

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 warranty deed, shall be recorded in the Green Lake County Register of Deeds Office
68 transferring ownership of the lands being sold or exchanged. This deed shall include
69 the language “This is a conveyance between adjoining property owners. For the
70 purposes of the Green Lake County Land Division and Subdivision Ordinance and
71 Chapter 236 Wis. Stats., the property being conveyed will be joined with the grantee’s
72 principal lot or parcel and additional lots or parcels will not be created therefrom without
73 compliance with said provisions, nor will the resulting lots be reduced below the
74 minimum size required by state and local laws or ordinances.

75
76 (c) Immediately following the warranty deed described in (b) above, a Quit Claim Deed,
77 shall be recorded combining into one land area the owner’s principal lot or parcel with
78 the lands being sold or exchanged. The required combination language shall state that
79 “All lands described in this document shall be considered one land area for the
80 purposes of real property listing, assessment, taxation and land use regulations.
81 Separation or division of this land area shall only occur in compliance with the
82 applicable Green Lake County ordinances and regulations affecting the combined land
83 area.”

84
85 (2) For the purpose of applying building setbacks, as required by applicable State law and
86 County land use ordinances, the process described in (1)(a) thru (c) above shall have
87 the effect of eliminating any internal lot lines associated with the resultant combined
88 land area from being used in the application of structure or building setbacks.

89
90 **§ 315-20 Land suitability.**

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

96
97 E. Unless specifically exempt from this requirement elsewhere in this chapter, all
98 subdivision plat proposals where private water and/or sewage disposal systems are to be
99 used shall be accompanied by certifications and reports:

100
101 (1) Describing the probable depth, cost and yield of private wells. This report shall be
102 based on competent scientific investigation and shall include the sources of all data
103 used in the preparation of the report.

104
105 (2) Describing soil conditions existing on the site as applicable to on-site waste water
106 disposal. A soil report shall accompany all subdivision plat proposals.

107
108 **§315-22 Ties to County Coordinate System**

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

121
122 1. A retracement or combination certified survey map is not required to be tied to the
123 County coordinate system.

124
125 **§ 315-23~~2~~ Improvements.**

126
127 **§ 315-24~~3~~ Construction.**

128
129 § 315-24 is renumbered to 315-25.

130
131 **§ 315-27 Preliminary subdivision plat.**

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

135
136 D. Preliminary subdivision plat requirements.

- 137 (1) A preliminary subdivision plat shall be prepared on reproducible material and shall
138 show correctly on its face the following information:
139
- 140 (a) Title under which the preliminary subdivision plat is to be known and a general legal
141 description by 1/4 section or government lot, section, town, range, county and state
142 where the preliminary subdivision plat is located.
143
- 144 (b) Vicinity map with the general legal description, showing the location of the preliminary
145 subdivision plat in relation to the road system in the immediate area along with any
146 lake and stream accesses in relation to the preliminary subdivision plat.
147
- 148 (c) Date, graphic and written scale of not more than 100 feet to the inch and a north arrow
149 with a basis for bearings.
150
- 151 (d) Names and addresses of the subdivider and land surveyor preparing the preliminary
152 subdivision plat.
153
- 154 (e) Entire area contiguous to the preliminary subdivision plat, owned or controlled by the
155 subdivider shall be included on the preliminary subdivision plat even though only a
156 portion of such area is proposed for immediate development.
157
- 158 (f) Ties to all government corners required to be used for the survey, according to State
159 and Federal surveying requirements, also see Section 315-22, Ties to County
160 Coordinate System. ~~Bearings and distances of the exterior boundaries of the~~
161 ~~preliminary subdivision plat, being referenced to a boundary line of the Public Land~~
162 ~~Survey System of the section in which the preliminary subdivision plat is located, and~~
163 ~~identify the corners at each end of that boundary line and the bearing and distance~~
164 ~~between them.~~
165
- 166 (g) Total number of lots and outlots with total acreage and current tax parcel numbers of
167 all tax parcels that are included in the plat.
168
- 169 (h) Contours at vertical intervals of not more than two feet where the slope of the ground
170 surface is 5% or less and of not more than four feet where the slope of the surface of
171 the ground is greater than 5%.
172
- 173 (i) Water elevations of adjoining lakes and streams on the date of survey, for the ordinary
174 high-water elevation, designated regional flood elevation, or floodway.
175
- 176 (j) Location, right-of-way width and names of all existing and proposed streets, alleys or
177 public ways, easements, railroads and utility rights-of-way and all section and quarter
178 section lines within the proposed subdivision plat or immediately adjacent thereto.
179
- 180 (k) Location and names of any adjacent subdivisions, parks, schools, cemeteries and
181 owners of record of abutting unplatted lands.
182

- 183 (l) Type, width, and elevation of any existing street pavements within the exterior
184 boundaries of the preliminary subdivision plat or immediately adjacent thereto.
185
- 186 (m) Locations of all existing property boundary lines, structures, drives, streams and
187 watercourses, wetlands, rock outcrops, wooded area, and other similar significant
188 features within the preliminary subdivision plat or immediately adjacent thereto.
189
- 190 (n) Dimensions of all lots, together with proposed lot and block numbers.
191
- 192 (o) Location and dimensions of any sites to be reserved or dedicated for parks,
193 playgrounds, drainageways or other public use.
194
- 195 (p) Approximate centerline radius of all curves.
196
- 197 (q) Delineation of floodplain and zoning boundaries within or immediately adjacent to the
198 preliminary subdivision plat.
199
- 200 (r) Corporate limit lines.
201
- 202 (s) Source and availability of potable water supplies.
203
- 204 (t) Lots served by private on-site wastewater treatment systems (POWTS) shall have
205 information submitted demonstrating sufficient on-site sewage disposal area and
206 suitability, including soil suitability, depth to ground water and bedrock, and slope.
207
- 208 (u) All stormwater drainage and infiltration structures required by the Green Lake County
209 Construction Site Erosion Control and Stormwater Management ordinance shall be
210 indicated on the preliminary plat as well as the direction of stormwater flow on each lot
211 with arrows.
212
- 213 (v) Lands lying between the meander line and the water's edge and any other unplattable
214 lands which lie between a proposed subdivision and the water's edge shall be included
215 as parts of lots, outlots, or public dedications in any plat abutting a lake, river, or
216 stream.
217

218 **§ 315-28 Final subdivision plat.**

- 219 A. General requirements. A final subdivision plat shall be prepared by a registered
220 professional land surveyor and shall comply with the provisions of Ch. 236, Wis. Stats.,
221 and the provisions of this chapter.
222
- 223 B. Fees. At the time of submittal of the final subdivision plat, a fee shall be paid as
224 provided in Article IX, of this chapter.
225
- 226 C. Final subdivision plat submittal. The subdivider shall file an application for review and
227 provide 10 copies of the final subdivision plat to the Land Use Planning and Zoning
228 Department for review and distribution.

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§ 315-32 Subdivision utility easement.

A. Utility easements across lots or along lot lines shall be provided for utilities above and below grade, of a width and at a location deemed necessary by the appropriate utility company. Utility easements shall be identified on the subdivision plat as to type and width.

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

§ 315-34 Lots.

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

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

§ 315-35 Stormwater Management and Erosion Control

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

§ 315-36 through § 315-37. (Reserved)

§ 315-38 Certified survey map.

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

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

(8) Gross and net lot sizes in square feet with net lot size excluding any land use by public

275 as a road per a prescriptive easement.

276
277 (9) Identify adjacent lands, platted or unplatted by owner or others.

278
279 (10) If applicable, floodplain boundary(ies), FEMA map panel number and effective date
280 from which the boundary(ies) were drawn.

281
282 (11) If applicable, wetlands on the current Wisconsin Wetlands Inventory Map. A copy of
283 the wetland delineation report shall be included with the certified survey map
284 application for any wetlands identified on the map.

285
286 **D. Review and approval.**

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

294
295 (2) If the County Treasurer notifies the Land Use Planning and Zoning Department in
296 writing that there are delinquent real estate taxes or installments due on real estate
297 taxes, including all interest and fees, for the property subject to the certified survey map
298 application, said application shall not be approved until the County Treasurer confirms
299 in writing that the real estate taxes have been paid or the installments due are current.

300
301 **§ 315-51 Violations and penalties; citation.**

302 A. Any violation of the provisions of this chapter by or under the direction of the subdivider
303 shall be brought into compliance upon notification by the Land Use Planning and
304 Zoning Department or the Land Use Planning and Zoning Committee or the County
305 Corporation Counsel.

306
307 B. The County Corporation Counsel shall have the authority to use all legal remedies
308 necessary to ~~pursue compliance with~~ enforce the provisions of this chapter. After
309 consultation with the Land Use Planning and Zoning Department and/or Land Use
310 Planning and Zoning Committee, the Corporation Counsel shall determine which legal
311 remedy or legal remedies are in order to ~~pursue compliance with~~ enforce the
312 provisions of this chapter.

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

320

321 D. In addition to the County Corporation Counsel having the authority to ~~pursue~~
322 ~~compliance~~ enforce the provisions of this chapter per Subsection B above, the
323 designated staff of the Land Use Planning and Zoning Department shall have the
324 authority to and may prepare, sign and issue citations in order to commence action to
325 ~~achieve~~ enforce compliance with the provisions of this chapter.
326

327 **§ 315-56 Word usage and definitions.**

328 For the purpose of administering and enforcing this chapter, the terms or words used
329 herein shall be interpreted as follows: Words used in the present tense include the future
330 tense, words in the singular number include the plural number, and in the plural number
331 include the singular number. The word "may" is permissive, and the word "shall" is
332 mandatory, not discretionary. All distances unless otherwise specified shall be measured
333 horizontally.
334

335 **CERTIFICATE OF SURVEY**

336 Also known as a "map of survey" or "plat of survey" prepared by a registered professional
337 land surveyor. A certificate of survey may be a survey of an existing lot or parcel, or may
338 be a new land division if greater than 15 acres.
339

340 **CERTIFIED SURVEY MAP**

341 A map of a land division, land combination, or an existing lot or parcel of record. This map
342 shall be of not more than 4 lots or parcels and prepared by a professional land surveyor in
343 accordance with the provisions of this chapter and § 236.34, Wis. Stats.
344

345 **REPLAT**

346 The process of changing, or the map or plat that changes, the boundaries of a recorded
347 subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a
348 recorded subdivision plat without changing the exterior boundaries of said block, lot or
349 outlot is not a replat. A replat shall not alter areas dedicated to the public unless proper
350 court action is secured.
351

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

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

357 Section 4. All ordinances and parts of ordinances in conflict herewith are hereby
358 repealed.