



# **WAUPACA COUNTY SUBDIVISION ORDINANCE**

**CHAPTER 37  
(Reference to Original Ordinance No. 3)**

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Date of Adoption: April 17, 1968

Amend Ordinance #92-01-345 to revise the Waupaca County Subdivision Ordinance No. 3, Section 12.0 Fees to increase the fees. Adopted by the Waupaca County Board on June 16, 1992 and published on June 25, 1992.

Amend Chapter 37, Waupaca County Subdivision Ordinance to revise Sections 12.02(1), 12.03(1) and 12.04(1) to increase the fees. Revised, amended and enacted by the Waupaca County Board of Supervisors on November 19, 2002.

Amend Chapter 37 to revise selected parts of the text of the Waupaca County Subdivision Ordinance. Amended and enacted by the Waupaca County Board of Supervisors on March 17, 2009 and published on April 2, 2009.

Amend Chapter 37 to revise selected parts of the text of the Waupaca County Subdivision Ordinance. Amended and enacted by the Waupaca County Board of Supervisors on May 18, 2010. Published and effective as of June 3, 2010.

The preparation of this document was financed in part through an urban planning grant from the Department of Housing and Urban Development under the provisions of Section 701 of the Housing Act of 1954, as amended, and was executed under a contract with the State of Wisconsin, Department of Resource Development.

# Chapter 37

## Subdivision Ordinance (Reference to original Ordinance No. 3)

### 1.0 Introduction

#### **7.041.01 Authority**

Pursuant to the authority granted by Sections 59.971(3), 144.26(2), 144.26(8) and 236.45 of the Wisconsin Statutes, the County Board of Supervisors of Waupaca County does ordain as follows:

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#### **7.021.02 Title**

This Ordinance shall be known as, referred to, or cited as the Subdivision Ordinance, Waupaca County, Wisconsin.

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#### **7.031.03 Purpose and Intent**

The purpose of this Ordinance is to:

1. Regulate and control the division of land within the unincorporated areas of Waupaca County.
2. Promote the public health, safety, convenience, comfort, prosperity; conserve, protect, and enhance property value; and secure the most appropriate use of land throughout the unincorporated areas of Waupaca County.
3. Implement the County's Comprehensive Plan.
4. Promote orderly growth and development; further the orderly division, layout and use of land; prevent the overcrowding of land; lessen congestion in the streets and highways; provide for adequate light and air; facilitate adequate provisions for water, sewerage and other public requirements; provide for proper ingress and egress.
5. Prescribe reasonable rules and regulations governing the subdivision and platting of land, the preparation of plats, the location, width, and course of streets, highways, and parkways, the installation of utilities, street pavements and other essential improvements; the provision of necessary public grounds for schools, parks and other public open spaces, and to promote proper monumenting of subdivided land and conveyancing by accurate legal description.

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#### **7.041.04 Abrogation and Greater Restrictions**

It is not intended by this Ordinance 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 Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

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**7.051.05 Interpretation**

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

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**7.061.06 Severability**

If any section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

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**7.071.07 Repeal**

All other ordinances or parts of ordinances of Waupaca County inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

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**7.081.08 Effective Date**

This Ordinance shall be effective after a public hearing, adoption by the County Board of Supervisors, and Publication or posting as provided by law.

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## 2.0 Rules and Definitions

### 8.012.01 Rules

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

1. Words used in the present tense shall include the future, and words used in the singular number shall include the plural number, and the plural the singular.
2. The word “shall” is mandatory and not discretionary.
3. The word “may” is permissive.

### 8.022.02 Definitions

1. **Alley:** A public or private right-of-way which provides secondary access to abutting properties.
2. **Approving Authority:** Each governmental body having authority to approve or reject a preliminary or Final Plat. Approving authorities are set forth in Section 236.10 of the Wisconsin Statutes.
3. **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.
4. **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.
5. **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.
6. **Building Setback Line, Front:** A line parallel to the street line defined by the County Zoning Ordinance, beyond which buildings may not be erected.
7. **Certified Survey Map:** A map, prepared in accordance with Section 236.34 of the Wisconsin Statutes and this Ordinance, for the purpose of dividing land into not more than four (4) parcels, (inclusive of the remnant parent parcel), or used to document for recording purposes survey and dedication data relating to single parcels.
8. **Cluster Land Division:** A residential development that concentrates buildings or lots on a part or parts of the site to allow the remaining land to be used for open space, recreation, protection of environmental features, agriculture, or other purposes, where the density regulations are applied to the project as a whole instead of to its individual lots.
9. **Collector Street:** A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets including principal entrance streets to residential developments.
10. **Condominium:** A form of ownership combining individual unit ownership with shared use and ownership of common property or facilities, established in accordance with Chapter 703 of the Wisconsin Statutes, Condominium Ownership Act. Common areas and facilities are owned by all members of the condominium association on a proportional, undivided basis. A condominium is a legal form of ownership, and not a specific building type or style.

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11. **Condominium Association:** An association, whose members consist of owners of units in a condominium, which administers and maintains the common property and common elements of a condominium.
12. **Conservation Easement:** The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described area shall remain in its natural, scenic, open, agricultural, or wooded state precluding future or additional development.
13. **County:** Reference to County shall mean Waupaca County including any agency, department or committee thereof.
14. **County Comprehensive Plan:** Reference to County Comprehensive Plan shall mean the Waupaca County Comprehensive Plan, the adopted long range plan for Waupaca County as defined by Chapter 66.1001, Wis. Stats that sets forth, ~~(in words,~~ maps, illustrations, and/or tables,~~)~~ **the** goals, policies and guidelines intended to direct the present and future physical, social, and economic development that occurs within its planning jurisdiction.
15. **County Planning and Zoning Committee:** The County Planning and Zoning Committee as authorized by Section 59.97, Wisconsin Statutes or any other Committee created by the County Board and authorized to plan land use.
16. **County Planning and Zoning Administrators:** The appointed position and/or Department responsible for the administration and review of this Ordinance.
17. **County Sanitary Ordinance:** Reference to County Sanitary Ordinance shall mean the Waupaca County Sanitary Ordinance.
18. **County Zoning Ordinance:** Reference to County Zoning Ordinance shall mean the Waupaca County Zoning Ordinance.
19. **Covenant:** A restriction on the use of land, usually set forth in the deed.
20. **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 as provided by this Ordinance.
21. **Days:** Shall refer to ~~working calendar~~ days, unless specifically stated otherwise.
22. **Deed Restriction:** A restriction on the use of a property set forth in the deed accompanying the property.
23. **Dedication:** The deliberate appropriation of land by an owner for any general and public use, reserving to ~~himself~~the owner no other rights than such are compatible with the full exercise and enjoyment of public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner upon presentation for filing of a final plat or certified survey map showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval by the appropriate governmental unit of such plat for filing.
24. **Density:** The number of residential dwelling units located within a specific land area, ~~(expressed as the number of units per acre(s) or square feet).~~ For the purpose of this Ordinance, the minimum density required or maximum density allowed is calculated based on the gross acreage of the parcel(s). Existing residential dwelling units within the parcel are included in the calculation.
25. **Density Unit:** A legally allowed residential development right.
26. **Development:** Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial improvements to buildings,

structures, or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; and the storage, deposition, or extraction of materials.

27. **Development Agreement:** An agreement entered into by and between the Town and a subdivider whereby the Town and subdivider agree as to the design, construction, and installation of required public improvements; the payment for such public improvements; the dedication of land; and other matters related to the requirements of this Ordinance. The Development Agreement shall not come into effect unless and until a Letter of Credit or other appropriate surety has been provided to the Town by the subdivider.
28. **Extraterritorial Plat Approval Jurisdiction:** The unincorporated area within **one and one-half  $1\frac{1}{2}$  miles** of a fourth-class city or village and within three 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 Section 236.10, Wisconsin Statutes.
29. **Final Plat:** The map or plan of a subdivision, and any accompanying material, as described in Section 6.0 of this Ordinance.
30. **Flag Lot:** Description of the shape of a property, where access to a road is provided along the long, narrow "flag pole" and the usable land itself is the rectangular flag at the end of the pole.
31. **Floodplains:** Those lands, including the floodplains, floodways, and channels, subject to inundation by the 100-year recurrence interval flood; or, where such data are not available, the maximum flood of record.
32. **Frontage:** The length of the front property line of the lot, lots, or tract of land abutting a public street, road, highway or rural right-of-way.
33. **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.
34. **Gradient:** The rate of vertical change of a ground surface expressed as a percentage figure determined by dividing the vertical distance by the horizontal distance.
35. **Gross Site Area:** The total area within the boundaries of a tract to be subdivided, including the area to the centerline of adjacent established public rights of way.
36. **Hedgerow:** A row of shrubs or trees planted for enclosure or separation of fields.
37. **Homeowners Association:** An association combining individual home ownership with shared use, ownership, maintenance, and responsibility for common property or facilities, including private open space, within a land division.
38. **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.
39. **Land Division:** A generic term that includes both subdivisions and minor subdivisions, as those terms are defined in this Section.
40. **Legal Access:** The description and/or descriptions which identify in writing the physical location of the nonexclusive vehicular access rights to a public street as provided in a recorded document. The width of an easement required for legal access shall be a minimum of sixty six (66) feet.

41. **Legal Description:** The description and/or descriptions which identify in writing the physical location of the land interest conveyed as it exists on a recorded deed and/or deeds of the area to be platted.
42. **Lot:** A buildable parcel of land represented and identified in a subdivision or minor subdivision as defined in Sections 2.02(~~5038~~) and 2.02(~~6955~~) and in accordance with the County Zoning Ordinance.
43. **Lot Area:** The area of contiguous land bounded by lot lines, exclusive of land provided for public thoroughfares.  
~~—Lot Area, Gross: The area contained within the property lines of an individual parcel of land, including area to the centerline of any adjacent public street or railroad right-of-way or proscriptive easement.~~
44. **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.
45. **Lot Corner Monument:** At a minimum, one (1) inch inside diameter galvanized iron pipe or  $\frac{3}{4}$ three-fourths inch smooth rebar set to mark a corner or angle point of a lot or other division.
46. **Lot Depth:** The horizontal distance of a straight line drawn from the midpoint of the front property line to the midpoint of the rear property line.  
~~—Lot, Flag: A lot not fronting on or abutting a public street and where access to the public street system is by a narrow strip of land, easement, or private right-of-way.~~
47. **Lot, Through:** A lot which has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. On a “through lot” both street lines shall be deemed front lot lines.
48. **Lot Width:** The horizontal distance between side lot lines measured at right angles to lot depth line at a point midway between the front and rear property lines. If the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the depth line or the lot at a distance midway from the front and rear property lines.
49. **Minor Street:** A street used, or intended to be used, primarily for access to abutting properties.
50. **Minor Subdivision:** The division of land by the owner or subdivider resulting in the creation of not more than four (~~4~~) parcels or building sites, (~~inclusive of the original remnant parcel~~), any one of which is fortytwenty (420)-acres or less in size; or the division of a block, lot or outlot within a recorded subdivision plat into not more than four (~~4~~) parcels or building sites, (~~inclusive of the original remnant parcel~~), without changing the exterior boundaries of said block or outlot.
51. **Navigable Water:** Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. Under Wis. Stats. s. 281.31(2)(m), notwithstanding any other provision of law or administrative rule promulgated thereunder, Shoreland Ordinances required under Wis. Stats. s. 59.692, and ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if:
- (a) Such lands are not adjacent to a natural navigable stream or river.

- (b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
  - (c) Such lands are maintained in nonstructural agricultural use.
52. **Objecting Authority:** An authority empowered to object to a subdivision plat pursuant to Chapter 236 of the Wisconsin Statutes. The County may not approve any plat upon which an objection has been certified until the objection has been satisfied. The objecting authorities include the Wisconsin Department of Administration, the Wisconsin Department of Natural Resources, ~~the Wisconsin Department of Commerce,~~ and the Wisconsin Department of Transportation.
53. **Official Map:** A document prepared and adopted pursuant to Section 62.23(6) of the Wisconsin Statutes, which shows the location of existing and planned streets, parkways, parks, playgrounds, railway rights-of-way, waterways, and public transit facilities.
54. **Open Space:** Any site, parcel, lot, area, or outlot of land or water that has been designated, dedicated, reserved, or restricted from further development. Open space may be privately or publicly owned, but shall not be part of individual residential lots. Open space shall be substantially free of structures, but may contain recreational facilities allowed by zoning regulations.
55. **Open Space, Common:** Privately-owned land within a land division or condominium that has been restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the land division or condominium. Common open space shall be substantially free of structures, but may contain recreational facilities allowed by zoning regulations.
56. **Ordinary High Water Elevation:** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- ~~**Original Property:** Includes all contiguous property under the same ownership within the previous five (5) years from the time of division regardless of separate tax identification numbers.~~
57. **Outlot:** A remnant parcel of land not to be used for building purposes, so designated on the Plat or Certified Survey Map which is any of the following:
- (a) A parcel of land left over at the time of platting and which is intended to be divided in the future.
  - (b) A platted parcel which does not meet the requirements of a lot at the time of platting.-
  - (c) A platted parcel which is intended for open space or other use and which is held in common ownership or which is transferred to a public agency or utility.
58. **Parcel:** A single piece of land separately owned, either publicly or privately, and capable of being conveyed separately.
59. **Parent Parcel:** ~~The original parcel portion or remnant of a tract of land remaining after a land division occur~~existing, legal lot of record, from which other parcels are divided.
60. **Planning and Zoning Administrators:** Person(s) designated by the County Planning and Zoning Committee to administer this Ordinance.

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61. **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 5.0 of this Ordinance.
62. **Public Way:** Any public road, street, highway, walkway, drainageway, or part thereof.
63. **Replat:** The process of changing, or the map or plat which changes, 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 said block, lot or outlot is not a replat.
64. **Retracement Certified Survey Map:** [A certified survey map that retraces, identifies, and locates the boundaries of an existing parcel\(s\) of land and ~~which~~that does not create additional parcels or alter existing boundaries.](#)
65. **Reserve Strip:** Any land which would prohibit or interfere with the orderly extension of streets, bicycle or pedestrian ways, sanitary sewer, water mains, stormwater facilities or other utilities or improvements between two abutting properties. [Reserve strips controlling access shall be prohibited.](#)
66. **Shoreland:** Land lying within the following distances: 1,000 feet from the ordinary high water ~~elevation~~mark of a navigable lake, pond, or flowages; or 300 feet from the ordinary high water ~~elevation~~mark of a navigable stream, or to the landward edge of the floodplain, whichever distance is greater.
67. **Subdivider:** Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision, or replat.
68. **Subdivision:** The division of a lot, parcel or tract of land by the owner thereof, or his agent, for the purpose of transfer of ownership or building development, including condominium development, where the act of division creates five (5) or more parcels or building sites, (inclusive of the original remnant parcel), any one of which is ~~forty~~[twenty](#) (~~420~~) acres or less in area by division or successive divisions of any part of the original property within a five-year period.
69. **Surety Bond:** A bond guaranteeing performance of a contract or obligation through possible forfeiture of bond if said contract or obligation is unfulfilled by the subdivider.
70. **Tax Parcel:** [An existing tract of land as defined by the governing jurisdictional body for taxation purposes.](#)
71. **Town:** Reference to Town shall mean any Town of the County including the Town Board, Town Clerk or any other designated Town Committee.
72. **Utility Easement:** [An easement to place, replace, or move utility facilities, such as telephone or electric lines, water or sewer mains, gas pipelines, and fiber optic cables.](#)
73. **Variance:** [A departure from the terms of this ordinance as applied to a specific parcel of land which the Waupaca County Board of Adjustment may permit pursuant to Section 3.07 of this Ordinance.](#)
74. **Wetland:** An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, and ~~which has~~ [where the](#) soils ~~are~~ indicative of wet conditions.

### **3.0 General Provisions**

#### **9.013.01 Jurisdiction**

The jurisdiction of this ordinance shall include all unincorporated lands within the County.

#### **9.023.02 Applicability**

1. **Subdivision:** Any division of land within the unincorporated lands of the County that results in a subdivision as defined in Section 2.0 shall be, and any other division of land may be, surveyed and a Plat thereof approved and recorded pursuant to the provisions of Section 6.0 of this Ordinance and Chapter 236 of the Wisconsin Statutes.
2. **Minor Subdivision:** Any division of land within the unincorporated lands of the County that results in a minor subdivision as defined in Section 2.0 shall be, and any other division of land may be, surveyed and a Certified Survey Map thereof approved and recorded pursuant to the provisions of Section 7.0 of this Ordinance and Chapter 236 of the Wisconsin Statutes.
3. **Condominiums:** It is the ~~e~~Express ~~i~~Intent of this Ordinance to regulate condominiums having one or more principal structures on any parcel. This does not apply to condominium conversions of existing structures where no additional units are being created unless the parcel(s) contain areas regulated by the Waupaca County Shoreland Zoning Ordinance. In no case shall the maximum number of units in a condominium exceed the maximum number of lots the same parcel could have accommodated under the County Zoning Ordinance if the parcel had been conventionally divided.
4. In no instance shall the provisions of this Ordinance apply to:
  - (a) **Transfers of Interests** in land by will or pursuant to court order.
  - (b) **Leases** for a term not to exceed ~~10~~ten years, mortgages, or easements.
  - (c) **Sale or Exchange** of parcels of land between owners of adjoining property if additional lots are not thereby created. ~~except~~ A certified survey map plat of survey must be approved and recorded for such exchanges for the purpose of verifying that additional lots are not thereby created and that the ~~and the~~ resultant lots are not reduced below the minimum sizes required by these regulations, the County Zoning Ordinance, or other applicable laws or ordinances.
  - (d) **Cemetery Plats** pursuant to Section 157.07 of the Wisconsin Statutes.
  - (e) **Assessor's Plats** pursuant to Section 70.27 of the Wisconsin Statutes.
  - (f) ~~Conversion of the form of ownership of existing building into condominiums.~~
  - (g) **Division** of lots each of which is ~~40~~forty acres or greater in area.
  - (h) **Divisions** of land relating to the acquisition or exchange of land by public agencies, for public use and occupancy, including, but not limited to, land divisions made for road construction purposes.

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### 9.033.03 Compliance

No subdivider shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, minor subdivision, replat, or condominium as defined herein; no such subdivision, minor subdivision, replat, or condominium shall be entitled to recording; and no street shall be laid or public improvement made without compliance with all requirements of this Ordinance and all other pertinent ordinances, regulations, resolutions, or plans which are adopted by the County and the following:

1. Duly Approved Regional and County Comprehensive Plans, or approved plan components including ~~but not limited to, the following:~~the
  - a. Waupaca County Zoning Ordinance,
  - b. ~~and Waupaca~~ County Sanitary Ordinance,
  - c. Waupaca County Comprehensive Plan,
  - d. Waupaca County Bicycle and Pedestrian Plan,
2. Applicable Local Plans and Ordinances,
3. Provisions of Chapter 236, Wisconsin Statutes,
4. Provisions of Chapter 703, Wisconsin Statutes for all proposed condominiums.

~~Rules of the Wisconsin Department of Commerce regulating lot size and lot elevation necessary for proper sanitary conditions if any lot or unit is not served by a public sewer and provisions for such service have not been made.~~

5. Rules of the Wisconsin Department of Transportation relating to provision for the safety of entrance upon and departure from State trunk highways or connecting highways and ~~for~~relating to the preservation of the public interest and investment in such highways.
6. Rules of the Wisconsin Department of Natural Resources setting water quality standards preventing and abating pollution, and regulating development within floodplain, wetland, and shoreland areas.

### 9.043.04 Land Suitability

No land shall be subdivided which is held unsuitable for any proposed use by the County Planning ~~and Zoning~~ Administrator~~s~~ and/or County Planning and Zoning 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 County Planning ~~and Zoning~~ Administrator~~s~~ in applying the provisions of this Ordinance shall in writing cite the particular facts upon which ~~it~~they bases ~~its~~their conclusion that the land is not suitable for the proposed use, and shall afford the subdivider an opportunity to present evidence regarding such suitability at a public hearing. Thereafter, the County ~~Planning Administrator~~Planning and Zoning Committee may affirm, modify, or withdraw its determination of unsuitability. In addition:

1. ~~1.~~ **Floodlandsplains:** Subdivided lots shall have at least fifty percent ~~(50%)~~ of the minimum required lot area, ~~(based upon the respective zoning district),~~ or one half ~~(1/2)~~ acre, ~~(whichever is less,)~~ located outside of the Special Flood Hazard Area inundated by the 100-year flood as shown on the latest FEMA Flood Insurance Rate

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Maps (FIRM) unless proven to be above the 100-year flood elevation through a flood elevation study prepared by a licensed engineer and/or surveyor.

2. **Wetlands.** Subdivided lots shall have at least ~~fifty~~ (50%) of the minimum lot area, ~~(based upon the respective zoning district, or one half acre, whichever is less,)~~ located outside of a wetland as depicted on the **most precise** Wisconsin Department of Natural Resources mapping or a wetland delineation completed by a qualified professional Wetland ~~Delineator~~**Biologist**.

### **9.053.05 Dedication and Reservations of Land**

1. **Whenever a Tract of Land** proposed to be a subdivision, minor subdivision, or condominium development embraces all or any part of a street, drainageway, or other public way which has been designated in the adopted **Regional and County Comprehensive Plans**, or adopted plan components, said public way shall be made a part of the Plat or Certified Survey Map and dedicated by the subdivider in the locations and dimensions indicated on said plan. For existing and planned streets within the tract to be divided, the subdivider shall dedicate the right-of-way specified within Section 8.03(1).
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 plans, or adopted plan components is embraced, all or in part, such proposed public lands shall be made a part of the Plat or Certified Survey Map and shall either be dedicated to the public or be reserved for acquisition at the undeveloped land costs, for a period not to exceed three (~~3~~) years from the date of recordation unless extended by mutual agreement between the subdivider and the public agency having jurisdiction. If the reserved land is not acquired by said public agency within the above time limit, the land shall be released to the owner.
3. **All Public Access** to the low watermark of navigable lakes and streams required by Section 236.16(3), Wisconsin Statutes shall be at least 100 feet wide to provide sufficient areas for turning movements and parking with topographical features acceptable to the County Planning and Zoning Committee.
4. **The Lands Lying Between the Meander Line** established in accordance with Section 236.20(2)(g), Wisconsin Statutes, and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision, minor subdivision, or condominium development and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided, but also to all lands under option to the subdivider or in which he holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream as provided in Section 236.16(4), Wisconsin Statutes.

### **9.063.06 Development Agreement**

The subdivider shall not install any streets or other improvements required by the Town until the Final Plat has been approved by the County Planning and Zoning Committee. Before recording the Final Plat with the County Register of Deeds, the subdivider is

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encouraged to enter into a development agreement with the Town agreeing to install all required improvements and shall file with said development agreement a surety bond or other satisfactory security meeting the approval of the Town Attorney as a guarantee that such improvements will be completed by the subdivider or his subcontractors within the time limit established by the Town Board. In order that adequate inspections can be made, the subdivider shall notify the Town Board one week prior to the time each improvement is to be installed and upon completion of the project.

### **9.073.07 Variances**

~~In any particular case where the subdivider can show that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of this Ordinance would cause practical difficulty or exceptional and undue hardship, the County Board of Adjustment 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 Ordinance or the desirable general development of the County. A majority vote of the entire membership of the County Board of Adjustment shall be required to grant any modification to these regulations, and any modification thus granted shall be entered in the minutes of the Board setting forth the reasons, which in the opinion of the Board, justified the modification. The County Board of Adjustment shall hear and decide all variance applications using the procedures established in Section 14.04 of the Waupaca County Zoning Ordinance using the following criteria:~~

- ~~— The granting of the variance will not be detrimental to the public safety, health, welfare or injurious to other properties.~~
- ~~1. The conditions upon which the request is based are unique to the property for which the variance is sought and not applicable generally to other property.~~
  - ~~2. Because of the physical surroundings, shape or topographical conditions of the property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of these regulations is carried out.~~
  - ~~3. Loss of profit or financial hardship is not in and of itself grounds for a variance. The fact that developing in compliance with ordinance requirements may cost considerably more does not constitute a hardship.~~
  - ~~4. The variance will not in any manner vary the provision of other County ordinances and is consistent with the County and local comprehensive plans. Granting of a variance must neither harm the public interest nor undermine the purposes of this Ordinance. In granting a variance, the Board may attach special conditions to ensure that the public welfare will not be damaged. Such conditions must relate reasonable to the purpose and intent of the ordinance. Also, any variance granted should include on the minimum relief necessary to allow reasonable use of the property.~~

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### 9.083.08 Violations

1. No subdivider or agent of any parcel of land located in a proposed subdivision or land division shall transfer, build upon, divide, convey, record, or officially monument such parcel before a plat of such subdivision or **Certified Survey Map** has been approved by Waupaca County, as designated, in accordance with this Ordinance, and has been recorded with the Register of Deeds for Waupaca County, Wisconsin.
2. No person, firm, or corporation shall be issued a County **Land Use Permit** and/or a Town **Building Permit** authorizing the building on or improvement of any subdivision, minor subdivision, replat, or condominium development within the jurisdiction of this Ordinance and not of record as of the effective date of this Ordinance until the provision and requirements of this Ordinance have been fully met.
3. The County may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes.

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### 9.093.09 Penalties

Any person, firm, or corporation that fails to comply with the provisions of this Ordinance shall upon conviction thereof forfeit not less than \$100 nor more than \$1,000 and the cost of prosecution for each violation; and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof for a period not to exceed six months. Each day a violation exists or continues shall constitute a separate offense.

1. **Recordation** improperly made has penalties provided in Section 236.30, Wisconsin Statutes.
2. **Conveyance** of lots in unrecorded plats has penalties as provided for in Section 236.31, Wisconsin Statutes.
3. **Monuments** disturbed or not placed have penalties as provided for in Section 236.32, Wisconsin Statutes.
4. **Assessor's Plat** made under Section 70.27, Wisconsin Statutes, may be ordered by the County when a subdivision is created by successive divisions.

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### 9.103.10 Appeals and Modifications of Regulations

1. ~~Any person that believes an error in any order, requirement, or determination was made with regard to this Ordinance shall follow the appeals process as described in Section 14.04 of the Waupaca County Zoning Ordinance. 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)(e), Wisconsin Statutes. When the County Board of Adjustment finds through majority vote that extraordinary hardship or injustice will result from strict compliance with this ordinance, the terms may vary to the extent deemed necessary and proper to grant relief, provided the modification meets the following standards:~~

~~(a) The modification is due to the physical features of the site or its location.~~

~~(b) The modification is the least deviation from this ordinance which will mitigate the hardship.~~

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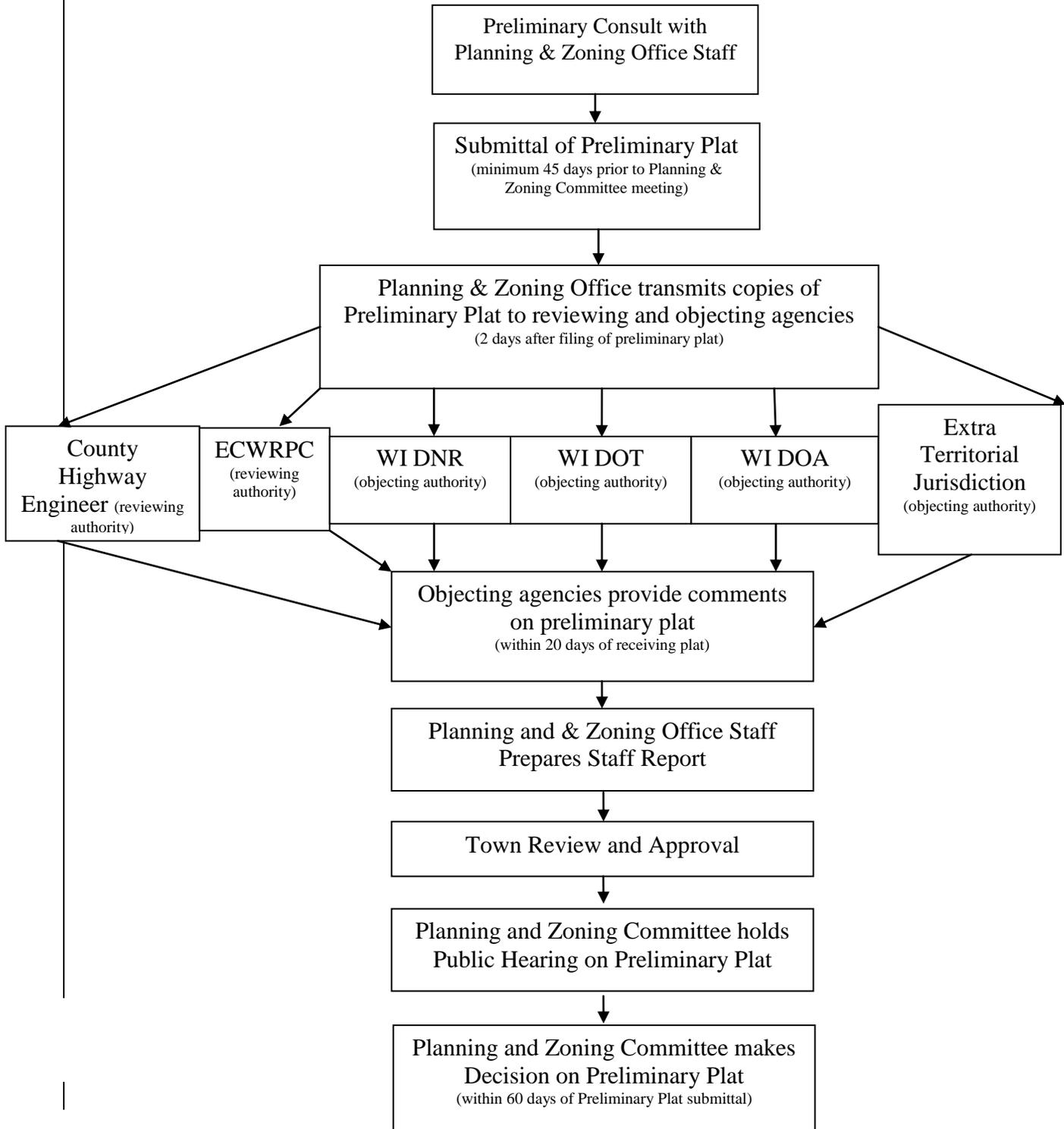
- ~~\_\_\_\_\_ (c) The modification is not detrimental to the public interest in keeping with the general spirit and intent of this ordinance.~~
- ~~\_\_\_\_\_ (d) The requirement of filing and recording the plat or survey shall not be waived.~~

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## 4.0 Procedure

**Figure 4.0: PRELIMINARY PLAT APPROVAL PROCESS**

**(if not using alternate procedure)**



## 10.014.01 Preliminary Consultation

1. Before filing an application for approval of a Preliminary Plat or land division ~~for approval~~, the subdivider should consult the County Planning ~~Committee and Zoning Office staff~~ Administrators for advice and assistance. This step is strongly recommended, and a sketch plan of the proposed subdivision should be provided for preliminary consultation.
2. The intent of the preliminary consultation is to allow for the subdivider to become familiar with the submittal requirements of this Ordinance, adopted Regional and County Comprehensive Plans, or adopted plan components, and duly adopted plan implementation ordinances of the County and to otherwise assist the subdivider in planning his development. In so doing, the subdivider will gain a better understanding of the subsequent required procedures. Additionally, it is intended that both the subdivider and the planning staff may reach mutual conclusions regarding the proposed subdivision prior to the expenditure of significant engineering and surveying resources.
3. A sketch plan of the proposed subdivision or land division and contiguous land within 200 feet of the proposed borders drawn on a topographic survey map should be submitted. The sketch plan should identify property boundaries, proposed roads, total acreage of plat, number of proposed lots, and general lot layout showing proposed lot widths and depths in accordance with relative zoning regulations; and any proposed dedications or easements; slopes exceeding twelve percent (~~12%~~); general conditions, including wetlands, floodplains, erosion hazard areas, drainageways, rock outcroppings, and vegetation; proposed filling, grading, lagooning, or dredging, existing and proposed zoning; and a sketch of all contiguous property owned or controlled by the subdivider.
4. Within ~~20~~ twenty days following the submittal of a complete sketch plan, the Planning and Zoning Administrators Office shall provide written comments informing the subdivider of any comments, concerns and/or suggestions regarding the plan. The comments provided by Planning and Zoning Office staff Administrators shall not be binding upon the subdivider except for items related to the requirements of this Ordinance and other applicable laws. Consultation with County Planning ~~and Zoning~~ Committee: At the discretion of the County ~~Planning Administrator~~ Planning and Zoning Administrators, the sketch plan may, depending on conditions, need additional review with the County Planning ~~and Zoning~~ Committee prior to preliminary plat or land division submittal. If so directed by the County ~~Planning Administrator~~ Planning and Zoning Administrators, the subdivider shall file a request for a consultation with the County Planning ~~and Zoning~~ Committee. This request must be filed at least ~~15~~ fifteen days prior to the County Planning ~~and Zoning~~ Committee meeting at which it will be discussed. Within two days after receiving such a request, the County ~~Planning Administrator~~ Planning and Zoning Administrators shall notify the subdivider and the applicable Town Clerk of the date, time and place of this meeting. The subdivider shall then provide eight (~~8~~) copies of the sketch plan with six (~~6~~) copies ~~to be provided~~ to the County Planning ~~and Zoning~~ Committee and two (~~2~~) copies to the applicable Town Clerk.

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## **10.024.02 Preliminary Plat Review**

Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat in accordance with Section 5.0 of this Ordinance. The subdivider shall file the required number of copies of the Preliminary Plat as outlined in Section 4.02(4) and a letter of application with the County Planning and Zoning Administrators -at least ~~4525~~forty-five days prior to the meeting of the County Planning and Zoning Committee at which action is desired. The letter of application must indicate that copies of the plat are on file with the utility companies having jurisdiction over the subject area so that adequate provisions can be made by the utility companies to serve the proposed subdivision. Submittal shall be in accordance with the following:

1. **Area Development Plan (ADP):** Any preliminary plat application for a proposed subdivision located within a City or Village Primary or Secondary Growth Area as identified in the local Comprehensive Plan or within 1,320 feet of a municipal or sanitary district boundary shall include an Area Development Plan.
2. The process by which the ADP is developed shall be facilitated by the County, but determined by the Town and the adjacent Village or City.
3. The format, study area, and information included in the ADP shall be determined by the Town and the adjacent Village or City, but at a minimum **it shall** include existing and proposed:
  - (a) Property lines and lots.
  - (b) Roads and bicycle/pedestrian routes.
  - (c) Land uses.
  - (d) Natural features and environmentally sensitive areas.
  - (e) Utilities and community facilities.
4. **County Planning and Zoning Administrators** shall, within two days after filing, transmit copies of the Plat to the following agencies:
  - (a) **Six (6) copies** to the County Planning and Zoning Committee (approving authority).
  - (b) **One (1) copy** of all plats abutting or adjoining county roads shall be submitted ~~by the Administrator~~ to the County ~~Surveyor~~/Highway Engineer (advisory authority) for review and recommendations with regard to access safety and design standards set forth in this Code.
  - (c) **Two (2) copies** to the applicable Town Clerk (approving authority).
  - (d) **Two (2) copies** to the clerk of an adjoining city or village (objecting authority) if the subdivision lies within the extra-territorial plat approval jurisdiction of the city or village.
  - (e) **Two (2) copies** to the Wisconsin Department of Administration (objecting authority).
  - (f) **Two (2) copies** to the Wisconsin Department of Transportation (objecting authority), if the subdivision abuts or adjoins a State trunk highway or connecting street.
  - (g) ~~Two (2) copies to the Department of Commerce (objecting authority), if the subdivision is not served by a public sewer and provision for such service has not been made.~~

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- (h) **Two (2) copies** to the Wisconsin Department of Natural Resources (~~objecting advisory~~ authority), if the subdivision is within the Shoreland Jurisdictional Area.
  - (i) **One (1) copy** to the East Central Wisconsin Regional Planning Commission, who shall serve as a reviewing agency and shall make recommendations to the Waupaca County Planning and Zoning Committee. For the purposes of this chapter, this reviewing agency shall have the same time limits as the objecting agencies.
5. **Alternate Procedure:** In accordance with Section 236.12(6) of the Wisconsin Statutes, the subdivider or his agent may submit the original drawing of the Preliminary Plat directly to the Wisconsin Department of Administration who will prepare and forward copies of the original Plat to each of the State agencies required to review it. When this procedure is used it shall be the responsibility of the subdivider or his agent to submit copies of the Plat to the approving agencies as specified in Section 4.02(4) of this Ordinance.

### **10.034.03 Preliminary Plat Approval**

The objecting agencies, ~~shall~~, within ~~20~~twenty days of the date of receiving their copies of the Preliminary Plat, ~~shall~~ notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, ~~they~~the objecting agencies shall so certify on the face of a copy of the Plat and shall return that copy to the County Planning and Zoning Committee. If an objecting agency fails to act within ~~20~~twenty days, it shall be deemed to have no objections to the Plat. However, when the Plat is submitted under the alternate procedure listed in Section 4.02(5), the Plat Review Program, Wisconsin Department of Administration shall have ~~30~~thirty days in which to object to the Plat.

1. **The County Planning and Zoning Administrators** shall inform the applicable Town Clerk not less than ~~20~~twenty days in advance of the date, time and place of the County Planning and Zoning Committee meeting at which the Plat will be reviewed. Upon completion of the application, review requirements, and required public notice as specified in Section 14 of the Waupaca County Zoning Ordinance, any interested person may submit written comments to the Planning and Zoning Administrators Office regarding that application. Written comments received by the Administrators Office shall be forwarded to the Planning and Zoning Committee along with a Staff Report analyzing the proposed land division and the recommendation of other agencies.
2. **The County Planning and Zoning Committee** shall review the Plat for conformance with this Ordinance and all other ordinances, rules, regulations and adopted ~~Regional and County Comprehensive Plans~~ or adopted plan components which affect the Plat, as outlined in Section 3.03 of this Ordinance.
3. **The County Planning and Zoning Committee** within ~~60~~sixty days of the date of filing of a complete Preliminary Plat with the County Planning and Zoning Administrators shall approve, approve conditionally, or reject such Plat unless the time is extended by agreement with the subdivider. One copy of the Plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejections shall accompany the Plat. One copy of the

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Plat and letter shall be placed in the County Planning and Zoning Committee's permanent file.

4. **Failure** of the County Planning and Zoning Committee to act within ~~69~~sixty days of the filing date shall constitute an approval unless the time is extended by agreement with the subdivider.
5. **Approval or Conditional Approval of a Preliminary Plat** shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within ~~36~~sixty-six months of Preliminary Plat Approval and conforms substantially to the Preliminary Plat layout as indicated in Section 236.11(1)(b), Wisconsin Statutes, the Final Plat shall be entitled to approval with respect to such layout.

#### **10.044.04 Final Plat Review**

The subdivider shall prepare a Final Plat in accordance with Section 6.0 of this Ordinance and shall file the required number of copies of the Final Plat as outlined in Section 4.02(4) and a letter of application with the County Planning and Zoning Administrators at least ~~42~~forty-five days prior to the meeting of the County Planning and Zoning Committee at which action is desired. In addition to the required paper copies, an electronic submittal of the Final Plat in original format to the County is encouraged. ~~The~~ Planning and Zoning Administrators ~~Committee~~ staff shall examine the final plat and all necessary certificates as to its conformance with the approved preliminary plat, including any conditions of approval of the preliminary plat and all applicable county ordinances, rules, regulations, and adopted County comprehensive plans or adopted plan components that may affect the plat.

1. **The County Planning and Zoning Administrators:** shall, within two (~~2~~) days after filing, transmit copies of the Plat to the agencies identified in Section 4.02(4) of this Ordinance which are required to review the Plat.
2. **Alternate Procedure:** The subdivider or his agent may submit the original drawing of the Final Plat directly to the Wisconsin Department of Administration as provided in Section 4.02 (5) of this Ordinance.
3. **Partial Platting:** The Final Plat ~~may~~, if permitted by the County Planning and ~~Committee~~Zoning Committee, ~~may~~ constitute only that portion of the approved Preliminary Plat which the subdivider proposes to record at that time.

#### **10.054.05 Final Plat Approval**

The objecting agencies ~~shall~~, within ~~20~~twenty days of the date of receiving their copies of the Final Plat, ~~shall~~ notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, ~~they~~the objecting parties shall so certify on the face of a copy of the Plat and shall return that copy to the County Planning and Zoning Committee. If an objecting agency fails to act within ~~20~~twenty days, it shall be deemed to have no objection to the Plat. However, when the Plat is submitted under the alternate procedure listed in Section 4.04(2), the Wisconsin Department of Administration shall have 30 days in which to object to the Plat.

1. **The County Planning and Zoning Administrators** shall inform the applicable Town Clerk not less than ~~20~~twenty days in advance of the date, time and place of

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the County Planning and Zoning Committee meeting at which the Plat will be reviewed.

2. **The County Planning and Zoning Committee** shall examine the Final Plat as to its conformance with the approved Preliminary Plat; any conditions of approval of the Preliminary Plat; this Ordinance and all ordinances, rules, regulations and adopted Regional and County Comprehensive Plans or adopted plan components which may affect the Plat.
3. **The County Planning and Zoning Committee** shall, within 60 days of the date of filing of the Final Plat with the County Planning and Zoning Administrators, shall approve, approve conditionally or reject the Plat unless the time is extended by agreement with the subdivider. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting, and a written statement of the reasons forwarded to the subdivider. If the Plat is approved, the County Planning and Zoning Committee shall not inscribe its approval on the face of the original Final Plat until the County Planning and Zoning Administrators certifies on the face of the original Final Plat that copies were forwarded as required by Section 4.04(2) of this Ordinance, the date thereof, and that no objections have been filed within ~~20~~twenty days or, if filed, have been satisfied. If the Plat was submitted under the alternate procedure outlined in Section 4.04(2) of this Ordinance, certification of no objections on the face of the Final Plat shall be signed by the Wisconsin Department of Administration rather than the County ~~Planning Administrator~~ Planning and Zoning Administrators.
4. **Failure of the County Planning and Zoning Committee** to act within 60 days, the time having not been extended and no unsatisfied objections having been filed, the Plat shall be deemed approved.

#### **10.064.06 Recordation**

After the Final Plat has been approved by the County Planning and Zoning Committee, the Town Board and any other approving agencies, the subdivider shall record the Plat with the County Register of Deeds in accordance with Section 236.25 of the Wisconsin Statutes. If the subdivider fails to record the final plat within ~~12~~twelve months of final approval and ~~36~~thirty-six months of preliminary approval, the Planning and Zoning Committee's approval will lapse, in which case the final plat approval process must be repeated prior to recording of the final plat.

#### **10.074.07 Replat**

When a replat of a recorded subdivision or part thereof is proposed so the boundaries are to be changed and/or areas to be dedicated to the public are to be altered, the subdivider shall initiate action to vacate or alter the recorded plat as provided by Wis. Stat. §§ 236.36 through 236.44. Both the title of the replat and the title of the original plat shall appear in the surveyor's certification. The subdivider, or person desiring to replat, shall then proceed as specified in Sections 4.01 through 4.06 of this Ordinance.

1. **The County Planning and Zoning Administrators** shall schedule a public hearing before the County Planning and Zoning Committee when a Preliminary Plat of a replat of lands within the County's jurisdiction is filed, and shall cause notices of the proposed Replat and public hearing to be mailed to the owners of all properties

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within the limits of the exterior boundaries of the proposed Replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed Replat.

2. **The Subdivider** shall furnish the names of all property owners within 200 feet of the exterior boundaries of the proposed Replat to the County Planning and Zoning Administratorss. Such names shall be obtained from the approved County tax roll.

#### **10.084.08 Condominium Plats**

A Condominium Plat prepared by a land surveyor registered in Wisconsin is required for all Condominium Plats or any amendments or expansions thereof. Such plat shall comply in all respects with the requirements of Section 703.11 of the Wisconsin Statutes, ~~and shall be reviewed and approved or denied in the same manner as a subdivision plat as set forth in Sections 4.01 through 4.06 of this Ordinance. Such plat shall comply with the design standards, improvements, and all other requirements of this Ordinance that would otherwise apply to subdivision plats, including, but not limited to, those set forth in Sections 8.00 and 9.00 of this Ordinance.~~ Condominium plats shall be submitted to the Planning and Zoning AdministratorsOffice to ensure compliance with this Ordinance as well as with the Waupaca County Zoning Ordinance.

1. **Zoning.** Land divided for the establishment of a condominium plat shall meet the requirements of the Waupaca County Zoning Ordinance or the applicable Town Zoning Ordinance in independently zoned towns.
2. **Submittal.** A condominium plat shall be submitted to the Waupaca County Planning and Zoning AdministratorsOffice for review and approval pursuant to Section 703.115 of the Wisconsin Statutes.
3. **Units.** All units shall be fully described as provided within Section 703.12 of the Wisconsin Statutes. Units within multi-unit or multi-story structures shall be shown and described on the plat.
4. **Approval.** As a condition of approval of a condominium plat, the County shall consider all provisions outline in Section 703.115 prior to granting approval for the recording of the instruments specified. The County shall have 10 working days after submission for its review. If the review is not completed within 10 working days, the instrument is approved for recording.

#### **4.09 Retracement Surveys**

A certified survey map may be used to identify and locate existing parcels of record. The retracement certified survey map must meet the following requirements:

1. The map shall be prepared in accordance with Section 236.34, Wisconsin Statutes, and shall comply with the surveying and mapping requirements of this ordinance.
2. The map shall be headed "CERTIFIED SURVEY MAP" and sub-headed "RETRACEMENT OF LANDS DESCRIBED IN [list previously recorded documents]."
3. The surveyor's certificate shall include the following statement, "This certified survey map is not a division of property, but solely a retracement and

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depiction of the land boundaries recorded in [list recorded documents from Waupaca County records].”

4. The map shall not create additional lots.
5. The requirements of Section 10.01 Survey Monuments shall apply to all retracement certified survey maps.
6. The certified survey map shall depict all existing improvements.
7. Review and Approval. The subdivider shall submit the necessary copies of the retracement certified survey map to the Waupaca County Planning and Zoning ~~Administrators~~Office. The Waupaca County ~~Planning Administrator~~Planning and Zoning Administrators shall have objecting authority in the certified survey map approval process.
8. The Waupaca County Planning and Zoning ~~Administrators~~Office shall review the certified survey map for conformance with Section 236 of the Wisconsin Statutes, Chapter A-E 7 of the Wisconsin Administrative Code, and other pertinent regulations affecting the certified survey map. Within fourteen (14) days of submittal, the Waupaca County Planning and Zoning ~~Administrators~~Office shall approve, conditionally approve, or reject the certified survey map. The subdivider shall be notified in writing of any conditions of approval or the reasons for rejection. In the event of rejection or conditional approval, the subdivider may appeal the decision to the Planning and Zoning Committee.
9. The retracement certified survey map shall be filed for recording with the Waupaca County Register of Deeds within thirty (30) days of the date of the certified survey map’s approval and shall include the signed certificates of the surveyor, property owner, and the Waupaca County Planning and Zoning ~~Administrators~~Office.
10. This Section is created to provide for the use of a certified survey map to show the boundaries of an existing parcel and to establish a convenient legal description of record for title, conveyance, etc.

#### **10.094.10 Minor Subdivision**

When it is proposed to divide land into not more than four (4) parcels or building sites (inclusive of the original remnant parcel), any one of which is ~~twenty-fourty (420)~~ acres or less in size; or the division of a block, lot or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites, (inclusive of the original remnant parcel), without changing the exterior boundaries of said block or outlot, the subdivider shall subdivide by use of a Certified Survey Map prepared in accordance with Section 7.0 of this Ordinance and shall file six (6) copies of the Map and letter of application with the County Planning ~~and Zoning Office~~ Administrators ~~at least 25 days prior to the meeting of the County Planning Committee at which action is desired.~~ In addition to the required paper copies, an electronic submittal of the Final Plat in original format to the County is encouraged.

- ~~1. The County Planning Administrator shall, within two days after filing, transmit two copies of the Map to the applicable Town Clerk for review. Any recommendations these agencies wish to make shall be submitted to the County Planning Administrator within 65 days of receipt of the Map.~~

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2. **County Review:** ~~The County Planning Administrator~~Planning and Zoning Administrators or their designee shall review the Map for conformance with this Ordinance and all ordinances, accuracy standards as set forth in Chapter 236 of the Wisconsin Statutes, rules, regulations and adopted Regional and County Comprehensive Plans or adopted plan components which affect ~~the map~~. The County Planning and Zoning Administrators shall, within ~~45~~90 ~~forty-five~~ days from the date of filing of the Map, approve, approve conditionally, or reject the Map unless continued by agreement with the subdivider. If the Map is rejected, the reason shall be provided in writing to the subdivider. If the Map is approved, the County Planning and Zoning Administrators shall so certify on the face of the original Map and return the Map to the subdivider. At the discretion of the County Planning and Zoning Administrators, the Map may, depending on conditions, need additional review with the County Planning and Zoning Committee. If so directed by the County Planning and Zoning Administrators, the County Planning and Zoning Committee shall review the map in accordance with and within the timeline established in this section. If the map is rejected by the County Planning and Zoning Committee, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider.
3. **Town Board Approval:** The Town Board shall also approve the Certified Survey Map ~~regardless of the inclusion of public improvements~~.
4. **Recordation:** The subdivider shall record the Map with the County Register of Deeds within ~~six months~~30 days of its approval by the County Planning and Zoning Administrators or County Planning and Zoning Committee. Failure to do so will necessitate re-approval of the Map by the County Planning and Zoning Administrators or County Planning and Zoning Committee.

### 3.0 Preliminary Plat

#### 11.045.01 General Requirements

A Preliminary Plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor, and the Plat shall be 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. The words “**Preliminary Plat**” clearly marked.
2. **Title** under which the proposed subdivision is to be recorded.
3. **Legal Description and General** location of proposed subdivision and relative location to a nearby municipality.
4. **Date, Scale and North Arrow.**
5. **Names and Addresses** of the owner, subdivider and land surveyor preparing the plat.
6. **Small Scale Drawing** of the section or region in which the subdivision lies with the location of the subdivision indicated thereon.
7. **Entire Area** contiguous to the proposed plat owned or controlled by the subdivider shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. ~~The~~ County Planning and Zoning Administrators Committee may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and undue hardship would result from strict application thereof.
8. Description of the boundary of the proposed land division shown by the previously recorded deed.
9. **Approximate Length and Bearing** of the exterior boundaries of the proposed subdivision referenced to a two corners established in the U.S. Public Land Survey and the total acreage encompassed thereby.
10. **Topographic Features including contours** at vertical intervals of not more than two feet where the slope of the ground surface is less than ~~12~~twelve percent and of not more than five feet where the slope of the ground surface is ~~12~~twelve percent or more. Areas with slopes greater than 12 percent shall be noted. Elevations shall be marked on such contours based on mean sea level datum or where, in the ~~judgement~~judgment of the County Planning and Zoning Committee, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
11. **Water Elevations and Locations** of all lakes, ponds, rivers, streams, watercourses and drainage ditches at the date of the survey, and approximate high and low water elevation, all referred to the same datum used for the contours.
12. **Location, Right-of-Way Width and Names** of all existing and proposed streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
13. **Location and Names of Any Adjacent Subdivisions**, parks, schools and cemeteries, and owners of record of abutting unplatted lands.

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14. **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.
15. **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 direction and distance from the tract, size and invert elevations.
16. **Location of Proposed power, sewer and water improvement and easements.**  
Existing water well locations and associated well setback areas shall be shown on the map.
17. **Existing Zoning and Proposed Use** on and adjacent to the proposed subdivision.
18. **Corporate Limits Lines** within 100 feet of the exterior boundaries of the plat.
19. **Locations of All Existing Property Boundary Lines**, structures, drives, paved areas, pathways, wells, existing onsite sewage treatment or disposal facilities, wetlands, floodplains, seasonally wet areas, rock outcrops, wooded areas, railroad tracks and other similar significant features within the plat or immediately adjacent thereto.
20. **Approximate Dimensions and Area of All Lots** together with proposed lot and block numbers.
21. **Location, Approximate Dimensions, and Area** of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, or other public use, or which are to be used for multi-family housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.
22. **Location, Approximate Dimensions, and Area** of any proposed common area or facilities.
23. **Approximate Radii** of all curves.
24. **Any Proposed Lake and Stream Access** with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
25. **Any Proposed Lake and Stream Improvement** or relocation, and proposed filling, grading, lagooning and dredging and notice of application for Division of Resource Development, Department of Natural Resources approval when applicable.
26. **The statement**, “Please refer to the Waupaca County Density Management Tracking System maintained by the Waupaca County Zoning Department (811 Harding Street, Waupaca, WI) for current information on available residential development rights on this/these parcels.” .
27. **Description of Permanent Stormwater Management and construction erosion control measures prepared in conformance with NR 151.**
28. **Any Additional Information** as requested by the County Planning and Zoning Office Administrators or the County Planning and Zoning Committee.
29. **Phasing Plan, if the land division is to be developed in phases, the preliminary plat shall generally outline such phases. Such identification of phases shall not preclude the subdivider from modifying the phases following preliminary land division approval pursuant to the procedures set forth in this Ordinance.**

### **11.025.02 Street Plans and Profiles**

The subdivider 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 and Administrators, and all elevation, plans and profiles shall meet their approval ~~of same~~ Administrator.

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### **11.035.03 Testing**

In order to determine the suitability of specific areas for the construction of buildings, roadways, and onsite sewage treatment and disposal systems, the County Planning and Zoning Administrators may require that borings and soundings be made in designated areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table. Where the subdivision will not be served by public sanitary sewer service, it shall be in compliance with the provisions of Chapters ~~Comm 83 and 85~~ SPS 383 and 385, Wisconsin Administrative Code and the Waupaca County Sanitary Ordinance ~~shall be complied with~~; and the appropriate data shall be submitted with the Preliminary Plat.

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### **11.045.04 Covenants**

The County Planning and Zoning Committee may require submission of a draft of homeowner or condominium owner declarations or protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

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### **11.055.05 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 the Plat has fully complied with the provisions of this Ordinance.

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## 4.0 Final Plat

### **12.046.01 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 Section 236.20, Wisconsin Statutes. The Final Plat shall show correctly on its face, in addition to the information required by Section 236.20, Wisconsin Statutes, the following:

1. **Exact street width** along the line of any obliquely intersecting street.
2. **Setbacks** or building lines when deemed necessary by the County Planning and Zoning Committee or a plat note stating, "For building setback information contact the Waupaca County Planning and Zoning Office." (See Section 8.07 of this Ordinance.)
3. **Floodway and floodplain boundaries** where applicable.
4. **All land 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.
5. **Special restrictions** required by any approving or objecting agency relating to access control along public ways or to the provision of planting strips.
6. **The statement**, "Please refer to the Waupaca County Density Management Tracking System maintained by the Waupaca County Zoning Department (811 Harding Street, Waupaca, WI) for current information on available residential development rights on this/these parcels."

~~Any additional information as requested by the County Planning and Zoning Committee.~~

7. **Owner's Certificate**, prepared in conformance with Section 236 of the Wisconsin Statutes.
8. **Dedications** of land to the public or to the lot owners shall be clearly indicated on the face of the final plat for drainage ways, road right-of-ways, fire protection facilities, recreation and open space areas, and school sites.
9. **Signature block** for the County ~~Planning and Zoning Administrator(s) Planner~~ and statement as follows, "This final land division is consistent with preliminary approval, all conditions imposed thereof have been met, and the land division conforms to all applicable Waupaca County land use controls."
10. **Signature block** for the Chair of the local municipality and statement as follows. "This final land division conforms to all applicable Town land use controls."
11. **Signature block** for the agency of legal jurisdiction verifying that all new improvements have been constructed in conformance with plans and specifications approved by the legal jurisdiction, if the land division includes any lands dedicated for public use.
12. **Signature block** for the Chair of the Waupaca County Planning and Zoning Committee.
13. **Signature block** for the County Treasurer and the following statement; "All taxes and special assessments for which the land within the land division may be liable have been duly paid."

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14. Allocation of residential development rights, indicated by the the subdivider shall indicate on the face of the ~~Certified Survey Map~~ Subdivision Plat as to how many residential development rights are assigned to each parcel.

15. Any additional information as requested by the County Planning and Zoning Committee.

**12.026.02 Deed Restrictions**

Any deed restrictions attached to the subdivision shall be filed with, or placed on the face of the Final Plat.

**12.036.03 Surveying and Monumenting**

All Final Plats shall meet all the surveying and monumenting requirements of Section 236.15, Wisconsin Statutes.

**12.046.04 Coordinate System**

Where the Plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated, the Plat shall be tied directly to two of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin State Plane or Waupaca County Coordinates of the monument marking the relocated section or quarter corner to which the Plat is tied shall be indicated on the Plat. All distances and bearings shall be referenced to either the Wisconsin State Plane Coordinate System or the Waupaca County Coordinate System. Use of the Waupaca County Coordinate System is encouraged. If the Plat provides county monument coordinates, then these shall be accurate to four (4) decimal places.

**12.056.05 Certificates**

All Final Plats shall provide all the certificates required by Section 236.21, Wisconsin Statutes; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this Ordinance.

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## 5.0 Certified Survey Map

### ~~(a)~~ **7.01 General Requirements**

A Certified Survey Map prepared by a registered land surveyor shall be required for all minor subdivisions. It shall comply in all respects with the requirements of Section 236.34, Wisconsin Statutes. **In addition to the information required in Section 236.34, Wisconsin Statutes,** the Map shall show correctly on its face, ~~in addition to the information required by Section 236.34, Wisconsin Statutes,~~ the following:

1. **Date, Scale, and North Arrow.**
2. **Name and Address** of the owner, subdivider and the surveyor, including his registration number.
3. **Size of the parcels** being created in square feet.
4. **Floodplain,** shoreland, or wetland boundaries.
5. **All Existing Structures,** paved areas, watercourses, drainage ditches, easements, and other similar significant features pertinent to proper land division.
6. **Setbacks or Building Lines** from public rights-of-way or shorelines as provided in the County Zoning Ordinance or the following plat note shall be depicted on the Certified Survey map, “For building setbacks, contact the Waupaca County Planning and Zoning Office.”
7. **All Land Reserved** for dedication or future acquisition including dimensions and areas.
8. **Location and Names** of any adjoining streets, highways, subdivision, parks, cemeteries, public lands, and watercourses. The owners of record of any unplatted lands shall also be shown.
9. **Exact Street Width** along the line of any obliquely intersecting street.
10. **Notations or Any Restrictions** required by the County Planning **and Zoning** Administrators or County Planning **and Zoning** Committee or other approving or objecting authority relative to access control along any public ways within or adjacent to the proposed Certified Survey Map; or provisions for the protection of any environmentally significant lands within the boundaries of the proposed Certified Survey Map.
11. **The statement,** “Please refer to the Waupaca County Density Management Tracking System maintained by the Waupaca County Zoning Department (811 Harding Street, Waupaca, WI) for current information on available residential development rights on this/these parcels.”
12. **Allocation of residential development rights,** the subdivider shall be indicated by the subdivider on the face of the Certified Survey Map as to how many residential development rights are assigned to each parcel.
13. **Owner’s Certificate,** prepared in conformance with Section 236 of the Wisconsin Statutes.
14. **Signature block** for the County Planning **and Zoning Administrators** and statement as follows, “This final land division is consistent with preliminary approval; all conditions imposed thereof have been met; and the land division conforms to all applicable Waupaca County land use controls.”

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- 15. Signature block for the Chair of the local municipality and statement as follows. “This final land division conforms to all applicable Town land use controls.”
- 16. Signature block for the County Treasurer and the following statement; “All taxes and special assessments for which the land within the land division may be liable have been duly paid.”
- 17. **Any Additional Information** as requested by the County Planning and Zoning Administrators or County Planning and Zoning Committee.

**(+)7.02 Lots Not Served by Approved Sanitary Sewer Systems**

If the lots being created will not be served by an approved sanitary sewer system, soil evaluations may be required to be submitted for approval by the County Sanitary Inspector. The soil evaluations shall be performed in accordance with Chapters ~~Comm 83 and 8~~SPS 383 and 385 of the Wisconsin Administrative Code and shall meet the requirements of the County Sanitary Ordinance.

**(+)7.03 Coordinate System**

Where the Certified Survey Map is located within a quarter section, the corners of which have been relocated, monumented and coordinated, the Certified Survey Map shall be tied directly to two of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin State Plane or Waupaca County Coordinates of the monument marking the relocated section or quarter corner to which the Plat is tied shall be indicated on the Certified Survey Map. All distances and bearings shall be referenced to either the Wisconsin State Plane Coordinate System or the Waupaca County Coordinate System. Use of the Waupaca County Coordinate System is encouraged. If the Plat provides county monument coordinates, then these shall be accurate to four (+) decimal places.

**(+)7.04 Certificates**

The surveyor shall certify on the face of the Map that he has fully complied with all the provisions of this Ordinance.

- 1. **Dedication** of streets and other public areas shall require the owner’s and mortgagee’s certificate in substantially the same form as required by Section 236.21(2) and 236.34(1)(e) Wisconsin Statutes and the approval of the Town Board.

**(+)7.05 Recordation**

The Certified Survey Map shall ~~only~~ be recorded with the County Register of Deeds ~~only~~ after all required the certificates ~~of the County Planning Administrator or County Planning Committee, the surveyor, and the Town Board are~~ are placed on the face of the Map.

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### **a-8.01 Design Standards**

All applications shall comply with the minimum standards and improvement requirements set forth in ~~this title~~ **this Ordinance**. Those lots within a development that are to be utilized for common areas, agriculture, open space, resource protection, or nonresidential or commercial development, for example, are not subject to these standards. The land divider shall demonstrate compliance with design standards during preliminary review and approval. All required improvements shall be installed or bonded for prior to final approval. The improvement standards set forth by this Chapter shall be consistent with the goals and policies set forth in the Waupaca County Comprehensive Plan; for public services and facilities, which shall be specifically conditioned at the time of preliminary approval.

### **b-8.02 Street Arrangement**

The subdivider shall dedicate land for and improve streets as provided herein. 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. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street as provided herein. The following conditions shall apply for street arrangement in all proposed subdivisions:

1. **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~~ **These streets also** shall **also** be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as is practicable, continuous and in alignment with existing or planned streets with which they are to connect.
2. **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.
3. **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.
4. **Proposed Streets** shall extend to the boundary lines of the tract being subdivided unless prevented by topography, environmental constraints, or other physical conditions, or unless, in the opinion of the Town Board or County Planning and Zoning Committee, such extension is not necessary or desirable for the coordination of the layout of the land division or condominium or for the advantageous development of adjacent land tracts.

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5. **Arterial Street and Highway Protection**-. Whenever the proposed land division or condominium contains or is adjacent to an arterial street or highway, adequate protection of residential properties, limitation of access, and separation of through and local traffic 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.
6. **Stream or Lake Shores** shall have 100 feet of public access platted to the ordinary high water mark ~~low water mark~~ at intervals of not more than one-half mile as required by Section 3.05(3) of this Ordinance.
7. **Reserve Strips** controlling access to streets or alleys shall be prohibited except where their control is definitely placed with the Town or County.
8. **Alleys** may be required 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.
9. **Street Names** shall not duplicate or be similar to existing street names, and existing street names shall be projected or continued wherever possible.
10. **Access to a Land Division**-. ~~A land division shall be by~~ have legal, nonexclusive vehicular access rights to public streets.
11. **Newly Created Roads and any widened right-of-way, whether a recorded or unrecorded road, shall be surveyed by a registered land surveyor as a right-of-way plat and shall be approved by the Town(s) in which it lies and the Waupaca County Planning and Zoning Administrators Office. If, When a survey is conducted adjacent to an existing Town Road, and there is no record of a right-of-way width, a right-of-way shall be dedicated for the entire parcel. This may be done on the parcel survey or on an accompanying survey. A certificate of dedication shall be signed by the Town Board prior to approval of the subdivision or certified survey map.**

**e.8.03 Limited Access Highway and Railroad Right-of-Way Treatment**

Whenever the proposed land division or condominium 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 Withinwithin the Proposed Land Division or Condominium** ~~that~~ 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 or railroad right-of-way) from abutting lots is prohibited."
2. **Commercial and Industrial Districts** shall provide streets 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. from ?
3. **Streets Parallel to a Limited Access Highway** or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of 250 feet from said highway or railroad right-of-way. Such distance, where desirable and practicable,

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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 rights-of-way should be avoided.

#### **d-8.04 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 follows:

Arterial Streets: 120 feet  
Collector Streets: 80 feet  
Minor Streets: 66 feet  
Frontage Streets: 66 feet.

2. **Minimum Roadway Width and Surface Width** of all new subdivision roads shall comply with the Town Road Standards contained in Section 82.50 of the Wisconsin Statutes unless locally adopted Town Road Standards require a different width and cross-section design.

3. **Cul-de-Sac Streets** ~~designed to have one end permanently closed shall not normally exceed feet in length. Such streets shall terminate in a circular turn around having a minimum right-of-way radius of 60 feet and a minimum roadway radius of 45 feet.~~ The use of cul-de-sacs shall be limited to portions of development which due to unusual shape, size, location or topography, floodplain, wetland or other condition may be better served by cul-de-sacs rather than continuous streets. A layout making unrestricted use of cul-de-sacs is prohibited. Such streets shall terminate in a circular turn around having a minimum right-of-way radius of 60 feet and a minimum roadway radius of 45forty-five feet.

4. **Temporary Termination** of streets intended to be extended at a later date shall be accomplished with the construction of a temporary turn around of 120 feet right of way diameter and a roadway of not less than 90 feet in diameter.

5. **Street Grades:** Unless necessitated by exceptional topography subject to the approval of the County Planning and Zoning Committee, the maximum centerline gradient of any street or public way shall not exceed the following:

- (a) Arterial Streets: 6 percent-
- (b) Collector Streets: 8 percent-
- (c) Minor Streets, Alleys and Frontage Streets: 10 percent
- (d) Pedestrian Way: 12 percent
- (e) The gradient of any street shall in no case exceed 12 percent or be less than one-half of one percent.

6. **Street Grades** shall be established wherever practicable so as to avoid excessive grading and removal of ground cover and tree growth, and general leveling of the topography. The length of curve required for the vertical grade changes at the street centerline is dependent on the design speed and percent of algebraic difference in the intersecting grades. The following information shall be used in the design of vertical curves:

- (a) Maximum Change in Grade Without a Vertical Curve, (From the State of Wisconsin Department of Transportation's Facilities Development Manual).

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(b) Design Controls on Crest Vertical Curves, (From AASHTO's A Policy of Geometric Design of Highways and Streets).

(c) Design Controls on Sag Vertical Curves, (From AASHTO's A Policy of Geometric Design of Highways and Streets).

7. **Radii of Curvature**:. When a continuous street centerline deflects at any one point by more than ~~10~~ten degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

(a) Arterial Streets: \_\_\_\_\_ 500 feet

(b) Collector Streets: \_\_\_\_\_ 300 feet

(c) Minor Streets: \_\_\_\_\_ 100 feet

8. **A Tangent** at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.

9. **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.

### **e.8.05 Street Intersections**

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 County Planning and Zoning Committee.

1. **Number of Intersections** along arterial streets and highways shall be held to a minimum. Wherever practicable the distance between such intersections should not be less than 1,200 feet.

2. **Property Lines at Street Intersections** shall be rounded with a minimum radius of ~~15~~fifteen feet or of a greater radius when required by the County Planning and Zoning Committee.

3. **Street Jogs** with centerline offsets of less than 300 feet shall not be approved.

### **f.8.06 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 topography.

1. **Length**:. Blocks in residential areas should not as a general rule be less than 750 feet nor more than 1,500 feet in length unless otherwise dictated by exceptional topography or other limiting factors.

2. **Pedestrian Ways** of not less than ~~10~~ten feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the County Planning and Zoning Committee or ~~the~~ Town Board to provide adequate pedestrian circulation or access to schools, shopping centers, churches or transportation facilities.

3. **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

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provide for off-street service and parking required by the use contemplated and the area zoning provisions for such use.

### **g-8.07**      **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. **Access:** Every lot shall front or abut on a road for a distance of at least sixty-six (~~66~~) feet, except lots located on a curved street or cul-de-sac which shall front or abut on a road for a distance of at least thirty (~~30~~) feet. Each lot shall have legal nonexclusive vehicular access to a public street.
  - (a) New lots shall be located along a public road, except where access ~~already exists~~ is provided via private road or shared drive. (~~A shared drive would include an existing access point where more than one property under different ownership is serviced by easement or right at time of Ordinance adoption~~).
  - (b) Where a private road or shared drive already exists, lots may be created if:
    - (1) A road maintenance agreement is established by the subdivider and approved by the Town. This agreement shall be executed with the purchase of each lot, noted on the **Certified Survey Map** or Plat, and shall address the provisions for the long-term maintenance and snow removal of the road including the specific tasks, schedule, responsible parties, and funding mechanism. Any revisions to this agreement shall also be approved by the Town;
    - (2) The road is constructed to at least minimum standards set forth in Section 82.50(a) of the Wisconsin State Statutes for roads serving less than a total of ten (~~10~~) existing and new lots or Section 82.50(c) for roads serving a total of ten (~~10~~) or more existing and new lots. The private road improvement would require county review and inspection expedited through a **development agreement** between the **subdivider** and County; and
    - (3) At the creation of the third principle structure, the road is required to be named and a road sign erected in accordance with town standards and E-911 **County** addressing provisions.
  - (c) Section 8.06(3)(a) and (b) shall not apply to new lots not intended for development purposes. Lots not meeting the requirements of Section 8.06(3)(a) and (b) shall be deed restricted from development and shall be recorded as such on the **Certified Survey Map** or **Plat**.

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(d) Section 8.06(3)(a) and (b) shall only apply to land divisions creating three or more lots.

~~(ed)~~ Section 8.06(3)(a) shall not apply to new lots created as part of a cluster/conservation development according to Section 8.0 of the Waupaca County Zoning Ordinance, ~~(Chapter 34,)~~ provided:

(1) Sections 8.06(3)(b)(1, 2 and 3) apply, and

(2) The development is limited to a maximum of five ~~(5)~~ residential lots.

4. **Area and Dimensions** shall conform to the requirements of the County Zoning Ordinance. Lots shall contain sufficient area to permit compliance with all required setbacks, including those set forth in the County Zoning Ordinance and those that may be required to meet the requirements of Chapter Trans 233 of the 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 resubdivision of any such parcels into normal lots in accordance with the provisions of this Ordinance. Buildable lots that will not be served by a public sanitary sewerage system shall be of sufficient size to permit the use of a private onsite wastewater treatment system designed in accordance with Chapters ~~Comm 83 and 85~~ SPS 383 and 385 of the Wisconsin Administrative Code.
5. **Depth of Lots:** ~~Lots~~ should be designed with a suitable proportion between width and depth. ~~Neither long, narrow or wide, shallow lots are normally desirable. Normal depth should not exceed two times the width, nor be less than 150 feet. No lot shall have a lot width to lot depth ratio in excess of 1:5~~ The maximum lot width to depth ratio shall be 1:3 (0.33), in other words no lot depth shall be greater than three times the width.
6. **Width of Lots** shall conform to the requirements of the **Zoning Ordinance**.
7. **Corner Lots** shall be designed with extra width to permit adequate building setback from both streets.
8. **The Shape of Lots** shall be approximately rectangular, with the exception of lots located on a curved street or cul-de-sac. ~~Flag lots shall be prohibited, except where necessary to accommodate exceptional topography, to protect natural resources, or the created lot is at least five (5) acres in area.~~
9. **Lands Lying Between the Meander Line** and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream.

#### **h.8.08 Building Setback Lines**

A note stating that bBuilding setback lines shall conform to the requirements established in the County Zoning Ordinance is required on the face of the Plat or Certified Survey Map. ~~In those Towns which have not adopted the County Zoning Ordinance, the required setback lines shall be shown on the face of the Plat. (See Section 6.01(2) of this Ordinance.)~~

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### **i.8.09 Easements**

1. **Drainage Easements**:. Where a subdivision is traversed by a watercourse, drainageway, or stream, an adequate drainageway or easement may be required to handle stormwater runoff. The location, width, alignment and improvement of such drainageway or easement shall be approved by the County Planning [and Zoning](#) Committee.
2. **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. All other utility easements shall be located along rear or side lot lines whenever possible.

### **j.8.10 Natural Resource Protection**

Where natural drainage channels, floodplains, wetlands, or other environmentally sensitive areas are encompassed in whole or in part within a proposed land division or condominium, the County Planning [and Zoning](#) Committee may require that such areas be dedicated or that a restriction be placed on the Plat or Certified Survey Map to protect such resources. The County Planning [and Zoning](#) Committee may further require that such areas be included in outlots designated on the [Plat](#) or Certified Survey Map and restricted from development.

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## 6.0 Required Improvements

### **A.9.01 Survey Monuments**

The subdivider shall install survey monuments in accordance with the requirements of Section 236.15, Wisconsin Statutes.

### **B.9.02 Required Improvements**

As outlined by Section 3.06 of this Ordinance, the subdivider is encouraged to enter into a development agreement with the Town agreeing to install all required improvements and shall file with said development agreement a surety bond or other satisfactory security meeting the approval of the Town Attorney as a guarantee that such improvements will be completed by the subdivider or his subcontractors within the time limit established by the Town Board. The Towns may adopt local ordinances requiring the subdivider to install the following improvements or any other improvements the Town deems necessary. All required improvements shall be constructed in accordance with plans and specifications approved by the Town ~~Engineer~~.

1. **Grading and Surfacing.** The subdivider shall grade and surface all streets proposed to be dedicated in accordance with the construction standards of the Town. Where no Town construction standards have been adopted, the minimum standards required by the Wisconsin Statutes and Wisconsin Division of Highways for Town roads shall apply. In addition, the subdivider shall finish grade all shoulders and road ditches and shall install all culverts necessary to provide adequate surface drainage for the subdivision. All lots shall also be brought to finish grades as specified in the grading plan.
2. **Stormwater Drainage Facilities.**
  - (a) The Subdivider shall construct stormwater drainage facilities, which may include curb and gutters, catch basins and inlets, storm sewers, road ditches and open channels, as may be required to provide adequate surface drainage for the subdivision.
  - (b) Storm Drainage Facilities, where needed, shall be designed to permit the unimpeded flow of natural watercourses; shall insure the drainage of all points along the line of streets; and shall provide positive drainage away from on-site sewage disposal facilities. In designing storm drainage facilities, special consideration shall be given to protection against shoreland erosion and siltation of surface waters and to preventing of excess water run-off on adjacent property. The County Planning and Zoning Committee or Town Board may require that easements or drainage ways be of widths sufficient to accommodate anticipated stormwater-runoff be provided. All stormwater drainage facilities shall be constructed in accordance with plans and standard specifications approved by the Town Board.
3. ~~The Subdivider Shall Install Street Signs.~~ The subdivider shall install street signs at all intersections that meeting the approval of the Town Board ~~at all intersections.~~
4. ~~Sidewalks.~~ The Town Board may require the subdivider to construct a concrete sidewalk on one side of all frontage streets and on one or both sides of all other streets, in accordance with plans and standard specifications approved by the Town Board. Wider than standard sidewalks may be required by the Town Board in the

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vicinity of schools, commercial areas, and other places of public assemblage, or where joint pedestrian/bicycle use thereon is deemed desirable; and it may require the construction of sidewalks in locations other than required above if such walks are necessary, in the ~~the~~ opinion of the Town Board, for safe and adequate pedestrian or bicycle circulation.

5. **Street Lamps**. The Town Board may require the subdivider to install street lamps along streets proposed to be dedicated in accordance with design, quality, and/or energy efficiency standards approved by the Town Board and deemed to be compatible with the neighborhood. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Town Board.
6. **Street Trees**. The Town Board may require the subdivider to plant at least one ~~(1)~~ tree of an approved species and ~~of~~ at least six ~~(6)~~ feet in height for each ~~fifty~~ (50) feet of frontage on all streets to be dedicated. Tree plantings shall be completed in accordance with plans and specifications approved by and at such time as directed by the Town Board.

#### **C.9.03 Lots Not Abutting Public Roads**

No Subdivider shall sell any parcel of land if it abuts on a road which has not been accepted as a public road unless the seller informs the purchaser by letter of the fact that the road is not a public road and is not required to be maintained by the Town or County.

#### **D.9.04 Public Sanitary Sewerage and Private Sewerage Disposal Systems**

1. **In Areas** that have a sanitary sewer system ~~on~~ in or near the proposed subdivision, the local municipality furnishing such service and the County Planning [and Zoning](#) Committee shall determine the feasibility of service and the procedures to be followed by the subdivider in joining the system.
2. **If Public Sanitary Sewer Facilities** are not available to the plat at the time of final platting, but will become available within a period of ~~3~~ three years from the date of the plat recording, the subdivider shall install or cause to be installed sanitary sewers and sewer laterals to the street lot line and shall cap all laterals. The size, type and installation of all proposed sanitary sewers to be constructed shall be in accordance with plans and standard specifications approved by the local municipality which will furnish such facilities.
  - (a) **If Public Sewer Facilities Are Not Available**, the subdivider shall make provision for adequate private sewerage disposal systems as specified by the Wisconsin Administrative Code, Chapters ~~Comm 83 and 85~~ [SPS 383 and 385](#) and the County Sanitary Ordinance. Subdividers shall clearly indicate on the face of the plat and in any deed conveyance where private soil absorption fields are not to be used due to soil limitations or other factors.

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## **7.0 Planned Residential Unit Development Cluster or Conservation Subdivisions**

### **a.10.01 Purpose**

Grouping of residences in cluster or conservation subdivisions will permit individual minimum lot sizes to be reduced provided overall density within the subdivision is maintained. The remaining undeveloped area within the subdivision is to be used to protect natural resources, to provide common open space and to preserve the scenic qualities of the County. Grouping of residences also facilitates common water supply and sewage disposal systems, and the potential for shorter road lengths and other infrastructure efficiencies.

### **b.10.02 Requirements**

Cluster or Conservation Subdivisions shall be submitted for review and shall follow the provisions of this Ordinance in the same manner as any other subdivision. In addition the following also applies:

1. **Proposed Cluster or Conservation Developments** shall include a minimum of five acres and shall be platted according to the requirements of this Ordinance.
2. **The Maximum permitted number of lots** in such development shall be determined by dividing the total area of the subdivision, excluding streets, by the minimum lot sizes required by the County Zoning Ordinance. In condominiums and similar developments, under which no new lots are created, the term "maximum number of dwelling units" shall substitute for the term "maximum number of lots" in the preceding statement in determining overall density.
3. **Lots** shall be located so that:
  - (a) They are grouped together to form clusters and are surrounded by open space.
  - (b) Negative impacts to natural resources and environmentally sensitive areas, are minimized including wetlands, floodplains, drainageways, woodlands, and slopes over 12 percent, are minimized.
  - (c) Negative impacts to historic and cultural resources are minimized.
  - (d) Negative impacts to prime agricultural land and large tracts of productive farmland are minimized. The location of lots should avoid interference with normal agricultural practices.
  - (e) Views of open space and natural resources are maximized. Lots should be hidden behind woodlands, hedgerows, and topography when possible. Lots should not be located in prominent, visible places like hilltops and ridgelines.
4. **Open Space shall:**
  - (a) Surround clusters of residential lots and provide a buffer between cluster groups.
  - (b) Be interconnected to other open space both within the plat and beyond. Open space should not be isolated and disconnected.
  - (c) Include natural resources, environmentally sensitive areas, and productive agricultural land, (when the intent is to preserve the agricultural use) to the greatest extent possible.
  - (d) Include all excess land not used for lots and streets.

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5. **Ownership of Open Space.** ~~Open space~~ shall be dedicated and restricted as such on the Plat and conveyed in common to each of the owners of lots in the development or dedicated to the County or Town. The County or Town shall not be required to accept dedication. Lands dedicated to the public must be accepted by appropriate action of the governing body of the accepting unit of government. If the land is to be conveyed to owners of lots in the development, a homeowners association or similar legally constituted body shall be created to maintain the open space land.
6. **Maintenance and Operation of Common Open Space and Facilities:** ~~shall be by a~~ ~~A~~ plan and narrative for the use, maintenance, and insurance of all common facilities, including provisions for funding, ~~shall be~~ provided to and approved by the Town Board prior to Final Plat or Condominium Plat approval.
7. **Any Restriction** placed on platted land by covenant, grant of easement, or any other manner which was required by a public body or which names a public body as grantee, promisee, or beneficiary, shall vest in the public body the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction.
8. **Water Supply and Sewage Disposal** shall meet the minimum standards of Chapter ~~Comm 83 and 85~~ SPS 383 and 385 of the Wisconsin Administrative Code, the County Sanitary Ordinance and other applicable regulations.

## 8.0 Construction

### **a.11.01 Commencement**

No construction or installation of improvements shall commence in a proposed land division or condominium development until the Certified Survey Map, Final Plat or Condominium Plat has been approved by the [County Planning Committee](#) appropriate [County authority](#) and a development agreement has been executed with the Town.

### **b.11.02 Building Permits**

No land-use permit and/or building permit shall be issued for erection of a structure on any lot not of record until all the requirements of this Ordinance have been met.

### **c.11.03 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. **Sanitary Sewer Plans** and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
3. **Storm Sewer or Drainage Plans** and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
4. **Water Main Plans** and profiles showing the locations, sizes, elevations and materials of required facilities.
5. **Grading Plans** showing existing and proposed topographic contours, proposed top of building foundation and finished yard grade elevations.
6. **Erosion and Sedimentation Control Plans** showing those structures necessary to retard the rate of runoff water and those measures and practices that will minimize erosion and sedimentation.
7. **Planting Plans** showing the locations, size and species of any required street trees, other proposed or required planting, vegetation to be removed, and vegetation to be preserved.
8. **Additional Special Plans** or information as required.

### **d.11.04 Earth Moving**

Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channeling, clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to minimize erosion and sedimentation and disturbance of the natural fauna, flora, watercourse, water regimen, and topography.

### **e.11.05 Preservation of Existing Vegetation**

The subdivider shall make every effort to protect and to retain all existing desirable trees, shrubs, grasses, and groundcover not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, and

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bicycle and pedestrian ways. Trees shall be protected and preserved during construction in accordance with the approved landscaping plan and with sound conservation practices, including the preservation of trees by well islands or retaining walls, whenever abutting grades are altered.

**f.11.06 Inspection**

The subdivider, prior to commencement of any work within the subdivision, shall make arrangements with the Town Board to provide for adequate inspection. The Town Board or its designee shall inspect and approve all completed work prior to approval of the Final Plat or release of the sureties.

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## 9.0 Fees

### **a.12.01 General**

The subdivider shall pay the County all fees as hereinafter required and at the specified time. Fees may be changed by resolution of the County Board ~~and~~ by action of the Planning and Zoning Committee. Any such change of fees is effective upon posting of the new County Fee Schedule in the ~~offices of the Zoning Administrator~~ Planning and Zoning Office after action by the County Board ~~and~~ the Planning and Zoning Committee.

### **b.12.02 Preliminary Plat Review Fee**

The ~~Subdivider~~ subdivider shall pay a fee as set forth in the County Fee Schedule for each lot or parcel within the Preliminary Plat to the County Treasurer at the time of first application for approval of any Preliminary Plat to assist in defraying the cost of review.

### **c.12.03 Final Plat Review Fee**

The subdivider shall pay a fee as set forth in the County Fee Schedule for each lot or parcel within the Final Plat to the County Treasurer at the time of first application for approval of said plat to assist in defraying the cost of review.

### **d.12.04 Minor Subdivision Review Fee**

The subdivider shall pay a fee as set forth in the County Fee Schedule to the County Treasurer at the time of application for approval of said subdivision to assist in defraying the cost of review.

### **e.12.05 Condominium Plat Review Fee**

The subdivider shall pay a fee as set forth in the County Fee Schedule for each unit within the Condominium Plat to the County Treasurer at the time of first application for approval of said plat to assist in defraying the cost of review.

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