

JEFFERSON COUNTY



LAND DIVISION AND SUBDIVISION ORDINANCE

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Chapter 15. LAND DIVISION AND SUBDIVISION ORDINANCE

15.01 INTRODUCTION.

(a) Authority. These regulations are adopted under the authority granted by Section 236.45 of the Wisconsin Statutes, and pursuant to 59.97(3), 144.26(2) and 144.26(8) of the Wisconsin Statutes.

(b) Purpose. The purpose of this Ordinance is to regulate and control the division of any land within the limits of Jefferson County and outside the corporate limits of incorporated villages and cities, in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the governing body.

(c) Intent. It is the general intent of this Ordinance to regulate the division of land so as to lessen congestion in the streets and highways; to further the orderly layout and appropriate use of land; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; to facilitate the further division of larger tracts into smaller parcels of land; to ensure adequate legal description and proper survey monumentation of subdivided land; to provide for the administration and enforcement of this Ordinance, to provide penalties for its violation and in general to facilitate enforcement of governing body development standards as set forth in the General Plan, General Plan components, Zoning Ordinance, building codes and official maps in force in the County.

(d) 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.

(e) Interpretations. 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 the County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

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

(g) Repeal. All other ordinances or parts of ordinances of Jefferson County inconsistent or in conflict with this Ordinance, to the extent of inconsistency or conflict only, are hereby repealed.

(h) Title. This Ordinance shall be known as the "LAND DIVISION AND SUBDIVISION ORDINANCE, JEFFERSON COUNTY, WISCONSIN."

(i) **Effective Date.** This Ordinance shall be effective after a public hearing, adoption by the County Board of Supervisors and publication as provided by law.

(j) **Zoning Changes.** Any proposed subdivision or Certified Survey Map requiring a zoning change in order to develop as proposed, shall submit these proposed changes to the County Board so that the zoning changes will be approved at the time of final approval. The zoning amendment shall be null and void and of no effect one (1) year from the date of County Board approval unless all applicable conditions have been completed by that date. [am. 12/14/10, Ord. 2010-18]

15.02 DEFINITIONS.

For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number. The word "shall" is mandatory and not directory.

1. **Alley.** A public or private right of way shown on a plat, which provides secondary access to a lot, block or parcel of land.

2. **Arterial Street.** A street used, or intended to be used, primarily for fast or heavy through traffic. Arterial street shall include freeways and expressways as well as principal, primary, standard and minor arterial streets. (Refer to General Plan and Jurisdictional Highway Study.)

3. **Building Line.** A line parallel to a lot line and at a distance from the lot line to comply with the Zoning Ordinance yard requirements.

4. **Community.** Jefferson County, Wisconsin.

5. **Comprehensive Plan.** General Development Plan for Jefferson County, Wisconsin, and its planning components.

6. **County Regional Plan.** (As described in Chapter 236.45 of the Wisconsin Statutes.)

7. **Copy.** A true and accurate copy of all sheets of the original subdivision plat. Such copy shall be on durable white, matte finished paper with legible dark lines and lettering.

8. **Cul-de-Sac Street.** Minor street closed at one end with a turnaround provided for passenger vehicles.

9. **Double Frontage Lots.** Lots having frontage on opposite property boundaries with public streets.

10. **Engineer.** The person, persons or firm designated by Jefferson County for the purpose of this Ordinance.

11. **Extraterritorial Plat Approval Jurisdiction.** The unincorporated area within three miles of the corporate limits of a first, second, or third-class city, or one and one-half miles of a

fourth-class city or a village.

12. **Frontage Street.** A local street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

13. **General Plan.** Jefferson County, Wisconsin, GENERAL DEVELOPMENT PLAN.

14. **Governing Body.** The Jefferson County Board of Supervisors or the Planning and Zoning Committee if delegated by the Board of Supervisors to exercise the authority designated by this ordinance. [Amended 06/21/05, Ordinance No. 2005-10]

15. **Half-Streets.** A street located on the boundary of a Plat whose centerline meets the boundary of an angle of less than thirty (30) degrees or whose required right of way width is reduced by that boundary. [See also 15.03(e).]

16. **Local Street.** A street used, or intended to be used, primarily for access to abutting properties.

17. **Municipality.** An incorporated city or village.

18. **Outlot.** A parcel of land, other than a lot or block, so designated on the plat.

19. **Planning Agency.** The Jefferson County Planning Committee or engineer or agent if delegated by the Planning and Zoning Committee to exercise the authority designated by this ordinance. [Amended 06/21/05, Ordinance No. 2005-10]

20. **Plat.** A map of a subdivision.

21. **Public Way.** Any public road, street, highway, walkway, drainageway, or part thereof.

22. **Recording a Plat.** The filing of the original of the final plat with the Register of Deeds.

23. **Replat.** The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof.

24. **Reverse Frontage Lots.** Corner lots with no provision for extra width to permit side yard to be the same as front yard on that side.

25. **Rural Subdivision.** A subdivision not within three (3) miles of the corporate limits of a 1st, 2nd, or 3rd class city or within one and one-half (1-½) miles of other corporate limits.

26. **Subdivider.** Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, or replat.

27. **Subdivision.** The division of a lot, parcel, or tract of land by the owner thereof, or his agents, for the purpose of transfer of ownership or building development where:

(a) The act of division creates five (5) or more parcels or building sites of five (5) acres each or less in area; or [Amended 11/14/89, Ordinance No. 89-21]

(b) Five (5) or more parcels or building sites of five (5) acres each or less in area are created by successive divisions within a period of ten (10) years. [Amended 11/14/89, Ordinance No. 89-21]

28. **Urban Subdivision.** A subdivision within the corporate limits or within three (3) miles of the corporate limits of a 1st, 2nd, or 3rd class city or within one and one-half (1-1/2) miles of other corporate limits at the time of submission of the Final Plat.

15.03 GENERAL PROVISIONS.

(a) **Jurisdiction.** The provisions of this Ordinance as it applies to divisions of tracts of land into less than five (5) parcels shall not apply in those instances described in Section 236.45 of the Wisconsin Statutes.

(b) **Compliance.** No person, firm or corporation shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, or a replat as defined herein; no such subdivision or replat shall be entitled to record; and, no street shall be laid out or improvements made to land without compliance with all requirements of this Ordinance and:

1. In any division of land, not in a subdivision and not served by public sanitary sewer, the provisions set forth in 15.08(f)4 of this Ordinance establishing minimum lot size based on soil suitability shall determine lot size.

2. Provisions of Chapter 236, Wisconsin Statutes, the state platting law and 2009 Wisconsin Acts 376 and 399. [am. 12/14/10, Ord. 2010-18]

3. Rules of the Division of Health, Department of Health and Social Services, set forth in ILHR 85, Wisconsin Administrative Code, regulating subdivisions not served by public sanitary sewers, except as otherwise provided by this Ordinance.

4. Rules of the Division of Highways, Department of Transportation, set forth in Chapter HY 33, Wisconsin Administrative Code, relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street.

5. Duly approved General Plan, or its component.

6. Applicable local and county ordinances.

(c) **Dedication and Reservation of Lands.** Whenever a tract of land to be subdivided embraces all or any part of an arterial street, drainageway or other public way which has been

designated in the General Plan or its component, or on the official map, said public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or map and as set forth in 15.08 of this Ordinance.

In any subdivision, if a park is not designated, the owner will, prior to the division being recorded, donate five (5) percent of the land, or money in lieu of the land, to the town government within which the division occurs. The town government must use the money or land for park purposes in the area of the division. The Committee, upon recommendation of the Town Board, shall decide if the dedication will be in land or money in lieu of land. In determining the value of land when money in lieu of land is to be conveyed to the town government, the criteria will be the fair market value of the land after division.

Whenever a proposed playground, park, or other public land, other than streets or drainageways, or on the official map, is embraced all or in part in a tract of land to be subdivided, these proposed public lands shall be made a part of the plat and shall be dedicated to the town government by the subdivider at the rate of five (5) percent of the land in the total subdivision and said proposed public lands other than streets or drainageways, in excess of the rate established herein shall be reserved for a period not to exceed three (3) years unless extended by mutual agreement for acquisition by a public agency at undeveloped land costs; and a public site fee shall be levied against the subdivider at the time of application for final plat approval at the rate and according to the procedures established in 15.11(c) of this Ordinance. Any such reservation shall have an outlot number.

(d) Improvements. Before final approval of any plat, the subdivider shall install street and utility improvements as hereinafter provided. If such improvements are not installed as required at the time that the final plat is submitted for approval, the subdivider shall, before the recording of the plat, enter into a contract with the governing body agreeing to install the required improvements and shall file with said contract a bond meeting the approval of legal counsel or a certified check in an amount equal to the estimated costs of the improvements; said estimate to be made by the Engineer as a guarantee that such improvements will be completed by the subdivider not later than one year from the date of recording of the plat and as a further guarantee that all obligations to subcontractors for work on the development are satisfied.

(e) Waiver of Requirements. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, the Committee shall have the power in passing upon appeals to authorize such variance from the terms of this Ordinance as will not be contrary to the public interest so that the spirit of the Ordinance shall be observed and substantial justice done.

(f) Land Suitability. No land shall be subdivided for residential use which is held unsuitable for such use by the Planning Agency for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the governing body. The Planning Agency shall confer with the United States Soil Conservation Service in determining land suitability of the proposed subdivision. The Planning Agency, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is

not suitable for residential use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter, the Planning Agency may affirm, modify, or withdraw its determination of unsuitability.

(g) Violations. Any person, firm or corporation who fails to comply with the provisions of these regulations shall, upon conviction thereof, be subject to penalties and forfeitures as provided in this Ordinance and Section 236.30, 236.31, 236.32, 236.335, and 236.35 of the Wisconsin Statutes.

(h) Penalties. Any person violating any provision of this Ordinance, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code and other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than \$25.00 nor more than \$2,000.00 and the cost of prosecution, shall be imprisoned in the County Jail until payment of such forfeiture and costs of prosecution, but not exceeding ninety (90) days for each violation. In addition to such penalty, the District Attorney or Corporation Counsel is authorized to bring an action to enjoin any violation and the Zoning Administrator is authorized to refuse to issue a building permit for construction, on any premises contrary to this Ordinance.

(i) Appeals. Any person, firm or corporation aggrieved by any decision of the County Planning Agency, may appeal to a court of record within thirty (30) days after the rendering of the decision. The procedures so to be followed are to be in substantial conformity of Sections 236.13(5) and 62.23(7)(e), 10 to 15 of the Wisconsin Statutes.

15.04 CERTIFIED SURVEY MAP.

(a) General. A Certified Survey Map shall be required for all divisions of land, other than subdivisions which divide land within a one-sixteenth section. Such map shall be as defined in Chapter 236 of the Wisconsin Statutes, subject to the additional requirement that such map shall not contain more than four (4) parcels which are five (5) acres each or less. Such division shall be excepted from the improvement requirements set forth in 15.09 of this Ordinance. Variations to this section shall follow the procedure set forth in 15.03(e) and (i) of this Ordinance. [Amended 11/14/89, Ordinance No. 89-21]

(b) Lot Size. Minimum area of sewerred lots shall be 8,000 square feet, except as otherwise provided by the Jefferson County Zoning Ordinance. Unsewered lots shall be sized according to the Rural Subdivision regulations in 15.08(f). Minimum lot width and depth shall conform to the requirements of the Jefferson County Zoning Ordinance.

(c) Access. All lots shall front on and have access to a public road for a minimum distance of at least sixty-six (66) feet.

(d) Tie to Government Corners. All Certified Survey Maps shall be tied to government corners in accordance with state and federal surveying requirements. All government corners necessary to complete a certified survey shall be shown on the Certified Survey Map and referenced. The County Surveyor shall assist the Planning Agency in determining whether such requirements have been met.

(e) Preliminary Review. The applicant shall present a preliminary Certified Survey Map to the Planning Agency which agency shall

1. Review it for soil suitability and overall consistency with the General Plan provisions of the Ordinance.

2. Present a copy to the County Surveyor for review of monumentation, accuracy and duplication of land division.

3. Submit a copy to the board of the town in which the property is located for their comments. If no comment is received by the Planning Agency within ten (10) days, the Agency may assume the town board has no comment.

4. Present a copy to the highway maintaining authority for review and comment involving access to public roads, drainage on the site and along the roadway, utility easements and driveway permits.

5. Following review of the comments from the County Surveyor and the highway maintaining authority and considering the other requirements of this Ordinance, the Planning Agency shall make a determination as to whether the preliminary Certified Survey Map generally meets with the requirements of this Ordinance and after so determining then a letter accepting and approving the preliminary plat shall be forwarded to the party originally submitting said preliminary Certified Survey Map to the agency. Failure to notify the applicant that the preliminary Certified Survey Map is approved, or, if disapproved for what reasons, within forty (40) days after its receipt shall be deemed and constituted an approval.

(f) Final Certified Survey Map Review. The Planning Agency shall review the final Certified Survey Map for consistency with the preliminary Certified Survey Map as well as information required by Section 236.34 of the Wisconsin Statutes. In addition, the Map shall show correctly on its face the following: [Amended 06/21/05, Ord. No. 2005-10]

1. All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.

2. Location of access to public road, approved by agency having jurisdiction over road.

3. All lands reserved for future public acquisition.

4. Date of the map.

5. Graphic scale.

6. Name and address of the owner, subdivider and surveyor.

7. A signature line for the Planning Agency or designated agent. [Amended 06/21/05, Ord. No. 2005-10]

Upon compliance with all provisions of this ordinance the Planning Agency or designated engineer shall sign the final certified survey map within 90 days of submittal. Failure to take action within 90 days shall be deemed an approval by the Planning Agency. [Amended 06/21/05, Ord. No. 2005-10]

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

Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.

(h) Fee. Preliminary review fee of \$25.00 and final fee of \$10.00 will be charged and is payable to the Planning Agency. [Amended 12/14/99, Ordinance No. 99-24]

(i) Variance. The variances as set forth in 15.03(e) and (i) of this Ordinance shall apply.

15.05 PROCEDURE.

(a) Preapplication. The subdivider, prior to the filing of an application for the approval of a Preliminary Plat, will consult with the Planning Agency and/or staff in order to obtain their advice and assistance. This consultation is to inform the subdivider of the purpose and objectives of these regulations, the General Plan, or its components, and duly adopted plan implementation devices and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and the Planning Agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.

(b) Preliminary Plat Review. Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and a letter of application. The Preliminary Plat shall be prepared in accordance with this Ordinance, and the subdivider shall comply with the procedures of Section 236.11 and 236.12 of the Wisconsin Statutes. Ten (10) copies of this Preliminary Plat shall be submitted to the Planning Agency.

The Planning Agency, hereby designated as approving authority for all preliminary plats, shall transmit a copy of the Preliminary Plat to all affected boards, commissions or departments (unless the subdivider has elected to submit directly to the state as provided in Chapter 236.12(6), and all affected local utility companies for their review and recommendations concerning matters within their jurisdiction. Their recommendations will be requested to be transmitted to the Planning Agency within fifteen (15) days from the date the Plat is filed. The Preliminary Plat shall then be reviewed by the Planning Agency for conformance with this Ordinance and all ordinances, rules, regulations, General Plan and General Plan components which affect it.

(c) Preliminary Plat Approval. 1. The Planning Agency, within the time specified in Section 236.11 of the Wisconsin Statutes of the date of filing the Preliminary Plat with the Clerk, shall approve conditionally, or reject such Plat. 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 rejection shall accompany the Plat. One copy each of the Plat and letter shall be placed in the Planning Agency's permanent file.

2. Failure of the Planning Agency to act within this time limitation shall constitute an approval.

3. Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except as indicated in Section 236.11 of the Wisconsin Statutes. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat which will be subject to further consideration by the Planning Agency at the time of its submission.

(d) Final Plat Review. 1. Submission of a Final Plat and a letter of application in accordance with this Ordinance shall comply with the procedures of Sections 236.11 and 236.12 of the Wisconsin Statutes and shall file an adequate number of copies of the Plat and the application with the Planning Agency at least twenty-five (25) days prior to the meeting of the Planning Agency at which action is desired.

2. The Planning Agency shall transmit copies as appropriate to agencies specified in Section 236.12 of the Wisconsin Statutes and shall retain the original Final Plat and ten (10) copies.

3. The Planning Agency 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, General Plan and General Plan components which may affect it and shall recommend approval, conditional approval or rejection of the Plat to the governing body.

4. Partial Platting. The final Plat may, if permitted by the Planning Agency, constitute only that portion of the approved Preliminary Plat which the subdivider proposes to record at that time.

(e) Final Plat Approval. 1. Submission. If the Final Plat is not submitted within the time specified in Section 236.11 of the Wisconsin Statutes, the governing body may refuse to approve the Final Plat.

2. The Planning Agency shall, within sixty (60) days of the date of filing of the Final Plat, recommend approval, conditional approval or rejection of the Plat and shall transmit the Final Plat and application along with its recommendations to the governing body. [am. 12/14/10, Ord. 2010-18]

3. Notification. The Planning Agency shall, when it determines to recommend approval of a Plat, give at least ten (10) days prior written notice of its intention to the clerk of any municipality or town within 1,000 feet of the Plat.

4. The governing body shall approve or reject such Plat. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons supplied the

subdivider. The governing body may not inscribe its approval on the Final Plat unless the secretary of the Planning Agency certifies on the face of the Plat in compliance with Section 236.12 of the Wisconsin Statutes unless the certificate required under 236.12(4) or 236.12(6) has been executed.

5. A professional engineer, planner or other person designated to review plats for a local unit of government shall determine if a final plat “substantially conforms” to the preliminary plat. This determination shall be given to the unit of government along with a recommendation for approval/denial of the final plat. The conclusion and recommendation are not required to be in writing but must be made part of the public record at the proceeding where the final plat is being considered. [created 12/14/10, Ord. 2010-18]

6. Preliminary plats or final plats, if no preliminary plat was submitted for that development, must comply with the local ordinance which was in effect when the plat was submitted. If an ordinance is revised while the plat is moving through the review process, the new requirements cannot be applied to the plat. [created 12/14/10, Ord. 2010-18]

7. Failure of the governing body to approve or reject such Plat within the time specified in Section 236.11 of the Wisconsin Statutes, the time having not been extended and no unsatisfied objections having been filed, the Plat shall be deemed approved. [renumbered 12/14/10, Ord. 2010-18]

8. Recordation. After the Final Plat has been approved by the governing body and required improvements either installed or a contract and sureties according to 236.13(2)(a) insuring their installation is filed, the Planning Agency shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds shall not record the Plat unless it is offered within the time specified in Section 236.25 of the Wisconsin Statutes. [renumbered & amended 12/14/10, Ord. 2010-18]

9. Copies. The subdivider shall file ten (10) certified copies of the Final Plat with the Planning Agency for distribution to appropriate local agencies and offices. [renumbered 12/14/10, Ord. 2010-18]

(f) Replat. When it is proposed to replat a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in Section 236.40 through 236.44 of the Wisconsin Statutes. The subdivider, or person wishing to replat, shall then proceed as specified in 15.05(a) through (f) of this Ordinance. Court vacations of plats are required when areas dedicated to the public are altered.

The Secretary of the Planning Agency shall schedule, within the time period specified in 15.05(c) of this Ordinance for the Planning Agency to take action upon the Plat, a public hearing before the Planning Agency when a Preliminary Plat of a replat of lands within the governing body is filed and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties 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.

15.06 PRELIMINARY PLAT.

(a) General. A Preliminary Plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the Plat prepared on tracing cloth or paper of good quality at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

1. Name under which the proposed subdivision is to be recorded which shall not be a duplicate name of any plat recorded in Jefferson County.

2. Location of proposed subdivision by: government lot quarter-quarter section, township, range, county and state noted immediately under the name.

3. Date, graphic scale and north point.

4. Name and addresses of the owner, subdivider and land surveyor preparing the Plat.

5. Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. The Planning Agency 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.

6. Tie to all government corners required to be used for the survey, according to state and federal surveying requirements.

(b) Plat Data. All Preliminary Plats shall show the following:

1. Contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten (10) percent, and of not more than five (5) feet where the slope of the ground surface is ten (10) percent or more. Elevations shall be marked on such contours on datum established by the Engineer.

2. Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to datum established by the Engineer.

3. Location, right of way width, and names of all existing 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.

4. Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.

5. 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 datum established by the Engineer.

6. Location, size and invert elevations of any existing sanitary or storm sewers, culverts and drain pipes, 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.

7. Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.

8. Location, width and names of all proposed streets and public rights of way such as alleys and easements.

9. Approximate dimensions of all lots together with proposed lot and block numbers.

10. Approximate dimensions of all outlots together with proposed outlot numbers.

11. Approximate radii of all curves.

12. Existing zoning on and adjacent to the proposed subdivision.

13. Town and corporate limit lines.

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

15. Any proposed lake or stream improvement, relocation or creation.

16. Lands lying between the meander line and the water's edge and any other unplattable lands which lie between a proposed subdivision and the water's edge shall be included as a part of lots, outlots or public dedications in any Plat abutting a lake or stream.

(c) Street Plans and Profiles. The Engineer may require that the subdivider 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. All elevations shall be based upon datum established by the Engineer and plans and profiles shall meet the approval of the Engineer.

(d) Testing. The Engineer or County Sanitarian may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depths to bedrock and depth to ground water table. Where an urban subdivision will not be served by public sanitary sewerage service, the provisions of ILHR 85 of the Wisconsin Administrative Code shall be complied with; and the appropriate data submitted with the Preliminary Plat. Where a rural subdivision will not be served by public sanitary sewer service, the minimum lot size shall be determined according the percolation rates, as provided in 15.08(f)4 and according to the soil

suitability.

(e) Covenants. The Planning Agency may require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

(f) Affidavit. The registered land surveyor preparing the Preliminary Plat shall certify on the face of the Plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Ordinance.

15.07 FINAL PLAT.

(a) General. 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 Chapter 236 of the Wisconsin Statutes.

(b) Additional Information. The Plat shall show correctly on its face, in addition to the information required by Chapter 236 of the Wisconsin Statutes, the following:

1. Exact street width along the line of any obliquely intersecting street.
2. Tie to all government corners required to be used for the survey, according to state and federal surveying requirements.
3. Railroad rights of way within and abutting the Plat.
4. Utility easements of sufficient width to provide all lots with necessary services based upon recommendation of the utility companies.
5. All lands reserved for future public acquisition or reserved for the common use of property owners within the Plat (shown as outlots).
6. Special restrictions required by the Planning Agency relating to access control along public ways or to the provision of planting strips.

(c) Deed Restrictions. The Planning Agency may require that deed restrictions be filed with the Final Plat.

(d) Surveying and Monumenting. All Final Plats shall meet all the surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.

(e) Certificates. All Final Plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this Ordinance. The owner's certificate shall be fully executed prior to local approval.

15.08 DESIGN STANDARDS.

(a) Street Arrangement. In any new subdivision the street layout shall conform to the arrangement, width and location indicated on the Official Map or General Plan of the County or community. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street.

1. Specific street classifications are given in the GENERAL PLAN FOR JEFFERSON COUNTY, 1966, and JURISDICTIONAL HIGHWAY PLANNING STUDY JEFFERSON COUNTY, WISCONSIN, 1970.

2. Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Planning Agency, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.

3. Arterial Street and Highway Protection. Whenever the proposed subdivision contains or is adjacent to a major 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 nonaccess reservation along the rear property line, or by the use of frontage streets.

4. Stream or lake shores shall be provided with public access in conformance with the provisions of Section 236.16(3) of the Wisconsin Statutes.

5. Reserve strips shall not be provided on any Plat to control access of streets or alleys, except where control of such strips is placed with the governing body under conditions recommended by the Planning Agency and approved by the governing body.

6. Street names shall not duplicate or be similar to existing street names within ten (10) miles of the boundary of the community and existing street names shall be projected wherever possible.

(b) Limited Access Highway and Railroad Right of Way Treatment. Whenever the proposed subdivision contains or is adjacent to a limited access highway or railroad right of way, the design shall provide the following treatment:

1. When lots within the proposed subdivision back upon the right of way of an existing or proposed limited access highway or a railroad, a planting strip at least thirty (30) feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted lots but shall have the following restriction lettered on the face of the Plat: "This strip reserved for the planting of trees and shrubs; the building of structures hereon prohibited."

2. Commercial and industrial districts shall have provided, 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 one hundred fifty (150) feet.

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

4. Local streets immediately adjacent and parallel to railroad rights of way shall be avoided, and location of local streets immediately adjacent to arterial streets and highways and railroad rights of way shall be avoided in residential areas.

(c) Street Design Standards. All streets shall conform to Section 86.26, Wisconsin Statutes. The following provisions shall apply when more restrictive than the state regulations. The minimum right of way and roadway width of all proposed streets shall be as specified by the General Plan, General Plan component, or Official Map, or if no width is specified therein, the minimum widths shall be as follows:

(1) URBAN CROSS SECTION

<u>Type of Street**</u>	<u>Right of Way Width to Be Reserved</u>	<u>Right of Way Width to Be Dedicated</u>	<u>Pavement Width (Face of Curb to Face of Curb)</u>
Statewide Principal Primary or Standard Arterial Streets		180 feet	*
Statewide Minor Arterial or Areawide High or Low Collectors		100 feet	*
Local Streets		66 feet	32 feet
Pedestrian Ways		10 feet	5 feet

(2) RURAL CROSS SECTION

Statewide Principal Primary Standard, Arterial Streets	*	*	*
Areawide High and Low Collectors	100 feet	100 feet	*

topography and other limiting factors of good design permit.

2. Number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two. For local streets only cross-type intersections shall be avoided in favor of T-type intersections.

3. Number of intersections along major streets and highways shall be held to a minimum. Wherever practicable the distance between such intersections shall be not less than twelve hundred (1,200) feet.

4. Street intersections shall show corner easement radii of fifteen (15) feet or greater when required by the Planning Agency.

5. Local streets shall not necessarily continue across arterial or collector streets; but if the centerlines of such local streets approach the major streets from opposite sides within three hundred (300) feet of each other measured along the centerline of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous; and a jog is avoided.

(e) 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 shall not as a general rule be less than six hundred (600) feet nor more than fifteen hundred (1,500) feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.

2. Pedestrian ways of not less than ten (10) feet in width may be required near the center and entirely across any block over nine hundred (900) feet in length where deemed essential by the Planning Agency 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 or lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the zoning restrictions for such use.

4. Utility Easements. All utility lines for electric power and telephone service shall be placed on mid-block easements along rear lot lines wherever carried on overhead poles.

(f) 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 shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.

1. Side lot lines, whenever practicable as determined by the Planning Agency, shall be at

right angles to straight street lines or radial to curbed street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.

2. Double frontage and reverse 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 for a distance of at least thirty (30) feet on a public street.

4. Area of lots served by public sanitary sewer shall have a minimum of 8,000 square feet, unless otherwise provided for in the Zoning Ordinance. Urban subdivisions not served by public sewers shall conform to the requirements of ILHR 85, Wisconsin Administrative Code. Lot areas in rural subdivisions not served by public sewers shall be sized according to percolation rates, as follows:

<u>Percolation Rate</u>	<u>Minimum Lot Area</u>
0 - 15	20,000 square feet
15 - 30	35,000 square feet
30 - 45	1.00 acre
45 - 60	1.25 acre

Whenever a tract is subdivided into large parcels, such parcels may be arranged and dimensioned so as to allow further division of such parcels into normal lots in accordance with the provisions of this Ordinance. Deed restrictions may be required to regulate the placement of building on these lots.

5. Depth. Lots shall have a minimum average depth of one hundred (100) feet. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning regulations for such use.

6. Width of lots shall conform to the requirements of the zoning regulations.

7. Corner lots shall have an extra width of ten (10) feet to permit adequate building setbacks from side streets.

(g) Outlots. All lands within the plat boundaries which are not numbered as lots or dedicated as streets shall be outlots, and shall be consecutively numbered.

All outlots shall meet the minimum lot size requirements of this Ordinance, unless dedicated to the public.

(h) Building Setback Lines. Where not controlled by zoning regulations, building setback lines appropriate to the location and type of development contemplated shall be established as may be required by the Planning Agency.

(i) Easements. The Planning Agency may require utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on said lot lines or across lots where necessary or advisable for electric power and communication poles, wires, conduits; storm and sanitary sewers; and gas, water and other utility lines.

Drainage Easements. Where a subdivision is traversed by a watercourse, drainageway channel or stream, an adequate drainageway or easement shall be provided as may be required by the Planning Agency. The location, width, alignment and improvements of such drainageway or easement shall be subject to the approval of the Engineer; and parallel streets or parkways may be required in connection therewith. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Engineer.

(j) Public Sites and Open Space. In the design of the Plat, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainageways and other public purposes. Dedications are described in 15.03(c).

15.09 REQUIRED IMPROVEMENTS.

(a) General. Improvements required for urban subdivisions shall be those required by the municipality. All rural subdivisions shall provide the required improvements set forth in this section.

(b) Grading. After the installation of temporary block corner monuments by the subdivider and establishment of street grades by the governing body, the subdivider shall grade the full width of the right of way of all streets proposed to be dedicated in accordance with the plans and standard specifications approved by the Engineer. The subdivider shall grade the roadbeds in the street rights of way to subgrade.

(c) Surfacing. After the installation of all utility and storm water drainage improvements, the subdivider shall surface all roadways and streets proposed to be dedicated to the widths prescribed by this Ordinance and the General Plan or General Plan components. Said surfacing shall be done in accordance with plans and standard specifications approved by the Highway Engineer. The cost of surfacing in excess of thirty-six (36) feet in width that is not required to serve the needs of the subdivision shall be borne by the governing body.

(d) Street Cross Sections. When permanent rural street cross sections have been approved by the governing body, the County Highway Committee or the State Department of Transportation, Division of Highways, whoever has jurisdiction, the subdivider shall finish-grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Highway Engineer.

(e) Storm Water Drainage Facilities. The subdivider shall construct storm water drainage facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches

and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow; the type facility required, the design criteria and the sizes and grades to be determined by the Engineer. Storm drainage facilities shall be so designed as to present no hazard to life or property; and the size, type, and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Engineer.

If greater than 24-inch diameter sewers are required to handle the contemplated flows, the cost of such larger sewers shall be prorated in proportion to the ratio which the total area of the proposed Plat is to the total drainage area to be served by such larger sewer, and the excess cost either borne by the governing body or assessed against the total tributary drainage area.

(f) Improvements on Boundaries of Subdivisions. Any public improvements occurring on the boundaries of the subdivision shall use normal assessing values for establishing payments.

15.10 CONSTRUCTION.

(a) Commencement. No construction or installation of improvements shall commence in a proposed subdivision until the Preliminary Plat has been approved and the Engineer has given written authorization.

(b) Building Permits. No building permits shall be issued for erection of a structure on any parcel until all the requirements of this Ordinance have been met.

(c) Plans. The following plans and accompanying construction specifications may be required by the Engineer 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. Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.

4. Planting plans showing the locations, age and species and required street trees.

5. Additional special plans or information as required.

(d) Inspection. The Engineer shall inspect and approve all completed work prior to approval of the Final Plat or release of the sureties.

15.11 FEES.

(a) General. The subdivider shall pay the governing body all fees as hereinafter required

and at the times specified.

(b) Preliminary Plat Review Fee. The subdivider shall pay a fee amounting to Three Hundred Fifty Dollars (\$350.00) plus Ten Dollars (\$10.00) for each lot or parcel within the Preliminary Plat to the Planning Agency at the time of first application for approval of any Preliminary Plats to assist in defraying the cost of review. Reapplication fee amounting to Five Dollars (\$5.00) shall be paid to the Planning Agency at the time of reapplication approval of any Preliminary Plat which has been previously reviewed. [Amended 12/14/99, Ordinance No. 99-24; Amended 10/14/2003, Resolution 2003-77, effective 1/01/2004]

(c) Improvement Review Fee and Inspection Fee. The subdivider shall pay a fee equal to the actual cost to the County for such inspection as the Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the County or any other governmental authority.

(d) Final Plat Review Fee. The subdivider shall pay a fee amounting to Two Hundred Dollars (\$200.00) for each lot or parcel within the Final Plat to the Planning Agency at the time of first application for approval of said plat to assist in defraying the cost of review. Reapplication fee amounting to Five Dollars (\$5.00) shall be paid to the Planning Agency at the time of reapplication for approval of any Final Plat which has previously been reviewed. [Amended 12/14/99, Ordinance No. 99-24; Amended 11/12/02, Resolution No. 2002-69, effective 01/01/2003; Amended 10/14/03, Resolution 2003-77, effective 1/01/2004]

(e) Public Site Fee. If the subdivider has elected not to dedicate public lands within his plat as provided in 15.03, a fee for the acquisition or capital improvements of public sites to serve the future inhabitants of the proposed subdivision shall be paid to the Planning Agency at the time of first application for approval of a Final Plat of said subdivision in the amount equal to five percent (5%) of fair market value of the total plat after subdivision.

(f) Engineering Fee. The subdivider shall pay a fee equal to the actual cost to the County for all engineering work incurred by the County in connection with the plat. Engineering work shall include the preparation of construction plans and standard specifications. The Engineer may permit the subdivider to furnish all, some or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications.

(g) Administrative Fee. The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the County in connection with the Plat. Legal work shall include the drafting of contracts between the County and the subdivider.

ORDINANCE ADOPTED 06/11/74
Last Amended 12/14/10

APPENDIX A

MINIMUM LOT SIZES

Minimum lot sizes, where not specified in Sec. 11.04(f), shall be according to the provisions of the Jefferson County Land Division and Subdivision Ordinance as follows:

Reference ILHR 83 and ILHR 85, Wisconsin Administrative Code.

(Amended 2-10-81, Res. No. 80-126, effective 3-10-81.)

APPENDIX B

PLAT APPROVAL AND REVIEW JURISDICTION

1. The Subdivision is in a City or Village

	Approves, Approves with Conditions or Rejects	Reviews and Objects or Certifies No Objections
IN ALL CASES	City Council or Village Board	Head of the Planning Function, Department of Local Affairs and Development
AND IN ADDITION		
IF provision is not made for public sewer		Division of Health, Department of Health and Social Services
IF it abuts or adjoins a State Trunk Highway or connecting street		Division of Highways, Department of Trans- portation
IF there is a County Planning Agency employing a full-time professional engineer, planner, or other person charged with planning administration		County Planning Agency
IF there is no Planning Agency and the subdivision abuts a county park or parkway		County Park Committee
IF in an area the annexation of which is being legally contested	City Council and Town Board or Village Board and Town Board	

2. The Subdivision is in a Town and Within the Extraterritorial Plat Approval Jurisdiction of a City or Village

	Approves, Approves with Conditions or Rejects	Reviews and Objects or Certifies No Objections
IN ALL CASES	Town Board	Head of the Planning Function, Department of Local Affairs and Development
AND IN ADDITION		
IF the City or Village has adopted a subdivision ordinance or official map	City Council or Village Board	
IF provision is not made for public sewer		Division of Health, Department of Health and Social Services
IF it abuts or adjoins a State Trunk Highway or connecting street		Division of Highways, Department of Transportation
IF there is a County Planning Agency employing a full-time professional engineer, planner, or other person charged with planning administration		County Planning Agency
IF there is no Planning Agency and the subdivision abuts a county park or parkway		County Park Committee
IF in an area the annexation of which is being legally contested	City Council and Town Board or Village Board and	

Town Board

IF
within the extraterritorial
plat approval jurisdiction
of more than one city or
village

Possibly both municipi-
palities since in case
of overlapping their
extraterritorial power
their jurisdiction over
the overlapping area is
a line equidistant from
the boundaries of the
municipalities

3. The Subdivision is in a Town and Outside the Extraterritorial
Plat Approval Jurisdiction of a City or Village

	Approves, Approves with Conditions or Rejects	Reviews and Objects or Certifies No Objections
IN ALL CASES	Town Board and County Planning Agency	Head of the Planning Function, Department of Local Affairs and Development
AND IN ADDITION IF provision is not made for public sewer		Division of Health, Department of Health and Social Services
IF it abuts or adjoins a State Trunk Highway or connecting street		Division of Highways, Department of Trans- portation
IF it abuts or adjoins a County Highway or Town Road		County Highway Committee

APPENDIX C

Chapter 236, Wisconsin Statutes:

To aid in the understanding of the Jefferson County Land Division Ordinance, certain sections of Chapter 236, the state platting code, are explained below.

NOTE: This is not a quotation of Chapter 236, nor does it include the complete provisions of the statute. It is offered only as a guide to some of the important points of the particular section. For complete and exact wording, please consult the Wisconsin Statutes.

Submission of Plats for Approval (from 236.11)

A preliminary plat may be required by an approving authority. Upon submission of a preliminary plat, the approving authority has ninety (90) days to approve, approve conditionally, or reject the plat, unless the time is extended by agreement with the subdivider. Failure to act shall constitute approval. [am. 12/14/10, Ord. 2010-18]

An approving authority may refuse to approve the final plat if it is not submitted within six (6) months of the last required approval of the preliminary plat. The final plat may constitute only a portion of the approved preliminary plat. Final plats must be submitted within thirty-six (36) months following preliminary plat approval. A local unit of government may extend the time for submission of the final plat. [am. 12/14/10, Ord. 2010-18]

The approving authorities shall approve or reject the final plat within sixty (60) days of its submission, unless the time is extended by agreement with the subdivider. Failure to act shall constitute an approval.

Delegation of Power (from 236.45)

Any municipality, town, or county which has established a planning agency may adopt ordinances governing the subdivision or other division of land. Such ordinance do not apply to:

1. Transfers of interests in land by will or pursuant to court order.
2. Leases for a term not to exceed ten (10) years, mortgages or easements.
3. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by applicable ordinances.
4. Such other divisions exempted by such ordinances.

Local ordinances may not have more restrictive time limits, deadlines, notice requirements or be

more restrictive in other provisions of Ch. 236, Wis. Stats. which provide protections for the subdivider. Any provision of this ordinance that conflicts with 2009 Wisconsin Acts 376 or 399 is unenforceable and of no further force or effect. [am. 12/14/10, Ord. 2010-18]

APPENDIX D

Chapter ILHR 85, Wisconsin Administrative Code:

ILHR 85 sets certain standards for lots in subdivisions not served by public sewers, which are outlined below.

Elevation

1. Flood Water. Ninety (90) percent of the minimum lot area of each lot shall be at least two (2) feet above the highest known flood water elevation.
2. Ground Water and Bedrock. Eighty (80) percent of the minimum lot area of each lot shall be at least three (3) feet, and twenty (20) percent of the minimum lot area of each lot shall be at least six (6) feet above the highest ground water level and bedrock.
3. Slope. Fifty (50) percent of the minimum lot area of each lot in the class indicated shall have ground slope not exceeding the following:

<u>Class (See Appendix A)</u>	<u>Slope</u>
1	20%
2	15%
3	15%
4	10%

4. In addition, each lot shall have a continuous area equal to twenty (20) percent of its minimum lot area, which shall meet all of the above requirements.

Soil Tests

Initial soil boring and percolation tests are required at the rate of one per two acres, unless a detailed soil map for the area is available, in which case one per five acres is required. Further tests may be required later by the Division of Health.

Exceptions may be made where sandy soil conditions prevail or where a detailed soil map clearly indicates proper soil permeability.