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### CHAPTER 18

### SUBDIVISION AND PLATTING

18.01	Statutory Authorization
18.02	Title
18.03	Purpose and Intent
18.04	Interpretation
18.05	Validīty
18.06	Conflicting Ordinances
18.07	Definitions
18.08	Administrative Procedures for Minor Subdivisions
18.09	Administrative Procedures for Major Subdivisions
18.10	Variances
18.11	Disclaimer of Liability
18.15	Enforcement, Penalties and Remedies

- 18.01 STATUTORY AUTHORIZATION. This chapter is adopted under the authority granted by §236.45, Wis. Stats., and amendments thereto.
- 18.02 <u>TITLE</u>. This chapter shall be known as, referred to or cited as the "Subdivision Ordinance, Crawford County, Wisconsin."
- 18.03 PURPOSE AND INTENT. (1) The purpose of this chapter is to regulate and control the division of land within the unincorporated areas of the County for the following purposes: to promote the public health, safety and general welfare; to further the orderly layout and use of land; to prevent the overcrowding of land; to lessen congestion on the roads, streets and highways; to provide for adequate light and air; to facilitate adequate provisions for water, sewerage and other public requirements; to provide for proper ingress and egress; to prevent and control erosion, sedimentation and other pollution of surface and subsurface waters; to preserve natural vegetation and cover and promote the natural beauty of the County; to ensure adequate legal description and proper survey monumentation of the subdivided land; to provide for the administration and enforcement of this chapter; and to provide penalties for its violation.
- (2) It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any recorded easements, covenants, deed restrictions or agreements, adopted ordinances, rules and regulations or permits previously issued pursuant to law. However, whenever this chapter imposes greater restrictions, the provisions of this chapter shall govern.
- 18.04 INTERPRETATION. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, 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. All references to State Statutes or Administrative Codes are intended to include any subsequent revisions or amendments.
- 18.05 <u>VALIDITY</u>. If any section, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

- 18.06 <u>CONFLICTING</u> <u>ORDINANCES</u>. All other ordinances or parts of ordinances of the County inconsistent or conflicting with this chapter, to the extent of inconsistency only, are hereby repealed.
- 18.07 <u>DEFINITIONS</u>. For the purposes of this chapter, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

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.

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

BUILDING SETBACK LINE. A line parallel to the street line or waterline beyond which buildings may not be erected.

COUNTY. Crawford County, including any agency, department or committee thereof.

EROSION CONTROL MEASURES. A listing of erosion control measures and practices for the proposed development and a timetable for their completion provided to prevent or reduce the weathering away of the earth.

EXTRATERRITORAL PLAT APPROVAL JURISDICTION. The unin-corporated area within 1½ 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 §236.10, Wis. Stats.

GRADE. The slope of a road, street, alley, foot path, lot or block, specified in percent.

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.

LEGAL REAL PROPERTY DESCRIPTION. A description of a tract of land in legally acceptable terms, so as to show exactly where it is located. The County real property lister shall determine if a land description accurately describes a tract of land being proposed for subdivision development.

LOT. A parcel of land having frontage on a public or private road and sufficient in size to meet the lot width, lot frontage, lot area and other provisions of this chapter.

LOT, CORNER. A lot abutting 2 or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135° or less, measured on the lot side.

LOT, FRONTAGE. The length of a front property line of land abutting the right-of-way of a road.

LOT, THROUGH. A lot which has a pair of opposite lot lines along 2 substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines, but in the case of 2 or more contiguous through lots, there shall be a common front lot line.

MAJOR SUBDIVISION. A division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or of building development where the act of division creates 5 or more parcels or building sites of 1½ acres each or less in area or 5 or more parcels or building sites of 1½ acres or less in area are created by successive divisions within a period of 5 years.

MINOR SUBDIVISION. A division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or for building development where the act of division creates one or more parcels or building

sites of 15 acres each or less in area or one or more parcels or building sites of 15 acres or less in area are created by successive divisions within a period of 5 years.

OUTLOT. A parcel of land, other than a lot or block, so designated on the plat, but not of standard size, which can be either redivided into lots or combined with one or more other adjacent outlots or lots in adjacent subdivisions or minor subdivisions in the future for the purpose of creating buildable lots.

PLANNING COMMITTEE. The County Land Conservation Planning and Zoning Committee.

PRELIMINARY PLAT. A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

PUBLIC WAY. Any public road, street, highway, walkway, drainageway or part thereof.

REAL PROPERTY LISTER. The County Real Property Lister who is responsible for coordinating the various review functions of this chapter.

REPLAT. The process of changing a plat or the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of such block.

ROADS. (a) Alley. A special public way affording only secondary access to abutting properties.

- (b) Arterial Road. A road used or intended to be used primarily for fast or heavy through traffic. In general these roads would receive the highest average daily traffic counts.
- (c) Collector Road. A road used or intended to be used to carry traffic from minor roads to the major system of arterial roads including principal entrance streets to residential developments. In general, average daily traffic counts on these roads would be in the medium range.

- (d) <u>Cul-de-sac Road</u>. A minor road with only one outlet and having a turnaround for the safe and convenient reversal of traffic movement.
- (e) Frontage Road. A minor road auxilliary to and located on the side of an arterial road for control of access and for service to the abutting development.
- (f)  $\underline{\text{Half}}$   $\underline{\text{Road}}$ . Roads that are half of the dedicated right-of-way specified in this chapter. Platting of half roads is prohibited.
- (g) Minor Road. A road used or intended to be used primarily for access to abutting properties. In general, average daily traffic counts on these roads would be in the low range.

SUBDIVIDER. Any person, firm or corporation or any agent thereof dividing or proposing to divide land resulting in a major or minor subdivision or replat.

SURETY BOND OR PERFORMANCE SECURITY. A bond, certificate of deposit, irrevocable letter of credit, certified check or other approved security guaranteeing performance of a contract or obligation through forfeiture of the security if such contract or obligation is unfulfilled by the subdivider.

TOWN. Reference to town shall mean any town of the County, including town board, town clerk, town chairman, town zoning administrator or any other designated town committee.

ZONING ADMINISTRATOR. The County Zoning Administrator or other person designated by the County Board to enforce this chapter.

18.08 ADMINISTRATIVE PROCEDURES FOR MINOR SUBDIVISIONS. (1) WHEN APPLICABLE. The following procedures and requirements shall apply where there is a division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or for building development where the act of division creates one or more parcels or building sites of 15 acres each or less in area or where one or more parcels or building sites of 15 acres each or less in area are created by successive divisions within a period of 5 years.

- (2) PRELIMINARY MEETING. Prior to the filing for the approval of a minor subdivision, the subdivider is encouraged to consult the County Real Property Lister or County Zoning Administrator and town official in order to obtain advice and assistance. The consultation is intended to inform the subdivider of the purpose and objectives of these regulations. In so doing, the subdivider, town officials, County Real Property Lister and the Zoning Administrator may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood town and County and the subdivider will gain a better understanding of this chapter.
- (3) CERTIFIED SURVEY AND ACCURATE LEGAL REAL PROPERTY DESCRIPTION. A certified survey map which complies with the requirements of § 236.34, Wis. Stats., shall be required for all minor subdivisions with the exception of when only a single parcel of land of 15 acres in size or less is created within a five-year period. In the case of a single parcel subdivision, a legal real property description may be utilized in lieu of a certified survey map if the land can be accurately described and mapped. The County Real Property Lister shall have the responsibility to determine the accuracy of any legal real property descriptions appearing on recorded deeds.

#### (4) SUBDIVÍSION DESIGN STANDARDS.

- (a) A minor subdivision that involves public or private road construction shall comply with the following subdivision design standards and shall comply with any other road construction design standards the County or township may have: (Am. #82-95)
  - 1. Emergency vehicles. (Am. #106-00) All lots shall have 66' of frontage on a private, town, County or State road for emergency vehicle access. On a cul-de-sac all lots shall have a minimum of 40' of frontage on a private, town, County or State road for emergency vehicle access.
  - 2. Road Plans, Construction Design Standards and Private Road Statement of Understanding. Road locations and construction design standards shall be consistent with any road plans or construction design standards that the County, town or governing agency may have. If a road is to remain private, a private road statement of understanding shall be placed on the certified survey map, signed by the developer and notarized. The following is a "private road statement of understanding" that shall appear on all certified survey maps when roads are to remain private:

## PRIVATE ROAD STATEMENT OF UNDERSTANDING

The undersigned developer hereby acknowledges that he/she has been advised and understands that those roads denominated as "private" on this certified survey map are subject to the following provisions pursuant to §18.08(4)(a)3. of subdivision ordinances of Crawford County, Wisconsin:

- (1) That the road is private and that the County, town or governing body is not responsible for construction or maintenance of such road.
- (2) That the maintenance and care of the road is the responsibility of the subdivider or future buyers of land within the subdivision.
- (3) That if quality, accessibility, maintenance and care of the road is not provided, emergency vehicle and school bus service may be impeded or interrupted.

Dated:	
Developer: _	

- 3. Town Road Standards. All town roads shall conform to the requirements of §86.26, Wis. Stats. as may be applicable.
- 4. Roads and Erosion Control Measures. Whenever road construction is involved with a subdivision, erosion control measures involving a variety of sediment control practices shall be implemented. These sediment control practices include fertilization, seeding, mulching, filter fabric fences, straw and straw bales. The County Planning Committee shall provide a list of erosion control practices and a timetable for their completion for the subdivider to follow in order to protect the subdivision and adjacent landowners from harmful erosion. Such erosion control practices when undertaken shall be monitored by the County Planning Committee to insure the erosion control measures specified for the subdivision are implemented.
- 5. Prohibit Reserve Strips. Reserve strips controlling access to streets shall be prohibited.
- 6. Road Names. No road names shall be used which will duplicate or may be confused with the names of existing roads. Road names shall be subject to the approval of the town board and Planning Committee.
- 7. Lot Lines. Where possible, lot lines shall be perpendicular to straight road lines and radial to curved road lines.
- 8. Lots and Municipal Boundaries. Lots shall follow rather than cross municipal boundary lines, whenever practical.
- 9. Double Frontage Lots. Double 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.

- 10. Access. Every lot shall front or abut for a distance of at least 66' on a private, town, County or State road. Every lot shall front or abut for a distance of at least 40' on a cul-de-sac.
- 11. Building Setback on Highways and / or Arterials. For buildings to be located on arterials and/or State highways, the minimum setback shall be 110' from the centerline or 50' from the right-of-way line, whichever is greater.
- 12. Building Setback on County Roads. For buildings located on all County roads, the minimum setback shall be 42' from the right-of-way line or 75' from the centerline of the road.
- 13. Building Setback on Town and All Other Roads. For buildings to be located on town and all other roads, the minimum setback shall be 30' from the right-of-way line or 63' from the centerline of the road.
- 14. Survey Monuments. To prevent vehicular traffic from destroying survey monuments, all survey monuments shall be placed within 5' of the outer road right-of-way limits. The Planning Committee has the authority to waive adherence to this standard if it can be demonstrated to the Committee and the Committee agrees that:
  - a. Physical features prevent monumentation within 5' of the outer road right-of-way.
  - b. There is minimal possibility of vehicular destruction of the monuments as a result of exceeding the 5' outer road rightof-way limits.
- 15. County Zoning Ordinance. If a County zoning ordinance is adopted either prior to or after this chapter is approved, the yard sizes and setback requirements of the County zoning ordinance shall govern.
- (b) If the owner and/or subdivider should at any time desire to transfer the planned or existing road over to the County or township, the road shall comply with all above subdivision design standards as well as comply with any other road construction design standards the County or township may have.
- (c) Subdivisions that do not involve or require road construction and/or roadway easements shall only have to comply with subpars. (a)5., 7.,
  8. through 15. of the above subdivision design standards. (Am. #106-00)

- (5) PLANNING INFORMATION. (a) In addition to the information required by §236.34, Wis. Stats., the following planning information shall be shown on the face of the certified survey map:
- 1. Date, Name and Address. The date of the map and name and address of the owner, subdivider and surveyor.
- 2. Existing Buildings and Structures. All existing buildings, wells, sewer vents and other man-made structures.
- 3. Adjoining Land Uses and Structures. Surrounding land uses, structures and building lines within 25' of the simple subdivision being proposed.
- 4. Setback or Building Lines. Setbacks or building lines of the proposed development.
- 5. Acreage. The acreage of each tax parcel which is affected or created shall be noted if information is available.
- 6. Public Land System Corners. Certified survey maps shall be tied to 2 U.S. public land system corners by bearing and distance.
- 7. Additional Information. Where the County real property lister or Zoning Administrator find that they require additional information relative to a particular problem presented by a proposed development to review the certified survey map, they shall each have the authority to request in writing, such information from the subdivider.
- (b) When floodplain, shoreland and wetland information is available from federal, State or local government authorities in map form, the subdivider shall state whether the land being subdivided is located in a floodplain, shoreland or wetland area. The County Zoning Administrator shall keep on file and provide to subdividers at their request all current floodplain, shoreland and wetland maps.
- (c) When strict compliance with a provision of this subsection will entail undue or unnecessary difficulty and hardship or tend to render the plat more difficult to read, the Real Property Lister and Zoning Administrator may waive such strict compliance if they both mutually agree to the waiver.

- COUNTY AGENCY AND TOWN REVIEW. (Am. #106-00) The County Real Property Lister, upon receipt of the certified survey maps and planning information for a minor subdivision, shall transmit copies to the chairman of the County Planning Committee, County Surveyor, County Zoning Administrator and appropriate town chairman, town clerk, town zoning administrator and the Wisconsin Department of Administration— Plat Review. These agencies, individuals and local officials shall have 30 days to review and respond to the proposed minor subdivision upon receipt of copies thereof. If any of the above agencies, individuals or local officials, except for the Wisconsin Department of Administration who will always notify in writing, fail to respond within 30 days it shall be deemed to have no objections to the minor subdivision being proposed. The Real Property Lister shall have 45 days to process the proposed minor subdivisions. Objections to a minor subdivision cannot be arbitrary of capricious but must be based on the minor subdivision being in violation of or conflicting with an adopted and recognized public policy, plan, ordinance or design standard.
- (7) SURETY BOND OR PERFORMANCE SECURITY. Prior to the approval of a minor subdivision, the County Planning Committee may require the subdivider to enter into a contract with the County agreeing to install all improvements and structures as specified by the Planning Committee. The subdivider shall file with such contract a bond certificate of deposit, irrevocable letter of credit, certified check or other approved security in an amount equal to the estimate of the cost as determined by the Planning Committee as a guarantee that such improvements will be completed by the subdivider at a date mutually agreed upon between the Planning Committee and the subdivider.

### (8) CERTIFICATES.

- (a) The surveyor shall certify on the face of the map that he has fully complied with all the provisions of this chapter. The County Real Property Lister, upon review approval of the agencies and individuals specified in sub. (6) shall certify that the certified survey has met the review standards and notification requirements of this chapter.
- (b) Dedication of roads and other public areas shall require, in addition, the owner's certificate, mortgagee's certificate and certification of approval by the town board in substantially the same form as required by § 236.21(2)(a), Wis. Stats.

(8) BECORDATION. The certified survey map shall only be recorded property closure? Magnetic of Doods after the certificates of the Real then fine of the man to now how the surphinshic are placed on the new of the man to some hours, where applicated on the head then fine of the man to some hours, where applicated on the head to cover the control of the man to cover the cover

CRAWFORD COUNTY 1247/59

- 2. Existing Buildings, Structures and Features. All existing buildings, watercourses, drainage ditches and other features pertinent to proper land division.
- 3. Adjoining Land Uses and Structures, Features and Buildings. Land uses, structures, features and buildings within 25' of the subdivision being proposed.
- 4. Setback or Building Lines. Setbacks or building lines shall be identified and shall adhere to the requirements of this chapter.
- 5. Length and Bearing. Approximate dimensions of the proposed subdivision referenced to 2 government corners established in the U.S. public land survey and the approximate acreage encompassed thereby.
- 6. Location, Right-of-Way Width and Names. Location, right-of-way width and names of all existing and proposed roads, alleys, public ways, proposed public utilities and drainage easements.
- 7. Lot Plan. Dimensions of all lots, together with proposed lot and block numbers.
- 8. Land Use Description: A brief narrative description of the type and purpose of the development being proposed, indicating the location and amount of land that will be utilized for single family homes, multi-family homes, commercial, public, recreational and industrial development.
- (b) When floodplain, shoreland and wetland information is available from federal, State or local government authorities in map form, the subdivider shall state whether the land being subdivided is located in a floodplain, shoreland or wetland area. The County Zoning Administrator shall keep on file and provide to the subdividers at their request all current floodplain, shoreland and wetland maps.
- (5) MAJOR SUBDIVISION DESIGN STANDARDS. (a) A major subdivision that involves construction of a public or private road to serve the major subdivision shall comply with §18.08(4) of this chapter and shall comply with any other road plans or construction design standards the County or town may have.

- (b) If the owner and/or subdivider should at any time desire to transfer the planned or existing road over to the County or township, the road shall comply with §18.08(4) of this chapter as well as comply with any other road plans or construction design standards the County or town may have.
- (c) Major subdivisions that do not involve or require road construction and/or roadway easements shall only have to comply with the design standards of §18.08(4)9., 11. and 17. through 26. of this chapter.
- (6) PRELIMINARY PLAT REVIEW AND APPROVAL. (a) Upon submission of 6 copies of the preliminary plat by the subdivider to the Real Property Lister, the Real Property Lister shall provide copies of the plat to the Zoning Administrator, town clerk, town chairman and town zoning administrator where the development is being proposed. The subdivider is responsible for sending copies of the plat to the State agencies as defined in §236.12, Wis. Stats.
- (b) The above reviewing entities shall within 45 days of the date of receiving their copies of the preliminary plat notify the subdivider and all other reviewing entities of any objections. If there are no objections, they shall so certify on the face of a copy of the plat and shall return that copy to the Real Property Lister. If an objecting agency fails to act within the 45 days, it shall be deemed to have no objections to the plat.
- (C) The Real Property Lister shall provide all review comments to the Planning Committee. The Planning Committee shall reject, approve or conditionally approve the preliminary plat within 45 days after submission.
- (d) A \$50 fee shall be charged for the submission of each preliminary plat to cover administrative and review costs.
- (7) FINAL PLAT REVIEW AND APPROVAL. (a) The subdivider shall prepare a final plat that shall conform to the preliminary plat as approved and to the requirements of §236.20, Wis. Stats.
- (b) The County Real Property Lister, Zoning Administrator, County Land Conservation Department and County Planning Committee shall examine the final plat as to its conformance

with the approved preliminary plat, any conditions of approval of the preliminary plat, this chapter and all ordinances, rules and regulations pertaining to land development.

- (c) The final plat with the approved preliminary plat shall be presented to the Real Property Lister at least 30 days prior to the Planning Committee meeting at which it is to be considered. The Planning Committee shall reject, approve or conditionally approve the final plat at this meeting. Reasons for rejections and conditions to meet in order for Committee approval shall be stated in the minutes of the Planning Committee meeting and a written statement of such reasons shall be given to the subdivider.
- (d) Prior to the approval of a final plat, the County Planning Committee may require the subdivider to enter into a contract with the County agreeing to install all improvements and structures as specified by the Planning Committee. The subdivider shall file with such contract a bond, certificate of deposit, irrevovable letter of credit, certified check or other approved security in an amount equal to the estimate of the cost as determined by the County Planning Committee as a guarantee that such improvements will be completed by the subdivider at a date mutually agreed upon between the Planning Committee and the subdivider.
- (e) Approved final plats shall be recorded in accordance with §236.25, Wis. Stats., prior to the time the lots are offered for sale or use is made of lot and block numbers shown on the plat.
- 18.10 <u>VARIANCES</u>. (1) The Board of Adjustment may grant variances from the provisions of this chapter, but only after determining that:
- (a) Because of the unique conditions of the subdivision involved, literal application of this chapter would impose a hardship.
- (b) The variance will not violate the purpose of this chapter or the provisions of Ch. 236, Wis. Stats.
- (2) The requirement of filing and recording a plat or real legal property description for a minor subdivision or major subdivision shall not be waived.

- (3) A fee of \$50 shall be charged for a Board of Adjustment review of a variance request by a subdivider.
- 18.11 <u>DISCLAIMER</u> <u>OF LIABILITY</u>. Nothing in this chapter shall be construed as creating for the County any liability for any injuries, loss or damage caused by a compliance or failure to comply with the requirements of this chapter.
- 18.15 ENFORCEMENT, PENALTIES AND REMEDIES. (1) The Zoning Administrator may at his discretion request of the Planning Committee or, in the case of a variance, the Board of Adjustment, to interpret this chapter and give the Zoning Administrator specific direction in dealing with a particular problem or situation he has encountered in administering this chapter.
- (2) The Zoning Administrator shall have primary responsibility for enforcing this chapter. No land division or construction shall be allowed and no sanitary or building permit shall be issued until the provisions of this chapter have been complied with.
- (3) According to §25.04 of this Code of Ordinances, any person who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$10 nor more than \$500 and the costs of prosecution for each violation and, in default of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense, In addition, the remedies provided by §§236.30 and 236.31, Wis. Stats., shall be available to the County.

# OFFICE OF CORPORATION COUNSEL CRAWFORD COUNTY



Mark A. Peterson Corporation Counsel P. O. Box 430 Prairie du Chien, WI 53821 (608) 326-6496 FAX (608) 326-8070

November 11, 2002

CRAWFORD COUNTY PROPERTY LISTER Ms. Gionne R. Collins

220 North Beaumont Road Prairie du Chien, WI 53821

Re:

Subdivision and Platting Ordinance -

Chapter 18 County Code

Dear Ms. Collins:

Per your inquiry and our earlier conversation please be advised that it is the opinion of this office that in applying the Chapter any references to "a lot, parcel or tract of land" refers to the entire contiguous parcel owned by the particular individual or entity involved in the division or development. If any further information is needed, please advise.

Sincerely,

CRAWFORD COUNTY CORPORATION COUNSEL

By:

Mark A. Peterson

MAP:mah