

CHAPTER 18
SUBDIVISION AND PLATTING

INTRODUCTION

	<u>Page</u>
18.01 Authority.....	1
18.02 Title.....	1
18.03 Purpose and Intent.....	1
18.04 Abrogation and Greater Restriction.....	1

GENERAL PROVISIONS

18.05 Jurisdiction.....	2
18.06 Combining Lots.....	2
18.07 Combining Description.....	2
18.08 Compliance.....	2
18.09 Land Suitability.....	3
18.10 Variances.....	3
18.11 Violations.....	4
18.12 Penalties.....	4
18.13 Appeals.....	4

MINOR LAND DIVISIONS

18.14 Submittal.....	5
18.15 Fee.....	5
18.16 Review and Approval.....	5

MAJOR LAND DIVISIONS

18.17 General.....	6
18.18 Preliminary Consultation.....	6
18.19 Fee.....	6
18.20 Preliminary Plat Submittal.....	6
18.21 Preliminary Plat Requirements.....	6
18.22 Street Plans and Profiles.....	8
18.23 Testing.....	8
18.24 Covenants.....	9
18.25 Affidavit.....	9
18.26 Preliminary Plat Review and Approval.....	9
18.27 Fee.....	9
18.28 Final Plat Submittal.....	9
18.29 General Requirements.....	9
18.30 Surveying and Monumenting.....	9
18.31 Certificates.....	10
18.32 Final Plat Review and Approval.....	10
18.33 Recordation.....	10

CONDOMINIUM PLAT

18.34	General.....	10
18.35	Preliminary Consultation.....	10

MINOR CONDOMINIUM

18.36	Submittal.....	10
18.37	Fee.....	11
18.38	Review and Approval.....	11

MAJOR CONDOMINIUM PLATS

18.39	Preliminary Plat Submittal.....	11
18.40	Fee.....	11
18.41	Preliminary Plat Requirements.....	12
18.42	Preliminary Plat Review and Approval.....	12
18.43	Surveying.....	12
18.44	Certificates.....	12
18.45	Fee.....	12
18.46	Final Plat Review and Approval.....	12
18.47	Recordation.....	12
18.48	Modifications.....	13

REPLAT

18.49	Replat.....	13
-------	-------------	----

DESIGN STANDARDS

18.50	Street Arrangement.....	13
18.51	Street Design Standards.....	14
18.52	Ingress/Egress on Limited Access Highways.....	15
18.53	Limited Access Highway and Railroad Right-of-Way.....	16
18.54	Blocks.....	16
18.55	Utility Easements.....	16
18.56	Lots.....	16
18.57	Building Setback Lines.....	19
18.58	Surface Water Drainage.....	19
18.59	Surface Water Drainage Restrictions.....	20

DEDICATION AND IMPROVEMENTS

18.60	Dedication and Reservation of Lands.....	20
18.61	Improvements.....	20
18.62	Plans.....	21
18.63	Inspection.....	21
18.64	Public Sanitary Sewerage and Private Sewage Disposal Systems.....	21

DEFINITIONS

18.65	Definitions.....	22
-------	------------------	----

INTRODUCTION

18.01 AUTHORITY. The provisions of this chapter are adopted by the County Board of Supervisors pursuant to the authority granted by Sections 59.692(3), 114.135, 114.136, 281.31, 236.45 and 703, Wisconsin Statutes.

18.02 TITLE. This chapter shall be known as, referred to or cited as the "Land Division Ordinance", Winnebago County.

18.03 PURPOSE AND INTENT. The purpose of this chapter is to regulate and control the division of land within the unincorporated and incorporated areas of the County to:

- (1) Promote the public health, safety and general welfare.
- (2) Further the orderly layout and use of land.
- (3) Prevent the overcrowding of land.
- (4) Lessen congestion in the streets and highways.
- (5) Provide for adequate light and air.
- (6) Facilitate adequate provisions for water, sewerage and other public requirements.
- (7) Provide for proper ingress and egress.
- (8) Promote proper monumenting of subdivided land and conveyancing by accurate legal description.

18.04 ABROGATION AND GREATER RESTRICTIONS.

(1) It is not intended by this chapter 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, whenever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

(2) In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

GENERAL PROVISIONS

18.05 JURISDICTION. The jurisdiction of this chapter shall include all unincorporated lands within the County. In addition, this chapter has jurisdiction in incorporated areas as an approval authority of minor land divisions within the airport zoning district of the Winnebago County Town/County Zoning Ordinance and as an objecting authority of major land divisions as provided in Section 18.01. However, in no instance shall the provisions of this chapter apply to:

- (1) Transfers of interest in land by will or pursuant to court order.
- (2) Leases for a term not to exceed 10 years, mortgages or easements.
- (3) Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the resultant lots are not reduced below the minimum size required by these regulations, the County Zoning Ordinance or other applicable laws or ordinances. For the purpose of this section, an additional lot is deemed to be created if the parcel being sold or created is not combined with the adjoining parcel by means of a new legal description in accordance with Section 18.07.

18.06 COMBINING LOTS. Lots shall be combined into one parcel according to s. 18.07 when one or more of the following occurs:

- (1) The requirements of s. 18.05(3) are not met.
- (2) A use, structure, or structural addition that occupies more than one lot under the same ownership.
- (3) Existing substandard lots on record platted according to Ch. 236 Wis. Stats. when, in the determination of the Zoning Administrator, the intent of the district will not be maintained at the time of construction.

18.07 COMBINING DESCRIPTION. Land described in s. 18.06 shall be combined into one parcel by Certified Survey Map procedures and recorded in the County Register of Deeds Office.

18.08 COMPLIANCE. Division of land located within the jurisdictional limits of these regulations which results in a land division, replat or condominium plat as defined herein shall not be entitled to recording and/or improvements to the land unless it is in compliance with all the requirements of this chapter and:

- (1) Duly approved County Zoning and Private Sewage System Ordinances.

- (2) County Access Control Ordinance.
- (3) Applicable local ordinances.
- (4) Provisions of Chapter 236, Wisconsin Statutes.
- (5) Provisions of the Winnebago County Land Records Ordinance as enumerated in Section 8.05 of the Winnebago County Code.

18.09 LAND SUITABILITY.

(1) No land shall be divided which is held unsuitable for any proposed use by the County Planning and Zoning Committee (hereafter referred to as committee) for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the community. The Committee in applying the provisions of this chapter shall in writing, cite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the applicant an opportunity to present evidence regarding such suitability at a public hearing. Thereafter, the Committee may affirm, modify or withdraw its determination of unsuitability.

(2) No land division shall be allowed where such division shall increase the non-conformity of a structure, use, or parcel, or where a non-conforming structure, use, or parcel would be created as a result of the division.

18.10 VARIANCES.

(1) In any particular case where it can be shown that by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of this chapter would cause practical difficulty by exceptional and undue hardship, the Committee may relax such requirement to the extent deemed just and proper so as to relieve such difficulty or hardship, provided such relief may be granted without detriment to the public good and without impairing the intent and purpose of this chapter or the desirable general development of the County. No variance to lot size standards within the Airport Overlay District shall be allowed.

(2) The Committee at its discretion, if it determines it necessary for the public good, may conduct a public hearing to permit parties of interest to comment on the variance request.

(3) If a hearing is determined necessary, the applicant shall be responsible for payment of a hearing fee as established by the Zoning Department Fee Schedule. The Committee shall then fix a reasonable time and place for the hearing. Notice of the time and place of such hearing shall be given by publication in the County Class 1 notice, under Ch. 985. A copy of such notice shall be mailed by certified mail to the Town Clerk of each town affected by the proposed amendment and all property owners within 300 feet of the subject site as listed on official tax property rolls as of the date of application shall be notified by first class mail with an

Affidavit of Mailing at least 10 days prior to the date of such hearing.

(4) A majority vote of the entire membership of the Committee shall be required to grant any modification to these regulations and any modification thus granted shall be entered in the minutes of the Committee setting forth the reasons which, in the opinion of the Committee, justified the modification.

(5) Shoreland Notice and Decision

- (a) Written notice shall be given to the appropriate District Office of the Department of Natural Resources at least ten (10) days prior to consideration by the Planning and Zoning Committee.
- (b) Written notice of the decision shall be submitted to the appropriate District Office of the Department of Natural Resources within thirty (30) days of the decision.

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

18.12 PENALTIES.

- (1) Recordation improperly made shall be subject to the provisions of Sec. 236.30, Wisconsin Statutes.
- (2) Conveyance of lots in unrecorded plats shall be subject to the provisions of Sec. 236.31, Wisconsin Statutes.
- (3) Monuments disturbed or not placed shall be subject to the provisions of Sec. 236.32, Wisconsin Statutes.
- (4) Assessor's plat may be ordered by the County when a subdivision is created by successive divisions as provided in Sec. 236.31(2), Wisconsin Statutes.
- (5) Any person failing to comply with the provision of this chapter shall be subject to a penalty as provided in Sec. 25.04 of the Winnebago County General Code.

18.13 APPEALS. Any person aggrieved by an objection to a plat or failure to approve a plat may appeal therefrom as provided in Sections 236.13(5) and 62.23(7), Wisconsin Statutes.

MINOR LAND DIVISIONS

18.14 SUBMITTAL. Creation of a minor land division shall be by certified survey map. The certified survey map shall be submitted to the Planning and Zoning Department. The certified survey map shall be prepared according to 236.34, Wisconsin Statutes, and shall show clearly on its face the following:

- (1) All existing buildings, existing setbacks for all buildings, setbacks to structures on adjacent property (only when required by approving authority), water courses, drainage ditches, navigable water bodies, and other features deemed pertinent to the division of property.
- (2) Location of access to public road.
- (3) Date of the map with a graphic scale.
- (4) Name and address of the person for whom the survey was made.
- (5) An owner's certificate and approval signature of the Committee, and Treasurer's certificate in accordance with Chapter 236.21(3) Wisconsin Statutes, shall be the only approvals required for recording unless additional approvals are necessary for dedication purposes.
- (6) The most recent deed and document number shall be shown

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

18.16 REVIEW AND APPROVAL.

- (1)
 - (a) The Committee shall not approve a Certified Survey Map without the review of the Town Board. The County Zoning Office shall mail to the Clerk of the Town within which the Certified Survey Map is proposed, a copy of all survey maps. The Town Board should communicate its position in writing. Any response from the Town Board will be taken into consideration by the Committee in their approval or denial of the Certified Survey Map. Failure of the Town Board to communicate its position within thirty (30) days of receipt of mailing unless mutually extended by both parties shall constitute favorable review by the Town Board of whatever action the Committee may take.
 - (b) The procedures specified in (a), above, do not have to be followed where the Town has a subdivision ordinance applicable to CSM's. In these cases, no submittal to the Town is required to be made by the County.
- (2) The Committee shall, within ninety (90) days of the date of submission unless mutually extended by both parties, review the application and map against the applicable standards of this ordinance, and approve, approve conditionally, or reject the application and map based upon a determination of conformity or non-conformity with the standards.

MAJOR LAND DIVISIONS

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

18.18 PRELIMINARY CONSULTATION.

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

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

c) Upon receipt of the initial concept, the Administrator shall review the concept and provide written comments to the developer, or their agent, within thirty (30) days. If additional information is needed to adequately review the proposed development or corrections need to be made, the preliminary plat may not be submitted until authorized to do so by the reviewer. The comments and subsequent authority to proceed shall expire within six (6) months of the date of the review.

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

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

(1) SUBDIVISION, COUNTY - The following shall apply:

(a) The applicant shall provide the County Planning and Zoning Department eight copies of the preliminary plat, two copies or as otherwise required by the town clerk of the town wherein the plat is located and two copies to the adjoining city or village, if in their extraterritorial plat approval jurisdiction.

(b) Fee. In addition to the standard application fee indicated in Section 18.19, a surveyors computation fee is required as set forth by the Winnebago County Planning and Zoning Department fee schedule.

(2) SUBDIVISION, STATE - In addition to the requirements of Section 18.20(1)(a), it shall be the responsibility of the applicant to submit the original drawing of preliminary plats to the head of the State Planning Function in accordance with Section 236.12(6), Wisconsin Statutes.

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

(1) Title under which the proposed subdivision is to be recorded.

- (2) Legal description and general location of proposed subdivision and relative location to a nearby municipality.
- (3) Date, scale and north arrow.
- (4) Names and addresses of the owner, subdivider and land surveyor preparing the plat.
- (5) Entire area contiguous to the proposed plat owned or controlled by the applicant shall be included on the preliminary plat even though only a portion of such area is proposed for immediate development. The Committee may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and undue hardship would result from strict application thereof.
- (6) Approximate length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U. S. Public Land Survey and the total acreage encompassed thereby.
- (7) Contours at vertical intervals of not more than two feet where the slope of the ground surface is less than 10% and of not more than five feet where the slope of the surface is 10% or more. Elevations shall be marked on such contours based on mean sea level datum or, where in the judgement of the Committee, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
- (8) Water elevations of adjoining lakes and streams at the date of survey, ordinary high water elevation, and designated floodplains, wetlands, and surface water drainageways regulated under the authority of the Winnebago County Town/County Zoning Ordinance and Sections 18.58 and 18.59 of this ordinance.
- (9) Location right-of-way width and names of all existing and proposed streets, alleys or other public ways, easements, railroads and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (10) Location and names of any adjacent subdivisions, parks, schools, and cemeteries and owners of record of abutting unplatted lands.
- (11) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations, all to the datum used for the contours.
- (12) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drainpipes, the location of manholes, catch-basins, hydrants, power and telephone poles and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their directions and distance from the tract, size and invert elevations.
- (13) Locations of all existing property boundary lines, structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other similar

significant features within the tract being subdivided or immediately adjacent thereto.

(14) Dimensions of all lots, together with proposed lot and block numbers.

(15) Location and dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use, or which are to be used for group housing, shopping centers, church sites or other non-public uses not requiring lotting.

(16) Approximate radii of all curves.

(17) Existing zoning and proposed use on an adjacent to the proposed subdivision.

(18) Corporate limit lines.

(19) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.

(20) Any proposed lake and stream improvement or relocation and proposed filling, grading, lagooning and dredging and the notice of application for the State Department of Natural Resources approval, when applicable.

(21) Seasonally wet areas.

18.22 STREET PLANS AND PROFILES. The applicant shall provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision, when requested by the County Planning Administrator, and all elevations, plans and profiles shall meet the approval of the Administrator.

18.23 SOIL EVALUATION.

1) The County Planning Administrator may require that borings and soundings to be made in designated areas to ascertain subsurface soil, rock and water conditions including the depth to bedrock and the depth to groundwater table. All subdivisions not served by public sanitary sewer service, shall comply with the provisions of Chapter COMM 83, Wisconsin Administrative Code. All appropriate data shall be submitted with the preliminary plat.

2) a) Soil Evaluations performed in accordance with Wisconsin Administrative Code shall be submitted for County field verification prior to submittal of preliminary County or State Plat. Plat design shall therefore be based upon the verified evaluation.

b) Evaluations shall be done on the basis of one pit per proposed lot. If soil conditions indicate that some lots are suitable only for a holding tank, then those areas shall be incorporated into other lots as may be appropriate. Holding tank outlots are expressly prohibited.

c) Areas of suitable soil for a POWTS shall be noted on the preliminary and final plat as 'area suitable for soil absorption POWTS', and shall be protected in the field from any activity, including road or ditch construction, which renders the area unsuitable for a private soil absorption system. Any area rendered unsuitable shall not qualify for a holding tank, and shall be incorporated into a lot with suitable soils.

d) Lots with minimal suitable soil areas may be required to designate buildable areas or take other appropriate measures to maintain buildability.

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

18.25 AFFIDAVIT. The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this chapter.

18.26 PRELIMINARY PLAT REVIEW AND APPROVAL. In order to facilitate public comment, the Committee shall notify all property owners within 300 feet of the subject site a meeting agenda concerning the subject site utilizing first class mail with an affidavit of mailing at least five days prior to the date of such meeting. The Committee shall conduct a meeting to review the Plat for conformance with this chapter and all other ordinances, rules, and regulations which affect the Plat. At this meeting the Committee shall permit the public to comment on the proposed plat. The Committee shall either approve, approve conditionally, or reject the Preliminary Plat within ninety (90) days of submittal, as provided in Sec. 236.11, Wisconsin Statutes.

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

18.28 FINAL PLAT SUBMITTAL. The applicant shall prepare a final plat in accordance with the Chapter.

(1) SUBDIVISION, COUNTY - the applicant shall provide the County Planning and Zoning Department eight copies of the final plat, two copies or otherwise required by the town clerk of the town wherein the plat is located and two copies to the adjoining city or village clerk, if the plat is located within the extraterritorial plat approval jurisdiction of the adjoining city or village and they exercise their extraterritorial plat approval authority.

(2) SUBDIVISION, STATE - In addition to the requirements of Section 18.28(1), it shall be the responsibility of the applicant to submit the original drawing of final plats to the head of the State Planning Function, in accordance with Section 236.12(6), Wisconsin Statutes.

18.29 GENERAL REQUIREMENTS. A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Sec. 236.20, Wisconsin Statutes. The final plat shall show correctly on its face, in addition to the information required by Sec. 236.20, Wisconsin Statutes, all lands reserved for future public acquisition or reserved for the common use of property owners within the plat. If common property is located within the plat, then provisions for its use and maintenance must also be provided with the plat. All final plats shall include the most recent deed(s) and document number(s) as a 'contained within' statement.

18.30 SURVEYING AND MONUMENTING. All final plats shall meet all the surveying and monumenting requirements of Sec. 236.15, Wisconsin Statutes.

18.31 CERTIFICATES. All final plats shall provide all the certificates required by Sec. 236.21, Wisconsin Statutes, and in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter and shall provide a certificate for County Planning Committee approval.

18.32 FINAL PLAT REVIEW AND APPROVAL.

(1) The Committee shall examine the final plat as to its conformance with the approved preliminary plat, any condition of approval of the preliminary plat, this chapter and all ordinances, rules, regulations and adopted regional and County comprehensive plans or adopted plan components which may affect the plat.

(2) The Committee, in accordance with Sec. 236.11, Wisconsin Statutes, shall, within 60 days of the date of filing of the final plat with the County Planning and Zoning Department approval, approve conditionally or reject the plat, unless the time is extended by agreement with the applicant.

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

18.33 RECORDATION. After the final plat has been approved by the Committee, the Town Board and any other approving agencies, the subdivider shall record the plat with the County Register of Deeds in accordance with Sec. 236.25, Wisconsin Statutes.

CONDOMINIUM PLATS

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

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

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

MINOR CONDOMINIUM PLATS

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

(1) All existing buildings, water courses, drainage ditches and other features pertinent to division of the property.

(2) Location of access to public road.

(3) Date of the map with a graphic scale.

(4) Name and address of the person for whom the survey was made.

(5) An owner's certificate and approval signature of the Committee and Treasurer's certificate in accordance with Chapter 236.21(3) Wisconsin Statutes, shall be the only approvals required for recording unless additional approvals are necessary for dedication purposes.

(6) The most recent deed and document numbers shall be shown.

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

18.38 REVIEW AND APPROVAL.

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

(2) The Committee shall, within sixty (60) days of the date of submission unless mutually extended by both parties, review the application and map against the applicable standards of this ordinance, and approve, approve conditionally or reject the application and map based upon a determination of conformity or non-conformity with the standards.

MAJOR CONDOMINIUM PLAT

18.39 PRELIMINARY PLAT SUBMITTAL.

(1) The applicant shall prepare a preliminary plat in accordance with this chapter. The applicant shall provide the County Planning and Zoning Department eight copies of the preliminary plat, two copies or otherwise required by the Town Clerk of the town wherein the plat is located and two copies to the adjoining city or village, if in the extraterritorial plat approval jurisdiction.

(2) In addition, condominium plats which are located within the jurisdictional authority of the Winnebago County Town/County Zoning Ordinance and developed according to Sec. 17.08 for planned unit development, shall submit application for the conditional use permit (s. 17.25) simultaneously with the preliminary plat.

18.40 FEE.

(1) An application fee as set forth by the Winnebago County Planning and Zoning Department fee schedule shall be paid in full at the time of submittal of the preliminary plat.

(2) Exemption. Condominium plats which are located within the jurisdictional authority of the Winnebago County Town/County Zoning Ordinance requiring conditional use permit according to Sec. 17.08 and Sec. 17.25 for planned unit developments are exempt from this fee.

18.41 PRELIMINARY PLAT REQUIREMENTS. Refer to the provisions of Sections 18.21 through 18.25 of this chapter.

18.42 PRELIMINARY PLAT REVIEW AND APPROVAL.

(1) In order to facilitate public comment, the Committee shall notify all property owners within 300 feet of the subject site with a meeting agenda concerning the subject site utilizing first class mail with an affidavit of mailing at least five days prior to the date of such meeting. The Committee shall conduct a meeting to review the Plat for conformance with this chapter and all other ordinances, rules, regulations which affect the Plat. At this meeting the Committee shall permit the public to comment on the proposed plat. The Committee shall either approve, approve conditionally, or reject the Preliminary Plat within ninety (90) days of submittal.

(2) Exception. Condominium plats which are located within the jurisdictional authority of the Winnebago County Town/County Zoning Ordinance and developed according to Sec. 17.08 for planned unit developments, shall adhere to the review and approval procedures in Sec. 17.25 for conditional use permits.

18.43 SURVEYING. All final plats shall meet all the surveying requirements of Sec. 703.11 Wisconsin Statutes.

18.44 CERTIFICATES. All final plats shall provide the surveyor's certificate required by Sec. 703.11(4) Wisconsin Statutes, and in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter and shall provide a certificate for County Planning Committee approval. All final plats shall include the most recent deed(s) and document number(s) as a 'contained within' statement.

18.45 FEE.

(1) An application fee as set forth by the Winnebago County Planning and Zoning Department fee schedule shall be paid in full at the time of submittal of the final plat.

(2) Exemption. Condominium plats which are located within the jurisdictional authority of the Winnebago County Town/County Zoning Ordinance requiring conditional use permit according to Sec. 17.08 and Sec. 17.25 for planned unit developments are exempt from this fee.

18.46 FINAL PLAT REVIEW AND APPROVAL.

(1) The Committee shall examine the final plat as to its conformance with the approved preliminary plat, any condition of approval of the preliminary plat, this chapter and all ordinances, rules, regulations which may affect the plat.

(2) The Committee shall, within 60 days of the date of filing of the final plat with the County Planning and Zoning Department approval, approve conditionally or reject the plat, unless the time is extended by agreement with the applicant.

18.47 RECORDATION. After the final plat has been approved by the Committee, the Town Board and any other approving agencies, the applicant shall record the plat with the County Register of Deeds in accordance with Sec. 703.11 Wisconsin Statutes.

18.48 MODIFICATIONS. Modifications to either a condominium plat or declaration shall require review and approval by the Planning and Zoning Committee. If the Planning and Zoning Committee determines the modification to substantially modify the original approval, it may require resubmittal for review and approval as if it were a new submittal according to the provisions of this section.

REPLAT

18.49 REPLAT. Any replat of a recorded subdivision or part thereof shall be done in accordance with Chapter 236, Wisconsin Statutes.

DESIGN STANDARDS

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

(1) Streets shall conform to any applicable official map ordinance in effect. In areas for which an official map has not been completed, the street layout shall recognize the functional classification of various street types and shall be developed and located in proper relation to existing and proposed streets, with due regard to topographical conditions, natural features, utilities, land uses and public convenience and safety.

(2) All land divisions shall be designed so as to provide each lot with satisfactory access to a public street as provided herein.

(3) The following conditions shall apply for street arrangement in all proposed land divisions:

(a) Arterial Streets. Arterial streets shall be arranged so as to provide ready access to centers of employment, high density residential areas, centers of government activity, community shopping areas, community recreation and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.

(b) Collector Streets. Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population; and to the major streets into which they feed.

(c) Minor Streets. Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems and to require the minimum street area necessary to provide safe and convenient access to abutting property.

(d) Street Intersections.

1. Streets shall intersect each other as nearly as possible at right angles

and not more than two streets shall intersect at one point unless approved by the Committee.

2. The number of intersections along major streets and highways shall be held to a minimum. Wherever practicable the distance between such intersections should not be less than 1,200 feet.

3. Street jogs with centerline offsets of less than 125 feet shall not be approved.

(e) Proposed Streets. Proposed streets shall extend to the boundary lines of the tract being divided, unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board or Committee, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of adjacent land tracts. Such streets shall terminate with a temporary turnaround of 120 feet right-of-way diameter and a roadway of not less than 90 feet in diameter.

(f) Arterial Street and Highway Protection. Whenever the proposed land division contains or is adjacent to a major street or highway, adequate protection of residential properties is required. Adequate protection is met by limiting access and separating through and local traffic and shall be provided by reversed frontage, with screen planting contained in a non-access reservation along the rear property line or by the use of frontage streets.

(g) Reserve Strips. Reserve strips controlling access to streets or alleys shall be prohibited except where their control is definitely placed with the Town or County.

(h) Alleys. Alleys may be require in commercial and industrial districts to provide for off-street loading and service access, but shall not be approved in residential districts unless required by unusual topography or other exceptional conditions. Dead-end alleys shall not be approved and alleys shall not connect to a Federal, State or County Trunk Highway.

(i) Street Names. Street names shall not be duplicated or be similar to existing street names and existing street names shall be projected or continued wherever possible.

(j) Right-of-way fronting any newly created lot shall be dedicated to the public unless documentation of prior dedication is clearly evident.

(k) Temporary cul-de-sacs and required setback areas, where proposed or required shall be contained within the exterior boundary or the plat or certified survey map.

18.51 STREET DESIGN STANDARDS.

(1) The minimum right-of-way of all proposed streets shall be as specified on any applicable street plan officially adopted by the County or, if no width is specified, the minimum right-of-way width shall be as required by local town boards.

(2) Minimum roadway width and surface width of all new land division roads shall comply with the Town Road Standards contained in 86.26, Wisconsin Statutes, unless locally adopted town road standards require greater width.

(3) Cul-de-sac streets designed to have one end permanently closed should not normally exceed 600 feet in length. Such streets shall terminate in a circular turnaround having a minimum right-of-way radius of 60 feet and a minimum roadway radius of 45 feet.

(4) Street grades shall comply with town road standards contained in Sec. 86.26, Wisconsin Statutes, however, the minimum grade shall be no less than 1/2 of one percent. Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of the topography.

(5) Radii of curvature - When a continuous street centerline deflects at any one point by more than 10 degrees, a circular curve shall be introduced having a radius of curvature on such centerline of not less than 100 feet on minor streets.

(6) Half streets shall be prohibited except where:

(a) The other half has already been dedicated.

(b) Its alignment is shown on an officially adopted street plan.

18.52 INGRESS AND EGRESS ON LIMITED ACCESS HIGHWAYS. Where a tract, lot or parcel of land abuts a County controlled limited access highway, defined in Chapter 7 of the Winnebago County General Code, access shall be provided by one of the following:

(1) Access control permit issued by the County Highway Department.

(2) Easement to use an existing access.

(3) Frontage road dedicated to the public having an approved access.

(4) Variance approved by the Winnebago County Board of Adjustment.

If access is provided by an easement to use an existing access, 18.52(2) above, then the following provisions shall apply:

(a) The parent parcel having an existing access shall allow access to each subsequent parcel; and

(b) Each subsequent parcel shall allow access to each additional subdivided parcel, not to exceed the maximum spacing requirements of Chapter 7, Winnebago County General Code.

(c) Setback requirements will be applicable to the zoning classification of the parcel as defined in Chapter 17 of the Winnebago County Town/County Zoning Ordinance, and shall be measured from the edge of easement.

(d) Easement right-of-way shall be a minimum of 60 feet in width, and shall not include public right-of-way (overlap) within the easement width.

18.53 **LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY.** Whenever the proposed land division contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

(1) When residential lots within the proposed land division back upon the right-of-way of an existing or proposed limited access highway or railroad, the following restriction shall be lettered on the face of the plat: "Direct vehicular access to (Name of Road) from lots abutting such road is prohibited".

(2) Commercial and industrial districts should provide, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.

(3) Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street, highway or collector street which crosses such railroad or highway, shall be located at a minimum distance of 250 feet from such highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

(4) Minor streets immediately adjacent and parallel to railroad right-of-way should be avoided.

18.54 **BLOCKS.** The widths, lengths and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic and the limitations and opportunities of the topography.

(1) **LENGTH** - Blocks in residential areas should not as a general rule be less than 500 feet nor more than 1,500 feet in length unless otherwise dictated.

(2) **WIDTH** - Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic or where lots abut a lake or stream. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning provisions for such use.

18.55 **UTILITY EASEMENTS.** All utility lines for electric power and telephone service shall be placed on mid-block easements along rear lot lines whenever carried on overhead poles, except where lots abut a lake or stream or where such location is deemed engineeringly unfeasible by the utility company involved.

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

(1) Side lot lines should be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.

(2) Double frontage and reversed frontage lots shall be prohibited, except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

(3) Lot frontage.

(a) Unless otherwise noted in Table 1, or an applicable Town Ordinance, all newly created lots shall have a minimum frontage of 33 feet on a public street, and where applicable, a minimum frontage of 33 feet on navigable water.

(b) A CSM or Plat creating a new parcel without frontage on a public street shall contain one or more of the following statements:

1. Areas under County Zoning Jurisdiction: Applications for County zoning permits for residential structures (principal or accessory) and all other principal structures, except agricultural, shall not be considered for approval until the parcel meets the public street frontage and lot width requirements of the applicable non-agricultural zoning district (as noted in Table 1).

2. Areas under Town Zoning Jurisdiction:

a. Applications for County sanitary permits shall not be considered for approval until the parcel has a minimum of 33 feet of frontage on a public street.

b. Provision for a proposed CSM or plat for a parcel containing a valid sanitary permit: A parcel containing a valid sanitary permit shall not be further subdivided unless the newly created parcels maintain or create a minimum of 33' of frontage on a public street for the area containing the sanitary permit.

(c) A-1 & A-2 parcels \geq 5 acres in size, and intended for residential, commercial, or industrial construction purposes shall meet the frontage and width requirements specified in Table 1. The same sized lots may be created without the required frontage and width requirements provided a non-buildability statement is included on the face of the CSM, and access is provided by easement.

(4) Area and dimensions of lots shall conform to the requirements of the Table 1 of this Ordinance; and in areas not served by public sewer; shall in addition conform to the requirements of the COMM 83 Wisconsin Administrative Code. Whenever a tract is subdivided into parcels with area in excess of the zoning requirements, such parcels should be arranged and dimensioned so as to allow re-division of any such parcels into normal lots in accordance with the provisions of this chapter. Lot width and area shall be computed in accordance with Table 2.

(5) Lots should be designed and a suitable proportion between width and depth. Neither long narrow or wide shallow lots are normally desirable. Normal depth should not exceed 2 1/2

times the width nor be less than 150 feet.

(6) Width of lots shall conform to the requirements of Table 1, or a local municipal ordinance.

(7) Corner lots shall be designed with extra width to permit adequate building setback from both streets. Proper lot width and frontage shall be provided on each street.

(8) Garage lots shall be established only in accordance with the intent of Section 17.10(1) of the County Zoning Ordinance. Area and width requirements of Table I of this ordinance shall be followed provided that administrative authorization to modify lot area is allowed in circumstances where unique conditions exist. In addition, the following standards shall be required of all garage lots:

- (a) The garage lot shall be located directly across from the "house lot"; and
- (b) The garage lot must be deed restricted by separate instrument to the house lot, said restriction to be submitted for recording at the time of submittal of the Certified Survey Map. The restriction shall specify that it is a perpetual restriction that may only be removed by written authorization of the Winnebago County Zoning Office at such time as the garage lot is being enlarged so as to meet other buildable lot standards.

- (9) (a) No lot shall be created unless it lies totally within one zoning district.
- (b) Any new lot less than 5 acres in size, intended to be used for residential purposes shall be rezoned to the appropriate residential district prior to approval of the CSM.

(10) Historical Structures. Lots for designated for historical structures as defined in the Winnebago County Zoning Ordinance may be allowed to vary area, width, and frontage requirements as contained in Table 1. The specific degree of variation shall be as determined by the Committee, and shall be subject to conditions of approval as deemed appropriate by the Committee.

(11) New lots with multiple frontages on one or more streets shall provide the minimum required width and frontage for each segment of frontage. Existing lot areas with substandard frontage may only be split off by means of a variance where deemed appropriate, said variance subject to reasonable conditions of approval.

(12) Outlots are strictly prohibited except for municipal purposed such as a lift station or "park and ride". Newly created parcels not meeting the requirements of Table 1 shall be combined with an existing parcel by means of a Certified Survey map.

(13) All parcel boundaries shall follow established assessment boundaries such as, without limitation, those for school districts or sanitary districts. Lots intended to cross the designated boundary shall not be allowed until such as the boundary is formally changed and recorded in the Winnebago County Register of Deeds Office.

18.57 BUILDING SETBACK LINES. Building setback lines shall conform to the requirements established in the County Zoning Ordinance. In those towns which have not adopted the County Zoning Ordinance, the required setback lines shall be shown on the face of the plat.

18.58 SURFACE WATER DRAINAGE. Purpose. The intent of this section is to protect property and structures from damage caused by increased surface water runoff due to commercial, industrial, and residential development of the land. Surface water runoff after development shall not exceed the peak rate/volume of flow at predevelopment conditions. The 25-year storm frequency for Winnebago County shall be the basis to determine both preconstruction and post-construction surface water runoff.

A drainage plan shall include, but not be limited to, the following:

- (1) Based upon the 25-year return period storm for Winnebago County.
- (2) Include soil types, infiltration characteristics of the soil, amount of available detention area, type of vegetative cover, amount of impervious cover, and time response to runoff.
- (3) Compatible with County and Township natural drainageways and easements.
- (4) Identify bridges, regional drainage patterns; water boundaries; pipes, culverts, catch basins, waterways, ditches, detention and retention basin; and indicate respective size, dimensions, and grades of each.
- (5) All drainageways and associated structures shall lie within maintenance easements and be so indicated on final plats.
- (6) Direction of the surface water flow by arrows.
- (7) Designed in accordance with the United States Department of Agriculture Technical Release No. 55 Urban Hydrology for Small Watersheds and County, City, Village or Township standards, or whichever is more restrictive.
- (10) Indicate methods that will be used to protect downstream areas and adjacent property owners from damage caused by increased by surface water runoff.
- (11) A covenant shall be recorded with the final plat in the Winnebago County Register of Deeds Office. Covenant shall state:
 - (a) "Maintenance of all drainageways and associated structures within the subdivision are the sole responsibility of the property owners of the subdivision", unless otherwise noted on the plan or required by the Town.
 - (b) Upon failure of the property owner(s) to perform maintenance of the drainageways and associated structures, the County and/or Township retains the right to perform maintenance and/or repairs shall be equally assessed among the property owner(s) of the subdivision with a drainage covenant.

DEDICATIONS AND IMPROVEMENTS

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

(1) No artificial obstruction may be constructed, planted or maintained within any man-made or natural drainageway so that such obstructions impede the natural flow of water and/or diminishes the natural aesthetic quality of the drainageway.

(2) Lot boundaries shall be made to coincide with new and/or preexisting man-made and natural drainageways to avoid the creation of lots that can be built upon by altering such drainageways.

(3) Exceptions. Surface water shall not be regarded as unduly retained or diverted if:

(a) The retention or diversion results from a technique, practice, or device deliberately installed as part of an approved sedimentation or storm water runoff control plan.

(b) The retention or diversion is not substantially different in location or degree than that experienced by the development site in its predevelopment stage, unless such retention presents a danger to health or safety.

(c) The retention or diversion results from the actions of natural obstructions, whereby maintenance shall be performed by the property owner as described in Sec. 18.58(11).

(d) The retention or diversion has been allowed or required by the County Planning and Zoning Department, and noted on the approved drainage plan.

18.60 DEDICATION AND RESERVATIONS OF LAND. (1) Whenever a tract of land to be divided embraces all or any part of a street, the adopted regional and County comprehensive plans or adopted plan components, such public way shall be made a part of the plat and either dedicated or reserved by the applicant in the locations and dimensions indicated on such plan.

(2) Whenever a proposed park, playground, public access, open space site or other public land, other than streets or drainageways, designated in the adopted regional and County comprehensive plan components is embraced, all or in part, in a tract of land to be divided, such proposed public lands shall be made a part of the plat and shall either be dedicated to the public or reserved for acquisition at undeveloped land costs for a period not to exceed three years between the applicant and the public agency having jurisdiction. If the reserved land is not acquired by such public agency within the above time limit, the land shall be released to the owner.

18.61 IMPROVEMENTS. (1) No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved by the Committee.

(2) Before recording the final plat with the County Register of Deeds, the applicant shall enter into a contract or other arrangement agreeable with the town agreeing to install all

required public improvements and shall file with such contract a surety bond or other satisfactory security meeting the approval of the Town Board as a guarantee that such improvements will be completed by the subdivider or his subcontractors within the time limit established by the Town Board.

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

(1) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.

(2) Installation of street signs meeting the approval of the Town Board at all intersections.

(3) Sanitary sewer plans and profiles showing the locations, grade, sizes, elevations and materials or required facilities.

(4) Surface water drainage facilities, which may include curb and gutters, catch-basins and inlets, road ditches and open channels, as may be required to provide adequate surface drainage for the subdivision.

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

18.64 PUBLIC SANITARY SEWERAGE AND PRIVATE SEWAGE DISPOSAL SYSTEMS.

(1) Property lying within a functioning Sanitary District, and the Urban Service Area shall only be developed in accordance with Section 16.06, Winnebago County Sanitary Ordinance.

(2) Major land divisions and major condominium plats shall be served by a public sanitary system or POWTS with the exception that holding tanks are expressly prohibited.

(3) Minor land divisions and minor condominium plats may be served by holding tanks only where no alternative method of treatment is suitable as noted on a soil evaluation.

18.65 DEFINITIONS. In the construction of this chapter, the definitions contained in this section shall be observed and applied except when the context clearly indicates otherwise.

(1) ALLEY - A public or private right-of-way which provides secondary access to abutting properties.

(2) ARTERIAL STREET - A street used, or intended to be used, primarily for fast or heavy through traffic. Arterial streets shall include freeways and expressways, as well as standard arterial streets, highways, and parkways.

(3) BLOCK - A group of lots existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter or other name through which it may be identified.

(4) BUILDING - A structure having a roof supported by columns or wall. When separated by division walls from the ground up and without openings, each portion of each building shall be deemed a separate building.

(5) COLLECTOR STREET - A street used, or intended to be used, to carry traffic from minor streets to the major system or arterial streets, including principal entrance streets to residential developments.

(6) COUNTY - Reference to County shall mean Winnebago County and shall include any agency, department or committee thereof.

(7) COUNTY PLANNING AND ZONING COMMITTEE - The County Planning and Zoning Committee, as authorized by Sec. 59.69, Wisconsin Statutes, or any other committee created by the County Board and authorized to plan land use.

(8) COUNTY PRIVATE SEWAGE SYSTEM ORDINANCE - The County Private Sewage System Ordinance which is included as Chapter 16 of this General Code.

(9) COUNTY ZONING ORDINANCE - The Winnebago County Town/County Zoning Ordinance which is included as Chapter 17 of this General Code.

(10) CUL-DE-SAC STREET - A minor street with only one outlet and having a turn around for the safe and convenient reversal of traffic movement.

(11) EXTRATERRITORIAL PLAT APPROVAL JURISDICTION - The unincorporated area within 1 1/2 miles of a fourth-class city or village and within 3 miles of all other cities over which cities and villages may exercise plat approval, provided they have enacted an official map ordinance or subdivision control ordinance in accordance with Sec. 236.10, Wisconsin Statutes.

(12) FINAL PLAT - The map of plan of a subdivision and any accompanying material as described in Sec. 18.35 of this chapter.

(13) FRONTAGE - The length of the front property line of the lot, lots or tract of land abutting the right-of-way of a public street road or highway.

- (14) FRONTAGE STREET - A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (15) GRADE - The slope of a road, street or other public way, specified in percent.
- (16) IMPROVEMENT, PUBLIC - Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip, off-street parking area or other facility for which the County or Town may ultimately assume the responsibility for maintenance and operation.
- (17) LAND DIVISION - The act or process of dividing land into two or more parcels.
- (18) LOT - Designated parcel tract or area of land established by plat, subdivision or as otherwise permitted by law to be used, developed or built upon as a unit, and containing the minimum frontage, width, and area sufficient to meet building, parking, setback, open space, sanitary, or other requirements.
- (19) LOT AREA - The total square footage lying within the peripheral boundaries of a parcel of land. In any zoning jurisdiction, the area of a lot specifically excludes:
- (a) the right-of-way of a public or private street;
 - (b) areas of navigable water.
- (20) LOT CORNER - A lot abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135 degrees or less measured on the lot side.
- (21) LOT, LEGAL - A unit of land existing under a single ownership which complies with the applicable basic district standards for the Zoning District in which such lot is situated or meets the definition of a "lot of record" of this Ordinance, which is provided with the minimum frontage upon a public road, and which complies with all applicable Subdivision and Laws and Ordinances.
- (22) LOT LINES - The peripheral boundaries of a parcel of land.
- (23) LOT OF RECORD - A legal lot of record shall mean a lot legally created and recorded in the Winnebago County Register of Deeds Office prior to or according to the Winnebago County Subdivision Ordinance of May 1, 1969, meeting applicable State County Zoning and Subdivision Laws and Ordinances.
- (24) LOT, THROUGH - A lot which has a pair of opposite lot lines among two parallel streets and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.
- (25) LOT, WIDTH - The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth. On irregularly (non-perpendicular) shaped lots, the width shall be the average width of the lot computed according to Table 2. Lot width shall be measured at the street setback line applicable to the zoning district the parcel is located within. In the shoreland jurisdiction, the lot width shall also be measured at the shore yard setback line applicable to the zoning district the parcel is located within. At least 50% of the lot shall be

greater than or equal to the required lot width.

(26) MAJOR CONDOMINIUM PLAT - Condominiums in which land is allocated into parcels or building sites, whether the individual portions of land are defined as "units" or "limited common elements", are subject to review and approval of this Ordinance if five (5) or more parcels or building sites of five (5) acres or smaller in size and created within any five (5) year period from a lot parcel or tract which existed on the effective date of this chapter.

(27) MAJOR LAND DIVISIONS - The creation of five (5) or more parcels or building sites of five (5) acres or smaller in size by successive divisions within a period of five (5) years. Within the classification of MAJOR LAND DIVISION, there shall be subclassifications of:

(1) SUBDIVISION, COUNTY - (Subdivisions satisfying this classification, are subject to County review, and do not require State review). The subdivision of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development, where:

(a) The act of division creates five (5) or more parcel or building sites, each of which is larger than one and one-half (1 1/2) acres and which is five (5) acres or smaller in size: or

(b) Five (5) or more parcels or building sites of which is larger than one and one-half acres and which is five (5) acres or smaller in size and created by successive divisions within a period of five (5) years.

(2) SUBDIVISION, STATE - (Subdivisions satisfying this classification are subject to mandatory State review under Chapter 236 of the Wisconsin Statutes in addition to County review under this Ordinance). The division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development, where:

(a) The act of division creates five (5) 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 1/2) acres each or less in area are created by successive divisions within a period of five (5) years.

(28) MAJOR STREET - Arterial and collector roads primarily intended for through traffic with a secondary function for direct access.

(29) MINOR CONDOMINIUM PLAT - Condominiums in which land is allocated into parcels or building sites, whether the individual portions of land are defined as "units" or "limited common elements", are subject to review and approval of this Ordinance if one (1) but not more than four (4) parcels or building sites of five (5) acres or smaller in size are created within any five (5) year period from a lot parcel or tract which existed on the effective date of this chapter.

(30) MINOR LAND DIVISIONS - The creation of one (1) but not more than four (4) parcels or building sites which divide land into a parcel or parcels of five (5) acres or smaller in size or where a Certified Survey Map is required by another ordinance. Minor land divisions

shall be created by Certified Survey Maps. Not more than four (4) parcels may be created by means of minor land division procedures within any five (5) year period from a lot, parcel or tract which existed on the effective date of this chapter.

(31) MINOR STREET - A street used or intended to be used primarily for access to abutting properties.

(32) OBSTRUCTION, DRAINAGEWAY - This Ordinance refers to two different types of obstructions:

(1) ARTIFICIAL OBSTRUCTION - Any obstruction other than a natural obstruction that is capable of reducing the carrying capacity of a stream or drainageway or may accumulate debris and thereby reduce the carrying capacity of a stream; such as fences, dams, planted trees and shrubs, and any other obstructions instituted as a result of human activity.

(2) NATURAL OBSTRUCTION - Includes any rock, tree, gravel or analogous natural matter that is an obstruction and has been located within the stream or drainageway by a non-human cause.

(33) OUTLOT - A remnant parcel of land not to be used for building purposes, so designated on the plat.

(34) PARCEL - Lot Created by a division of land. A parcel(s) which is owned, controlled or managed as a single entity shall be treated as a single tract, unless separated by a public road and navigable and non-navigable waters. A parcel is treated as of the date the deed, land contract, lease, etc., is recorded with the Register of Deeds Office.

(35) PLANNING ADMINISTRATOR - The person designated by the County Planning and Zoning Committee to administer this chapter.

(36) POWTS –Private onsite wastewater treatment system as described in COMM 83, Wisconsin Administrative Code.

(37) PRELIMINARY PLAT - A map showing the salient features of a proposed subdivision submitted to the County Planning and Zoning Committee for purposes of preliminary consideration as described in Section 18.30 of this chapter.

(38) PUBLIC WAY - Any public road, street highway, walkway, drainageway or part thereof.

(39) SHORELAND JURISDICTION - The area within 1,000' of the ordinary high water mark of a navigable lake, pond or flowage; or within 300' of the ordinary high water mark of a river or stream; or to the landward side of a floodplain, whichever distance is greater.

(40) STREET (Public) - The right-of-way of any street, road, highway, lane, etc., dedicated to the public which generally provides access to abutting properties.

(41) STREET (Private) - The right-of-way of any private road, highway, lane, street, access easement, easement, etc., where the defined street or easement provides access to more than one parcel or principal structure.

(42) TOWN - Reference to town shall mean any town in the County including the Town Board, Town Clerk or any other designated Town Committee.

(43) TRACT - A contiguous area of land which exists or has existed in single ownership.

Lot Size/Area Requirements

UNSEWERED AREA (County Zoning Jurisdiction)

<u>Zoning District</u>	<u>Minimum Area</u>	<u>Minimum Width</u>	<u>Minimum Frontage</u>	<u>Notes</u>
R-1 (Non-Shoreland)	43,000 sq ft	200'	33'	1,2,3,6
R-1 (Shoreland)	43,000 sq ft	200'	33'	1,2,3,6,8,9
may reduce to	20,000 sq ft	100'	33'	1,2,3,6,8,9
R-2 (All Areas)	20,000 sq ft	100'	33'	1,2,3,6,8
R-3 (All Areas)	43,000 sq ft	200'	33'	1,2,3,6,8
R-5	Same as sewered standards			1,2,4,6,8
MH-1 (All Areas)				
Parks	5,000 sq ft	50'	50'	1,2,3,6,8
Subdivisions	20,000 sq ft	100'	33'	1,2,3,6,8
G-1 (All Areas)	(3,000 sq ft max)	40'	40'	1,2,8
B-1 (All Areas)	30,000 sq ft	100'	100'	1,2,3,8
B-2 (All Areas)	30,000 sq ft	100'	100'	1,2,3,8
B-3 (All Areas)	30,000 sq ft	100'	100'	1,2,3,8
B-3 HGHY BUS (All)	2 acres	300'	300'	1,2,3,8
P-1 (All Areas)	43,000 sq ft	200'	200'	1,2,3,8
A-1 (>= 5 acres)	n/a	see notes	see notes	1,2,5,10,11
A-1 (< 5 acres)				
non-shoreland: R-1	43,000 sq ft	200'	33'	1,2,3,6,10
R-2	20,000 sq ft	100'	33'	1,2,3,6,10
R-3	43,000 sq ft	200'	33'	1,2,3,6,10
shoreland: R-1	43,000 sq ft	200'	33'	1,2,3,6,8,9,10
may reduce to	20,000 sq ft	100'	33'	1,2,3,6,8,9,10
R-2	20,000 sq ft	100'	33'	1,2,3,6,8,10
R-3	43,000 sq ft	200'	33'	1,2,3,6,8,10
A-2 (>= 5 acres)	n/a	see notes	see notes	1,2,5,10,11
A-2 (< 5 acres)	not allowed			
non-shoreland	see A-1 (< 5 acres)			
shoreland	see A-1 (< 5 acres)			
M-1 Non-Shoreland:	As necessary to meet setbacks		33'	1,2
M-1 (Shoreland)	20,000 sq ft	100'	33'	1,2
M-2 Non-Shoreland:	As necessary to meet setbacks		33'	1,2
M-2 (Shoreland)	20,000 sq ft	100'	33'	1,2,8

SEWERED AREA (County Zoning Jurisdiction)

<u>Zoning District</u>	<u>Minimum Area</u>	<u>Minimum Width</u>	<u>Minimum Frontage</u>	<u>Notes</u>
R-1 (All Areas)	12,000 sq ft	85'	33'	1,2,6,8
R-2 (Non-Shoreland)	9,000 sq ft	65'	33'	1,2,6
R-2 (Shoreland)	10,000 sq ft	65'	33'	1,2,6,8
R-3 (All Areas)	10,000 sq ft	85'	33'	1,2,6,8
R-4 (All Areas)	15,000 sq ft	120'	33'	1,2,6,7,8
R-5 (All Areas)	10 acres for development recommended 20% of development area for open space 4,000 sq ft (row house) 6,000 sq ft (one-family dwelling) By Conditional Use Permit for others			1,2,6,8
MH-1 (All Areas)				
Parks	5,000 sq ft	50'	50'	1,2,6,8
Subdivisions				
Shoreland	10,000 sq ft	65'	33'	1,2,6,8
non-shoreland	9,000 sq ft	65'	33'	1,2,6
G-1 (All Areas)	3,000 sq ft max	40'	40'	1,2,8
B-1 (All Areas)	15,000 sq ft	85'	75'	1,2,8
B-2 (All Areas)	15,000 sq ft	85'	75'	1,2,8
B-3 (All Areas)	15,000 sq ft	85'	75'	1,2,8
B-3 HGHWY BUS (All Areas)	2 acres	300'	300'	1,2,8
B-4 (All Areas)	30,000 sq ft	100'	33'	1,2,8
B-5 (All Areas)	15,000 sq ft	100'	33'	1,2,8
P-1 (All Areas)	43,000 sq ft	200'	33'	1,2,8
A-1 (>= 5 acres) (All Areas)	n/a	see notes	see notes	1,2,5,8,10,11
A-1 (< 5 acres)				
non-shoreland:				
R-1	12,000 sq ft	85'	33'	1,2,6,10
R-2	9,000 sq ft	65'	33'	1,2,6,10
R-3	10,000 sq ft	85'	33'	1,2,6,10
shoreland:				
R-1	10,000 sq ft	85'	33'	1,2,6,8,10
R-2	10,000 sq ft	65'	33'	1,2,6,8,10
R-3	10,000 sq ft	85'	33'	1,2,6,8,10
A-2 (>= 5 acres)	n/a	see notes	see notes	
A-2 (< 5 acres)	not allowed			
M-1 Non-Shoreland: as necessary to meet setbacks		33'	1,2	
M-2 (Shoreland)	10,000 sq ft	65'	33'	1,2,8
M-2 Non-Shoreland: as necessary to meet setbacks		33'	1,2	
M-2 (Shoreland)	10,000 sq ft	65'	33'	1,2,8

NOTES:

Note 1: all lot areas exclude right-of-way of public or private roads/easements

Note 2: lot width is measured at the setback from right-of-way

Note 3: minimum lot area and/or width shall be increased as needed where necessitated by requirements for a private sewage system

Note 4: overall development density is a maximum of two (2) dwelling units per acre

Note 5: access may be by direct frontage or recorded easement with note regarding permit issuance required

Note 6: residential property within the Air-1 district requires a minimum of five (5) acres for new lot creations

Note 7: plus 1,500 sq ft increase in area for each added unit over a four unit structure **and** 500 sq ft per dwelling unit for open space (open space excludes other setbacks and parking/driveway areas)

Note 8: lots in Shoreland also require minimum width at shore yard setback

Note 9: R-1 lot reduction in shoreland is subject to soil evaluation and sanitary system requirements

Note 10: A-1 & A-2 parcels \geq 5 acres are farm parcels. A-1 & A-2 parcels $<$ 5 acres are residential parcels.

Note 11: A-1 & A-2 parcels \geq 5 acres require minimum 200' frontage & width in order to be buildable for residential/ commercial/ industrial purposes. See also Section 18.56(c).

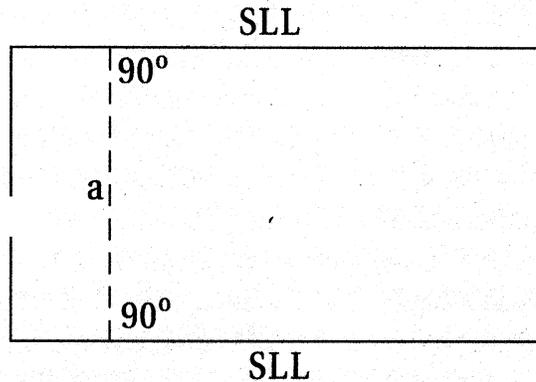
SEWERED/UNSEWERED (TOWN ZONING JURISDICTION)

Lot sizes in areas under Town zoning jurisdiction shall be the greater of either the requirement of a Town ordinance, or as required in order to provide a private sewage system for the property.

Table 2

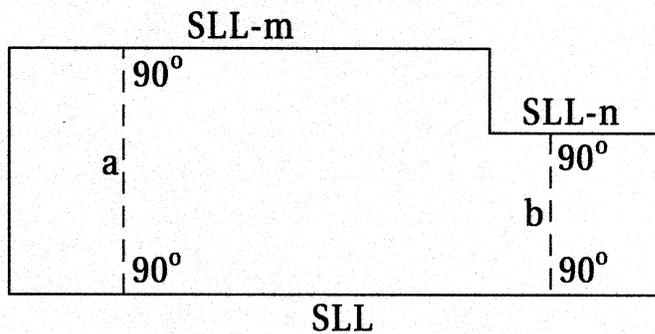
Average Lot Width. The following illustrations and formulas are provided to explain the methods of average lot width determination.

(a) *Parallel Lot Lines*



Average Lot Width is the perpendicular distance between Side Lot Lines (SLL)

(b) *Parallel Side Lot Lines, Alternate.*

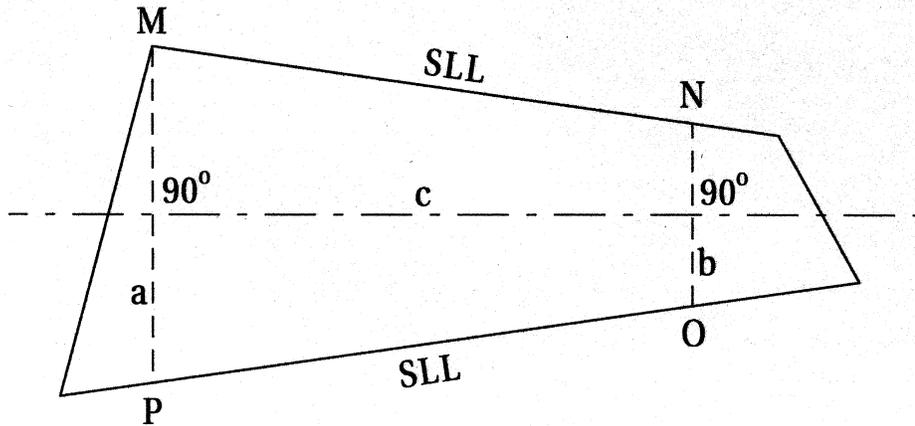


Average Lot Width is

$$a \times \frac{m}{m + n} + b \times \frac{n}{m + n}$$

Use only that part of length n that, when added to area of m portion of lot, satisfies minimum area requirements.

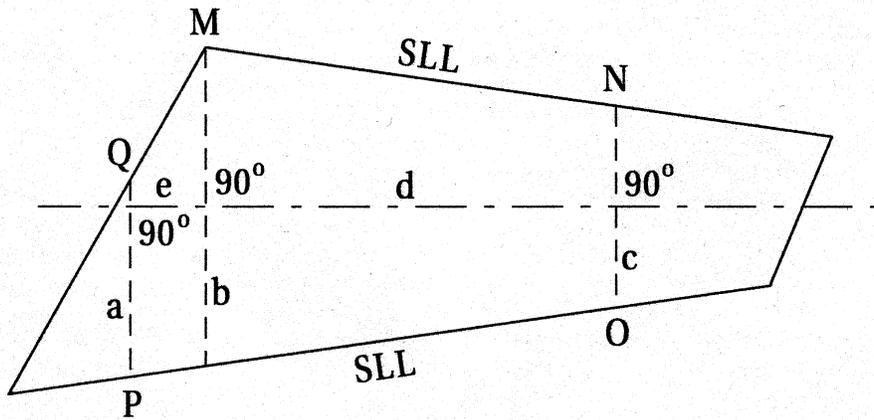
(c) *Nonparallel Lot Lines*



Average Lot Width is $\frac{a + b}{2}$

Area of MNOP equals Minimum Lot Area, and line c bisects angle formed by lines MN and OP extended.

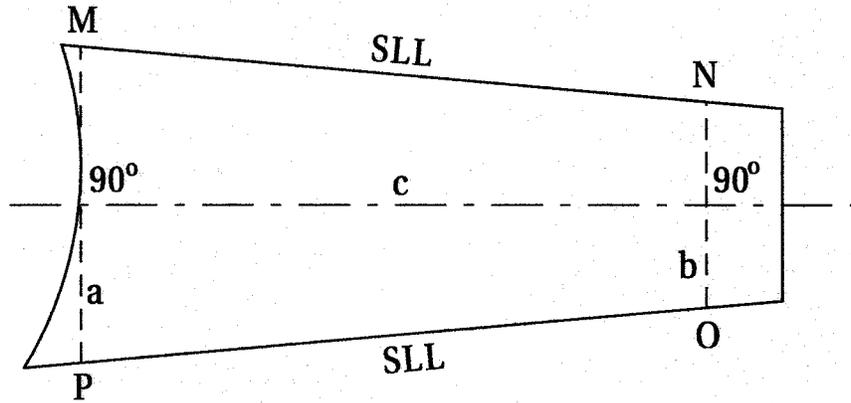
(d) *Nonparallel Lot Lines, Alternate 1.*



Average Lot Width is $\frac{a + b}{2} \times \frac{e}{e + d} + \frac{b + c}{2} \times \frac{d}{e + d}$

Area of MNO PQ equals Minimum Lot Area and line d bisects angle formed by lines MN and OP extended. d is the perpendicular distance between lines b and c. e is the perpendicular distance between lines a and b.

(e) *Nonparallel Lot Lines, Alternate 2.*

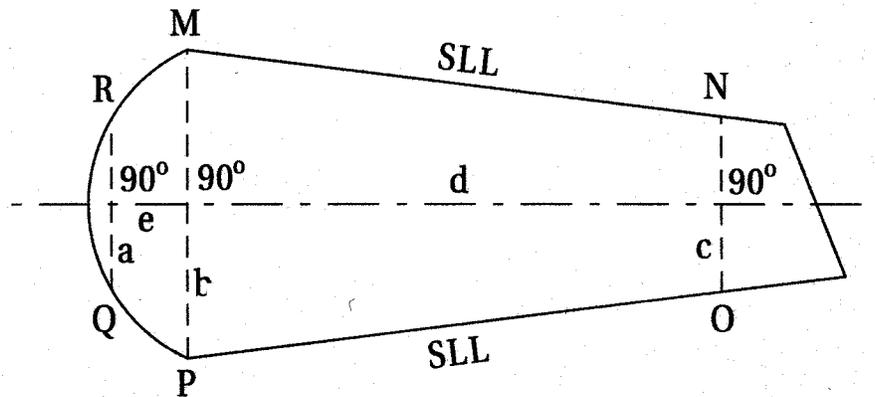


Average Lot Width is

$$\frac{a + b}{2}$$

Area of MNOP equals Minimum Lot Area and line c bisects angle formed by lines MN and OP extended. c is the perpendicular distance between lines a and b.

(f) *Nonparallel Lot Lines, Alternate 3.*

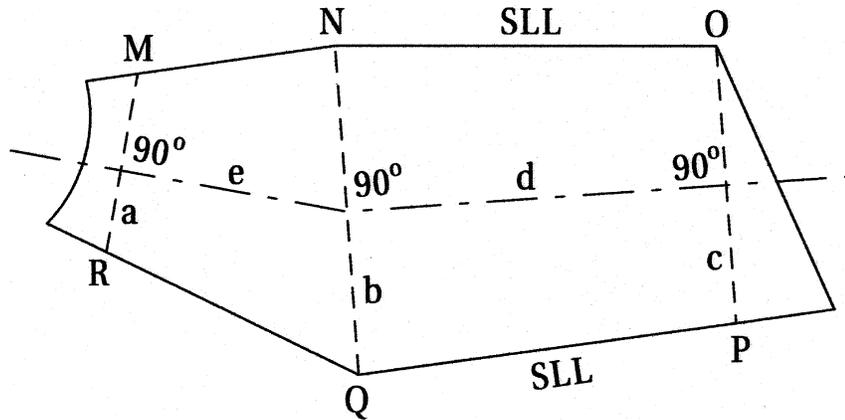


Average Lot Width is

$$\frac{a + b}{2} \times \frac{e}{e + d} + \frac{b + c}{2} \times \frac{d}{e + d}$$

Area of MNOPQR equals Minimum Lot Area and line d bisects angle formed by lines MN and OP extended. d is the perpendicular distance between lines b and c. e is the perpendicular distance between lines a and b.

(g) *Nonparallel Lot Lines, Alternate 4.*



Average Lot
Width is

$$\frac{a + b}{2} \times \frac{e}{e + d} + \frac{b + c}{2} \times \frac{d}{e + d}$$

Area of MNPQR equals Minimum Lot Area, line e bisects angle formed by lines MN and QR extended, and line d bisects angle formed by lines NO and PQ extended. d is the perpendicular distance between lines b and c. e is the perpendicular distance between lines a and b.