

SUBDIVISION AND PLATTING 18

AUTHORITY AND GENERAL PROVISIONS

18.01 STATUTORY AUTHORITY.

These regulations are adopted under the authority granted by sections 59.02, 59.69, 281.31, 236 and 703 of the Wisconsin Statutes.

18.02 TITLE.

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

18.03 PURPOSES.

The purpose of this ordinance is to manage the division of land, and to promote public health, safety and general welfare. The regulations are intended to encourage the most appropriate use of land, to provide the best possible environment for human habitation and to conserve the value of buildings placed upon the land by:

- (1) Furthering the orderly layout and use of land.
- (2) Securing safety from fire, flooding and other dangers.
- (3) Providing adequate light and air.
- (4) Preventing overcrowding of land.
- (5) Facilitating adequate provision for transportation, water, sewerage, schools, parks, playgrounds, other public requirements, and the utilization of alternative energy sources.
- (6) Conserving valuable natural resources such as floodplain areas, wetlands and prime agricultural land and wooded land.
- (7) Facilitating further re-subdivision of large tracts into smaller parcels of land.
- (8) Providing uniform and accurate maps and boundary descriptions of parcels of land.

SUBDIVISION AND PLATTING 18.04

18.04 DEFINITIONS.

Administrator. The County Zoning Administrator.

Alley. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

Arterial, Major. A major, high capacity street designed to carry large volumes of traffic between various areas of the County.

Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or municipal boundary lines.

Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land.

Building Setback Line. A line within a lot or other parcel of land between which line and the adjacent boundary of the street or waterway upon which the lot abuts, the erection of a building is prohibited, as prescribed by the appropriate zoning or other regulations.

Committee. The County Planning Agency authorized by §59.69 Wisconsin Statutes.

Cul-de-sac. A local street with only one vehicular outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Cul-de-sac Temporary. A local street terminating in a turnaround, which will be extended as a through street within a time period approved by the Water & Land Use Planning Committee. The subdivider shall submit such assurances as required by the committee that the street will be extended as a through street within the time allowed.

Department. The Land Records and Regulations Department.

Divider. Any person, or corporation or authorized agent who undertakes a land division as defined in this section.

Easement. Is a grant by a property owner for the use of land for a specific purpose.

Final Plat. The map of record of a subdivision, and any accompanying material.

Frontage. The length of the front property line of the lot, lots, or tract of land abutting a public street, road, highway or public right-of-way, or navigable waterbody.

Grade. The slope of a road, street or other public way, specified in percent.

Improvement, Public. Any sanitary sewer, storm sewer, drainage ditch, water main, off-street parking area, or other facility for which the County, town or special use district may ultimately assume the responsibility for maintenance and operation.

Land Division. The division of a lot or parcel of land for the purpose of transfer of ownership or building development.

SUBDIVISION AND PLATTING 18.04

Large Scale Development. A proposed complete new, large neighborhood unit which due to its magnitude and comprehensiveness, warrants special consideration by the Committee.

Limited Access Expressway or Highway. A traffic way for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except only at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

Lot. A portion of a subdivision or other parcel of land intended for transfer of ownership or for building development.

Lot, Corner. A lot situated at the intersection of two streets.

Lot, Preplanned. A lot where the location of two areas for the future installation of privately owned wastewater treatment system (POWTS) to serve a 3 bedroom home or the location of a replacement area for an existing POWTS have been determined along with the location of areas for buildings, driveways, and other improvements as deemed necessary by the Administrator. (Ord #3-2009)

Lot, Through. Double frontage, is a lot which has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. On a "through lot" or "double frontage lot" both street lines shall be deemed front lot lines.

Outlot. A parcel of land other than a lot or block, intended for transfer of ownership or private right-of-way. An outlot may not be used as a building site unless it is in compliance with restrictions imposed under this ordinance with respect to building sites. An outlot may be a private road or alley, a non-buildable parcel having poor soils or topographic conditions or a remnant parcel.

Owner. Any person, group of persons, firm, corporation or any other legal entity having legal title to the land sought to be divided under this title.

Parcel. A piece of land held in one ownership.

Preliminary Plat. A map showing the salient features of a proposed subdivision, submitted to the committee for purposes of preliminary consideration.

Right-of-way. Right-of-way is a strip of land occupied or intended to be occupied by a street, walkway, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, walkway, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the divider of the plat on which such right-of-way is established.

Road. A public or private right-of-way which affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, land, throughway, or however otherwise designated, but excepting driveways to buildings

Roadway. The surfaced portion of the street available for vehicular traffic.

Service Drive. A public street, generally paralleling and contiguous to a main traveled way, primarily designed to promote safety by eliminating unregulated ingress and egress to the right-of-way, and providing safe and orderly points of access at fairly uniformly spaced intervals.

Sewage Disposal System, Private a/k/a Private On-Site Waste Treatment System. An on-site septic, aerobic, experimental, holding, or other system approved for use by the Department of Commerce.

SUBDIVISION AND PLATTING 18.04

Sidewalk. That portion of a street or walkway, paved or otherwise surfaced, intended for pedestrian use only.

Street. Same as road.

Street, Collector. A street which carries traffic from minor streets to the system of major arterials and highways, including the principal entrance streets of a residential development and the principal circulating streets within such a development.

Street, Half. A street bordering one or more property lines of a tract of land in which the subdivider has allocated only part of the ultimate right-of-way width.

Street, Major. Same as collector street.

Street, Marginal Access a/k/a Frontage Road. A minor street which parallels and is adjacent to a major arterial or highway, and which provides access to abutting properties and protection from through traffic.

Street, Minor. A street of limited continuity used primarily for access to abutting properties and local needs of a neighborhood.

Street, Through. A street which begins and ends on another public street.

Subdivider. Any person, corporation or authorized agent who undertakes the subdivision of and as defined in this section.

Subdivision, County. A division of a lot, contiguous parcels or tract of land for the purpose of sale or of building development, where:

- (a) The act of division creates five or more parcels, lots, outlots or building sites of more than one and one-half (1 ½) acres each and which are less than 10 acres in size.
- (b) Five (5) or more parcels or building sites of more than one and one-half (1 ½) acres each and which are less than 10 acres in size are created by successive divisions within a period of five (5) years.

Subdivision, Minor: A division of a lot, contiguous parcels or tract of land for the purpose of sale or of building development, where:

- (a) The act of division creates not more than 4 lots, parcels or building sites which are less than 10 acres in size.
- (b) The act of division of an outlet within a recorded subdivision plat into not more than 4 parcels or building sites without changing the original exterior boundaries of such lot or outlet.

Subdivision, State. A division of a lot, contiguous parcels or tract of land for the purpose of sale or of building development, where:

- (a) The act of division creates five or more parcels or building sites of one and one-half (1-1/2) acres each or less in area; or
- (b) Five (5) or more parcels or building sites of one and one-half (1 ½) acres each or less in area are created by successive divisions within a period of five (5) years.

SUBDIVISION AND PLATTING 18.04

Subdivision Design Standards. The basic land planning standards established as guides for the preparation of preliminary plats and certified survey maps.

Thoroughfare. A street with a high degree of continuity, including collectors, major arterials, and limited access highways.

Walkway. A walkway or crosswalk is a right-of-way within a block, dedicated to public use and intended primarily for pedestrians, but which may include utilities where necessary.

Water Supply, Individual. A well and appurtenances usually supplying only one lot.

18.05 GEOGRAPHIC JURISDICTION

The provisions of this chapter apply to all lands within Langlade County, except within the corporate limits of the Village of White Lake and the City of Antigo, except for objecting review authority provided in 18.14. Where a duly adopted town subdivision ordinance is more restrictive than this chapter, the town is responsible to enforce its own more restrictive ordinance requirements. This chapter shall not repeal, impair or modify private covenants or other ordinances, except that it shall apply whenever it imposes stricter regulations.

18.06 LAND DIVISIONS GOVERNED BY THIS CHAPTER.

- (1) This chapter shall apply to:
 - (a) The act of division of a lot, parcel or tract which existed on the effective date of this chapter by the owner thereof or his agent for the purpose of transfer, building development, or recording where the act of division creates one or more new lots, parcels or tracts smaller in area than herein provided.
 - (b) The act of division of a lot, parcel or tract which creates parcels that are close in area to the minimum parcel sizes where the Administrator requires a survey for the purposes of verifying that additional lots are not thereby created and the lots resulting therefrom are not reduced below the minimum sizes as required by this ordinance.
- (2) This ordinance shall not apply to [see §236.45(2)]:
 - (a) Transfers of interest in land by will or pursuant to court order.
 - (b) Leases for a term not to exceed ten (10) years, mortgages or easements.
 - (c) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Code or other applicable laws and ordinances. The sale or exchange of parcels of land, between owners of adjoining property, fronting on a public road and more than one acre in size would be considered creating an additional lot.
 - (d) Assessor's Plats made under Section 70.27, Wisconsin Statutes.
 - (e) Creation or transfers of parcels which are ten (10) acres or more in size.

- (3) This ordinance may not have more restrictive time limits, deadlines, notice requirements or be more restrictive in other provisions of WI Stats Section 236 that provide protections for the subdivder. (Rev. Ord. #1-2011).

SUBDIVISION AND PLATTING 18.06

- (f) Single parcels located within the Exclusive Agricultural Zoning District, which are created subsequent to the effective date of this chapter, for the purposes of development of a farm related dwelling unit, shall not be required to comply with this chapter at the time of their creation. Such parcels shall, however, be surveyed and approved under the procedures set forth herein, in the event its use changes to nonfarm related dwelling purposes.

18.07 CLASSIFICATION OF LAND DIVISIONS.

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

- (1) **Minor Subdivisions.** A minor subdivision shall include the creation of one (1) but not more than four (4) parcels or building sites which are less than ten (10) acres in size or the division of a lot or outlot within a recorded subdivision into not more than four (4) parcels or building sites without changing the original exterior boundaries of the lot or outlot within any five (5) year period.
- (2) **County Subdivisions.** A county subdivision shall include the creation of five or more parcels or building sites which are greater than one and one-half (1-1/2) acres and less than ten (10) acres in size and may include no more than four parcels of one and one-half (1½) acres or less within any five (5) year period.
- (3) **State Subdivisions.** Land divisions meeting the definition of state subdivisions are subject to mandatory State review under Ch. 236, Wisconsin Statutes, as well as County review under this chapter.

PROCEDURES FOR APPLICATION AND REVIEW OF LAND DIVISIONS

18.10 PRE-APPLICATION CONSULTATION.

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

- (1) Whether the proposal will require State and/or County reviews.
- (2) Which standards of this chapter and if Ch. 236, Wisconsin Statutes, will apply to the land division.
- (3) The procedure to follow to submit a land division for review.

SUBDIVISION AND PLATTING 18.11

18.11 APPLICATION AND REVIEW OF MINOR SUBDIVISIONS.

- (1) Minor subdivisions shall be created by use of a certified survey map (CSM). One copy of an application form provided by the Department and the original CSM shall be submitted to the Administrator.
- (2) The CSM shall comply with the requirements of §236.34 statutes, Chapter A-E7 Wisconsin Administrative Code, the County Surveyor checklist, and the following requirements:
 - (a) Date of preparation.
 - (b) Name and address of the owner of the parcel to be divided.
 - (c) Location of existing buildings, adjoining streets, highways, parks, cemeteries and subdivisions.
 - (d) Location of the ordinary high watermark (OHWM) of navigable water and water elevation on the date of survey of any navigable water. Non-navigable streams, drainage ditches and easements, ponds, lakes, flowages and other features. Any minor or county subdivision submitted for county approval shall show the ordinary high water mark wherever the OHWM is within 75 feet of the subject parcel.
 - (e) Location of existing wells, drain field vents, septic, pump and holding tanks. The approximate outline of the base of any mound or above grade drainfield.
 - (f) Apparent easements or private rights-of-way which adjoin or cross the property.
 - (g) Adjoining property information (vol., pg., Doc. #, CSM #, Plat, etc.).
 - (h) The following statement shall be placed on the face of each CSM in a text size equal to or greater than the boundary dimension text:

“Lots on this CSM shall not be further divided unless authorized by the administrator. If allowed, further division of these lots may require that County or State subdivision procedures be followed.”
 - (i) Contiguous square feet of buildable area as required by Chapter 17, Zoning Code, Section 17.23(6), Lot Dimensions, Minimum Buildable Area.
 - (j) A statement by the surveyor certifying that the requirements of this ordinance have been fully complied with.
 - (k) The area of the surveyed parcel shall be shown as square feet and acres.
- (3) The standards of section 236.34 of the Wisconsin Statutes, shall be applied to minor subdivisions as defined by this ordinance.
- (4) The administrator may send any minor subdivision to state agencies for advisory review and comments upon a determination that such a referral could yield information that might be useful in the review process.

SUBDIVISION AND PLATTING 18.11

- (5) Where the administrator finds that the county requires additional information relative to a particular problem posed by the proposed subdivision, he shall have the authority to request such information in writing from the subdivider. Such additional information may include, but not be limited to the following:
 - (a) All lands reserved for future public acquisition.
 - (b) Soil and site evaluation report as required in 18.13(2)(b)
 - (c) Land slopes. Areas where land slopes exceed 20% shall be delineated on the plat and/or (2) foot contour intervals in the areas of the lots to be used for building sites and the installation of private water supplies and private sewage systems.
 - (d) Regional floodplain boundary(ies) and the vertical contour line which is two (2) feet above the regional flood (USGS Datum)
 - (e) Wetland boundaries from the Department of Natural Resources Wetland Inventory Maps.
- (6) The application for any proposed minor subdivision with lots, parcels, or new streets requiring direct access onto a County, State, U.S. or Federal Highway shall be reviewed by the Highway Commissioner or WI Department of Transportation (DOT) as appropriate. When access is being requested onto a County Highway a copy of the application shall be forwarded to the Highway Commissioner by the Zoning Administrator at the time of application. If, within five (5) work days, the application has not been approved or denied by the Highway Commissioner, the survey may be reviewed pursuant to §18.11(7). When access is being requested onto a State, U.S. or Federal Highway, the provisions of Admin. Code TRANS 233 shall be complied with. A copy of the decision of the DOT shall be submitted with the request for review of a survey map.
- (7) The Zoning Administrator shall transmit a copy of the application and map to the County Surveyor, Real Property Lister, and the town chairman of the town where the property is located for review. Within 6 working days of the date a complete application is submitted, the Zoning Administrator or designees shall approve, conditionally approve or disapprove a minor subdivision. Where the Zoning Administrator finds a minor subdivision application requires additional review in regard to County or town policy, the Zoning Administrator will notify the applicant and may place it on the agenda of the Water and Land Use Planning Committee for review.
- (8) The approval or disapproval of a minor subdivision application may be appealed to the Water and Land Use Planning committee upon written request. The Zoning Administrator shall place the minor subdivision application on the Water and Land Use Planning Committee agenda and submit a copy of the agenda to any governments, agencies or utilities which are deemed to have an interest in the proposed division.
- (9) The Committee shall, within 60 days of submission, review the application, map and reasons for denial against the applicable standards of this chapter, and approve, approve conditionally, or disapprove the application and map based upon a determination of conformity or nonconformity with the standards.
- (10) The action of the Committee on the application shall be stated in writing in the minutes of

the Committee meeting and those minutes or an extract thereof shall be mailed to the applicant. Failure of the Committee to act within 60 days of the date of submission or within a time as extended by agreement with the subdivider shall constitute an approval.

SUBDIVISION AND PLATTING 18.11

- (11) Correction of errors on recorded CSM's shall be made by recording a correction CSM. A statement shall be clearly placed on the face of the correction CSM indicating the volume, page, and document number of the CSM it is correcting.

18.12 APPLICATION AND REVIEW OF PROPOSED COUNTY & STATE SUBDIVISIONS.

- (1) The items outlined for a minor subdivision in Ch. 18.11(2), (5), and (6) shall apply to County and State Subdivisions.
- (2) County Subdivisions shall comply with the requirements and procedures outlined in Ch.18.13 of this Code except that no transmittals to or approvals from the State objecting agencies are needed unless required by the Zoning Administrator where he finds a State review to be necessary. State Subdivisions shall comply with the requirements and procedures outlined in Ch. 18.13 and shall be submitted to the State for review.
- (3) Soil testing as required by §18.13(2)(b) of this Code may be waived upon written request to the Department by the developer. Where soil survey maps and department records indicate uniform conditions exist relative to the installation of private sewage systems, testing may be waived. Where the County has waived soil testing requirements, the developer shall provide a statement on the face of the plat, that soil suitability for construction and operation of private sewage systems has not been verified.
- (4) County or State subdivisions shall not be approved where private roads or easements are proposed to provide access. All lots in County subdivisions shall have direct access to public streets. [See also §18.22]
- (5) County or State subdivisions shall not be approved where lots created result in the installation of a holding tank.

18.13 PROCEDURES FOR REVIEW OF PROPOSED COUNTY & STATE SUBDIVISIONS.

- (1) Pre-Preliminary Plat Conference. Where it is desired to create a county or state subdivision the subdivider shall meet with the administrator for a conference prior to preparation of the preliminary plat. It is also recommended the subdivider meet with the appropriate town board.

The following information shall be submitted at the conference:

- (a) A sketch of reasonable scale and accuracy showing the boundaries of the property being considered for division.
- (b) The proposed general layout.
- (c) A description of all contiguous lands owned by the divider.
- (d) Existing and proposed zoning for the subdivision.
- (e) Required fee.

- (2) Preliminary Plat Submittal Requirements. After the pre-preliminary conference for all county and state subdivisions, a preliminary plat conforming to §236.11 Wisconsin Statutes, shall be prepared for review. Information to be submitted shall include the following:

SUBDIVISION AND PLATTING 18.13

- (a) A preliminary plat map based upon a survey by a land surveyor registered in Wisconsin, an application prepared on a form provided by the department, and a cover letter. The plat shall show correctly on its face the following information:
1. The applicable information specified in 18.11(2) & (5) & (6).
 2. A legal description of the proposed land division and total area in acres or square feet to be divided.
 3. Any existing or proposed lake or stream access.
 4. Any land reserved for public purposes, including parks, playgrounds, & open spaces.
- (b) Soil & Site Evaluation Report. Soil & Site Evaluation Report as required by Wisconsin Administrative Code COMM 85 and/or the following information shall be submitted for all lots not served by public sewer:
1. Soil profiles accurate enough to show system types for proposed lots.
 2. At least one soil boring per lot shall be made initially. Where initial soil borings indicate marked variations in depth to high groundwater or restrictive permeability, additional borings may be required at the discretion of the Administrator.
 3. The Administrator may require preplanned lots where slopes and/or variable soil conditions make it difficult to site a system. Preplanning is designating the location of two areas for the future installation of privately owned wastewater treatment system (POWTS) to serve a 3 bedroom home or designating the location of a replacement area for an existing POWTS. Preplanning may include designating areas for buildings, driveways, and other improvements as deemed necessary by the Administrator. The location of such preplanned areas shall be clearly shown on the plat or attached dimensioned detail. No changes in preplanned areas shall be made unless approved by the Administrator. (Rev. Ord. #2-2007)
 4. The department shall be notified by the developer or soil tester at least two (2) work days prior to conducting soil tests for any proposed subdivision for the purpose of making a field appointment. Unless waived by the Administrator, a department representative shall be on site for soil testing.
- (c) Where the Administrator finds that the County requires additional information relative to a particular problem presented by the proposed subdivision, he shall have the authority to request in writing that additional information including but not limited to the following be included on the preliminary plat or the accompanying documents.
1. Identification of surface drainage patterns, showing direction of flow, grading plan and indicating the manner and extent to which the drainage patterns will be altered by the subdivision and its development and an erosion control plan.
 2. Proposed or existing deed and/or plat restrictions.

3. Identification of owners of record of abutting nonplatted lands and a plan for future use and development of adjoining land owned by the subdivider.
 - (d) The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of the features and that he has fully complied with this ordinance.
- (3) Preliminary plat approval process
 - (a) For all preliminary plats not served by a public sewerage system, the department shall act as the agent for distribution of copies to all objecting and approving agencies and other agencies such as utility companies. The number of copies of each plat shall be determined by the "Zoning Administrator's Checklist for Distribution of Plats."
 - (b) The Committee, within ninety (90) days of the date of filing of a complete preliminary plat and application with the Administrator shall conduct an inspection of the subdivision and approve, approve conditionally or reject such plat unless the time is extended by mutual agreement with the divider. A letter setting forth the conditions of approval or the reasons for rejection shall be sent to the divider. One (1) copy each of the plat and letter shall be placed in the committee's permanent file.
 - (c) Failure of the Committee to act within ninety (90) days or the time as extended by agreement with the subdivider, shall constitute an approval. The ninety (90) day time period shall commence with the filing of the complete plat and application and not the pre-preliminary conference.
 - (d) The Committee or approving authority shall not approve any preliminary plat which is subject of an objection of an objecting agency.
 - (e) The Administrator shall not place the Preliminary Plat on the Committee agenda for review unless there has been a complete submittal at least five (5) work days prior to the meeting.
- (4) Final Plat. Upon approval of the preliminary plat, the subdivider or agent, shall prepare a final plat for review and submit it to the county within 36 months following preliminary plat approval. The Water and Land Use Planning Committee may extend the time for submission of the final plat. (Rev. 1-18-11) The application and review shall include the following:
 - (a) A final plat prepared by a land surveyor registered in Wisconsin. The plat shall comply with all applicable requirements of Chapter 236 of the Wisconsin Statutes.
 - (b) In addition to the requirements of Chapter 236, the final plat shall correctly show on its face:
 1. Lands reserved for future public acquisition or for the common use of the property owners within the subdivision. Such lands shall be described and established as outlots.
 2. Special restrictions required by the reviewing authorities.
 3. Final plats shall provide all certificates required by section 236.21 of the Wisconsin Statutes, and in addition, the surveyor shall certify specifically that all provisions of this ordinance have been fully complied with.
 - (c) The Administrator shall not place a final plat on the Committee agenda for review unless the plat or a true copy is submitted at least five (5) work days prior to the meeting.

- (d) The Committee within sixty (60) days of the date of filing of a complete final plat with the administrator, shall approve, approve conditionally or reject such plat, unless the time is extended by mutual agreement with the subdivider. If approved, the certifications on the plat shall be completed. If approved conditionally, the certifications shall not be completed until the conditions are met. If rejected, a letter or copy of the committee minutes setting forth the reasons for rejection shall accompany the plat.
- (e) Failure of the Committee to act within the sixty (60) days or the time as extended by agreement with the subdivider, shall constitute an approval.
- (f) The Committee may or may not choose to approve any final plat which is the subject of an objection of any objecting agency.
- (g) Relationship between preliminary and final plat:
 1. Approval of a preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted and a guide to the preparation of the final plat which will be subject to further consideration by the committee at the time of its submission.
 2. The Zoning Administrator shall determine if a final plat substantially conforms to the preliminary plat and submit this determination to the Water and Land Use Planning Committee along with a recommendation for approval/denial of the final plat. The conclusion and recommendation shall be made part of the public record of the meeting which the final plat is being considered. If the final plat conforms substantially to the preliminary plat as approved, including any conditions of the preliminary approval, and to local plans and ordinances authorized by law, It is entitled to approval. If the final plat is not submitted within thirty six (36) months of the last required approval of the preliminary plat, any approving authority shall refuse to approve the final plat. (Rev. 1-18-11)
- (h) Partial platting. The final plat may constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time. Approval of a final plat for only a portion of the preliminary plat shall extend approval for the remaining portion of the preliminary plat for thirty six (36) months from the date of such final plat approval unless extended by the Committee. (Rev. 1-18-11)
- (i) Deed restrictions. The committee reserves the right to add further deed restrictions and covenants as provided in section 236.293 of the Wisconsin Statutes.

18.14 OBJECTING REVIEW

- (a) Objecting review by the County over preliminary plats in cities and villages. The Water and Land Use Planning Committee shall receive and review preliminary plats of State defined subdivisions located within the City of Antigo and the Village of White Lake, on an objecting basis as specified in 236.12 (2) (b) and 236.12 (6), Wis. Stats., and shall file an objection to such plats upon a determination that conflict exists between the proposed subdivision and any existing or planned parks, highway or road, airport, drainage channels, floodplains, schools or other public facilities. The Committee shall issue a response to the plat as provided in 236.12 (3) or 236.12 (6), Wis. Stats.

SUBDIVISION AND PLATTING 18.15

SUITABILITY STANDARDS

18.15 GENERAL.

- (1) Section 236.45 of the Wisconsin Statutes authorizes the County to prohibit the division of lands where such prohibition will carry out the purposes set forth in this ordinance. The county may also regulate the manner of land division in areas where divisions are permitted.
- (2) The suitability standards of this section are in addition to standards set forth in other regulatory ordinances.
- (3) These suitability standards shall be applied to all proposed land divisions under the authority stated herein.
- (4) No land shall be divided which is determined by the administrator or Committee to be unsuitable for its proposed use for reasons of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage capabilities, or any other features or circumstances likely to result in the imposition of unreasonable costs or to be harmful to the health, safety or general welfare of the future residents of the land division or of the community.

18.16 ZONING.

- (1) Divisions of lands under this ordinance, shall be made in conformance with the provisions of Chapter 17, Langlade County Zoning Code if applicable in the town in which the division is located.
- (2) No permanent easement wider than twenty (20) feet shall be recorded which reduces the lot size below the minimum required by the Zoning District in which the lot is located.

18.17 DIVISION OF LANDS OF HIGH AGRICULTURAL VALUE.

- a. It is declared to be the policy of the County according to the Langlade County Farmland Preservation Plan to preserve the agricultural use of land which, because of soil characteristics, aggregate acreage, proximity to other farms or other pertinent characteristics, has high value for continued farm uses to meet the food and fiber needs of the County, the region, the State and nation. In the interest of furthering the orderly use of land, preserving the character of these portions of the County and encouraging the use of land most appropriate to the essential nature of the land itself, land divisions under this chapter shall be limited from intruding on areas of high agricultural value.
- b. Areas zoned and mapped "Exclusive Agriculture" on the County zoning maps shall be considered and a determination made as to the agricultural value of each parcel being proposed for division.
- c. The Committee, in determining the agricultural value, may seek the advice of the County Land Conservation Committee, Natural Resource Conservation Service, assessors, and any other County or State agency which would be of assistance in making such a determination.

SUBDIVISION AND PLATTING 18.18

18.18 LIMITATIONS ON LARGE LOT, UNSEWERED DEVELOPMENTS IN AREAS WHICH HAVE POTENTIAL FOR SANITARY SEWER SERVICE.

It is declared to be the policy of the County to encourage sanitary sewer service for subdivided developments. In the interest of promoting the orderly use and development of lands and facilitating adequate provisions for sewerage services, the following standards shall apply to all land divisions.

- a. Developments which can be connected to sanitary sewage collection and treatment facilities within the land division at the time of development shall have all laterals and services to the property line installed in the course of development and shall be connected to the available treatment system prior to occupancy.
- b. The Committee shall determine for each land division which comes before the County for approval whether the proposed development is located in an area where sanitary sewage treatment service can reasonably be expected to be available within a 5 year period from the date of project completion. In making such determination, the Committee shall make diligent inquiry into municipal, State and federal policies which bear upon the likelihood that service will, in fact, be provided on schedule. Land divisions may be occupied prior to connection to sewerage service, provided that each parcel proposed for occupancy meets all standards that are applicable to the interim, on-site waste disposal systems. Interim occupancy may be on the basis of use of 2 or more lots with provisions for redivision after sewerage service connection is made.

18.19 SUITABILITY OF LANDS FOR LARGE RURAL DEVELOPMENTS.

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

- a. Zoned for such use.
- b. Not included within the agricultural preservation area in the Langlade County Farmland Preservation Plan.
- c. Compatible with the general suitability standards.
- d. To ensure that such developments retain their character, they may be subject to the covenant provisions of this chapter.
- e. If the Committee determines that the development is likely to result in the raising of floral, garden or agricultural crops on a larger scale than normally associated with home gardens or in the raising, care, use or husbandry of animals on a scale beyond that normally associated with full scale farming, the subdivider may be required to provide larger lot or parcel sizes than are otherwise established under Ch. 17 of this Code of Ordinances, and as are deemed necessary to assure space for the intended uses to be carried out without unreasonable interference with the use and enjoyment of present or potential users on nearby properties.

SUBDIVISION DESIGN STANDARDS

18.20 GENERAL.

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

SUBDIVISION AND PLATTING 18.21

18.21 SURFACE DRAINAGE AND EROSION CONTROL.

(1) Land divisions shall be designed so as to minimize soil erosion and to provide reasonable management of surface water drainage. The Committee may require engineering studies of erosion potentials and may impose preventive design requirements. The Committee may require documentation of surface water drainage patterns and may impose design requirements to assure that flows are transported and disposed of without causing undue erosion and siltation of surface waters, undue runoff onto adjoining lands or streets or other rights-of-way or excessive infiltration into locations of on-site waste water disposal facilities. Dividers may request assistance and consultation from the department and Land Conservation Department in meeting the above requirements.

(2) Storm Water Easement and Drainage Right-of-Way. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such water course, and of such width or construction or both as will be adequate for drainage purposes. Wherever possible, it is desirable that the drainage be maintained by an open channel with natural or landscaped banks and adequate width for maximum potential volume of flow.

18.22 STREETS AND ROADS. (Rev. Ord. #3-2009)

(1) Public Streets and Roads - General Considerations. Streets and roads shall be designed and located in relation to existing and planned streets and future subdivisions, 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 public roads and streets within the jurisdiction of the Ordinance except when the Water & Land Use Planning Committee has approved the public streets and roads as part of a Planned Residential Development. (Rev. Ord.#2-2007)

- a) All roads in state and county subdivisions shall be public roads. All lots in state and county subdivisions shall front on public roads.
 - 1) Right-of-way shall be at least 66 feet.
 - 2) Before the final plat is approved by the Committee, the subdivider shall build the road to town specifications or shall provide financial assurance to the Town Clerk ensuring that the road will be built within 3 years from the date of final approval or before more than 50% of the lots are sold, whichever comes first. The amount of the financial assurance shall be determined by the Town. A copy of the financial assurance and a letter from the Town stating the financial assurance has been properly filed and meets their requirements shall be submitted to the administrator. The town and the subdivider may enter into an agreement to allow additional time for road construction along with an extension of the financial assurance and a copy of said agreement shall be submitted to the administrator. If the plat is developed in phases as approved by the Water & Land Use Planning Committee, the amount of the financial assurance shall be limited to the phase currently being constructed and will not be required to be provided sooner than is reasonably necessary before the construction of the road begins. (Rev. Ord. 1-2011)
 - 3) The specifications for roads shall be approved by the Town. Prior to either acceptance of the road by the town or release of the financial assurance, all improvements shall be inspected by the Town and found to have been installed according to specifications.
- b) Owner's certificates of dedication shall be used on certified survey maps of minor

- subdivisions when public roads are created.
- c) Town road names are subject to approval by the Town Board and the Committee to ensure unique naming. Before any Minor Subdivision, County Subdivision, or State Subdivision can be approved for recording, new town roads shall be named and these names as approved shall appear on the document to be recorded.
- (2) Private Roads. General. These provisions shall apply to all private roads (easements) intended to provide access to newly created parcels except when the Water & Land Use Planning Committee has approved the private roads as part of a Planned Residential Development. (Rev. Ord. #2-2007) (Rev. Ord. #1-2011)
- (a) Private roads (easements) are only allowed in minor subdivisions and shall meet the following requirements: (Rev. Ord. #1-2011)
- 1) A minimum of a 33' wide private road shall provide access from a public road to one (1) lot.
 - 2) A minimum of a 66' wide private road shall provide access from a public road to not more than two (2) lots.
 - 3) A restriction shall be placed on the face of the survey that there shall be no further division of lots created under paragraphs 1) & 2).
 - 4) A private road shall not exceed 1,320' in length.
- (b) A road shall be built to town specifications according to the procedure under 18.22(1) and properly dedicated for public use when said road is to provide access to more than two (2) lots.
- (c) All private roads may be named and properly signed. Private road names are subject to approval by the Town Board and the Committee to ensure unique naming. These names as approved shall appear on the document to be recorded. (Rev. Ord. #1-2011)
- (d) Private roads serving County and State subdivisions are not allowed.
- (e) All private dead end roads shall have sufficient side and overhead clearances to allow access and an adequate turnaround for emergency, police, fire, utility and school bus usage.
- (f) Private roads that are existing at the time of the effective date of this ordinance that are proposed to provide access to newly created parcels, shall meet the requirements as specified in this section (2).
- (g) Private roads from an existing public road to the newly created lot(s) shall be clearly labeled and dimensioned and monumented right-of-way lines shall be shown on the CSM. (Rev. Ord. #3-2009)
- (3) Arrangement.
- (a) All streets shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way and future subdivisions.
- (b) All streets shall be properly designed to accommodate special traffic generators, such as industries, business districts, schools, churches, and shopping centers.
- (c) Minor streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and sewer systems, and to require the minimum amount of streets necessary to provide convenient and safe access to property.
- (d) The use of curvilinear streets, cul-de-sacs or U-shaped streets shall be encouraged

SUBDIVISION AND PLATTING 18.22

where such use may result in a more desirable layout.

- (4) Access to Major Streets. The number of residential streets entering a major street shall be kept to a minimum. Where a subdivision borders on or contains an existing or proposed major street, the Committee may require that access to such streets be limited by one (1) of the following means:
 - (a) A parallel street supplying frontage for lots backing onto the major street. Such lots to be provided with a screen planting contained in a non-access reservation along the major street;
 - (b) A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the major street;
 - (c) A marginal access street or service drive, separated from the major street by a planting or grass strip and having access thereto at suitable points.
- (5) Width of Roadways. Paving widths of all roadways shall be determined by the Town Board but shall not be less than that specified in §86.26 statutes.
- (6) Cul-de-sacs or Dead End Streets.
 - (a) The use of cul-de-sacs in street layouts shall be limited to portions of developments which, due to unusual shape, size, location, or topography, floodplain, wetland or other condition may better be served by cul-de-sacs than by continuous streets. A layout making unrestricted use of cul-de-sacs or courts will not be acceptable.
 - (b) A cul-de-sac shall not be longer than 1,320 feet, measured on its centerline unless, by reason of topography or other circumstances beyond the control of the developer, the Committee, upon the recommendation of the administrator, find a greater length to be justifiable.
 - (c) The diameter of a permanent cul-de-sac shall be not less than one hundred twenty (120) feet. The roadway within the turn-around shall have the largest diameter practical. The roadway shall generally be within 10 feet of the right of way.
 - (d) Temporary cul-de-sacs or "T" turnarounds may be required where a roadway will not be immediately completed as a through street. The Committee may approve turnarounds of smaller diameter or different design on a case by case basis.
- (7) Half Streets. Half streets in new subdivisions shall not be permitted without Committee approval. Where a half street is adjacent to a new subdivision, the other half of the street shall be dedicated by the subdivider. Where a new subdivision abuts an existing street of inadequate right-of-way width, additional right-of-way width may be required to be dedicated and the subdivider to meet the requirements of this chapter.
- (8) Street Intersections.
 - (a) Streets shall be laid out so as to intersect as nearly as possible at right angles but deflections of up to twenty (20) degrees from right angles will be acceptable. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Committee.
 - (b) Proposed new intersections along one side of an existing street shall coincide with any existing intersections on the opposite side of such street. Street jogs with

SUBDIVISION AND PLATTING 18.22

centerline offsets of less than one hundred, twenty-five (125) feet shall not be permitted. Where streets intersect major streets their alignment shall be continuous.

- (c) The Town Board or Committee may require the developer to dedicate or reserve land at intersections to the extent deemed necessary to provide adequate sight distances.
- (9) Alleys
- (a) Alleys may be required by the Committee where deemed necessary.
 - (b) The width of alleys shall be not less than twenty-four (24) feet.
 - (c) Dead end alleys are prohibited except under very unusual circumstances, and crooked and "T" alleys shall be discouraged. Where dead end alleys are unavoidable, they shall be provided with adequate turnaround facilities at the dead end.
- (10) Utility Easements. The Committee may require easements for electric power and communication facilities, storm and sanitary sewer, streets, trees, gas, water or other utility lines. Where such easements are specifically located within the area being divided, they shall be placed so as not to interfere unreasonably with the use and enjoyment of the property for residential or other purposes. All easements shall be noted on the final plat followed by reference to intended use; such easements shall be at least ten (10) feet wide.
- (11) Driveway access. Driveway access points shall be located and shown on the plat where the Committee deems necessary due to visibility, safety, and topography concerns.

18.23 LOTS AND BLOCKS.

- (1) Unless specifically waived by the Committee, or approved by the Committee for a condominium pursuant to 18.37, a separate lot shall be provided for each structure intended for residential use. (Rev. Ord. #1-2011)
- (2) Minimum Lot Size. The minimum lot size for newly created lots shall be two (2) acres with the following exceptions:
 - (a) Waterfront lots shall meet the minimum lot size requirements in Chapter 17, Zoning Code, Section 17.30 Shoreland Zoning.
 - (b) Lots in a sanitary district to be served by public sewer shall meet the minimum lot size requirements in Chapter 17, Zoning Code, Section 17.44(4).
 - (c) If a soil and site evaluation report indicates a conventional, in-ground pressure, at-grade or mound system could be installed and is approved by the department and the system area is shown on the survey, the minimum lot size may be reduced to one (1) acre.
 - (d) When Chapter 17, Zoning Code requires larger minimum lot sizes for particular zoning districts, the larger size shall apply.
 - (e) When the Water & Land Use Planning Committee has approved the minimum lot size as part of a Planned Residential Development. (Rev. Ord. #2-2007)

SUBDIVISION AND PLATTING 18.23

- (3) Residential blocks
 - (a) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, or waterways.
 - (b) The lengths, widths, and shapes of blocks shall be appropriate for the locality and the type of development contemplated, but block lengths in residential areas should not, where practical, exceed one thousand, eight hundred (1,800) feet nor be less than four hundred (400) feet in depth. Wherever practicable, blocks along major arterials and collector streets shall be not less than one thousand, three hundred and twenty (1,320) feet in length.
 - (c) Pedestrian walkways, not less than ten (10) feet wide, may be required by the Committee through the center of blocks more than nine hundred (900) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.
- (4) Nonresidential blocks. Blocks designed for business, commercial, or industrial uses shall be of such length and width as may be determined suitable by the Committee for the prospective use.
- (5) Lots. In general, the size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lot dimensions shall conform to the requirements of applicable zoning regulations. No lot depth shall be more than five (5) times its width at the building line. Private access strips that are narrower than the minimum lot width required by zoning shall not be used in calculating this ratio.
- (6) Residential lots. Residential lots to be served by private sewage systems shall comply with the rules of the Department of Commerce and the Lantlade County Private Sewage System Ordinance.
- (7) Business, commercial and industrial properties. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the appropriate zoning regulations.
- (8) Corner lots. Corner lots for residential use shall have extra width to permit full building setback as required in the appropriate zoning regulations.
- (9) Lot frontage. Every lot shall have a minimum of 33 feet of frontage directly on a public road except as provided in 18.22(2)(a)1.& 2.).
- (10) 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.
- (11) Holding Tanks. The creation of a lot(s) under this ordinance that results in the use of a holding tank is prohibited. In order to determine the suitability of the soils for the proposed lot(s), a determination shall be made by the administrator based on the Lantlade County Soil Survey and knowledge of the existing soil conditions in the area. If there is conflicting information, a complete soil & site evaluation report shall be submitted prior to approval of the division. If the determination is made that the lot(s) is only unsuitable for a holding tank, then the division shall not be approved.

SUBDIVISION AND PLATTING 18.24

18.24 LANDS NEAR WATER'S EDGE.

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

18.25 RESERVATION OF LAND.

Reservation of land shall be required which are in conformance with the county development plan or parts thereof.

18.26 PARKS, PLAYGROUNDS

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

18.30 DEDICATION

- (1) Roads. The subdivider shall be required to offer for dedication to the County or Town whichever is applicable all streets, roads and other public ways which are proposed to be established within the subdivision.
- (2) Disclosure. No person shall sell any parcel of land if it abuts on a road which has not been accepted as a public road unless the seller informs the purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the Town or the County.
- (3) Public access to navigable waters. State and County subdivisions abutting on a navigable lake or stream shall, according to the provisions of section 236.16(3) of the Wisconsin Statutes and this section, provide access at least one hundred (100) feet wide to the low water mark so that there will be public access, which is connected to existing public roads at least one-half (1/2) mile intervals as measured along the lake or stream shore, except where greater intervals and wider access is agreed upon by the Department of Natural Resources and the Department of Administration, Plat Review, and excluding shore areas where public parks or open space streets or roads on either side of a stream are provided. For minor subdivisions, the requirement for public access may be waived by the Committee. The Committee shall be substituted for the state agencies in deciding applications for access points at greater intervals and additional wider distances for county subdivisions.
- (4) Other dedications. The Committee may require that suitable sites not to exceed 5% of the total area of the land division be offered for dedication or reservation for future public use, such as parks, playgrounds, public access, drainageways, school sites and open spaces as needed by the subdivision.
- (5) Terms of reservation. Reservation of land for public acquisition shall be for a period specified by the Committee not to exceed ten (10) years. Land so reserved shall be shown on the final plat.

SUBDIVISION AND PLATTING 18.30

- (6) Method of offering dedications. Dedications shall be effected as provided in section 236.29 of the Wisconsin Statutes. Dedications to the county shall require approval of the County Board.

18.31 IMPROVEMENTS

- (1) Survey monuments. The surveyor shall install all survey monuments in accordance with the requirements of section 236.15 of the Wisconsin Statutes for county subdivisions or Section 236.34 for minor subdivisions. The Town Board may waive the placing of monuments for a reasonable time on condition that the subdivider executes a security bond to ensure that the monuments will be placed within the time required.
- (2) Ties to the County Coordinate System. Any State or County Plat or CSM recorded in the Register of Deeds office or any plat of survey filed in the County Surveyor's office shall be tied by lengths and bearings to a monumented boundary line of a quarter section in which the subdivision lies. A description of the monuments at ends of the line and the bearing and distance between those monuments shall be shown. Boundary bearing references shall be to bearings established by the County in its county coordinate system. If no bearings have been established on any of the boundaries of the section being worked in, a reference to a magnetic or true direction shall be used. When re-dividing an existing CSM or subdivision plat which is already connected to county bearings the re-division shall be referenced to those bearings.

18.32 COMMENCEMENT OF IMPROVEMENTS AND CONSTRUCTION.

Commencement. No construction or installation of improvements shall commence in a proposed subdivision until the final plat has been approved by all reviewing authorities; provided, however, that construction or installation of improvements may commence following approval of a preliminary plat if the committee's approval of the preliminary plat included explicit approval of such commencement. The setting of survey monuments does not require explicit approval of the committee.

CONDOMINIUMS

18.35 INTENT.

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

18.36 ZONING.

Land divided for the establishment of a condominium plat shall meet the requirements of the Langlade County Zoning Ordinance.

18.37 CONDOMINIUM PLATS.

A condominium plat shall be submitted to the Committee for review and approval pursuant to WI Stats. 703.115. (Rev. Ord. #2-2007)

18.38 STANDARDS.

Condominium plats shall meet the requirements of section 703.11 of the Wisconsin Statutes. (Rev. Ord. #2-2007)

SUBDIVISION AND PLATTING 18.39

18.39 UNITS.

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

18.40 APPROVAL.

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

ADMINISTRATION AND ENFORCEMENT

18.45 WATER & LAND USE PLANNING COMMITTEE.

The Committee as appointed by the Langlade County Board, shall be empowered to insure proper administration and compliance with the provisions of this chapter, conduct such hearings and meetings as necessary in accordance with this code and to approve, conditionally approve or reject applications under the terms as set forth herein and set fees and adjust them from time to time as is deemed necessary.

18.46 ZONING ADMINISTRATOR.

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

18.47 FEES, ENFORCEMENT, VARIANCES AND APPEALS.

- (1) Fees (Rev. 2/07)
 - (a) Application fees. **See Water & Land Use Planning Approved Fee Schedule.** The subdivider shall pay the fees specified below at the time of formal submission of application. (Rev. 4/06)
 - (b) Legal and engineering fees. Upon mutual agreement, the subdivider shall pay the County at times specified by the committee, a fee equal to the actual cost to the County of any engineering or legal work incurred by the County in conjunction with the plat review. Engineering work shall include preparation of construction plans and specifications and inspections. Legal work shall include the drafting of contracts between the county and the subdivider and a review of covenants, easements and documents involved in dedications.
 - (c) Permit fees shall be set and amended from time to time by the Committee.
 - (d) A double permit fee will be charged for all after-the-fact permit applications to partially recover the cost of obtaining compliance.
 - (e) Resubmittal fees equal to the application fees may be charged if:
 1. Closure is not met in a county plat.
 2. Major revisions to the revised map are required.
- (2) Modifications and appeals
 - (a) Modifications. Where, because of unique topographic or other conditions of the land involved, or because of other conditions predating adoption of this ordinance, or to achieve consistency with a city or village extraterritorial

SUBDIVISION AND PLATTING 18.47

ordinance, it is inappropriate to apply literally the provisions of this ordinance and where such literal applications would impose undue hardship, the Committee may vary the requirements of this code. The Committee may attach conditions to the granting of such modifications to assure that the purpose and intent of the ordinance are observed and that compliance with state law is achieved. The Committee shall not waive or modify the requirements of this code for the creation of a lot that is intended to provide collateral for security purposes (as for payment of a debt or performance of a contract). (Rev. Ord. #-2009)

(b) Appeals

1. The County Board of Adjustment shall hear and decide appeals where it is alleged that the administrator erred in applying the provisions of this ordinance.
2. Any person aggrieved by a failure to approve any land division or condominium plat, may appeal therefrom to the courts as provided in the Wisconsin Statutes.

(3) Replats, vacations or alterations in recorded plats

- (a) Replats of all or part of a recorded land division shall occur pursuant to section 236.36 through 236.455 of the Wisconsin Statutes.
- (b) Upon submission to the county of a preliminary plat for an area for which a plat was vacated or altered by action pursuant to section 236.40 through 236.44, the Committee shall hold a public hearing. While the proposed new plat is pending before the committee, notices of the hearing shall be mailed to the owners of all properties within the area of the subdivision and to all landowners within two hundred (200) feet of the proposed replat.

(4) Enforcement

- (a) Any division of land which results in a state subdivision, county subdivision, minor subdivision or condominium plat as defined in this ordinance, shall be surveyed, mapped or platted, and the map or plat shall be approved as provided herein, and the approved map or plat shall be recorded with the Langlade County Register of Deeds prior to conveying any lot, parcel or tract included within the proposed division, provided, however, that in the case of a subdivision which has been the subject of a preliminary plat approved by the Committee, offers or contracts to convey parcels, lots, or tracts within the proposed land division may be entered into pending approval of the final plat if the contract or offer to convey stated on its face that it is contingent upon recording of the final plat and shall be void if such plat is not recorded within a specified time.
- (b) Lots may be further divided, providing they meet all land division standards of this and other applicable ordinances. It shall be unlawful for any person to build upon, divide, convey, record or monument any land in violation of this code or the Wisconsin Statutes. No person shall be issued a permit by the county authorizing the building upon or improvement of any land division or condominium plat until the requirements of this chapter have been fully met.
- (c) The administrator or designee may issue a compliance order, field directive, suspension order or termination order to assure compliance with the provisions of this code.
- (d) The county may institute appropriate action or proceedings to enjoin violation of the ordinance or of state law pursuant to section 236.31 of the Wisconsin Statutes.

SUBDIVISION AND PLATTING 18.47

(e) Penalties

1. A person, firm or corporation who fails to comply with this code shall be subject to the penalty provisions contained in section 25.04 of the Langlade County General Code of Ordinances. Each day a violation exists or continues shall constitute a separate offense.
2. Improperly recording or conveyance of lot in unrecorded plat and monuments disturbed or not placed has penalties provided in §236.31 and 236.32 statutes.
3. Assessor's plats made pursuant to section 70.27 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 code.

- (f) The Zoning Department shall withhold permit(s) or approval(s) pursuant to this ordinance where the applicant, owner, or licensed contractor is in violation of this or any ordinance administered by the Zoning Department, and for any parcel(s) of land which has an outstanding violation(s) until the violation(s) has been corrected. A request for waiver of these provisions may be made, to grant or deny a permit or approval on the merits of the application, to the Zoning Committee.

18.48 RECORDING AND CONVEYANCE OF LOTS OR PARCELS INCLUDED WITHIN LAND DIVISION REQUIRING COUNTY APPROVAL.

- (1) Recording. Pursuant to WI Stats.section 236.25(2) the Register of Deeds is directed to accept for recording all plats and certified survey maps and accompanying documents which are required to be prepared and approved by this code, and to keep and record same. Pursuant to WI Stats. Section 236.25(2)(b) plats shall be recorded within 12 months after the last approval and 36 months from the first approval. No person shall attempt to record a plat or document purporting to create parcels of land for sale or development that is not in conformance with this ordinance. (Rev. 1-18-11)
- (2) Conveyance. Lands described in plats and maps recorded pursuant to sub. (1) may be described by reference to the recorded plat or map and recording document number for all purposes, including those of assessment, taxation, devise, descent and conveyance as defined in section 706.01(3), Wisconsin Statutes.

18.49 ABROGATION AND GREATER RESTRICTIONS.

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

18.50 WAIVER OF LIABILITY.

- (1) In carrying out any of the provisions of this chapter or in exercising any power or authority granted to the department, its agents or employees, thereby, there shall be no personal liability upon them.
- (2) In such matters, it is understood that the department, its agents or employees act as agents and representatives of the County.

SUBDIVISION AND PLATTING 18.50

- (3) Since there can be considerable variation in the ability of soil to absorb sewage effluent on the individual lots approved pursuant to this code, attention is directed to the necessity of conducting individual lot soil tests by a certified soil tester as specified in Wis. Admin. Code COMM 83. There shall be no personal liability upon the department, its agents and employees where, as the result of individual lot soil tests, a state approved private sewage system other than the type expected, must be used.

18.51 SEVERABILITY.

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