

ORDINANCE NO. -2020

Amending Chapter 315, Land Division and Subdivision

The County Board of Supervisors of Green Lake County, Green Lake Wisconsin, duly assembled at its regular meeting begun on the 15th day of December 2020, does ordain as follows:

Section 1. Green Lake County Ordinance, No. 1056-2013, adopted May 21, 2013, and as amended from time to time (Chapter 315 Land Division and Subdivision), is hereby amended as follows (additions in underline, deletions in strikeout):

Roll Call on Ordinance No. -2020

Submitted by Land Use Planning &
Zoning Committee:

Ayes , Nays , Absent , Abstain

Passed and Enacted/Rejected this 15th
day of December, 2020.

Curt Talma, Chair

William Boutwell, Vice-chair

County Board Chairman

Harley Reabe

ATTEST: County Clerk
Approve as to Form:

Charles Buss

Corporation Counsel

Don Lenz

1 § 315-1 **Statutory authority.**

2 This chapter is adopted pursuant to the authorization in § 236.45, Wis. Stats., and
3 amendments thereto.

4
5 § 315-3 **Purpose and intent.**

6 A. The purpose and intent of this chapter is to establish standards that promote the
7 public health, safety, and general welfare of Green Lake County through the regulation of
8 land division:

9 (1) To lessen congestion in the streets and highways, including proper ingress and egress;

10
11 (2) To ~~facilitate~~ further the orderly layout and use of land through the establishment of
12 reasonable standards of design and procedures for land division and subdivisions so
13 they will fit within the County Coordinate System;

14
15 (3) To secure safety from fire, flood, panic and other dangers; and to prevent overcrowding
16 of the land and the undue congestion of the population.

17
18 (4) To provide for adequate light and air, including access to sunlight for solar collectors
19 and to wind for wind energy systems;

20
21 (5) To ~~prevent overcrowding of land~~ guide the future growth and development of Green
22 Lake County in accordance with the adopted comprehensive plan;

23
24 (6) To facilitate the orderly and beneficial development of the county through well-planned
25 land divisions consistent with workable design standards ~~avoid undue concentration of~~
26 ~~population;~~

27
28 (7) To facilitate adequate provisions for transportation, water, sewerage, schools, parks,
29 playgrounds, and other public requirements;

30
31 (8) To facilitate the land division of larger tracts into smaller lots or parcels of land; and to
32 promote the proper monumenting of land divisions and conveyancing by an accurate
33 legal description.

34 § 315-14 **Applicability.**

35 The provisions of this chapter shall apply to all subdivisions, land divisions and land
36 combinations.

37
38 A. Subdivision. A subdivision as defined in this chapter shall be created by subdivision
39 plat in accordance with Ch. 236, Wis. Stats., and the provisions of this chapter.

40
41 B. Land division. A land division as defined in this chapter shall be created in
42 accordance with § 236.34, Wis. Stats., where applicable, and the provisions of this
43 chapter.

44 (1) All land divisions, except subdivision plats and any exceptions described in Section

45 315-15, 15 acres or less in size shall be created by certified survey map in compliance
46 with § 236.34, Wis. Stats., and the provisions of this chapter.

47
48 **§ 315-15 Exceptions.**

49 Pursuant to § 236.45, Wis. Stats., the provisions of this chapter that apply to divisions of
50 land being less than five lots or parcels shall not apply to the following:

- 51
52 A. Transfers of interests in land by will or pursuant to court order;
53
54 B. Leases for a term not to exceed 10 years, mortgages or easements;
55
56 C. The sale or exchange of lots or parcels of land between owners of adjoining
57 property if additional lots or parcels are not thereby created and the lots or parcels
58 resulting are not reduced below the minimum sizes required by this chapter or other
59 applicable laws or ordinances;

60
61 (1) In order to qualify as an exception as described in C. above the following process shall
62 be completed:

63
64 (a) A meets and bounds description shall be prepared by a Wisconsin Professional Land
65 Surveyor describing the lands being sold or exchanged.

66
67 (b) A deed, shall be recorded in the Green Lake County Register of Deeds Office
68 transferring ownership of the lands being sold or exchanged.

69
70 (c) Immediately following the deed described in (b) above, a deed, shall be recorded
71 combining into one land area the owner's principal lot or parcel with the lands being
72 sold or exchanged. The required combination language shall state that "All lands
73 described in this document shall be considered one land area for the purposes of real
74 property listing, assessment, taxation and land use regulations. Separation or division
75 of this land area shall only occur in compliance with the applicable Green Lake County
76 ordinances and regulations affecting the combined land area."

77
78 (2) Strictly for the purpose of applying building setbacks, the process described in (1)(a)
79 thru (c) above shall have the effect of eliminating any internal lot lines associated with
80 the resultant combined land area from being used in the application of structure or
81 building setbacks.

82
83 **§ 315-20 Land suitability.**

84 No land shall be divided or subdivided by means of a subdivision plat for a use that is held
85 unsuitable by the Land Use Planning and Zoning Committee for reason of flooding or
86 potential flooding, soil limitations, inadequate drainage, incompatible surrounding land use,
87 or any other condition likely to be harmful to the health, safety or welfare of the future
88 residents or users of the area, or to the residents of Green Lake County.

- 89
90 E. Unless specifically exempt from this requirement elsewhere in this chapter, all

91 subdivision plat proposals where private water and/or sewage disposal systems are to be
92 used shall be accompanied by certifications and reports:

93
94 (1) Describing the probable depth, cost and yield of private wells. This report shall be
95 based on competent scientific investigation and shall include the sources of all data
96 used in the preparation of the report.

97
98 (2) Describing soil conditions existing on the site as applicable to on-site waste water
99 disposal. A soil report shall accompany all subdivision plat proposals.

100
101 **§315-22 Ties to County Coordinate System**

102
103 A. Any Plat or Certified Survey Map recorded in the Register of Deeds office shall be tied
104 by lengths and bearings to the boundary line of the quarter section, Private Claim or
105 Federal Reservation in which the subdivision lies, and description of the monuments at
106 ends of the line; and bearing and distance between those monuments. Boundary bearing
107 references shall be the bearing and distance established by the County in its county
108 coordinate system, along with the NAD 83(91) adjustment, unless waived by the County
109 Surveyor. If no bearing has been established on any of the boundaries of the section
110 being worked in, a reference to a magnetic, true or other identifiable direction may be used
111 for reference to the boundary. When re-dividing an existing certified survey map or
112 subdivision plat which is already connected to county bearings the re-division shall be
113 shown on the face of the map.

114
115 1. A retracement or combination certified survey map is not required to be tied to the
116 County coordinate system.

117
118 **§ 315-23~~2~~ Improvements.**

119
120 **§ 315-24~~3~~ Construction.**

121
122 § 315-24 is renumbered to 315-25.

123
124 **§ 315-27 Preliminary subdivision plat.**

125 A. General. A preliminary subdivision plat shall be prepared by a registered professional
126 land surveyor for all subdivision plats. The preliminary subdivision plat shall comply
127 with the provisions of Ch. 236, Wis. Stats., and the provisions of this chapter.

128
129 D. Preliminary subdivision plat requirements.

130 (1) A preliminary subdivision plat shall be prepared on reproducible material and shall
131 show correctly on its face the following information:

132
133 (a) Title under which the preliminary subdivision plat is to be known and a general legal
134 description by 1/4 section or government lot, section, town, range, county and state
135 where the preliminary subdivision plat is located.

136

- 137 (b) Vicinity map with the general legal description, showing the location of the preliminary
138 subdivision plat in relation to the road system in the immediate area along with any
139 lake and stream accesses in relation to the preliminary subdivision plat.
140
- 141 (c) Date, graphic and written scale of not more than 100 feet to the inch and a north arrow
142 with a basis for bearings.
143
- 144 (d) Names and addresses of the subdivider and land surveyor preparing the preliminary
145 subdivision plat.
146
- 147 (e) Entire area contiguous to the preliminary subdivision plat, owned or controlled by the
148 subdivider shall be included on the preliminary subdivision plat even though only a
149 portion of such area is proposed for immediate development.
150
- 151 (f) Ties to all government corners required to be used for the survey, according to State
152 and Federal surveying requirements, also see Section 315-22, Ties to County
153 Coordinate System. Bearings and distances of the exterior boundaries of the
154 preliminary subdivision plat, being referenced to a boundary line of the Public Land
155 Survey System of the section in which the preliminary subdivision plat is located, and
156 identify the corners at each end of that boundary line and the bearing and distance
157 between them.
158
- 159 (g) Total number of lots and outlots with total acreage and current tax parcel numbers of
160 all tax parcels that are included in the plat.
161
- 162 (h) Contours at vertical intervals of not more than two feet where the slope of the ground
163 surface is 5% or less and of not more than four feet where the slope of the surface of
164 the ground is greater than 5%.
165
- 166 (i) Water elevations of adjoining lakes and streams on the date of survey, for the ordinary
167 high-water elevation, designated regional flood elevation, or floodway.
168
- 169 (j) Location, right-of-way width and names of all existing and proposed streets, alleys or
170 public ways, easements, railroads and utility rights-of-way and all section and quarter
171 section lines within the proposed subdivision plat or immediately adjacent thereto.
172
- 173 (k) Location and names of any adjacent subdivisions, parks, schools, cemeteries and
174 owners of record of abutting unplatted lands.
175
- 176 (l) Type, width, and elevation of any existing street pavements within the exterior
177 boundaries of the preliminary subdivision plat or immediately adjacent thereto.
178
- 179 (m) Locations of all existing property boundary lines, structures, drives, streams and
180 watercourses, wetlands, rock outcrops, wooded area, and other similar significant
181 features within the preliminary subdivision plat or immediately adjacent thereto.
182

- 183 (n) Dimensions of all lots, together with proposed lot and block numbers.
184
- 185 (o) Location and dimensions of any sites to be reserved or dedicated for parks,
186 playgrounds, drainageways or other public use.
187
- 188 (p) Approximate centerline radius of all curves.
189
- 190 (q) Delineation of floodplain and zoning boundaries within or immediately adjacent to the
191 preliminary subdivision plat.
192
- 193 (r) Corporate limit lines.
194
- 195 (s) Source and availability of potable water supplies.
196
- 197 (t) Lots served by private on-site wastewater treatment systems (POWTS) shall have
198 information submitted demonstrating sufficient on-site sewage disposal area and
199 suitability, including soil suitability, depth to ground water and bedrock, and slope.
200
- 201 (u) All stormwater drainage and infiltration structures required by the Green Lake County
202 Construction Site Erosion Control and Stormwater Management ordinance shall be
203 indicated on the preliminary plat as well as the direction of stormwater flow on each lot
204 with arrows.
205
- 206 (v) Lands lying between the meander line and the water's edge and any other unplattable
207 lands which lie between a proposed subdivision and the water's edge shall be included
208 as parts of lots, outlots, or public dedications in any plat abutting a lake, river, or
209 stream.
210
- 211 **§ 315-28 Final subdivision plat.**
- 212 A. General requirements. A final subdivision plat shall be prepared by a registered
213 professional land surveyor and shall comply with the provisions of Ch. 236, Wis. Stats.,
214 and the provisions of this chapter.
215
- 216 B. Fees. At the time of submittal of the final subdivision plat, a fee shall be paid as
217 provided in Article IX, of this chapter.
218
- 219 C. Final subdivision plat submittal. The subdivider shall file an application for review and
220 provide 10 copies of the final subdivision plat to the Land Use Planning and Zoning
221 Department for review and distribution.
222
- 223 **§ 315-32 Subdivision utility easement.**
- 224 A. Utility easements across lots or along lot lines shall be provided for utilities above and
225 below grade, of a width and at a location deemed necessary by the appropriate utility
226 company. Utility easements shall be identified on the subdivision plat as to type and
227 width.
228

229 B. Drainage easements. Where a subdivision is traversed by a watercourse, drainage
230 way, channel or stream, an adequate drainage way or easement shall be provided as
231 may be required by the Committee. The location, width, alignment and improvements
232 of such drainage way or easement shall be subject to the approval of the Committee;
233 and parallel street or parkways may be required in connections therewith. Where
234 necessary, stormwater drainage shall be maintained by landscaped open swales of
235 adequate size and grade to hydraulically accommodate maximum potential volumes of
236 flow. These design details are subject to review and approval by the Committee.

237

238 **§ 315-34 Lots.**

239 The size, shape and orientation of lots shall be appropriate for the location of the
240 subdivision plat and for the type of development and use contemplated.

241

242 F. Corner lots, in an effort to provide for adequate buildable area, shall be designed with
243 extra width to account for street yard setbacks from both streets ~~permit adequate~~
244 ~~building setback from both streets.~~

245

246 **§ 315-35 Stormwater Management and Erosion Control**

247

248 A. The subdivider shall provide stormwater management facilities and erosion control that
249 are in compliance with Chapter 284, Construction Site Erosion Control and Stormwater
250 Management Ordinance.

251

252 **§ 315-36 through § 315-37. (Reserved)**

253

254 **§ 315-38 Certified survey map.**

255

256 C. Submittal. Certified survey maps, as defined in this chapter, shall be submitted for
257 review to the County Land Use Planning and Zoning Department. The certified survey
258 map shall be prepared in accordance with the provisions of § 236.34, Wis. Stats.,
259 Section 315-22 and any other applicable ~~the~~ provisions of this chapter and show the
260 following information clearly on the face of the certified survey map:

261

262 (1) All existing buildings, building setback dimensions to lot or parcel boundary lines,
263 watercourses, access locations, easements, floodplain elevation stated, well
264 location(s), approximate location of any septic tank(s), septic system drain field(s),
265 septic vent(s) or other major private wastewater treatment system location-~~component.~~

266

267 (8) Gross and net lot sizes in square feet with net lot size excluding any land use by public
268 as a road per a prescriptive easement.

269

270 (9) Identify adjacent lands, platted or unplatted by owner or others.

271

272 (10) If applicable, floodplain boundary(ies), FEMA map panel number and effective date
273 from which the boundary(ies) were drawn.

274

275 (11) If applicable, wetlands on the current Wisconsin Wetlands Inventory Map. A copy of
276 the wetland delineation report shall be included with the certified survey map
277 application for any wetlands identified on the map.
278

279 **D. Review and approval.**
280

281 (1) The Committee representative shall, within 90 days, approve, approve conditionally or
282 reject the certified survey map. The review and above stated decision shall be based
283 on the conformity to the provisions of this chapter or any others referenced herein. In
284 the event of rejection or conditional approval, the aggrieved party will be notified and
285 may appeal the decision of said representative to the Land Use Planning and Zoning
286 Committee.
287

288 (2) If the County Treasurer notifies the Land Use Planning and Zoning Department in
289 writing that there are delinquent real estate taxes or installments due on real estate
290 taxes, including all interest and fees, for the property subject to the certified survey map
291 application, said application shall not be approved until the County Treasurer confirms
292 in writing that the real estate taxes have been paid or the installments due are current.
293

294 **§ 315-51 Violations and penalties; citation.**

295 A. Any violation of the provisions of this chapter by or under the direction of the subdivider
296 shall be brought into compliance upon notification by the Land Use Planning and
297 Zoning Department or the Land Use Planning and Zoning Committee or the County
298 Corporation Counsel.
299

300 B. The County Corporation Counsel shall have the authority to use all legal remedies
301 necessary to ~~pursue compliance with~~ enforce the provisions of this chapter. After
302 consultation with the Land Use Planning and Zoning Department and/or Land Use
303 Planning and Zoning Committee, the Corporation Counsel shall determine which legal
304 remedy or legal remedies are in order to ~~pursue compliance with~~ enforce the
305 provisions of this chapter.
306

307 C. Any subdivider who violates or refuses to comply with any of the provisions of this
308 chapter shall be subject to a forfeiture of not less than \$50 nor more than ~~\$5,000~~ \$500
309 per offense, together with the taxable costs of action. Each day that the violation exists,
310 after receiving notice of the violation from the Land Use Planning and Zoning
311 Department by certified or registered mail, or personal service per § 801.11 Wis. Stats.,
312 shall constitute a separate offense.
313

314 D. In addition to the County Corporation Counsel having the authority to ~~pursue~~
315 ~~compliance~~ enforce the provisions of this chapter per Subsection B above, the
316 designated staff of the Land Use Planning and Zoning Department shall have the
317 authority to and may prepare, sign and issue citations in order to commence action to
318 ~~achieve~~ enforce compliance with the provisions of this chapter.
319

320 **§ 315-56 Word usage and definitions.**

321 For the purpose of administering and enforcing this chapter, the terms or words used
322 herein shall be interpreted as follows: Words used in the present tense include the future
323 tense, words in the singular number include the plural number, and in the plural number
324 include the singular number. The word "may" is permissive, and the word "shall" is
325 mandatory, not discretionary. All distances unless otherwise specified shall be measured
326 horizontally.

327

328 CERTIFICATE OF SURVEY

329 Also known as a "map of survey" or "plat of survey" prepared by a registered professional
330 land surveyor. A certificate of survey may be a survey of an existing lot or parcel, or may
331 be a new land division if greater than 15 acres.

332

333 CERTIFIED SURVEY MAP

334 A map of a land division, land combination, or an existing lot or parcel of record. This map
335 shall be of not more than 4 lots or parcels and prepared by a professional land surveyor in
336 accordance with the provisions of this chapter and § 236.34, Wis. Stats.

337

338 REPLAT

339 The process of changing, or the map or plat that changes, the boundaries of a recorded
340 subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a
341 recorded subdivision plat without changing the exterior boundaries of said block, lot or
342 outlot is not a replat. A replat shall not alter areas dedicated to the public unless proper
343 court action is secured.

344

345 Section 2. This ordinance shall become effective upon passage by the County Board and
346 publication.

347 Section 3. The repeal and recreation of any section herein shall not have any effect on
348 existing litigation and shall not operate as an abatement of any action or proceeding then
349 pending or by virtue of the repealed sections.

350 Section 4. All ordinances and parts of ordinances in conflict herewith are hereby
351 repealed.