

Subdivision and Platting

18.10 VARIANCES:

- (1) In any particular case where it can be shown that by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of this chapter would cause practical difficulty by exceptional and undue hardship, the Committee may relax such requirement to the extent deemed just and proper so as to relieve such difficulty or hardship, provided such relief may be granted without detriment to the public good and without impairing the intent and purpose of this chapter or the desirable general development of the County. No variance to lot size standards within the Airport Overlay District shall be allowed.
- (2) The Committee at its discretion, if it determines it necessary for the public good, may conduct a public hearing to permit parties of interest to comment on the variance request.
- (3) If a hearing is determined necessary, the applicant shall be responsible for payment of a hearing fee as established by the Zoning Department Fee Schedule. The Committee shall then fix a reasonable time and place for the hearing. Notice of the time and place of such hearing shall be given by publication in the County Class 1 notice, under Ch. 985. A copy of such notice shall be mailed by certified mail to the Town Clerk of each town affected by the proposed amendment and all property owners within 300 feet of the subject site as listed on official tax property rolls as of the date of application shall be notified by first class mail with an affidavit of Mailing at least 10 days prior to the date of such hearing.
- (4) A majority vote of the entire membership of the Committee shall be required to grant any modification to these regulations and any modification thus granted shall be entered in the minutes of the Committee setting forth the reasons which, in the opinion of the Committee, justified the modification.
- (5) Shoreland Notice and Decision
 - (a) Written notice shall be given to the appropriate District Office of the Department of Natural Resources at least ten (10) days prior to consideration by the Planning and Zoning Committee.
 - (b) Written notice of the decision shall be submitted to the appropriate District Office of the Department of Natural Resources within thirty (30) days of the decision.

18.11 VIOLATIONS: No person shall build upon, divide, convey, record or monument any land in violation of this chapter or the Wisconsin Statutes. No permit shall be issued authorizing the building on or improvement of any subdivision, replat or condominium plat within the jurisdiction of this chapter and not of record as of April 15, 1969, until the provisions and requirements of this chapter have been fully met. The County may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable Wisconsin Statutes.

MAJOR LAND DIVISIONS

18.12 GENERAL. The application shall be filed with the Planning and Zoning Department unless otherwise stated. The following procedures shall apply to both County and State subdivisions, as defined in Section 18.65(24)(1) and (2).

18.13 PRELIMINARY CONSULTATION:

- (1) Prior to submitting an application for approval of a preliminary plat for County or State subdivisions the applicant shall consult with the County Planning and Zoning Department to become informed of the purpose and objectives of these regulations.

- (2) In order to facilitate the consultation the applicant shall provide a plat plan drawn to reasonable scale depicting the general lot layout, exterior property boundary, roadways, known easements and unique natural features.
- (3) Upon receipt of the initial concept, the Administrator shall review the concept and provide written comments to the developer, or their agent, within thirty (30) days. If additional information is needed to adequately review the proposed development or corrections need to be made, the preliminary plat may not be submitted until authorized to do so by the reviewer. The comments and subsequent authority to proceed shall expire within six (6) months of the date of the review.

18.14 FEE: An application fee as set forth by the Winnebago County Planning and Zoning Department Fee schedule shall be paid in full at the time of submittal of the preliminary plat.

18.15 PRELIMINARY PLAT SUBMITTAL: The applicant shall prepare a preliminary plat in accordance with this chapter.

- (1) SUBDIVISION, COUNTY - The following shall apply:
 - (a) The applicant shall provide the County Planning and Zoning Department eight copies of the preliminary plat, two copies or as otherwise required by the town clerk of the town wherein the plat is located and two copies to the adjoining city or village, if in their extraterritorial plat approval jurisdiction.
 - (b) Fee. In addition to the standard application fee indicated in Section 18.19, a surveyors computation fee is required as set forth by the Winnebago County Planning and Zoning Department fee schedule.
- (2) SUBDIVISION, STATE - In addition to the requirements of Section 18.20(1)(a), it shall be the responsibility of the applicant to submit the original drawing of preliminary plats to the head of the State Planning Function in accordance with § [236.12\(2\)\(ap\)](#), Wisconsin Statutes.

18.16 PRELIMINARY PLAT REQUIREMENTS: A preliminary plat shall be based upon a survey by a registered land surveyor and the plat prepared on reproducible material at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

- (1) Title under which the proposed subdivision is to be recorded.
- (2) Legal description and general location of proposed subdivision and relative location to a nearby municipality.
- (3) Date, scale and north arrow.
- (4) Names and addresses of the owner, subdivider and land surveyor preparing the plat.
- (5) Entire area contiguous to the proposed plat owned or controlled by the applicant shall be included on the preliminary plat even though only a portion of such area is proposed for immediate development. The Committee may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and undue hardship would result from strict application thereof.
- (6) Approximate length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U. S. Public Land Survey and the total acreage encompassed thereby.
- (7) Contours at vertical intervals of not more than two feet where the slope of the ground surface is less than 10% and of not more than five feet where the slope of the

surface is 10% or more. Elevations shall be marked on such contours based on mean sea level datum or, where in the judgement of the Committee, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.

- (8) Water elevations of adjoining lakes and streams at the date of survey, ordinary high water elevation, and designated floodplains, wetlands, and surface water drainageways regulated under the authority of the Winnebago County Town/County Zoning Ordinance and Sections 18.58 and 18.59 of this ordinance.
- (9) Location right-of-way width and names of all existing and proposed streets, alleys or other public ways, easements, railroads and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (10) Location and names of any adjacent subdivisions, parks, schools, and cemeteries and owners of record of abutting unplatted lands.
- (11) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations, all to the datum used for the contours.
- (12) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drainpipes, the location of manholes, catch-basins, hydrants, power and telephone poles and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their directions and distance from the tract, size and invert elevations.
- (13) Locations of all existing property boundary lines, structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.
- (14) Dimensions of all lots, together with proposed lot and block numbers.
- (15) Location and dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use, or which are to be used for group housing, shopping centers, church sites or other non-public uses not requiring lotting.
- (16) Approximate radii of all curves.
- (17) Existing zoning and proposed use on an adjacent to the proposed subdivision.
- (18) Corporate limit lines.
- (19) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
- (20) Any proposed lake and stream improvement or relocation and proposed filling, grading, lagooning and dredging and the notice of application for the State Department of Natural Resources approval, when applicable.
- (21) Seasonally wet areas.

18.17 COVENANTS: The Committee may require submission of a draft of protective covenants whereby the applicant intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

18.18 AFFIDAVIT: The surveyor preparing the preliminary plat shall certify on the face of the

plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this chapter.

- 18.19 PRELIMINARY PLAT REVIEW AND APPROVAL:** In order to facilitate public comment, the Committee shall notify all property owners within 300 feet of the subject site a meeting agenda concerning the subject site utilizing first class mail with an affidavit of mailing at least five days prior to the date of such meeting. The Committee shall conduct a meeting to review the Plat for conformance with this chapter and all other ordinances, rules, and regulations which affect the Plat. At this meeting the Committee shall permit the public to comment on the proposed plat. The Committee shall either approve, approve conditionally, or reject the Preliminary Plat within ninety (90) days of submittal, as provided in § [236.11](#), Wisconsin Statutes.
- 18.20 FEE:** An application fee as set forth by the Winnebago County Planning and Zoning Department fee schedule shall be paid in full at the time of submittal of the final plat.
- 18.21 FINAL PLAT SUBMITTAL:** The applicant shall prepare a final plat in accordance with the Chapter.
- (1) SUBDIVISION, COUNTY - the applicant shall provide the County Planning and Zoning Department eight copies of the final plat, two copies or otherwise required by the town clerk of the town wherein the plat is located and two copies to the adjoining city or village clerk, if the plat is located within the extraterritorial plat approval jurisdiction of the adjoining city or village and they exercise their extraterritorial plat approval authority.
- (2) SUBDIVISION, STATE - In addition to the requirements of Section 18.28(1), it shall be the responsibility of the applicant to submit the original drawing of final plats to the head of the State Planning Function, in accordance with Section 236.12(6), Wisconsin Statutes.
- 18.22 GENERAL REQUIREMENTS:** A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of § [236.20](#), Wisconsin Statutes. The final plat shall show correctly on its face, in addition to the information required by § [236.20](#), Wisconsin Statutes, all lands reserved for future public acquisition or reserved for the common use of property owners within the plat. If common property is located within the plat, then provisions for its use and maintenance must also be provided with the plat. All final plats shall include the most recent deed(s) and document number(s) as a 'contained within' statement.
- 18.23 SURVEYING AND MONUMENTING:** All final plats shall meet all the surveying and monumenting requirements of § [236.15](#), Wisconsin Statutes.
- 18.24 CERTIFICATES:** All final plats shall provide all the certificates required by § [236.21](#), Wisconsin Statutes, and in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter and shall provide a certificate for County Planning Committee approval.
- 18.25 FINAL PLAT REVIEW AND APPROVAL:**
- (1) The Committee shall examine the final plat as to its conformance with the approved preliminary plat, any condition of approval of the preliminary plat, this chapter and all ordinances, rules, regulations and adopted regional and County comprehensive plans or adopted plan components which may affect the plat.
- (2) The Committee, in accordance with § [236.11](#), Wisconsin Statutes, shall, within 60 days of the date of filing of the final plat with the County Planning and Zoning

Department approval, approve conditionally or reject the plat, unless the time is extended by agreement with the applicant.

- (3) If the plat is approved, the Committee shall not inscribe its approval on the face of the original final plat until the head of the State Planning Function has certified no objections to the plat.

18.26 RECORDATION: After the final plat has been approved by the Committee, the Town Board and any other approving agencies, the subdivider shall record the plat with the County Register of Deeds in accordance with § [236.25](#), Wisconsin Statutes.

CONDOMINIUM PLATS

18.27 GENERAL: It is the intent of this section to regulate condominiums as it is related to zoning and for the division of land for the purpose of establishing a condominium plat.

18.28 PRELIMINARY CONSULTATION: Prior to submitting an application for approval of a preliminary plat the applicant shall consult with the County Planning and Zoning Department to become informed of the purpose and objectives of these regulations.

In order to facilitate the consultation the applicant shall provide a plat plan drawn to reasonable scale depicting the general lot layout, exterior property boundary, roadways, known easements and unique natural features.

MINOR CONDOMINIUM PLATS

18.29 SUBMITTAL: Creation of a minor condominium plat shall be by certified survey map. The certified survey map shall be submitted to the Planning and Zoning Department. Such map shall be prepared according to [236.34](#) and [703.11](#), Wis. Stats., and the map shall show clearly on its face the following:

- (1) All existing buildings, water courses, drainage ditches and other features pertinent to division of the property.
- (2) Location of access to public road.
- (3) Date of the map with a graphic scale.
- (4) Name and address of the person for whom the survey was made.
- (5) An owner's certificate and approval signature of the Committee and Treasurer's certificate in accordance with § [236.21\(3\)](#) Wisconsin Statutes, shall be the only approvals required for recording unless additional approvals are necessary for dedication purposes.
- (6) The most recent deed and document numbers shall be shown.

18.30 FEE: An application fee as set forth by the Winnebago County Planning and Zoning Department fee schedule shall be paid in full at the time of application.

18.31 REVIEW AND APPROVAL:

- (1) The Committee shall not approve a Certified Survey Map without the review of the Town Board. The County Zoning Office shall mail to the Clerk of the Town within which the Certified Survey Map is proposed, a copy of all survey maps. The Town Board should communicate its position in writing. Any response from the Town Board will be taken into consideration by the Committee in their approval or denial of the Certified Survey Map. Failure of the Town Board to communicate its position within thirty (30) days of receipt of mailing unless mutually extended by both parties shall constitute favorable review by the Town Board of whatever action the Committee may take.
- (2) The Committee shall, within sixty (60) days of the date of submission unless mutually

extended by both parties, review the application and map against the applicable standards of this ordinance, and approve, approve conditionally or reject the application and map based upon a determination of conformity or non-conformity with the standards.

DESIGN STANDARDS

18.32 STREET ARRANGEMENT: The applicant shall dedicate land for and improve streets as provided herein.

- (1)** Streets shall conform to any applicable official map ordinance in effect. In areas for which an official map has not been completed, the street layout shall recognize the functional classification of various street types and shall be developed and located in proper relation to existing and proposed streets, with due regard to topographical conditions, natural features, utilities, land uses and public convenience and safety.
- (2)** All land divisions shall be designed so as to provide each lot with satisfactory access to a public street as provided herein.
- (3)** The following conditions shall apply for street arrangement in all proposed land divisions:
 - (a)** Arterial Streets. Arterial streets shall be arranged so as to provide ready access to centers of employment, high density residential areas, centers of government activity, community shopping areas, community recreation and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
 - (b)** Collector Streets. Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population; and to the major streets into which they feed.
 - (c)** Minor Streets. Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems and to require the minimum street area necessary to provide safe and convenient access to abutting property.
 - (d)** Street Intersections.
 - 1.** Streets shall intersect each other as nearly as possible at right angles and not more than two streets shall intersect at one point unless approved by the Committee.
 - 2.** The number of intersections along major streets and highways shall be held to a minimum. Wherever practicable the distance between such intersections should not be less than 1,200 feet.
 - 3.** Street jogs with centerline offsets of less than 125 feet shall not be approved.
 - (e)** Proposed Streets. Proposed streets shall extend to the boundary lines of the tract being divided, unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board or Committee, such extension is not

necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of adjacent land tracts. Such streets shall terminate with a temporary turnaround of 120 feet right-of-way diameter and a roadway of not less than 90 feet in diameter.

- (f) Arterial Street and Highway Protection. Whenever the proposed land division contains or is adjacent to a major street or highway, adequate protection of residential properties is required. Adequate protection is met by limiting access and separating through and local traffic and shall be provided by reversed frontage, with screen planting contained in a non-access reservation along the rear property line or by the use of frontage streets.
- (g) Reserve Strips. Reserve strips controlling access to streets or alleys shall be prohibited except where their control is definitely placed with the Town or County.
- (h) Alleys. Alleys may be required in commercial and industrial districts to provide for off-street loading and service access, but shall not be approved in residential districts unless required by unusual topography or other exceptional conditions. Dead-end alleys shall not be approved and alleys shall not connect to a Federal, State or County Trunk Highway.
- (i) Street Names. Street names shall not be duplicated or be similar to existing street names and existing street names shall be projected or continued wherever possible.
- (j) Right-of-way fronting any newly created lot shall be dedicated to the public unless documentation of prior dedication is clearly evident.
- (k) Temporary cul-de-sacs and required setback areas, where proposed or required shall be contained within the exterior boundary or the plat or certified survey map.

18.33 LOTS. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated.

- (1) Side lot lines should be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
- (2) Double frontage and reversed frontage lots shall be prohibited, except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- (3) Lot frontage.
 - (a) Unless otherwise noted in Table 1, or an applicable Town Ordinance, all newly created lots shall have a minimum frontage of 33 feet on a public street, and where applicable, a minimum frontage of 33 feet on navigable water.
 - (b) A CSM or Plat creating a new parcel without frontage on a public street shall contain one or more of the following statements:
 - 1. Areas under County Zoning Jurisdiction: Applications for County zoning permits for residential structures (principal or accessory) and all other principal structures, except agricultural, shall not be considered for approval until the parcel meets the public street frontage and lot width requirements of the applicable non-agricultural zoning district (as noted in Table 1).

2. Areas under Town Zoning Jurisdiction:

- a.** Applications for County sanitary permits shall not be considered for approval until the parcel has a minimum of 33 feet of frontage on a public street.
 - b.** Provision for a proposed CSM or plat for a parcel containing a valid sanitary permit: A parcel containing a valid sanitary permit shall not be further subdivided unless the newly created parcels maintain or create a minimum of 33' of frontage on a public street for the area containing the sanitary permit.
 - (c)** A-1 & A-2 parcels \geq 5 acres in size, and intended for residential, commercial, or industrial construction purposes shall meet the frontage and width requirements specified in Table 1. The same sized lots may be created without the required frontage and width requirements provided a non-buildability statement is included on the face of the CSM, and access is provided by easement.
- (4)** Area and dimensions of lots shall conform to the requirements of the Table 1 of this Ordinance; and in areas not served by public sewer; shall in addition conform to the requirements of the COMM 83 Wisconsin Administrative Code. Whenever a tract is subdivided into parcels with area in excess of the zoning requirements, such parcels should be arranged and dimensioned so as to allow re-division of any such parcels into normal lots in accordance with the provisions of this chapter. Lot width and area shall be computed in accordance with Table 2.
- (5)** Lots should be designed and a suitable proportion between width and depth. Neither long narrow or wide shallow lots are normally desirable. Normal depth should not exceed $2 \frac{1}{2}$ times the width nor be less than 150 feet.
- (6)** Width of lots shall conform to the requirements of Table 1, or a local municipal ordinance.
- (7)** Corner lots shall be designed with extra width to permit adequate building setback from both streets. Proper lot width and frontage shall be provided on each street.
- (8)** Garage lots shall be established only in accordance with the intent of Section 17.10(1) of the County Zoning Ordinance. Area and width requirements of Table I of this ordinance shall be followed provided that administrative authorization to modify lot area is allowed in circumstances where unique conditions exist. In addition, the following standards shall be required of all garage lots:
 - (a)** The garage lot shall be located directly across from the "house lot"; and
 - (b)** The garage lot must be deed restricted by separate instrument to the house lot, said restriction to be submitted for recording at the time of submittal of the Certified Survey Map. The restriction shall specify that it is a perpetual restriction that may only be removed by written authorization of the Winnebago County Zoning Office at such time as the garage lot is being enlarged so as to meet other buildable lot standards.
- (9) (a)** No lot shall be created unless it lies totally within one zoning district.
 - (b)** Any new lot less than 5 acres in size, intended to be used for residential purposes shall be rezoned to the appropriate residential district prior to approval of the CSM.
- (10) Historical Structures.** Lots for designated for historical structures as defined in the Winnebago County Zoning Ordinance may be allowed to vary area, width, and frontage requirements as contained in Table 1. The specific degree of variation shall

be as determined by the Committee, and shall be subject to conditions of approval as deemed appropriate by the Committee.

- (11) New lots with multiple frontages on one or more streets shall provide the minimum required width and frontage for each segment of frontage. Existing lot areas with substandard frontage may only be split off by means of a variance where deemed appropriate, said variance subject to reasonable conditions of approval.
- (12) Outlots are strictly prohibited except for municipal purposed such as a lift station or "park and ride". Newly created parcels not meeting the requirements of Table 1 shall be combined with an existing parcel by means of a Certified Survey map.
- (13) All parcel boundaries shall follow established assessment boundaries such as, without limitation, those for school districts or sanitary districts. Lots intended to cross the designated boundary shall not be allowed until such as the boundary is formally changed and recorded in the Winnebago County Register of Deeds Office.

DEDICATIONS AND IMPROVEMENTS

18.34 SURFACE WATER DRAINAGE RESTRICTIONS. To the extent practical, no drainageway contained within a drainage easement shall be disturbed, except as provided in Section 18.59(3), in accordance with the following:

- (1) No artificial obstruction may be constructed, planted or maintained within any man-made or natural drainageway so that such obstructions impede the natural flow of water and/or diminishes the natural aesthetic quality of the drainageway.
- (2) Lot boundaries shall be made to coincide with new and/or preexisting man-made and natural drainageways to avoid the creation of lots that can be built upon by altering such drainageways.
- (3) Exceptions. Surface water shall not be regarded as unduly retained or diverted if:
 - (a) The retention or diversion results from a technique, practice, or device deliberately installed as part of an approved sedimentation or storm water runoff control plan.
 - (b) The retention or diversion is not substantially different in location or degree than that experienced by the development site in its predevelopment stage, unless such retention presents a danger to health or safety.
 - (c) The retention or diversion results from the actions of natural obstructions, whereby maintenance shall be performed by the property owner as described in Sec. 18.58(11).
 - (d) The retention or diversion has been allowed or required by the County Planning and Zoning Department, and noted on the approved drainage plan.

18.35 DEDICATION AND RESERVATIONS OF LAND:

- (1) Whenever a tract of land to be divided embraces all or any part of a street, the adopted regional and County comprehensive plans or adopted plan components, such public way shall be made a part of the plat and either dedicated or reserved by the applicant in the locations and dimensions indicated on such plan.
- (2) Whenever a proposed park, playground, public access, open space site or other public land, other than streets or drainageways, designated in the adopted regional and County comprehensive plan components is embraced, all or in part, in a tract of

land to be divided, such proposed public lands shall be made a part of the plat and shall either be dedicated to the public or reserved for acquisition at undeveloped land costs for a period not to exceed three years between the applicant and the public agency having jurisdiction. If the reserved land is not acquired by such public agency within the above time limit, the land shall be released to the owner.

18.36 IMPROVEMENTS:

- (1) No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved by the Committee.
- (2) Before recording the final plat with the County Register of Deeds, the applicant shall enter into a contract or other arrangement agreeable with the town agreeing to install all required public improvements and shall file with such contract a surety bond or other satisfactory security meeting the approval of the Town Board as a guarantee that such improvements will be completed by the subdivider or his subcontractors within the time limit established by the Town Board.

18.37 PLANS: The following plans and accompanying construction specifications may be required by the Town Board before authorization of construction or installation of improvements:

- (1) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
- (2) Installation of street signs meeting the approval of the Town Board at all intersections.
- (3) Sanitary sewer plans and profiles showing the locations, grade, sizes, elevations and materials or required facilities.
- (4) Surface water drainage facilities, which may include curb and gutters, catch-basins and inlets, road ditches and open channels, as may be required to provide adequate surface drainage for the subdivision.

18.38 INSPECTION: The applicant prior to commencement of any work within the land division, shall make arrangements with the Town Board to provide for adequate inspection. The Town Board shall inspect and approve all completed work prior to approval of the final plat or release of the sureties.