

SHAWANO COUNTY

LAND DIVISION

ORDINANCE 3-10



Adopted Date: May 26, 2010

Effective Date: May 30, 2010

AMENDED DATE: August 27, 2014 & March 29, 2017

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ORDINANCE NO. 3-10

**TO APPROVE AMENDMENTS OF THE COUNTY LAND DIVISION
ORDINANCE NO. 3-10**

WHEREAS, the Shawano County Land Division Ordinance, Ordinance No. 3-10, was adopted by the County Board of Supervisors on May 26, 2010 with an effective date of May 30, 2010; and

WHEREAS, said ordinance was adopted for several purposes, including but not limited to, assuring that the division of land within the unincorporated areas of Shawano County be done in compliance with the County Comprehensive Plan, the County Zoning Ordinance, and to further the orderly layout and use of land; and

WHEREAS, the Planning, Development and Zoning Department held a stakeholders meeting to solicit input on the proposed amendments and the Committee has reviewed the proposed amendments at several of their monthly meetings and have now determined that the proposed amendments merit a change to the document; and

WHEREAS, the Planning, Development and Zoning Committee held a public hearing regarding the proposed amendments on August 6, 2014 and now recommend that the County Board of Supervisors approve said amendments.

NOW, THEREFORE, BE IT RESOLVED BY THE SHAWANO COUNTY BOARD OF SUPERVISORS in session this 29th day of March, 2017, that the Shawano County Land Division Ordinance, Ordinance 3-10, be amended as proposed, with an effective date upon publication.

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 13.01 VIOLATIONS, PENALTIES, AND REMEDIES 45

SECTION 1 - INTRODUCTION

- 1.01 **AUTHORITY.** This ordinance is adopted under the authority granted by Sections 59.69(2) and 236.45 or amendments thereto of the Wisconsin Statutes and pursuant to this authority the County Board of Supervisors of Shawano County does ordain as follows:
- 1.02 **TITLE.** This ordinance shall be known as, referred to, or cited as the “Shawano County Land Division Ordinance.”
- 1.03 **PURPOSE AND INTENT.** The purpose of this ordinance is to officially regulate and control the division of land within the unincorporated areas of Shawano County for the following purposes:
- A. To promote the public health, safety and general welfare of Shawano County and its municipalities.
 - B. Encourage development of land that preserves the spirit and intent of the Shawano County Comprehensive Plan.
 - C. To further the orderly layout and use of land.
 - D. To secure safety from fire, flood, and other dangers and to prevent the overcrowding of land.
 - E. To ensure that the design of the transportation system will not have a negative long-term effect on neighborhood quality, traffic and pedestrian movement, and safety.
 - F. To provide for adequate light and air.
 - G. To facilitate adequate provisions of water, sewerage, and other public requirements.
 - H. To provide for proper ingress and egress.
 - I. To promote proper monumenting of subdivided land and conveyance by accurate legal description.
 - J. To prevent and control erosion, sedimentation, and other pollution of air, streams, and ponds; to ensure the adequacy of drainage facilities; to

safeguard potable water supplies; and to encourage the wise use and management of natural resources throughout the County.

- K. To preserve the natural beauty and topography of the County and to encourage appropriate development with regard to these natural features.

1.04 **APPLICABILITY.** As defined within this ordinance, every subdivision, certified survey map or replat within the unincorporated area of Shawano County shall proceed in conformance with this ordinance.

1.05 **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

1.06 **EXEMPTIONS.** The provisions of this ordinance shall not apply to:

- A. Cemetery or burial plots made under Section 157.07 or amendments thereto Wisconsin Statutes.
- B. Transfers of interest in land by will or pursuant to court order.
- C. Leases for a term not to exceed 10 years, mortgages, or easements.
- D. The sale or exchange of land between owners of adjoining property if additional lots and/or parcels are not thereby created and the lots and/or parcels resulting are not reduced below the minimum sizes required by this ordinance or other applicable laws or ordinances.
- E. Division of land that has been previously surveyed and recorded by the Register of Deeds office by means of either a Plat or Certified Survey Map.
- F. Assessors' plats made under Section 70.27 or amendments thereto, Wisconsin Statutes.
- G. Divisions of land relating to the acquisition or exchange of land by public agencies, for public use and occupancy, including but not limited to, land divisions made for road construction purposes.

1.07 **INTERPRETATION.** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall be liberally construed in favor of Shawano County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

1.08 **SEVERABILITY AND NON-LIABILITY.**

- A. 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.
- B. The County does not guarantee, warrant, or represent that only those areas designed as floodplains 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.

1.09 **COMPLIANCE.** Any division or combining of parcels which is applicable under Section 1.04 shall not be entitled to recording unless such division is in compliance with all of the requirements of this ordinance, applicable local ordinances, provisions of Chapter 236 of the Wisconsin Statutes, and duly approved County and Regional Comprehensive Plans. All approved certified survey maps and plats shall be filed for recording with the Shawano County Register of Deeds prior to transferring ownership of any parcels created by a land division.

1.10 **ADMINISTRATION.** The administration of the provisions of this ordinance shall be the responsibility of the Shawano County Planning, Development and Zoning Committee and the Planning and Development Department staff as authorized representative.

SECTION 2 – RULES AND DEFINITIONS

2.01 RULES. Whenever the following words and phrases appear in this title, they shall be given the meaning attributed to them by this section. “Shall” is always mandatory, and the word “may” indicates a use of discretion in making a decision. Words not specifically defined herein shall be defined in the most recent edition of Webster’s New Collegiate Dictionary.

2.02 DEFINITIONS.

- A. **Alley:** A public or private right-of-way that provides secondary access to abutting properties.
- B. **Block:** A group of lots existing within well defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers, and having an assigned number, letter, or other name through which it may be identified.

- C. **Building:** A structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind and which is more or less supported by the ground.
- D. **Building Setback Line:** The distance from the boundaries of a lot or from some other feature within which building(s) shall not be erected.
- E. **Certified Survey Map:** A map of not more than four parcels prepared in accordance with Chapter 236 of the Wisconsin Statutes, and the terms of this ordinance.
- F. **Cluster Land Division:** A residential development that concentrates buildings or lots on a part or parts of the site to allow the remaining land to be used for open space, recreation, protection of environmental features, agriculture, or other purposes, where the density regulations are applied to the project as a whole instead of to its individual lots.
- G. **Community On-Site Sewage Disposal System:** An on-site sewage disposal system which serves more than one lot within a land division or more than one individual use on a lot.
- H. **Community Water System:** A publicly or privately owned system or water supply intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission, and distribution facilities where water is furnished to any community, collection, or number of individuals, but excluding a water system serving one single family residence.
- I. **Comprehensive Plan:** The Comprehensive Plan prepared in conformance with Section 66.1001 of the Wisconsin Statutes and adopted by the Shawano County Board of Supervisors.
- J. **Combining Parcels:** The voluntary act of creating a single lot description and tax parcel out of two or more separately described parcels.
- K. **Concept Plan.** A preliminary drawing depicting proposed lot and street layout submitted to the Planning and Development Department for preliminary consultation prior to submittal of a preliminary plat.
- L. **Conservation Easement:** The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open, agricultural or wooded state precluding future or additional development.
- M. **Corner Lots:** A lot located at the intersection of two or more streets.
- N. **Cul-de-sac:** A short local street with one end open to vehicular traffic and the other end permanently terminated by a vehicular turnaround. Where a combination of two or more intersecting streets have only one outlet to the adjoining road network, it shall be considered a cul-de-sac for the purposes of this ordinance.
- O. **Days:** Shall refer to calendar days, unless specifically stated otherwise.

- P. **Dead-end Street:** A street having only one outlet for vehicular traffic and no permanent vehicular turnaround.
- Q. **Dedication:** The deliberate appropriation of land by an owner for any general and public use, reserving to himself no other rights than such are compatible with the full exercise and enjoyment of public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner upon presentation for filing of a final plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval by the appropriate governmental unit of such plat for filing.
- R. **Density:** Means the number of dwelling units per gross acre of land.
- S. **Development:** Any man made change to the land including, but not limited to, construction, additions to existing buildings or structures, mining, dredging, filling, grading or paving.
- T. **Double Frontage Lot:** A lot, other than a corner lot, with frontage on two or more streets.
- U. **Drainage Easement:** An area of land reserved to accommodate the free flow of stormwater, detention or retention of stormwater, or to provide for storm sewers.
- V. **Dwelling Units:** The space within a building designated for long-term residential use and which includes cooking and sleeping facilities.
- W. **Easement:** A written grant of one or more property rights to a person by a property owner.
- X. **Environmental Corridor:** Environmental corridors shall consist of the following features:
1. Wetlands.
 2. Watercourses and their associated setback.
 3. Steep slopes of 12% or greater.
- Y. **Extraterritorial Plat Approval Jurisdiction:** The unincorporated area within 1½ miles of a fourth class city or village and within 3 miles of all other cities over which the incorporated area may exercise plat approval provided they have enacted an Official Map Ordinance or Subdivision Control Ordinance prepared in conformance with Section 236.10 or amendments thereto, Wisconsin Statutes.
- Z. **Farmstead:** A cluster of buildings, usually including a residence, used in the support and operation of an agricultural, dairy, or livestock farm operation.
- AA. **Final Plat:** The map or plan of a subdivision prepared in compliance with the provisions of Chapter 236 or amendments thereto, Wisconsin Statutes and the terms of this ordinance.
- BB. **Flag Lot:** A lot with its widest point set back from the road, and having a thin, long strip ("the flagpole") of land connected to the road to provide access and frontage.

- CC. **Gross Site Area:** The total area within the boundaries of a tract to be subdivided, including the area to the centerline of adjacent established public rights-of-way.
- DD. **Improvement, Public:** Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, park, parkway, public access, sidewalk, pathway, planting strip, off-street parking area, or other facility for which the County or local municipality may ultimately assume the responsibility for maintenance and operation.
- EE. **Land Division:** The act of creating one or more new and separately described parcels from an existing parcel(s) of land by the owner thereof or their agent.
- FF. **Land Division, Minor:** The creation of one (1) but not more than four (4) lots within a period of five (5) years from the parent parcel(s).
- GG. **Legal Access:** The description and/or descriptions which identify in writing the physical location of the nonexclusive vehicular access rights to a public street as provided in a recorded document. The width of an easement required for legal access shall be a minimum of thirty-three (33) feet.
- HH. **Legal Description:** The description and/or descriptions which identify in writing the physical location of the land interest conveyed as it exists on a recorded deed and/or deeds of the area to be platted.
- II. **Limited Access Expressway:** A divided arterial street or highway for through traffic with full or partial control of access, either with or without grade-separated intersections.
- JJ. **Lot:** A designated 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. For the purposes of this ordinance, a lot may also include the terms parcel, tract, or building site in determining the applicability of this ordinance to land divisions.
- KK. **Lot Area, Gross:** The lot area contained within the property lines of the individual parcels of land as shown on a plat or certified survey map, including the area to the centerline of any adjacent rights-of-way.
- LL. **Lot Area, Net:** The area contained within the property lines of the individual parcels of land as shown on a plat or certified survey map, excluding any area within a street right-of-way but including the area of any easement.
- MM. **Lot Corner Monument:** At a minimum, one (1) inch inside diameter galvanized iron pipe or $\frac{3}{4}$ inch smooth rebar set to mark a corner or angle point of a lot or other division.
- NN. **Lot Depth:** The horizontal length of a straight line drawn from the midpoint of front property line of the lot to the midpoint of the rear property line.
- OO. **Lot Frontage:** That part of a lot or easement abutting on a street or other public right-of-way. Also, the length of the lot line running along a public right-of-way.

- PP. **Lot Width:** The horizontal distance between side lot lines measured at right angles to lot depth line at a point midway between the front and rear property line. If the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the depth line of the lot at a distance midway from the front and rear lines.
- QQ. **Municipality:** A town, village or city within Shawano County.
- RR. **Navigable Waters:** Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages, and other waters within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. Under Section 281.31(2m) of the Wisconsin Statutes, notwithstanding any other provision of law or administrative rule promulgated there under, shoreland ordinances required under Section 59.692 or amendments thereto, Wisconsin Statutes and Chapter NR 115.03(5), Wisconsin Administrative Code, do not apply to lands adjacent to farm drainage ditches if:
1. Such lands are not adjacent to a natural navigable stream or river;
 2. Those parts of such drainage ditches adjacent to such lands were not navigable before ditching; and
 3. Such lands are maintained in nonstructural agricultural use.
- SS. **Official Map:** A legally adopted map of the city, village, town or county showing thereon existing and proposed streets, highways, parkways, parks, schools, and other public facilities, as provided by Sections 62.23(6) , 66.1031, 236.46, Wisconsin Statutes or amendments thereto.
- TT. **Open Space:** Land within a subdivision or development retained for use as recreation areas, agriculture, or for natural resource protection in an essentially undeveloped state.
- UU. **Open Space Parcel:** The remainder lot in a Cluster Land Division that contains open space and/or conservation easement.
- VV. **Ordinary High Water Mark:** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.
- WW. **Outlot:** A non-buildable parcel of land so designated on a plat or certified survey map which is any of the following:
1. A parcel of land left over at the time of platting and which is intended to be divided further in the future.
 2. A platted parcel which does not meet the requirements of a lot at the time of platting.
 3. A platted parcel which is intended for open space or other use and held in common ownership or which is transferred to a public agency or utility.

- XX. **Owner:** An individual, firm, company, partnership, corporation, association, family legal entity, or any other human group having sufficient interest to seek development of land.
- YY. **Parcel:** A continuous area of land described in a single description in a deed or a lot or outlot on a plat or certified survey map, separately owned or capable of being separately conveyed.
- ZZ. **Parent Parcel:** The existing, legal lot of record, from which other parcels are divided.
- AAA. **POWTS:** Private onsite wastewater treatment system
- BBB. **Preliminary Plat:** A map showing the salient features of a proposed subdivision, meeting the requirements of this ordinance and submitted to the Planning and Development Department for purposes of preliminary approval.
- CCC. **Public Sewer System:** A sewerage system which is owned or operated by a sanitary district consisting of a collection system and necessary trunks, pumping facilities, and a means of final treatment and disposal and approved under a permit from the Department of Natural Resources.
- DDD. **Replat:** The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof.
- EEE. **Restrictive Covenant:** Written stipulations on the face of a plat or certified survey map regarding restrictions on the use or development of land that are binding on the property owner and subsequent owners of the property.
- FFF. **Retracement Certified Survey Map:** A certified survey map that retraces, identifies, and locates the boundaries of existing parcel or parcels of land and which does not create additional parcels or alter existing boundaries.
- GGG. **Right-of-Way:** A strip of land allowing or intending to allow the passage of people or goods and is dedicated to the public or under the control of the public.
- HHH. **Roadway:** That portion of a street or highway improved, designed, or ordinarily used for vehicular traffic.
- III. **Soil and Site Evaluation:** A report containing a soil profile evaluation which determines soil properties or characteristics as they relate to wastewater or non-water-carried human waste treatment or dispersal.
- JJJ. **Street:** A thoroughfare or way for vehicular traffic that provides vehicular access to abutting property.

Table 1: Street types and definitions organized by intensity.

Federal/State Highway	Freeways, expressways and highways owned by the Federal or State government designed to facilitate high traffic volumes.
County Highway	Highways owned and maintained by Shawano County to provide both land services and traffic circulation. Also function to collect traffic from town roads and channel onto Federal/State highways.
Town Road	Roads owned and operated by a township intended primarily for access to abutting properties.
Frontage Road	A town road which parallels and is adjacent to a Federal or State highway providing access to abutting properties and protecting through traffic
Half Street	A street bordering on the exterior boundary of a tract being divided with only a portion of the required right-of-way

- KKK. **Subdivider:** Any individual, firm, association, syndicate, partnership, corporation, guardian, attorney, trust, or any other legal entity commencing proceedings under the regulations of this ordinance to effect a subdivision of land hereunder for the owner of record or for another with consent of the owner of record.
- LLL. **Subdivision:** Any land division where:
1. The act of division creates five (5) or more parcels or building sites.
 2. Five (5) or more parcels or building sites of 10 acres each or less in area are created by successive divisions within a period of five (5) years from the parent parcel.
- MMM. **Tax Parcel:** An existing tract of land as defined by the governing jurisdictional body for taxation purposes.
- NNN. **Tract:** A contiguous group of lots or parcels in single ownership or under single control, considered a unit for purposes of subdivision or development.
- OOO. **Utility Easement:** An easement to place, replace, or move utility facilities, such as telephone or electric lines, water or sewer mains, gas pipelines, and fiber optic cable lines.
- PPP. **Variance:** A departure from the terms of this ordinance as applied to a specific parcel of land which Shawano County Board of Adjustment may permit, pursuant to Section 13.02 of this ordinance.
- QQQ. **Watercourse:** A natural or artificial channel through which water flows and is identified on the official Shawano County GIS or subsequent revisions thereto and new channels that are created as part of a development that may not be on the existing map. The term watercourse included waters of the State as herein defined. Additions or deletions to the map must be field verified by the administering authority. The Shawano County Shoreland

Zoning Ordinance establishes a minimum seventy-five (75) foot setback from the ordinary high water mark of navigable waters or by the average determination method.

- RRR. **Waters of the State:** Those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, and all lakes, bays, rivers, streams, springs, ponds, wells impounding reservoirs, marshes, watercourses, drainage systems and other surface water or ground water, natural or artificial, public or private, within Wisconsin or its jurisdiction.
- SSS. **Watershed:** An area bounded by a divide in which water drains to a specific point on the land.
- TTT. **Wetlands:** An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. These wetlands include, but are not limited to: natural, mitigated, and restored wetlands. The minimum residential setback from wetlands is twenty-five (25) feet. The minimum commercial setback from wetlands is fifty (50) feet.
- UUU. **Yield Plan:** A conceptual layout of a subdivision that shows the number of lots that would be permitted using the conventional requirements for density, lot size, and so forth. The yield plan is commonly used to justify the number of lots within a proposed conservation designed subdivision or other planned unit development.

SECTION 3 - GENERAL PROVISIONS

3.01 DEDICATION AND RESERVATION OF LAND

- A. Whenever a tract to be divided includes a proposed street or proposed site for a park, playground, school or other public use or facility as indicated on any adopted official map or comprehensive plan, such space shall be suitably incorporated by the subdivider into the subdivision plat or certified survey map after the proper determination of its necessity by the Planning Department staff and/or the appropriate body or public agency involved in the acquisition and/or use of each site. For planned streets within the tract to be divided, the subdivider shall dedicate the right-of-way width specified within Section 10.02.C.2. of this ordinance.
- B. If areas for potential public access or acquisition are included within a plat or certified survey map, Planning Department staff shall refer the land division to the public body concerned with the acquisition for its consideration and report. Planning Department staff may propose alternate areas for such acquisition and shall allow the public body thirty (30) days for written reply. The reply of the public body if affirmative shall include a map showing the

- boundaries and areas of the parcel to be acquired and estimate of the time required to complete the acquisition.
- C. Upon receipt of an affirmative report, Planning Department staff shall notify the property owner and shall require that the area proposed to be acquired by the public body be designated on the plat or certified survey map.
 - D. Whenever a proposed park, playground, public access, open space site or other public land use, other than streets or drainage ways, designated in the adopted regional, county or local comprehensive plans, or adopted plan components is located, partially or entirely, within a tract of land to be subdivided, such proposed public lands shall be made a part of the plan and shall either be dedicated to the public or be reserved for acquisition at undeveloped land costs, for a period not to exceed three (3) years from the date of recordation unless extended by mutual agreement between the subdivider and the public agency having jurisdiction. If the reserved land is not acquired by said public agency within the above time limit, the land shall be released to the owner.
 - E. Whenever a preliminary plat or certified survey map includes a proposed dedication of land to public use and Planning Department staff finds that such land is not required or suitable for public use, the Department may refuse to approve such a dedication.
 - F. When a final plat or certified survey map has received all required approvals and is recorded, that approval shall constitute acceptance for the purpose designated on the plat of all lands shown on the plat as dedicated to the public, including street rights-of-way.

3.02 ENVIRONMENTAL CORRIDORS

- A. Environmental corridors and their applicable buffers shall be depicted on all preliminary and final plat maps. Except for amendments approved by the Planning, Development and Zoning Committee or the Wisconsin Department of Natural Resources, restrictions shall be placed on all plats regarding development and land-disturbing activities within environmental corridors and their associated buffers. Notes or disclaimers may be included on plats indicating that the extent of the environmental corridor is subject to change due to the granting of amendments, revisions to the definition of environmental corridors, or provision of more detailed information, such as flood studies.
- B. When a proposed subdivision or certified survey map is located wholly or partially in an area where flooding or potential flooding may be a hazard, floodplain lines and, where calculated, floodway lines shall be shown on final plats and maps unless waived by Planning Department staff. Floodplain boundaries as determined by the subdivider shall be reviewed and approved

by the Wisconsin Department of Natural Resources and/or the Federal Emergency Management Agency (FEMA).

- C. Wetland boundaries, as mapped by the Wisconsin Department of Natural Resources, shall be depicted on the preliminary and final land division maps. Planning and Development Department staff may request a wetland delineation by a qualified professional, if there is uncertain ability of the lot to be utilized for the intended purpose.
- C. Planning Department staff may require that the locations and dimensions of sites for private onsite wastewater treatment systems be identified on final plats and certified survey maps for those lots with limited suitable area.

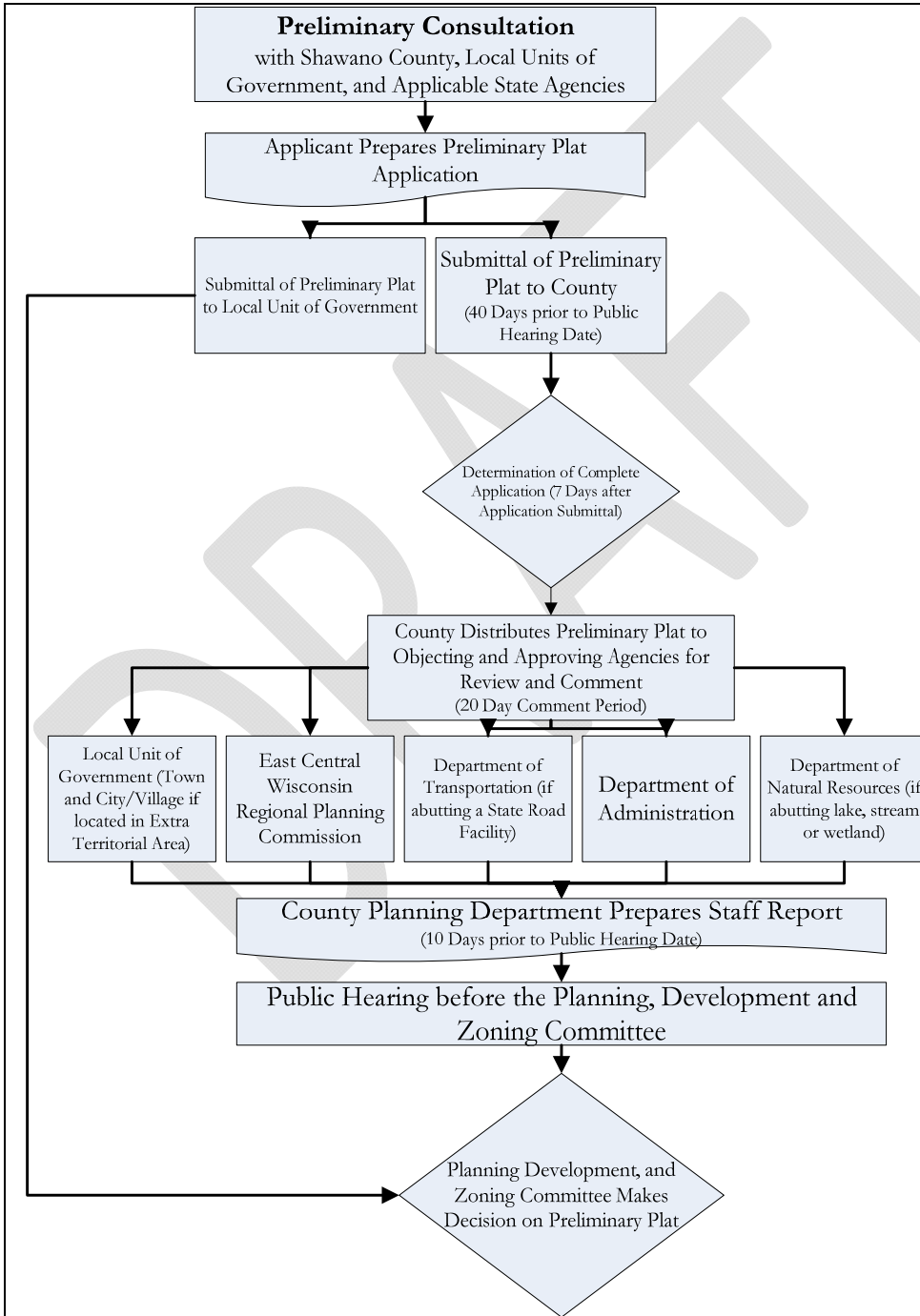
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SECTION 4 – PRELIMINARY SUBDIVISION PLAT

4.01 PRELIMINARY PLAT REQUIREMENTS AND REVIEW PROCESS

Applications for Preliminary Plats shall follow the process outlined in Figure 4.01 below:

Figure 4.01 Preliminary Plat Process



4.02 PRELIMINARY CONSULTATION

- A. Prior to filing an application for the approval of a preliminary plat, the subdivider shall consult with representatives of the Planning and Development Department, Town Board/Town Plan Commission, and others such as public utilities, to assist the subdivider in planning the development. This consultation is intended to inform the subdivider of the procedures and requirements for the development. Additionally, it is intended that both the subdivider and Planning Department staff may reach mutual conclusions regarding the proposed land division prior to expenditure of significant engineering and surveying resources.
- B. Information. The subdivider, or agent, shall submit a concept plan showing the proposed street and lot layout. In addition, information necessary to assess the proposed concept plan may be required if not otherwise available to Planning Department staff. Such information may include:
 - 1. Topographic contours at two (2) foot intervals.
 - 2. Hydrological characteristics, including watercourses, floodways/floodplains, wetlands, and drainage ways.
 - 3. Existing buildings and structures, including driveway locations and parking areas.
 - 4. All encumbrances, such as easements or access restrictions.
 - 5. General descriptions of proposed methods for stormwater management and sewage treatment.
- C. Review of Concept Plan. Following the filing of a complete concept plan as determined by the Planning Department, the Department will arrange a meeting between the consultant and any applicable governmental representatives to review the concept plan. Within twenty (20) days following the submittal of a complete concept plan, Planning Department staff shall provide written comments informing the subdivider of any comments, concerns and/or suggestions on the plan. The comments provided by Planning Department staff shall not be binding upon the subdivider except for items related to the requirements of this ordinance and other applicable laws.

4.03 PRELIMINARY PLAT REQUIREMENTS. Preliminary plat applications shall consist of a map drawn to scale and prepared by a Professional Land Surveyor, and written data in such form that when the maps and written data are considered together, they shall fully and clearly represent the proposed land division. The following data shall be furnished:

- A. The title under which the proposed subdivision is to be recorded. The proposed subdivision name shall not duplicate the name of any plat previously recorded within Shawano County.

- B. Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. Planning Department staff may waive this requirement where it is unnecessary to fulfill the purposes and intent of this ordinance and where undue hardship would result from strict application thereof.
- C. Signature and seal of the surveyor.
- D. Date of preparation of the maps, an identified north arrow, scale of the map, total area of the plat, and clear identification of the map as a preliminary drawing.
- E. The boundaries of all blocks and lots, together with the assigned block and lot numbers, beginning with number one and proceeding in a consecutive sequence. The total number of lots, and the approximate size of each lot in acres or square feet. If lots are the same size, such lots be so identified in lieu of specifying the size of each individual lot.
- F. The name and address of the owner, authorized agent, and surveyor preparing the plat.
- G. A description of the boundary of the proposed land division shown by the previously recorded deed.
- H. A small scale drawing of the section or region in which the subdivision lies with the location of the subdivision indicated thereon.
- I. Length and bearing of the exterior boundaries of the proposed subdivision referenced to two corners established in the U.S. Public Land Survey, the total acreage encompassed thereby and platting status of adjoining properties.
- J. Boundaries of zoning districts, flood zones, shoreland and governmental jurisdictional boundaries adjoining or traversing the site.
- K. Existing structures, sewage disposal and water supply improvements, drainage facilities, and electrical transmission improvements which are a matter of public record or apparent during on-site investigation.
- L. The location of proposed power, sewer, and water improvements and easements. Existing water well locations and associated well setback areas shall be shown on the application.
- M. The location, width, names, approximate grades of existing and proposed streets and alleys within and adjacent to the land division. Also the location, width, use or purpose of all existing or proposed easements within the land division.
- N. Topographic information in the form of two (2) foot contours, except that five (5) foot contours may be used for areas of steep slopes greater than twenty percent (20%).
- O. Description of permanent stormwater management and construction erosion control measures.

- P. The means of sewage disposal for the land division. If a public or private sewer system is proposed, the location of the facility and approximate location of collection lines or disposal area if applicable shall be shown or described. Applications proposing on-site sewage disposal shall not be deemed complete until Soil and Site Evaluation Reports are submitted to the Shawano County Planning and Development Department and to the satisfaction of the Shawano County Zoning Administrator.
- Q. If a land division is to be developed in phases, the preliminary plat shall generally outline such phases. Such identification of phases shall not preclude the subdivider from modifying the phases following preliminary land division approval pursuant to the procedures set forth in this title.
- R. Radii of all curves.
- S. Approximate location of Environmental Corridors.
- T. The Planning and Development Department may require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

4.04 DETERMINATION OF COMPLETENESS. An application shall only be considered complete and ready for processing if it is submitted in the required number and form, includes all required information and is accompanied by the required filing fee.

- A. The Planning and Development Department will make a determination of application completeness within seven (7) days of application filing.
- B. For applications deemed to be incomplete, the Planning and Development Department shall identify in writing the specific requirements of information necessary to constitute a complete application for processing. Upon submittal of the additional information, the County shall, within seven (7) days, either issue a determination of completeness or identify what additional information is required. The process shall be repeated until the application is deemed complete for processing.
- C. A determination of completeness shall not preclude Shawano County from requesting additional information or studies if more information is required or a change in the proposed development occurs.
- D. A determination of completeness issued pursuant to this section shall not provide assurance or otherwise imply that a permit application will be approved.

4.05 PRELIMINARY PLAT REVIEW AND APPROVAL. Any person desiring approval of a preliminary land division shall submit an application to the Planning and Development Department.

- A. Submittal. The subdivider shall submit fifteen (15) copies of the preliminary application and supplemental information at least forty (40) days prior to the meeting of the Shawano County Planning, Development and Zoning Committee at which action is desired.
- B. Review. Planning staff shall provide copies to the different agencies and plat reviewers for their review and recommendations concerning matters within their jurisdiction. Planning staff shall review the plat for conformance with this ordinance and all other county ordinances, rules, regulations, and the adopted county and local comprehensive plans.
 1. Approving agencies shall be the Shawano County Planning, Development and Zoning Committee, Town, and adjoining City or Village with extraterritorial plat approval jurisdiction.
 2. Objecting agencies shall be all applicable State agencies.
 3. The East Central Wisconsin Regional Planning Commission shall serve as a reviewing agency and shall make recommendations to the Shawano County Planning, Development and Zoning Committee. For the purposes of this chapter, this reviewing agency shall have the same time limits as the objecting agencies.
 4. The objecting agencies shall, within twenty (20) days of the date of receiving copies of the preliminary plat, notify the subdivider and all other approving and objecting agencies of any objections. If an objecting agency fails to act within twenty (20) days it shall be deemed to have no objection to said preliminary plat.
- C. Department Analysis and Recommendation. Upon completion of the application, review requirements and required public notice as specified in Section 8 of the Shawano County Zoning Ordinance, any interested person may submit written comments to the Department regarding that application. Written comments received by the Department shall be forwarded to the Planning, Development and Zoning Committee along with a Staff Report and analysis of the land division and the recommendation of other agencies.
- D. Approval. Subsequent to a Public Hearing, held in conformance with Section 8 of the Shawano County Zoning Ordinance, the Planning, Development and Zoning Committee shall take action on a preliminary plat within forty (40) days of filing of a complete preliminary plat application. If rejected or conditionally approved, the reasons for the rejection or conditions shall be stated in writing and forwarded to the subdivider and surveyor.
 1. Review and preliminary determination for a land division requires consistency with the following:
 - a) The standards of this Ordinance;
 - b) The Shawano County Comprehensive Plan;
 - c) The Shawano County Zoning Ordinance;
 - d) The Shawano County Floodplain Zoning Ordinance;

- e) The Shawano County Shoreland Zoning Ordinance;
 - f) The local unit of government's Comprehensive Plan;
 - g) The public health, safety, welfare, use and interest.
2. The Planning, Development and Zoning Committee may attach to any decision of approval such reasonable conditions as may be necessary to assure that the development will comply with the criteria for approval and the standards established by this title and other applicable codes, and to further the public health, safety and welfare, use and interest.
 3. Failure of the Planning, Development and Zoning Committee to act within forty (40) days after submittal of a complete preliminary plat application shall constitute approval of the preliminary plat as provided in Section 236.11(1) (a) or amendments thereto, of the Wisconsin Statutes.
 4. Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within twenty four (24) months of the preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in Section 236.11(1) (b) or amendments thereto of the Wisconsin Statutes, the final plat shall be entitled to approval with respect to such layout.
- E. Appeal. Appeal of the Planning, Development and Zoning Committee's decision may be made to the Shawano County Board of Adjustment within ten (10) days of the decision and in conformance with Section 8.05 of the Shawano County Zoning Ordinance.
 - F. Amendment. If the subdivider wishes to amend the preliminary plat as approved, the subdivider may resubmit the plat. The amended plat shall be reviewed following the same procedures, except that an additional fee is not required unless the changes to the plat, in the opinion of the Planning, Development and Zoning Committee, are of such magnitude as to constitute a new plat.

SECTION 5 – FINAL MAP REQUIREMENTS AND REVIEW PROCESS

5.01 FINAL LAND DIVISION MAP. Every final land division map shall comply with Chapter 236 of the Wisconsin Statutes and the provisions of this Ordinance. The map shall include but shall not be limited to:

- A. All section, township, municipal, and county lines lying within or adjacent to the land division.
- B. The location of all permanent monuments found and established within the land division.

- C. The length and bearings of all straight lines; the radii, length of arcs and central angles of all curves.
- D. The location, width, centerline, name and number of all streets within and adjoining the land division.
- E. The location and width, shown with broken lines and descriptions of all easements.
- F. Numbers assigned to all lots and blocks within the land division.
- G. The names of any adjacent subdivisions or certified survey maps on record with the Shawano County Register of Deeds.
- H. The location of environmentally sensitive areas shall be shown on the face of the final plat in accordance with any applicable conditions of preliminary approval.
- I. Statements identifying the purpose of all dedicated common areas other than streets.
- J. Dedications of land to the public or to the lot owners shall be clearly indicated on the face of the final plat for drainage ways, road right-of-way, fire protection facilities, utility easements, water supply and sewage disposal facilities, recreation and open space areas, environmentally sensitive areas and school sites.
- K. The name of the land division, the number assigned to the file by the Planning and Development Department, the scale, a north arrow, and the date of preparation.
- L. A legal description of the land contained within the land division which is consistent with the title report.
- M. If common areas or facilities are dedicated to the lot owners, the map must include a statement specifying that lot owners are automatically members of the lot owners' association upon assumption of lot ownership and that said association shall be responsible for the maintenance and management of common facilities.
- N. Every final plat or map shall contain an owner's certificate prepared consistently with Section 236 of the Wisconsin Statutes.
- O. A signature block on Final Subdivision Plats for the County Treasurer and statement as follows: "All taxes and special assessments for which the land within the land division may be liable have been duly paid."
- P. A signature block for the Planning and Development Director and statement as follows: "The final land division is consistent with preliminary approval, all conditions imposed thereof have been met, and that the land division conforms to all applicable County land use controls."
- Q. A signature block for the Chair of the local municipality and statement as follows: "The final land division conforms to all applicable Town land use controls."

- R. If the land division includes any lands dedicated for public use, a signature block for the agency of legal jurisdiction verifying that all new improvements have been constructed in conformance with plans and specifications approved by the legal jurisdiction.
- S. Final subdivision plats shall have a signature block for the Chair of the Planning, Development and Zoning Committee.

5.02 SUBMITTAL. Ten (10) copies of the final plat shall be submitted to the Planning and Development Department within two (2) years of preliminary plat approval. Failure to submit the final plat within the two (2) year period may require re-submittal as a preliminary plat. Copies of the final plat shall also be submitted to the local municipality and state agencies per Section 4.05.B. of this Ordinance.

- A. In addition to the required maps, every final plat shall contain written data including:
 - 1. A copy of the protective covenants or lot owners' association bylaws, if applicable.
 - 2. An affidavit verifying the completion of any required improvements.
 - 3. All necessary certificates, including owner's certificate.

5.03 REVIEW. The Planning and Development Department shall examine the final plat and all necessary certificates as to its conformance with the approved preliminary plat, including any conditions of approval of the preliminary plat.

- A. The objecting agencies shall, within twenty (20) days of the date of receiving their copy of the final plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall provide written verification that they do not object to the subdivision. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objections to the plat.

5.04 APPROVAL. The County Planning, Development and Zoning Committee shall, within sixty (60) days of submittal of a final plat, approve, approve conditionally or reject the plat, unless the timeline is extended by agreement with the subdivider. If the plat is rejected or conditionally approved, the reasons shall be stated in the meeting minutes and a written statement forwarded to the subdivider. If the plat is approved, the County Planning, Development and Zoning Committee shall not inscribe its approval on the face of the original plat until the Planning and Development Department has certified on the face of the original final plat that copies were forwarded as required by Section 5.01 of this Ordinance and that have been filed within twenty (20) days or, if filed, have been satisfied.

- A. Failure of the Planning, Development and Zoning Committee to act within sixty (60) days, the timeline having not been extended and no unsatisfied

objections having been filed, the plat shall be deemed approved as provided in Section 236.11(2) or amendments thereto of the Wisconsin Statutes.

5.05 RECORDATION. After the final plat has been approved and inscribed, the subdivider shall record the plat in the office of the Register of Deeds of Shawano County, Wisconsin, in accordance with Section 236.25 or amendments thereto of the Wisconsin Statutes. The final plat shall be recorded within six (6) months of approval. If the subdivider fails to record the final plat within the required timeframe, the Planning, Development and Zoning Committee's approval will lapse, in which case the final plat approval process must be repeated prior to recording of the final plat.

5.06 COPIES. Upon recordation, the subdivider shall provide the Planning and Development Department with four (4) copies of the plat.

5.07 DIGITAL FILES. Upon Committee approval of the final plat, the subdivider shall submit a digital copy of the land division in a form approved by the Shawano County GIS Coordinator.

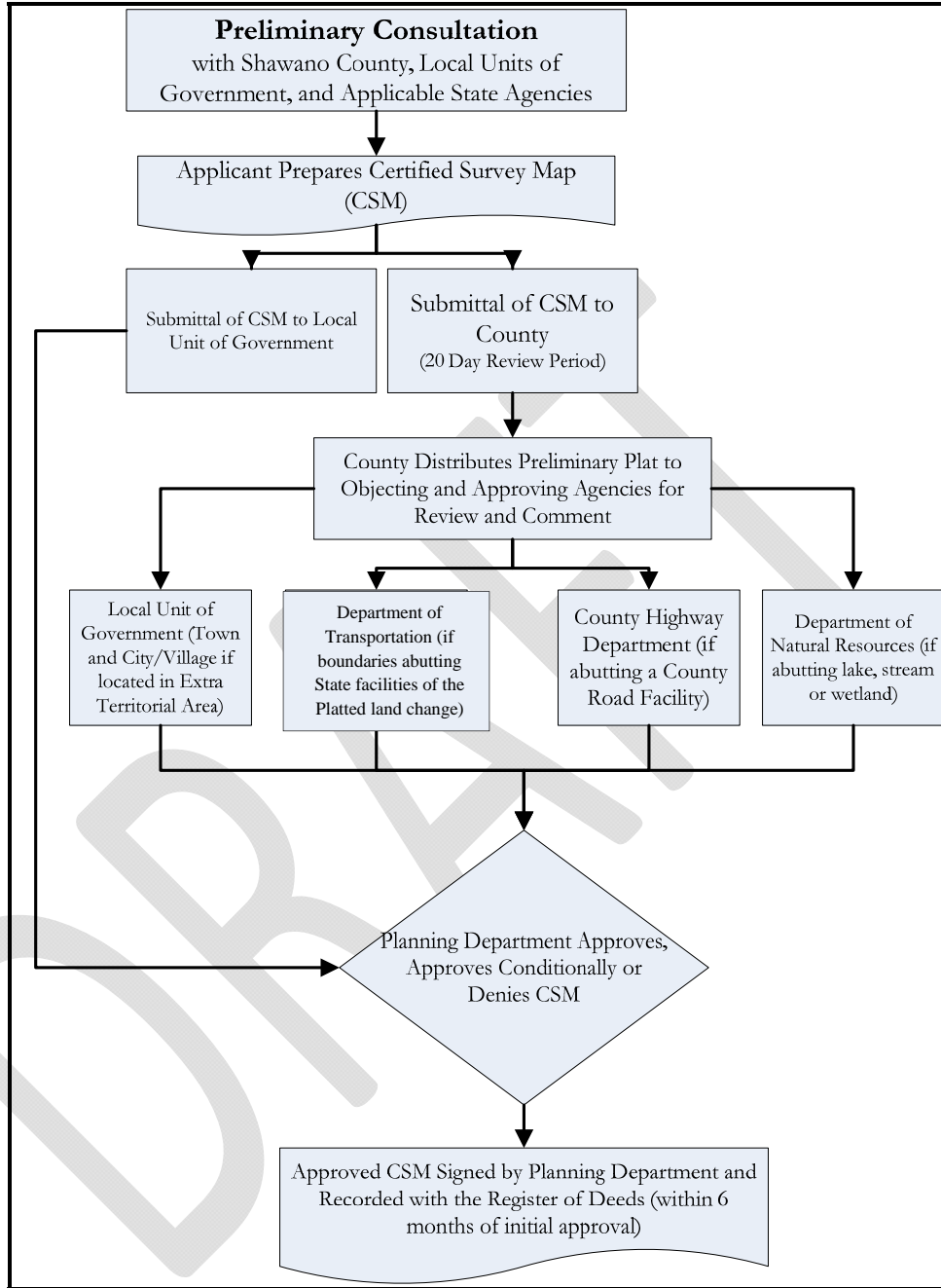
SECTION 6 - PLAT ALTERATIONS

6.01 PLAT ALTERATIONS. Pursuant to Section 236.36 of the Wisconsin Statutes or amendments thereto, a replat of all or any part of a recorded subdivision, which does not alter areas previously dedicated to the public, may be made by complying with Sections 4 and 5 of this Ordinance. When a proposed replat involves alteration or vacation of areas previously dedicated to the public, the subdivider shall vacate or alter the recorded plat in accordance with Section 236.40-236.44 or amendments thereto of the Wisconsin Statutes.

SECTION 7 – CERTIFIED SURVEY MAP REQUIREMENTS AND REVIEW PROCESS

7.01 APPLICATIONS. Applications for Certified Survey Maps shall follow the process outlined in Figure 7.01 below:

Figure 7.01 Certified Survey Map Approval Process



SECTION 7 – MINOR SUBDIVISION (CERTIFIED SURVEY MAP) REQUIREMENTS AND REVIEW PROCESS

7.01 APPLICATIONS. Applications for Certified Survey Maps shall follow the process outlined in Figure 7.01 below:

7.01A REQUIREMENTS. A land division Certified Survey Map must be completed for any division of land and its remnant parcels (unless previously platted by subdivision parcel or recorded CSM) shall be required to be surveyed and shown on the face of the Certified Survey Map. A proposed Certified Survey Map on land zoned Commercial, Industrial or Mixed Use can be greater than four lots.

A Retracement Certified Survey Map is a certified survey map to be used to identify and locate existing parcels of record.

If any particular type of Certified Survey Map has different requirements than what is listed in 7.02 through 7.08, Subsections within Section 7 will identify the requirements needed per individual survey type.

A lot line adjustment Plat of Survey will be completed anytime there is a lot line revision (Change) between adjoining land owners.

7.02 SUBMITTAL. A certified survey map (CSM) shall be submitted to the Planning Department for review and approval only after a Preliminary Consultation has been conducted with County Planning and Zoning staff prior to submittal of the draft CSM. The Preliminary Consultation can reduce potential delays by identifying requirements per county ordinances and any special considerations for the CSM. After the preliminary Consultation the draft CSM can be submitted. The Planning Department will circulate the map to appropriate agencies or departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Planning Department within fourteen (14) days from the date the map is sent by the Planning Department.

7.03 REVIEW. The Planning Department will review the CSM for conformance with the following:

- A. Section 236 of the Wisconsin Statutes or amendments thereto;
- B. Chapter A-E 7 of the Wisconsin Administrative Code;
- C. The standards of this Ordinance;
- D. The Shawano County Comprehensive Plan;
- E. The Shawano County Zoning Ordinance;
- F. The Shawano County Floodplain Zoning Ordinance;
- G. The Shawano County Shoreland Zoning Ordinance;
- H. The local unit of government's Comprehensive Plan;

- I. The public health, safety, welfare, use and interest.
- J. Shawano County Live Stock Ordinance;
- k. Shawano County Private Onsite Waste Water Treatment System Ordinance

7.04 APPROVAL. Within twenty (20) days of its submittal, the Planning Department shall approve, conditionally approve, or deny the CSM. The subdivider shall be notified in writing of any conditions of approval or the reasons for rejection.

7.05 ADDITIONAL INFORMATION. If additional information is deemed necessary by the Planning and Development Department, the applicant shall be notified in writing the specific requirements of information needed to continue processing the certified survey map. The twenty (20) day timeline shall be paused until additional information is submitted.

7.06 EFFECT OF APPROVAL. Approved certified survey maps shall be prepared in conformance with the standards of Section 9.01 of this Ordinance and brought for signature by the Director of the Planning and Development Department. Final Certified Survey Maps shall be recorded with the Register of Deeds of Shawano County within one (1) year of approval. Failure to record the certified survey map within the time allotted will require resubmittal under this section.

7.07 AMENDMENT. If the subdivider wishes to amend the CSM as originally approved, the map shall be resubmitted. The amended CSM shall be reviewed following the same procedures, except that an additional fee is not required unless the changes to the map, in the opinion of Planning Department staff, are of such magnitude as to constitute a new land division.

7.08 SURVEYING REQUIREMENTS FOR MINOR SUBDISIONS. All certified survey maps shall comply with the provisions of Section 236.15 or amendments thereto of the Wisconsin Statutes, Chapter A-E7, Minimum Standards for Property Surveys and the following:

- A) The plat or certified survey map shall be tied to two (2) adjacent corners of the Public Land Survey System on record at The Shawano County Surveyors office.
- B) All bearings expressed on the plat or certified survey map shall be represented in the Wisconsin County Coordinate System for Shawano County, unless waived by the Shawano County Land Surveyor.
- C) Any DELINQUENT taxes on the Parent Parcel need to be paid in full before the Planning & Development Department will approve Certified Survey Map.
- D) If any easement will be defined and/or granted on a Certified Survey Map, a Mortgagee Certificate must be included on the Certified Survey Map if the Parent Parcel currently has an open mortgage.

- E) The following Certified Survey Map Checklist will be used to review all Certified Survey Maps submitted to the Planning and Development Department.
- E) Note Owner's name of record, Deed of record and current tax parcel of parcel surveyed on CSM

DRAFT

Shawano County Certified Survey Map Checklist

Surveyor: _____ **Section:** ___ T ___ N R ___ E **Town/Village:** _____

- Tied to 2 PLSS corners, note type of monument recovered at corner
 - Less than 4 lots within 5 years per parent parcel
 - Remnant parcel surveyed
 - Monuments set at boundary corners and type of monument compliant with state statutes
 - Scale, north arrow
 - Heading contains plats, CSMs, section, town, range, municipality and county which it lies within
 - Bearing or North references, referenced to Wisconsin County Coordinate System, Shawano County
 - Ratio or error in Latitude and Departure between closures shall not exceed 1/3000 for parcel and lots
 - Roads – Location, width, centerline, name and number of all streets within and adjoining
 - Square footage and acreage for all lots and total square footage of CSM
 - Lots and outlots number consecutively
 - Bearings and distances on each line
 - Curve information on all curves compliant with state statutes
 - Legend and symbols
 - Names of adjacent subdivisions or CSM, or if none, note Unplatted
 - Clearly identify any dedications, existing and proposed easements
 - Existing structures located on parcel
 - Septic and well components shown
- Surveyor's certificate contains:
- ¼ - ¼ or Government lot, section, town, range, municipality
 - by whose direction made the survey, division and map of the land described
 - map is true and correct representation of all the exterior boundaries of the land surveyed and the division of that land
 - fully complied with the provision of 236.34 in surveying, dividing and mapping of the land
 - legal description commences along government survey line, contain Section, town range, municipal and county and matches graphic description
 - Title consistent with records
 - Owner's name consistent with records
 - Note owner's name of record, current document number/s of title and tax parcel number/s of parcels surveyed on a note on the CSM or include in Surveyor's Certificate
 - Owner's Certificate with notary
 - Town Certificate
 - County Planning Certificate
 - Mortgagee Certificate (if needed for granting an easement)
 - Right-to-Farm Notice Residential CSM's FP Zoning District (per Appendice E of Zoning Ordinance 2-11)
 - Lot lines are in compliance with zoning or ordinance setbacks

7.09 Certified Survey map used for Land Division. Any time there is a new land division or creation of new lots, a Certified Survey Map must be completed. The map shall be prepared in accordance with Section 236.34 or amendments thereto, Wisconsin Statutes, and shall comply with the surveying and mapping requirements of this ordinance. This section also incorporates new parcels created within townships for annexation into villages

- A. Certified survey map preliminary consultation needs to be executed in order for the staff to review and potential conflicts and problems affecting the potential CSM.
- B. Review fee required.
- C. The map shall be compliant with subsection 7.02 through 7.08 and survey requirements in Section 9.

7.10 Retracement Surveys. A certified survey map may be used to identify and locate existing parcels of record. The retracement certified survey map must meet the following requirements:

- A. Certified survey map preliminary consultation needs to be executed in order for the staff to review and potential conflicts and problems affecting the potential CSM.
- B. The map shall be prepared in accordance with Section 236.34 or amendments thereto, Wisconsin Statutes, and shall comply with the surveying and mapping requirements of this ordinance.
- C. The map shall be headed "CERTIFIED SURVEY MAP" and sub-headed "RETRACEMENT OF LANDS DESCRIBED IN [*list previously recorded documents*]."
- D. 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 Shawano County records*]."
- E. The map shall not create additional lots.
- F. The requirements of Section 7.08 Surveying Requirements for Minor Subdivisions and the CSM checklist shall apply to all retracement certified survey maps and signed certificates of the surveyor, property owner, and the Shawano County Planning Department will be required. Town Certificate and Treasures certificate are not required.
- G. The certified survey map shall depict all existing improvements.
- H. Review and Approval. The subdivider shall follow subsection 7.02 of this chapter. The Shawano County Planning Department shall have objecting authority in the certified survey map approval process.

- I. The Shawano County Planning Department shall review the certified survey map for conformance with Section 236 or amendments thereto of the Wisconsin Statutes, Chapter A-E 7 of the Wisconsin Administrative Code, and other pertinent regulations affecting the certified survey map. Within fourteen (14) days of submittal, the Shawano County Planning Department shall approve, conditionally approve, or reject the certified survey map. The subdivider shall be notified in writing of any conditions of approval or the reasons for rejection. In the event of rejection or conditional approval, the subdivider may appeal the decision to the Planning, Development and Zoning Committee.
- J. The retracement certified survey map shall be filed for recording with the Shawano County Register of Deeds within thirty (30) days of the date of the certified survey map's approval.
- K. This sub-section is created to provide for the use of a certified survey map to show the boundaries of an existing parcel and establish a convenient legal description of record for title, conveyance, etc.

7.11 Lot Line Adjustment. Any time there is a lot line revision or change of a lot line between adjoining lots:

- A. A preliminary consultation needs to be executed in order for the staff to review potential conflicts and problems affecting the potential lot line adjustment. The consultation will determine if an Allotment Form is necessary based upon parcel zoning.
- B. A Plat of Survey will be prepared of the parcel of land to be deeded for the new lot line and a draft to be reviewed by the County Surveyor and County Tax Lister prior to filing of the plat. This review will assure compliance with AE7 of the Administrative code and the preliminary consultation from county staff. After approval, the Plat of Survey and description can be sent to the entities who will be responsible for the closing.
- C. A combination form will be required to be filled out and submitted to Property Listing Office.
- D. If an Allotment form is required, the form needs to be submitted to County Zoning staff for Farmland Preservation (FP) and Open, Agriculture and Residential (OAR) Zoning Districts. The OAR Allotment form is required to be recorded.

SECTION

8 – CONDOMINIUM PLATS

8.01 CONDOMINIUMS. Condominium plats shall be submitted to the Shawano County Planning and Development Department to ensure compliance with this ordinance as well as the Shawano County Zoning Ordinance.

- A. Zoning. Land divided for the establishment of a condominium plat shall meet the requirements of the Shawano County Zoning Ordinance or the applicable Town Zoning Ordinance in independently zoned towns.
- B. Submittal. A condominium plat shall be submitted to the Shawano County Planning Department for review and approval pursuant to Section 703.115 or amendments thereto of the Wisconsin Statutes.
- C. Units. All units shall be fully described as provided within Section 703.12 or amendments thereto of the Wisconsin Statutes. Units within multi-unit or multi-story structures shall be shown and described on the plat.
- D. Approval. As a condition of approval of condominium plat, the County shall consider all provisions outlined in Section 703.115 or amendments thereto of the Wisconsin Statutes prior to granting approval for the recording of the instruments specified. The County shall have ten (10) working days after submission for its review. If the review is not completed within ten (10) working days, the instrument is approved for recording.

SECTION 9 – SURVEYING

9.01 SURVEYING REQUIREMENTS. All subdivision plats and certified survey maps shall comply with the provision of Section 236.15 or amendments thereto of the Wisconsin Statutes and the following:

- A. The plat or certified survey map shall be tied to two (2) adjacent corners, as monumented by the Shawano County Surveyor, of the Federal Land Survey System corners.
- B. Plats and certified survey maps shall be described as provided in Sections 236.21 or 236.34 or amendments thereto of the Wisconsin Statutes. When the description requires lead-in lines from the point of commencement to the point of beginning, the first course and distance from the point of commencement shall be along a government survey line or other previously recorded line. Subsequent courses and distances required to tie to the point beginning to the point of commencement should follow lines of previous plats, certified survey maps, conveyances, existing roadways, or other defined locations when possible and practical. It is intended by this

- requirement to create a logical relationship of the lands being surveyed and the lines previously described or located when these lines are needed or utilized as part of the survey. Cross country type ties from the point of commencement to the point of beginning are not allowed except when previous boundaries do not exist or are not determined as part of the survey.
- C. All of the interior and exterior boundary corners, angle points, and block corners shall be monumented on the ground, per Wisconsin Statute 236.15 or amendments thereto.
 - D. All mapped boundaries shall close to a tolerance of one (1) part in three thousand (3,000), per Wisconsin Statute 236.15 and 236.34 or amendments thereto
 - E. All bearings expressed on the plat or certified survey map shall be represented in the Wisconsin County Coordinate System for Shawano County, unless waived by the Shawano County Land Surveyor. The mathematical parameters of this system are available from the Wisconsin State Cartographer. If a plat or certified survey map falls “entirely within” a previously recorded subdivision plat or certified survey map, the bearings may be referenced thereto only when the bearings agree with most of the previously recorded mapped information.

SECTION 10 – DESIGN STANDARDS

10.01 DESIGN STANDARDS. All applications shall comply with the minimum standards and improvement requirements set forth in this title. Those lots within a development that are to be utilized for common areas, open space, resource protection, or nonresidential or commercial development, for example, are not subject to these standards. The land divider shall demonstrate compliance with design standards during preliminary review and approval. All required improvements shall be installed or bonded for prior to final approval. The improvement standards set forth by this chapter shall be consistent with the goals and policies set forth in the Shawano County Comprehensive Plan, for public services and facilities, which shall be specifically conditioned at the time of preliminary approval.

10.02 STREETS AND HIGHWAYS.

- A. Access to a land division. A land division shall have legal, nonexclusive vehicular access rights to public streets.
- B. Access to major streets. The number of residential streets entering a major street shall be kept to a minimum. Where a subdivision borders on or contains an existing or proposed major street, the Planning, Development and Zoning Committee may require that access to such streets be limited by

one (1) of the following means: a parallel street supplying frontage for lots backing onto the major street, a cul-de-sac or U-shaped street.

1. When residential lots within the proposed subdivision are adjacent to existing or proposed limited access highways, the following restriction shall be placed on the face of the plat, "Direct vehicular access to (name of road) from abutting lots is prohibited."

C. Arrangement of Streets. Streets shall be designed and located in relation to existing and planned streets, to topographic conditions and natural terrain, to promote convenience and safety, and in appropriate relation to the proposed uses of land to be served by such streets. These provisions shall apply to all roads and highways within the jurisdiction of this Ordinance:

1. All newly created roads and any widened right-of-way, whether a recorded or unrecorded road, shall be surveyed by a Professional Land Surveyor as a right-of-way plat and approved by the Town(s) in which it lies and the Shawano County Planning and Development Department. If, when a survey is conducted adjacent to an existing Town Road, and there is no record of a right-of-way width, a right-of-way shall be dedicated for the entire parent parcel. This may be done on the parcel survey or an accompanying survey. A certificate of dedication shall be signed by the Town Board prior to approval of the final subdivision or certified survey map.
2. The minimum right-of-way width of all not previously platted streets and alleys shall be equal to or greater than the width specified below:
 - a. Arterial streets – One hundred and twenty feet (120')
 - b. Collector Streets – Eighty feet (80')
 - c. Local Streets - Sixty-six feet (66')
 - d. Service Drives – Forty-nine and a half feet (49.5')
3. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topographical or other physical conditions, or unless in the opinion of the Planning, Development and Zoning Committee such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous for the development of adjacent tracts.
 - a. Reserve strips controlling access to streets or alleys shall be prohibited.
 - b. Any outlot used primarily for ingress/egress and/or utility purposes shall be attached to one of the adjacent parcels for taxation purposes.

D. Improved Surface Width. Right-of-way and paving widths of all streets shall be determined by the Town Board but shall not be less than specified in Section 82.50 or amendments thereto of the Wisconsin Statutes.

- E. Cul-de-sac or Dead End Streets. Streets which end in a dead-end shall terminate with a cul-de-sac. The use of cul-de-sacs in street layouts shall be limited to portions of development which, due to unusual shape, size, location or topography, floodplain, wetland or other condition may be better served by cul-de-sacs than continuous streets. A layout making unrestricted use of cul-de-sacs is prohibited.
1. A cul-de-sac shall not be longer than six hundred feet (600') measured on its centerline unless, by reason of topography or other circumstances beyond the control of the developer, the Committee, upon recommendation by the Planning, Development and Zoning Department, finds a greater length to be justifiable.
 2. The cul-de-sac shall encompass a minimum right-of-way radius of sixty feet (60') and an improved surface width of forty-five feet (45').
- F. Street Intersections. Streets intersecting with other streets shall have an approach angle of not less than seventy-five (75) degrees and said road must be aligned with streets approaching from the opposite direction. If the street is off-set to a street approaching in the opposite direction, the off-set interval shall not be less than one hundred and twenty-five (125) feet.
1. Property lines at street intersections shall be rounded with a minimum radius of fifteen feet (15') or of a greater radius when required by the Planning, Development and Zoning Committee.
 2. Half streets are prohibited unless the land divider constructs a road to surface width and standards to the satisfaction of the applicable jurisdiction and an easement is provided from the adjoining property guaranteeing the additional right-of-way width necessary to meet the standards listed above in Section 10.02.D.
- G. Radii of Curvature. When a continuous street centerline defects at any one point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
1. Arterial Streets and Highways: 500 feet
 2. Collector Streets: 300 feet
 3. Minor Streets: 100 feet
- A tangent at least one hundred feet (100') in length shall be provided between reverse curves on arterial and collector streets.
- H. Lot Access. Every residential lot or parcel created under the terms of this Ordinance shall have ownership or an easement of a thirty-three foot (33') wide access street connecting directly onto a public street at a location where a driveway can be constructed.

10.03 LOTS AND BLOCKS.

- A. Residential Blocks.
1. Layout. The lengths, width, and shapes of blocks shall be appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not be less than twelve hundred feet (1,200').
 2. Pedestrian Access. Planning and Development Department staff may require pedestrian easements or rights-of-way not less than ten feet (10') in width at the end of cul-de-sacs, through the center of blocks greater than nine hundred (900) feet in length and where deemed essential to provide circulation or access to schools, churches, shopping centers, transportation or other community facilities.
 3. Lots. The size, width, depth, shape, and orientation shall be sufficient to provide reasonable developable area that is not restricted by easements, building setbacks, zoning requirements, environmental corridors, or other constraints.
 - a. Drainage Requirements. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
 - b. Layout. Area and dimension of lots shall conform to the requirements of the Shawano County Zoning Ordinance, and in areas not served by public sewer shall, in addition, conform to the standards set by the Wisconsin Department of Commerce Safety and Buildings Division.
 - c. Lot shall not cross municipal boundaries.
 - d. Lot Frontage. Each lot shall abut upon a road right-of-way other than an alley and shall have a minimum frontage of thirty-three (33) feet.
 - e. Legal Access. Each lot shall have legal nonexclusive vehicular access rights to a public street.
 - f. Flag Lots shall have a minimum flag pole of 33 feet of width and 33 feet fronting a public street for access purposes. The Flag Pole is considered the lot access to the Principal Lot Area, being unusable, and may not be built upon.
 - g. Corner lots shall be designed with additional width to permit full building setback as required in the appropriate zoning regulations.
 - h. Side lot lines shall be substantially at right angles or radial to street right-of-way lines.

10.04 EASEMENTS AND DEDICATIONS.

- A. Easements. The Planning and Development Department may require easements for electrical power and communications facilities, storm and sanitary sewers, drainage and floodwater, gas, water, cable television lines, or other utility lines. Such easements shall be placed so as not to interfere unreasonably with the use and enjoyment of the property for residential purposes.
 - 1. Whenever an easement is created for specific public improvements or otherwise conveys an interest to a specific individual, entity, or public body, the recipient or beneficiary of such easement shall be clearly noted on the plat or map. For drainage easements, in the absence of a stated beneficiary, the easement shall be a restriction on the affected property and not a conveyance of interest.
- B. Dedications. Dedications required for proposed roads, streets and or other public access to be established within the subdivision.
- C. When a subdivision is transversed by a watercourse, drainageway, or stream, an adequate easement may be required to handle stormwater runoff. The location, width, alignment and improvement of such easement shall be approved by the Shawano County Planning, Development and Zoning Committee.
- D. Public access to navigable waters. Subdivisions abutting a navigable water shall, according to the provision of Section 236.16(3) or amendments thereto of the Wisconsin Statutes, provide public access at intervals of no less than a one hundred foot wide access point, as measured at the low water mark, at a minimum of 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 Planning and Development Department staff. This shall also exclude shore areas where public parks, open space, streets or roads on either side of a stream are provided.
- E. Dedications shall be effected as provided in Section 236.29 or amendments thereto of the Wisconsin Statutes. Dedications to the County shall require approval of the Shawano County Board of Supervisors.

10.05 STORMWATER MANAGEMENT AND EROSION CONTROL. The purpose of this section is to protect property and structures from damage caused by increased surface water runoff volumes and/or velocities due to platting and development of land and to prevent the degradation of existing waterways and surface and ground water quality.

- A. Stormwater Management and Erosion Control Plan. For subdivision plats and certified survey maps, if deemed necessary by Planning and Development Department staff, the subdivider shall submit a stormwater management and erosion control plan. The plan must be approved by Planning and Development Department staff prior to final approval and recording of the land division and include the following information:
1. General site plan of the development, including site boundaries, lot and road locations, existing buildings and vegetative cover.
 2. A narrative describing the proposed development, include implementation schedule for the planned management practices.
 3. Soil types, infiltration characteristics, and corresponding hydrological group(s).
 4. Watershed boundaries and the direction of surface water flow indicated by arrows.
 5. The location of existing and proposed bridges, culverts, catch basins, waterways, drainage ditches and swales, storm sewers, detention and retention basins, etc., and indicate the size, dimensions, elevations and grades of each.
 6. Existing ground contours at two foot (2') intervals and proposed contours, if applicable.
 7. Necessary drainage easements for all drainageways and stormwater management facilities.
 8. Erosion control practices.
 9. Technical data, including calculations of pre-constriction and post-construction peak flow rates, assumed runoff curve numbers, and time of concentration used in calculations.
 10. A maintenance plan developed for the life of each stormwater management practice including required maintenance activities, maintenance schedule and responsible entity.
 11. Cost estimates for the construction, operation, and maintenance for each stormwater management practice.
 12. Other information deemed necessary by Planning and Development Department Staff to administer this Section.
 13. All site investigations, plans, designs, computations, and drawings shall be certified by a Professional Engineer, licensed to practice in the State of Wisconsin, to the effect that they have been prepared in accordance with accepted engineering practices.
- B. Minimum Standards for Stormwater Management. All stormwater management facilities shall be designed, installed, and maintained to effectively accomplish the following:
1. Maintain or lower peak runoff discharge rates as compared to pre-settlement (meadow) conditions for the twenty-four (24) hour storm

event, using the Runoff Curve Numbers designated on Table 10.05 below for the appropriate site soil hydrological group.

**Table 10.05 Maximum Pre-Settlement (woods-grass combination)
Runoff Curve Numbers**

Hydrological Soil Type	A	B	C	D
Runoff Curve Number	32	58	72	79

Source: "Urban Hydrology for Small Watersheds," USDA Technical Release 55; June 1986.

2. Sediment Control. By design reduce the average total suspended solids load by eighty percent (80%) as compared to no controls for the site.
3. Infiltration. Infiltration of stormwater to reduce volume of runoff is encouraged where technically feasible. If stormwater infiltration can be demonstrated, the reduced volume may be taken into account when designing practices to meet the peak flow control, and pollution control requirements of this section.

SECTION 11 - CLUSTER LAND DIVISIONS

11.01 APPLICABILITY. These subdivision standards apply to all divisions of a parent parcel thirty-five (35) acres or greater in size and situated in the Agriculture and Resource Preservation or Open Lands, Agriculture and Residential future land use category as identified on the adopted Shawano County Comprehensive Plan.

Figure 11.01.A Sample Parcel Qualifying for Cluster Land Division



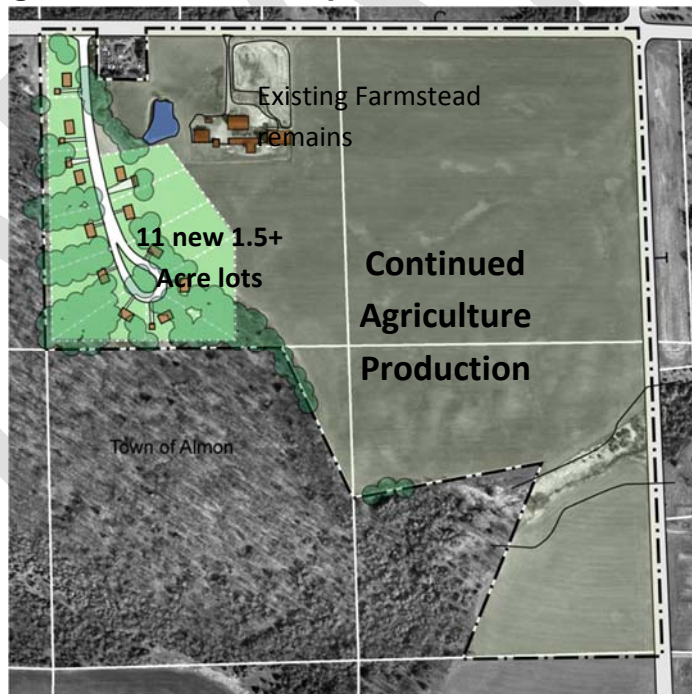
An approximately 120 Acre parcel. The parent parcel is situated in the Open Lands, Agriculture and Residential Future Land Use Category, allowing a density of one dwelling unit per 35 acres. 10 homes can be constructed on the property on up to 26.75 acres.

11.02 CLUSTER DESIGN STANDARDS. Cluster land divisions to be reviewed and approved by Planning and Development Department staff shall comply with the design standards of Section 11 as well as the following:

- A. Lot Design Standards.
 1. At least fifty percent (50%) of the lots shall abut open space on at least one side or shall be located directly across a street from the open space parcel.
 2. The created lots shall be contiguous.
 3. The applicant shall demonstrate that the proposed lot location will not:
 - a. Convert prime farmland from agriculture use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the parent parcel there is a reasonable alternative location.
 - b. Significantly impair or limit the current or future agricultural use of other agricultural land.
 4. The maximum front yard setback for the main structure shall be three hundred feet (300').

- B. Open Space Design Standards. Cluster land divisions to be reviewed and approved by the Planning and Development Department staff shall meet the following standards in addition to the standards set forth in Section 11.
1. Minimum Open Space. Permanent open space shall be designated on the plat and shall be at least 75% of the gross side area.
 2. Location. The required open space should be situated to take advantage of the site's natural, historic, and cultural features, to create buffer areas between residential and agricultural uses, and to preserve scenic views. Environmental corridors should generally be included within the preserved open space. Whenever possible, open space shall be located to connect with existing or potential open space areas on adjoining parcels.
 3. The required open space may be used for private or community wastewater treatment systems, subject to the requirements of the Shawano County Private On-Site Wastewater Treatment System Ordinance.
 4. Shape. Long strips of land less than twenty five feet (25') in width are not permitted.

Figure 12.02.B: Sample Parcel After Division



11 new parcels were created, and the existing farmstead remained, for a total of 12 dwelling units. The wooded area was used to successfully screen the homes from the adjoining street, preserving Shawano County's rural Landscape.

5. Plat Note. The following note shall be depicted on the face of the final cluster land division map, "This land division has been approved as a Cluster Land Division. The size and configuration of the Open Space Parcel (insert lot number) shall not be reduced to less than 75% of the total gross acreage of this land division. Any future division or alteration of this land division shall be considered in the context of the maximum residential density and other standards of the underlying zone for the total gross acreage of all properties shown herein, as now or hereafter may change. Consult the Shawano County Planning and Development Department for further information."
- C. Review and Approval. Cluster land divisions shall follow the review process, submittal requirements, fees, and procedures set forth for subdivisions in Sections 4 and 5 of this Ordinance.

SECTION 12 - ADMINISTRATION AND ENFORCEMENT

12.01 APPEALS. Any person that believes an error in any order, requirement, or determination made with regard to this Ordinance shall follow the appeals process as described in Section 8.05 "Appeals to Board of Adjustment" in the Shawano County Zoning Ordinance.

12.02 VARIANCES. The County Board of Adjustment shall hear and decide all variance applications using the procedures established in Section 8 of the Shawano County Zoning Ordinance using the following criteria:

- A. The granting of the variance will not be detrimental to the public safety, health, welfare or injurious to other properties.
- B. The conditions upon which the request is based are unique to the property for which the variance is sought and not applicable generally to other property.
- C. Because of the physical surroundings, shape, or topographical conditions of the property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of these regulations is carried out.
- D. The variance will not in any manner vary the provisions of other County ordinances and is consistent with the County and local comprehensive plans.

SECTION 13 - VIOLATIONS, PENALTIES, AND REMEDIES

13.01 VIOLATIONS, PENALTIES, AND REMEDIES.

- A. A person, firm or corporation that fails to comply with the provisions of this Ordinance shall upon conviction thereof forfeit not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1000) and the cost of prosecution for each violation, and in default of payment of such forfeiture shall be imprisoned in the County Jail until payment thereof for a period not to exceed six (6) months. Each day a violation exists or continues constitutes a separate offense.
- B. The penalties of Sections 236.31 and 236.32 or amendments thereto of the Wisconsin Statutes apply to this Ordinance.
- C. Assessor's plats made pursuant to Section 70.27 or amendments thereto of the Wisconsin Statutes may be ordered by the County at the expense of the divider or the owners of record when a land division is created by successive divisions, not in compliance with this Ordinance.
- D. The Planning and Development Department shall withhold permit(s) or approval(s) on all land use applications where the applicant, owner, or licensed contractor is in violation of this or any ordinance administered by the Planning and Development Department, and for any parcel(s) of land which has an outstanding violation(s) until the violation(s) have been corrected. A request for waiver of these provisions may be made, to grant or deny a permit or approval on the merits of the application, to the Planning, Development and Zoning Committee.

Submitted by,

Gene Hoppe
Ken Capelle
Steve Gueths
Tom Kautza
Kevin Conradt

PLANNING, DEVELOPMENT & ZONING COMMITTEE

Adopted: March 29, 2017
Published: April 2017