

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) Land sold or exchanged between adjoining property owners must be either combined
62 with existing lots or parcels by certified survey map or by a single metes and bounds
63 legal description commencing with a monument at a section or quarter section corner
64 of the quarter that is not the center of a section, and include the exterior boundaries of
65 all lands being combined.
66

67 (2) A certificate of survey shall be prepared by a Wisconsin Professional Land Surveyor
68 and include a signed and dated surveyor's certificate stating that said land surveyor
69 has surveyed and described property and that the map shown is a true and accurate
70 representation thereof to the best of their knowledge and belief.
71

72 (3) A restrictive covenant shall be recorded in the Green Lake County Register of Deeds
73 Office as part of the deed conveying the land exchanged between adjoining property
74 owners stating that "This is a conveyance between adjoining landowners. For the
75 purposes of the Green Lake County Land Division and Subdivision Ordinance and
76 Chapter 236, Wis. Stats, the property being conveyed will be joined with the grantee's
77 principal parcel, as one parcel and additional lots will not be created therefrom without
78 compliance with said provisions nor will the resulting lots or parcels be reduced below
79 the minimum size required by state and local laws or ordinances. This covenant is
80 binding upon the undersigned and their successors, assigns, personal representative,
81 heirs, grantees and all other subsequent owners of the property and shall run with the
82 land."
83

84 **§ 315-20 Land suitability.**

85 No land shall be divided or subdivided by means of a subdivision plat for a use that is held
86 unsuitable by the Land Use Planning and Zoning Committee for reason of flooding or
87 potential flooding, soil limitations, inadequate drainage, incompatible surrounding land use,
88 or any other condition likely to be harmful to the health, safety or welfare of the future
89 residents or users of the area, or to the residents of Green Lake County.
90

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

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

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

101
102 **§315-22 Ties to County Coordinate System**

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

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

118
119 **§ 315-23~~2~~ Improvements.**

120
121 **§ 315-24~~3~~ Construction.**

122
123 § 315-24 is renumbered to 315-25.

124
125 **§ 315-27 Preliminary subdivision plat.**

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

129
130 D. Preliminary subdivision plat requirements.

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

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

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

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

211
212 **§ 315-28 Final subdivision plat.**

- 213 A. General requirements. A final subdivision plat shall be prepared by a registered
214 professional land surveyor and shall comply with the provisions of Ch. 236, Wis. Stats.,
215 and the provisions of this chapter.
216
217 B. Fees. At the time of submittal of the final subdivision plat, a fee shall be paid as
218 provided in Article IX, of this chapter.
219
220 C. Final subdivision plat submittal. The subdivider shall file an application for review and
221 provide 10 copies of the final subdivision plat to the Land Use Planning and Zoning
222 Department for review and distribution.
223

224 **§ 315-32 Subdivision utility easement.**

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

229
230 B. Drainage easements. Where a subdivision is traversed by a watercourse, drainage
231 way, channel or stream, an adequate drainage way or easement shall be provided as
232 may be required by the Committee. The location, width, alignment and improvements
233 of such drainage way or easement shall be subject to the approval of the Committee;
234 and parallel street or parkways may be required in connections therewith. Where
235 necessary, stormwater drainage shall be maintained by landscaped open swales of
236 adequate size and grade to hydraulically accommodate maximum potential volumes of
237 flow. These design details are subject to review and approval by the Committee.
238

239 **§ 315-34 Lots.**

240 The size, shape and orientation of lots shall be appropriate for the location of the
241 subdivision plat and for the type of development and use contemplated.
242

243 F. Corner lots, in an effort to provide for adequate buildable area, shall be designed with
244 extra width to account for street yard setbacks from both streets ~~permit adequate~~
245 ~~building setback from both streets.~~
246

247 **§ 315-35 Stormwater Management and Erosion Control**

248
249 A. The subdivider shall provide stormwater management facilities and erosion control that
250 are in compliance with Chapter 284, Construction Site Erosion Control and Stormwater
251 Management Ordinance.
252

253 **§ 315-36 through § 315-37. (Reserved)**

254
255 **§ 315-38 Certified survey map.**

256
257 C. Submittal. Certified survey maps, as defined in this chapter, shall be submitted for
258 review to the County Land Use Planning and Zoning Department. The certified survey
259 map shall be prepared in accordance with the provisions of § 236.34, Wis. Stats.,
260 Section 315-22 and any other applicable ~~the provisions of this chapter and show the~~
261 ~~following information clearly on the face of the certified survey map:~~
262

263 (1) All existing buildings, building setback dimensions to lot or parcel boundary lines,
264 watercourses, access locations, easements, floodplain elevation stated, well
265 location(s), approximate location of any septic tank(s), septic system drain field(s),
266 septic vent(s) or other major private wastewater treatment system location-component.
267

268 (8) Gross and net lot sizes in square feet with net lot size excluding any land use by public
269 as a road per a prescriptive easement.
270

271 (9) Identify adjacent lands, platted or unplatted by owner or others.
272

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

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

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

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

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

294
295 **§ 315-51 Violations and penalties; citation.**

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

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

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

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

320

321 § 315-56 **Word usage and definitions.**

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

328

329 **CERTIFICATE OF SURVEY**

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

333

334 **CERTIFIED SURVEY MAP**

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

338

339 **REPLAT**

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

345

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

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

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