1) point shall be discouraged.
- (i) Reserve strips or median strips controlling access to streets shall be prohibited, except where approved by the Committee.
- (j) The minimum right-of-way and roadway of all streets shall be as specified by the official map or master street plan, if any, or if no width is specified therein, they shall be equal to or greater than the width specified below:
 - (A) Arterial streets - 100 feet (U.S. & State Hwy. System)
 - (B) Collector streets - 80 feet (County Hwy. System)
 - (C) Local Streets - 66 feet (Town Roads)
 - (D) Service drives - 50 feet in addition to the major traffic street it adjoins.

The above widths shall apply to that portion of the proposed land divisions.

- (k) A roadway profile may be required where a proposed road intersects with an existing road in order to check that the minimum vertical sight distance complies with County and State design standards.
- (l) The minimum radii or curvature on the centerline shall be as specified below:

STREET TYPE	MINIMUM RADIUS IN FEET
Major (arterial)	300
Collector	200
Minor	100

- (m) Cul-de-sacs. Any portion of a street designed to have one (1) end permanently closed shall not exceed one thousand (1,000) feet in length and shall provide a turnaround with a minimum right-of-way diameter of one-hundred forty feet (140) feet, unless a lesser diameter is specified by Town ordinance. The minimum right-of-way diameter shall not, however, be less than one-hundred thirty (130) feet. In the case of a temporary cul-de-sac were the division has approved a future road design or the Towns official street map (where applicable) said cul-de-sac shall not be less then a one-hundred forty feet (140) foot diameter.

13.1004 Street Names

- (a) Any street which is the reasonable continuation of an existing street shall bear the same name. If the topography or other feature of a permanent nature is such as to render the continuation of the actual roadway impossible and where some nomenclature is apt to produce confusion, the street shall not carry the same name as the street to which it may be geometrically aligned.

(b) The Planning & Zoning Administrator may disapprove the name of any street shown on the Plat which as already been used elsewhere in the County which, because of similarity, spelling, or pronunciation may cause confusion.

(c) The following table shall be used in the naming of roadways:

TYPE	DEAD-END	CURVING	STRAIGHT
Short Streets	Places or Courts	Crescent, Way, Circle, or Lane	Terrace, Row, or Lane
Long Streets		Drive, Road or Trail	Street or Avenue

(d) The term boulevard shall be reserved for such streets which, because of their breadth or monumental character, are to be especially designated.

(e) Public streets and roads shall be located to take into account:

- (1) Existing and planned streets.
- (2) Topographic conditions including the bearing capacity and erosion potential of the soil.
- (3) Public convenience and safety including facilitating fire protection, snow plowing and pedestrian traffic.
- (4) The proposed uses of land to be served.
- (5) Anticipated traffic volumes.
- (6) Further land division possibilities.

(f) In addition, the following standards shall apply:

- (1) Whenever the proposed land division contains or fronts a County trunk highway or a Town road which serves as an arterial function, limitation of direct access and a separation of through and local traffic shall be provided by use of frontage or service roads which shall connect to said County or Town arterial road at a minimum separation of 1,320 feet.
- (2) Each lot in a land division shall connect directly to a public road that meets the width as specified in Section 13.1003 (l).
- (3) Driveways shall not exceed 10% grade within the limits of the public right-of-way.
- (4) Public roads shall extend to the boundary of the tract being divided where applicable.
- (5) Construction of public roads and streets shall be according to local road standards as specified by the Town Board. Where there are no local standards, the minimum standards of the Division of Highways shall apply. The subdivider shall grade the roadbeds in the roadway width to sub-grade and shall surface all roadways to the width prescribed by this ordinance. The subdivider shall meet any additional road standard specified by the Town Board.

(g) Other public streets shall be of right-of-way, surface widths and standards specified by the County Highway Commissioner and as approved by the Planning & Zoning Committee.

- (h) This section shall also comply with provisions of 1250-2003 OCONTO COUNTY UNIFORM 911 AND PHYSICAL PROPERTY NUMBERING SYSTEM ORDINANCE.

13.1005 Easements

The Planning & Zoning Department staff may require easements for electric power and communications facilities, storm and sanitary sewers, streets, trees, drainage, floodwater, gas, water, cable television lines, or other utility lines. Where such easements are specifically located within the area being subdivided, they shall be placed so as not to interfere unreasonably with the use and enjoyment of the property for residential or other purposes.

13.1006 Lands near Waters Edge

The lands lying between the meander line, established in accordance with §236.20(2)(g) Wisconsin Statutes and the waters edge and any otherwise unplattable lands, such as floodway, which lie between a proposed land division and the waters edge shall be included as part of lots, outlots or public dedications in any map or Plat abutting a lake or stream.

13.1007 Lands In or Near Floodplain

When a proposed subdivision or Certified Survey Map is located in an area where flooding or potential flooding may be a hazard, the Planning & Zoning Department may require that the subdivider determine the floodplain boundaries for the proposed Plat or map. Floodplain boundaries, as determined by the subdivider shall be reviewed and approved by the Wisconsin Department of Natural Resources.

13.1008 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 to separate residential development from through traffic or other incompatible conditions.

13.1009 Lots *(Created 02/22/18 Ord. O2018-02-01)*

- (a) Unless specifically waived by the Committee, a separate lot shall be provided for each structure intended for residential use.
- (b) The lot size, width, depth, and the minimum building setback lines shall conform to the requirements of the Oconto County Zoning Ordinance, as well as this Ordinance.
- (c) Where possible, lot lines shall be perpendicular to the street line and radial to curved streets.
- (d) Lots shall follow, rather than cross, municipal boundary lines.
- (e) Lot dimensions shall conform to the requirements of the Oconto County Zoning Ordinance; however the following supplemental requirements also apply:
 - (1) Lots served by public sewer shall not be less than sixty-six (66) feet wide measured right angles at the right-of-way line, unless said lot is located on the outer radius of a curved street. In such cases, the lot width shall not be less than fifty (50) feet wide measured at the right-of-way line along a cul-de-sac or curve. Lots, where served by public sewers, shall not be less than ten thousand (10,000) square feet in area.
 - (2) Lots not served by public sewer shall not be less than one hundred (100) feet wide measured right angles at the right-of-way line, unless said lot is located on the outer radius of a curved street. In such cases, the lot width shall not be less than fifty (50) feet

wide measured at the right-of-way line along a cul-de-sac or curve and one hundred (100) feet at the building setback line. A lot may be less than one hundred (100) feet wide in places in order to accommodate existing buildings, water courses, existing roads, etc.; however, at no point can an unsewered lot be less than 75 feet wide measured at right angles between side lot lines for this purpose. Furthermore, the reduction in width shall be the minimum necessary to accommodate for the obstruction. Lots not served by public sewers shall not be less than twenty thousand (20,000) square feet in area.

- (3) Lots shall have a minimum of 100 feet of frontage at the ordinary high water mark. Water frontage at the ordinary high water mark shall be measured as the lesser of a straight line connecting points where a lot's side lot lines intersect the ordinary high water mark or as the length of a chord which is perpendicular to a side lot line where it intersects the ordinary high water mark and terminates at the opposite side lot line.
- (f) Lots shall conform to the requirements of the Oconto County Sanitary Ordinance; specifically the creation of lots with holding tanks is prohibited for one or two family residential homes.

Based on soils, site conditions and proposed development potential, the Zoning Administrator shall have the discretion to request soil and site evaluation reports to verify all proposed lots that will be served by a private onsite waste treatment system other than a holding tank.

- (g) Lot Drainage. 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 designated so as to avoid concentration of storm drainage water from each lot to adjacent lots.
- (h) Side lot lines shall be substantially at right angles or radial to street lines.
- (i) All lots created must abut a public road as specified throughout this ordinance.
- (j) Substandard lots: Exchange of lands between property owners involving a substandard lot(s) may be permitted as part of a Realignment Certified Survey Map subject to the following standards:
 - (1) Any exchange shall not increase the non-conformity of an existing substandard lot(s) provided in the Oconto County Land Division and Zoning Ordinance dimensional standards or any other applicable ordinance.
 - (2) Any exchange does not reduce conforming lot(s) below the minimum dimensional standards of the Oconto County Land Division and Zoning Ordinances or any other applicable ordinance.

13.1010 Parks, Playgrounds, Schools and Open Space

In the design of the land division, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainage ways and other public purposes. Consideration shall also be given in the design of the land division to the preservation of scenic and historic sites, stands of fine trees, wetlands, lakes and ponds, watercourses, watersheds and ravines.

13.1011 Lot Design Chart

DISTRICT	MINIMUM AREA	MIN. ROAD, BLDG. SITE AND WATER ² FRONTAGE	ROAD SETBACK FROM CENTERLINE Or ROW whichever is greater (see below)	SIDE SETBACK	REAR SETBACK	ORDINARY HIGH WATER MARK SETBACK
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R-1	20,000 ft ² unsewered 10,000 ft ² sewer	Sewered 66 feet Unsewered 100 feet ⁴	Town Road 63 feet ⁹ County Hwy 75 feet ⁹ State/Federal Hwy 110 feet ⁹	Principal bldg 10 ft Access bldg 5-7.5 ft ⁵	20 feet	75 feet
R-2	30,000 ft ² unsewered 10,000 ft ² sewer	Sewered 66 feet Unsewered 100 feet ⁴	Town Road 63 feet ⁹ County Hwy 75 feet ⁹ State/Federal Hwy 110 feet ⁹	Principal bldg 10 ft Access bldg 5-7.5 ft ⁵	20 feet	75 feet
R-3	6 Acres ¹	Sewered 66 feet Unsewered 100 feet ⁴	Town Road 63 feet ⁹ County Hwy 75 feet ⁹ State/Federal Hwy 110 feet ⁹	40 feet to the boundary line of the mobile home park ⁶	40 feet to the boundary line of the mobile home park ⁷	75 feet
CS	20,000 ft ² unsewered 10,000 ft ² sewer	Sewered 66 feet Unsewered 100 feet ⁴	Town Road 63 feet ⁹ County Hwy 75 feet ⁹ State/Federal Hwy 110 feet ⁹	Principal bldg 10 ft Access bldg 5-7.5 ft ⁵	20 feet	75 feet
P-R	5 Acres	Sewered 66 feet Unsewered 100 feet ⁴	Town Road 63 feet ⁹ County Hwy 75 feet ⁹ State/Federal Hwy 110 feet ⁹	50 feet	50 feet	75 feet
F	10 Acres	Sewered 66 feet Unsewered 100 feet ⁴	Town Road 63 feet ⁹ County Hwy 75 feet ⁹ State/Federal Hwy 110 feet ⁹	Principal bldg 10 ft Access bldg 5-7.5 ft ⁵	20 feet	75 feet
RR	2 Acres	Sewered 66 feet Unsewered 100 feet ⁴	Town Road 63 feet ⁹ County Hwy 75 feet ⁹ State/Federal Hwy 110 feet ⁹	Principal bldg 10 ft Access bldg 5-7.5 ft ^{5&7}	20 feet ⁷	75 feet
A	10 Acre	Sewered 66 feet Unsewered 100 feet ⁴	Town Road 63 feet ⁹ County Hwy 75 feet ⁹ State/Federal Hwy 110 feet ⁹	Principal bldg 10 ft Access bldg 5-7.5 ft ^{5&7}	20 feet ⁷	75 feet
LA	35 Acres	Sewered 66 feet Unsewered 100 feet ⁴	Town Road 63 feet ⁹ County Hwy 75 feet ⁹ State/Federal Hwy 110 feet ⁹	Principal bldg 10 ft Access bldg 5-7.5 ft ^{5&7}	20 feet ⁷	75 feet
NC	20,000 ft ² unsewered 10,000 ft ² sewer	Sewered 66 feet Unsewered 100 feet ⁴	Town Road 63 feet ⁹ County Hwy 75 feet ⁹ State/Federal Hwy 110 feet ⁹	None ⁸	10 feet where adj. prop. is GC, LI or I - 50 feet in any other district	75 feet
RC	20,000 ft ² unsewered 10,000 ft ² sewer	Sewered 66 feet Unsewered 100 feet ⁴	Town Road 63 feet ⁹ County Hwy 75 feet ⁹ State/Federal Hwy 110 feet ⁹	None ⁸	10 feet where adj. prop. is GC, LI or I - 50 feet in any other district	75 feet
GC	20,000 ft ² unsewered 10,000 ft ² sewer	Sewered 66 feet Unsewered 100 feet ⁴	Town Road 63 feet ⁹ County Hwy 75 feet ⁹ State/Federal Hwy 110 feet ⁹	None ⁸	10 feet where adj. prop. is GC, LI or I - 50 feet in any other district	75 feet
LI	20,000 ft ² unsewered 10,000 ft ² sewer	Sewered 66 feet Unsewered 100 feet ⁴	Town Road 63 feet ⁹ County Hwy 75 feet ⁹ State/Federal Hwy 110 feet ⁹	None ⁸	10 feet where adj. prop. is GC, LI or I - 50 feet in any other district	75 feet
I	20,000 ft ² unsewered 10,000 ft ² sewer	Sewered 66 feet Unsewered 100 feet ⁴	Town Road 63 feet ⁹ County Hwy 75 feet ⁹ State/Federal Hwy 110 feet ⁹	50 feet	10 feet where adj. prop. is GC, LI or I - 50 feet in any	75 feet

					other district	
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¹Each mobile home stand lot must be at least 40 feet by 100 feet

²All lots must have a minimum of 100 feet of frontage at the ordinary high water mark

⁴50 feet if on the outside radius of a curve

⁵5 feet for lots less than 100 feet wide, 7.5 feet for lots 100 feet or wider

⁶The distance from any mobile home stand to any internal street right-of-way, walkway, common parking area or any other common area shall be 10 feet

⁷Structures used for animal shelters, barns and sheds shall be located not less than 50 feet from any lot line

⁸Except 10 feet when the parcel abuts land zoned agricultural, residential or conservancy

⁹ The ROW setback is 30 feet from Town Road, 42 feet from County Hwy and 50 feet from State/Federal Hwy. Whichever distance is greater should be used.

13.1100 DEDICATIONS

- (a) Roads. The subdivider shall be required to offer for dedication to the County or Town all streets, roads and other public ways which are proposed to be established or are existing, but lack proper documentation, that are within and/or about the subdivision as specified herein.
- (b) Public Access to Navigable Waters. Land divisions abutting on a navigable lake or stream shall, according to the provisions of §236.16(3) Wisconsin Statutes and this section, provide access at least one-hundred (100) feet wide to the low water mark so that there will be public access, which is connected to existing public roads at least one-half (1/2) mile intervals as measured along the lake or stream shore, except where greater intervals and wider access is agreed upon by the Department of Natural Resources and the Department of Agriculture, Trade and Consumer Protection and excluding shore areas where public parks or open space streets or roads on either side of a stream are provided.
- (c) Other Dedications. At the request of the municipality it shall require that suitable sites not to exceed 5% of the total area of the land division be offered for dedication or reservation for future public use such as parks, playgrounds, public access, drainage ways, school sites and open spaces as needed by the subdivision. In lieu of dedication of land, the subdivider shall make a cash equivalent payment to the Town to be used for these purposes. The value of the land shall be determined by the Assessor of that municipality.
- (d) Method of Offering Dedications. Dedications shall be effected as provided in §236.29 Wisconsin Statutes.

13.1200 APPLICATION OF STATE STANDARDS TO LAND DIVISIONS

13.1201 State Standards Apply to all Land Divisions

The standards of §236 Wisconsin Statutes, as well as the standards set forth in rules adopted by the Wisconsin Department of Transportation pursuant to Wisconsin Statutes and Wisconsin Administrative Codes where applicable, shall be applied to land divisions defined by this ordinance.

13.1202 Optional Applications of State Standards to Land Divisions

The Planning & Zoning Administrator may send any land division application to State agencies for advisory review and comments upon a determination that such a referral would yield information that will be useful to the review process.

13.1203 Suitability Standards

- (a) §236.45 Wisconsin Statutes authorized the County to prohibit the division of lands where such application 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.
- (b) The suitability standards of this section are in addition to standards set forth in other land regulatory ordinances applicable to the County.
- (c) These suitability standards shall be applied to all proposed land divisions under the authority stated herein.
- (d) No land shall be divided which is held 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 feature or circumstances 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 land division or of the community. The County does not guarantee, warrant, or represent that only those areas designated as flood lands will be subject to periodic inundation and that those soils listed as being unsuited for specific uses are the only unsuited soils within the County and thereby asserts that there is no liability on the part of the County Board of Supervisors, its agencies, or employees for sanitation problems or structural damages that may occur as a result of reliance upon, and conformance with, this Ordinance.

13.1204 Dividing Of Lands of High Agricultural Value

- (a) It is declared to be the policy of Oconto County to make a conscious effort to preserve the agricultural use of land which, because of soil characteristics, aggregate acreage, proximity to other farms or other pertinent characteristics, have high value for continued farm uses to meet the food and fiber needs of the County, the Region, the State and Nation. In the interest of furthering the orderly use of land, preserving the character of these portions of the County and encouraging the use of land most appropriate to the essential nature of the land itself, land divisions under this ordinance, shall be discouraged from intruding on areas of high agricultural value.
- (b) Areas zoned and mapped "Agriculture" on the Oconto County Zoning Maps shall be considered and a determination made as to the agricultural value of each parcel being proposed for division.
- (c) The committee, in determining the agricultural value, may seek the advice of the County Land Conservation, Soil Conservation Service, Assessors, affected Town or Municipality and any other County or State agency which would be of assistance in making such a determination.

13.1205 Limitations on Large Lot, Unsewered Developments in Areas Which Have Potential for Sanitary Sewer Service

It is declared to be the policy of Oconto 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 sewerage services, the following standards shall apply to all land divisions:

- (a) Developments which can be connected to sanitary sewage collection and treatment facilities within the land division 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) The Committee shall determine for each land division which comes before the County for approval whether the proposed development is located in an area where sanitary sewage treatment service can reasonably be expected to be available with a five (5) year period from the

date of project completion. In making such determination, the committee shall make diligent inquiry into municipal, State and federal policies which bear upon the likelihood that service will, in fact, be provided on schedule. Land divisions may be occupied prior to connection to sewerage service provided that each parcel proposed for occupancy meets all standards that are applicable to the interim, on-site waste disposal systems. Interim occupancy may be on the basis of use of two (2) or more lots with provisions for re-division after sewerage service connection is made.

13.1206 Suitability of Lands for Large Rural Developments

It is declared to be the policy of Oconto County to reasonably seek to accommodate the demand for purchase and occupancy of large lots for residential purposes in scenic rural locations. In the interest of preserving the green and scenic character of such areas, lessening highway congestion and allowing for adequate on-site waste disposal, such developments shall be permitted in areas of Oconto County, which are:

- (a) Zoned for such use.
- (b) Compatible with the general suitability standards.
- (c) To insure that such developments retain their character, they may be subject to the covenant provisions of this ordinance.
- (d) If the committee determines that, the development is likely to result in the raising of floral, garden or agricultural crops on a larger scale than normally associated with home gardens or in the raising, care, use of husbandry of animals on a scale beyond that normally associated with full-scale farming, the subdivider may be required to provide larger lot or parcel sizes than are otherwise established under the Oconto County Zoning Ordinance, and as are deemed necessary to assure space for the intended uses to be carried out without unreasonable interference with the use and enjoyment of present or potential users on nearby properties.
- (e) Land divisions for public utilities and certain public facilities involving structures not requiring on-site waste disposal systems (i.e. land for water tower construction, pumping stations, power relay stations, etc.) and other land divisions where conditions warrant as determined by the Planning & Zoning Department staff, not requiring on-site waste disposal systems may be approved with the following required notation: "No structure for human habitation shall be placed on this lot until all State, County, and Town regulations have been met and a sanitary permit has been issued by the Oconto County Planning & Zoning Department."

13.1207 Recitation of Bases for Decisions, Contests

The administrator or committee in applying these suitability standards shall specify in writing, the particular facts upon which the decisions are based and afford the subdivider an opportunity to present evidence regarding the suitability issue at a public hearing. Thereafter, the administrator or committee may affirm, modify or withdraw the decision.

13.1300 ADMINISTRATION

13.1301 Planning & Zoning Committee

The Planning & Zoning Committee as appointed by the Oconto County Board, shall be empowered to insure proper administration and compliance with the provisions of this ordinance, to conduct such hearings and meetings as necessary, and to approve, conditionally approve or reject applications under the terms as set forth herein.

13.1302 Planning & Zoning Administrator

The Oconto County Planning & Zoning Administrator appointed by the Oconto County Board shall be responsible for the administration and enforcement of this ordinance.

- (a) The subdivider shall submit the necessary copies of the land division to the Oconto County Planning & Zoning Department. Copies of the map will then be circulated to the appropriate agencies or departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Oconto County Planning & Zoning Department within fifteen (15) days from the date the map is transmitted by the County Planning & Zoning Department.
- (b) The Planning & Zoning Department staff shall, within forty (40) days of its transmittal, approve or reject the land division, based on a determination of conformance with the provisions of this Ordinance, Chapter 236 Wisconsin Statutes, and adopted County comprehensive plans or adopted plan components which affect it. In the event of rejection or conditional approval, the land divider may appeal the decision of the planning staff to the Committee. The divider shall be notified, in writing, of any conditions of approval or the reasons for rejection.
- (c) The subdivider shall record the map with the Oconto County Register of Deeds within thirty (30) days of its approval by the Oconto County Planning & Zoning Department.
- (d) Copies of any proposed land division, which has been submitted to the Oconto County Planning & Zoning Department under the procedure in this section will be considered for approval for the time period one (1) year from the date such copies are received. Copies of any proposed Certified Survey Map upon which no final approval has been sought will lapse after the one (1) year time period from date of submission.

13.1303 Affidavits

All affidavits pertaining to parcels within the jurisdiction of Oconto County shall be approved by the Zoning Administrator.

13.1400 FEES, ENFORCEMENT, VARIANCES, AND APPEALS

13.1401 Fees (amended Ord # 1926-2010)

Application Fees. The subdivider shall submit application fees approved by resolution adopted by the Oconto County Board of Supervisors at the time of formal submission of application, to assist in defraying the cost of review. No processing will commence until fees are paid. At the time of application the owner/developer or agent must submit the specified number of copies. If ample copies are not submitted for distribution the Department shall produce the necessary copies and said charges will be charged to the applicant/agent/owner/surveyor.

Type	# of Copies
Certified Survey Map	5
Retracement Certified Survey Map	2
Preliminary County/State Plat	10

Final County/State Plat	3
Preliminary Condominium Plat	10
Final Condominium Plat	3
Variance & Appeals	1

13.1402 Variance And Appeals (amended Ord # 1926-2010)

- (a) Variance. Where, because of extraordinary hardship, practical difficulties, unique topographic or other conditions of the land involved, or because of other conditions pre-dating 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 applications would impose undue hardship, the Committee may, after holding a public hearing, permit variances in particular standards found within. The Committee may attach conditions to the granting of such modifications to assure that the purpose and intent of the ordinance are observed and that compliance with State laws is achieved.
 - (1) Procedure. A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat or certified survey map is submitted for review. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.
 - (2) For all approved variances, a notation shall be placed on the plat or certified survey map stating the nature of the variance granted and the date of approval by the Planning and Zoning Committee.
- (b) The Committee shall also hear and decide appeals where it is alleged that the administrator errors in applying the provisions of this ordinance.
- (c) Appeals. Any person aggrieved by an objection to a Plat or a failure to approve a Plat may appeal the decision, as provided in Chapter 236 Wisconsin Statutes, within thirty (30) days of notification of the rejection of the Plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a part to the action. The court shall direct that the Plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable, or discriminatory.
- (d) An application fee approved by resolution adopted by the Oconto County Board of Supervisors shall be included with applications.

13.1403 Enforcement

- (a) The County may institute appropriate action or proceedings to enjoin violation of the ordinance or of State law pursuant to §236.31 Wisconsin Statutes.
- (b) Penalties
 - (1) A person, firm or corporation who fails to comply with the ordinance shall, upon conviction, forfeit not less than \$100.00 nor more than \$500.00 and the cost of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.
 - (2) Recordation improperly made has penalties provided in §236.31 Wisconsin Statutes.

- (3) Conveyance of lots in unrecorded Plats have penalties provided in §236.31 Wisconsin Statutes.
- (4) Monuments disturbed or not placed have penalties provided in §236.32 Wisconsin Statutes.
- (5) Assessor's Plats made pursuant to §70.27 Wisconsin Statutes may be ordered by the County at the expense of the subdivider when a land division is created by successive divisions.
- (c) Where conflicts exist within this or any other ordinance, statute or administrative code, the more restrictive shall apply.

13.1500 AUTHORITY

13.1501 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 in favor of Oconto County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

13.1502 Severability

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

13.1503 Repeal

The Oconto County Land Division Ordinance, Chapter 13, dated November 9, 1989 is hereby repealed and all other ordinances or parts of Oconto County inconsistent or conflicting with this ordinance to the extent of the inconsistency only, is hereby repealed.

13.1504 Effective Date

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