

G R A N T C O U N T Y S U B D I V I S I O N R E G U L A T I O N S

March 23, 1971

GRANT COUNTY COMPREHENSIVE PLANNING AND ZONING COMMITTEE

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The County Board of Supervisors of the County of Grant, State of Wisconsin, do ordain as follows:

GRANT COUNTY SUBDIVISION REGULATIONS ORDINANCE

Being Chapter 6 of the Revised Ordinance of Grant County.

SECTION 6.10 INTRODUCTION AND PURPOSE

- (1) Introduction: The regulation of land subdivision for residential and other uses is widely accepted as a function of municipal and county government in the United States. It has become widely recognized as a method of insuring sound community growth and the safeguarding of the interests of the home owner, the subdivider, and the local government. The business of building a community and this includes its environs, requires the safeguarding of these interests and the assurance that residential land subdivision will provide permanent assets to the locality. A large part of land subdivision and development continues to occur in unincorporated areas, and so the regulation of land subdivision is of as great a concern to unincorporated areas as it is to incorporated areas. Subdivision regulations aim to prevent excessive governmental operating costs. At the same time, they aim to assure to the maximum degree possible the means whereby land can be developed for the highest possible use with all of the necessary protections against deterioration and obsolescence. 1
- (2) Legislative Intent: The purpose of these regulations are to promote the public health, safety and general welfare of the community and are designed to lessen congestion in the streets and highways; to further the orderly layout and 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 resubdivision of larger tracts into smaller parcels of land. These regulations are intended to conserve the value of the buildings placed upon land, provide the best possible environment for human habitation, and to encourage the most appropriate use of land throughout the county. 2
- (3) Finding of Fact: The increase in population, leisure time and family income throughout the county coupled with the proximity of Grant County to urban metropolitan areas, its unique beauty and its abundant recreational 3

and scenic resources have recently resulted in a rapid increase in the construction of rural residential and vacation homes and rural businesses and industries, and certain problems in addition to those usually concerned in subdivision regulations which are unique to Grant County have developed as a result thereof, among these unique problems being the layout of lots unsuitable for development due to terrain or soil conditions, the concentration of development along highways with resulting traffic congestion and hazards, the installation of septic tanks on soil types unable to absorb their effluent or on lots so small as to create health hazards, the construction of buildings and improvements in flood plains and flood ways where they are periodically endangered or damaged by floods, the lowering of the water table, the destruction of unique and irreplaceable areas of scenic beauty and the construction of buildings of types that cannot be adequately protected from fire in their location.

6.11 Title and Effective Date:

This ordinance shall be known as the "GRANT COUNTY SUBDIVISION REGULATION ORDINANCE." This ordinance has full force and effect in the entire of Grant County on and after the date of publication.

SECTION 6.20 GENERAL PROVISIONS

6.20

6.21 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.

6.22 Abrogation and Greater Restriction

6.22

It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to laws. However, where ever this Ordinance or any amendment thereto imposes greater restrictions, the more restrictive shall prevail.

6.23 Interpretation, Severability and Repeal

6.23

(1) 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.

(2) If any section, clause, 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.

(3) All other ordinances or parts of ordinances of the County inconsistent or in conflict with this Ordinance are hereby repealed to the extent of such conflict or inconsistency, but only to that extent.

6.24 Jurisdiction

6.24

The provisions of this ordinance shall apply in all of Grant County as provided in the Wisconsin Statutes.

6.25 Compliance with Ordinances, Statutes, Regulations and Plans

6.25

Any person, firm or corporation dividing land which results in a subdivision shall prepare a plat of the subdivision, in accordance with the requirements of this ordinance and the Grant County Zoning Ordinance and Sanitary Code as well as the rules of the Division of Highways, Wisconsin State Department of Transportation contained in Hy 33, Wisconsin Administration Code.

6.26 Exceptions

6.26

The provisions of this ordinance shall not apply to transfers of interest in land by will or pursuant to court order; leases for a term not to exceed 10 years, mortgages or easements; or 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 this ordinance, the County Zoning Ordinance or other applicable laws or ordinances.

SECTION 6.30 LAND SUITABILITY

No land shall be subdivided which is held unsuitable for the proposed use by the County Planning Agency 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 the future residents of the proposed subdivision or of the community. The County 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 the proposed use and afford the subdivider an opportunity to present evidence regarding such suitability at a public hearing as provided in Chapter 236.45 (4), Wis. Statutes: 1

- (1) In cases where the County Planning Agency has held the site to be unsuitable because of flood hazard and the subdivider wishes to contest that decision the following procedure and standards shall apply:

(a) Procedure to be followed in Passing on Plat Approvals where all or part of the Proposed Plat lies in any Flood-Prone Area. Upon receiving an application for a plat approval, the County Planning Agency shall, prior to rendering a decision thereon:

1. Require the applicant to submit, at the time of the pre-preliminary meeting two copies of an aerial photograph, or a plan certified by a competent technician, which accurately locates the flood plain proposal with respect to the flood plain district limits, channel of stream, existing flood plain developments, together with all pertinent information such as the nature of the proposal; legal description of the property, fill limits and elevations; building flood elevations; and flood proofing measures.
2. Transmit one copy of the information described in subsection (a) to the Division of Environmental Protection with a request, where deemed necessary, to have that agency provide expert technical assistance in evaluating the effects of the proposed project upon flood heights, velocities, and flood plain storage areas and the determination of flood protection levels.
3. Require the applicant to furnish such of the following additional information as is deemed necessary by the Agency for the evaluation of the effects of the proposal upon flood flows and flood plain storage and to render a decision on the proposed flood plain use.

- a A typical valley cross-section showing the channel of the stream the flood plain adjoining each side of the channel, cross-sectional area to be occupied by the proposed development, and high water information.
 - b Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, and soil types and other pertinent information.
 - c Profile showing the slope of the bottom of the channel or flow line of the stream.
 - d Specifications for building construction and materials, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
4. Affirm, modify or withdraw its determination of unsuitability basing its decision on the following standards.
- (b) Standards to be Applied in Passing upon Plat Approvals Where All or Part of the Proposed Plat lies in a Flood-Prone Area: 1b
- 1. In all cases the decisions of the County Planning Agency shall be consistent with the flood plain management standards of the Division of Environmental Protection.
 - 2. Building sites must be filled to a height and area sufficient to provide protection from the regional flood as defined by and according to the standards of the Division of Environmental Protection.
 - 3. Development of sites, either individually or in aggregate, shall not have an adverse effect on flood flows. Adverse effects shall be determined according to the standards of the Division of Environmental Protection.
 - 4. Development of sites shall not have an adverse effect on the storage capacity of the flood plain. Adverse effects shall be determined according to the standards of the Division of Environmental Protection.

- (c) When the County Planning Agency determines that only part of a proposed plat may be safely developed, it shall limit development to that part and shall require that the method of development be consistent with its determination.
- (d) When the subdivider does not intend to develop the plat himself, and the County Planning Agency determines that limitations are required to insure safe development, it may require the subdivider to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and on the face of the final recorded plat. Where land is dedicated to the county in such a subdivision, the dedication shall also include an enforceable interest such deed restrictions.

6.41 Grant County Highway Plan

The layout and design of streets, lots and blocks in subdivisions shall conform to the Grant County Highway Plan.

Classification of Highways: The public roads, streets and highways of Grant County are hereby divided into the following five functional classifications of highways as set forth in the State Highway Plan. The highways so classified are shown on the Grant County Highway Plan which is included as a component part of the Grant County Subdivision Regulations and therefore made a part of the original copy of this ordinance as fully as if set forth at length herein.

Functional ClassificationHighway Classification

Class A Highways

Principal Arterial Highways for which right-of-way lines have been officially mapped. Primary Arterial Highways.

Class B Highways

Standard Arterial Highways. Principal Arterial Highways without or prior to having officially mapped right-of-way lines.

Class C Highways

Minor Arterial and high collector highways. All State Trunk Highways not designated as a Class A or Class B highway.

Class D Highways

Low Collector Highways and all County Trunk Highways not otherwise designated as a Class A, Class B or Class C Highway.

Class E Highways

Local Highways, Town Roads, and Public roads and streets other than those listed above.

6.42 Streets

6.42

The arrangement, character, extent, width, grade and location of all streets shall conform to all official maps and may be required to conform to master plans, and shall be related to: existing and planned streets; topographic conditions; existing natural features including streams, lakes and tree growth; public convenience and safety; existing and proposed uses of land served by such streets; and to the most advantageous development of adjoining uses. Specifically all streets shall be designed in accordance with the following criteria:

<u>STREET DESIGN STANDARD</u>			
Rural	Lot Size (sq. ft.)	Right of way (ft.)	Grade Per Cent
Local Streets			
Cul-de-Sac*	40,000 or more	60	12
	20,000-40,000	60	10
Through	20,000 or more	66	10
	10,000-20,000	66	10
Collector	10,000 or more	100	8
<u>Urban</u>			
Local Streets			
Cul-de-Sac*	Less than 10,000	60	10
Through	Less than 10,000	66	10
Collector	Less than 10,000	70	8

* These standards apply to cul-de-sac and loop streets that are projected to serve less than 15 dwelling units.

(1) Alignment:

- (a) The arrangement of streets in a subdivision shall provide, where possible, for the continuation or appropriate projection of existing or proposed local, collector and arterial streets in the area. Local streets shall be laid out so as to discourage their use by through traffic.
- (b) Roads and streets in a subdivision shall extend to the boundaries of the tract or land being subdivided except where prevented by topography or other physical condition, or determined to be unnecessary or undesirable for the particular layout of the subdivision or the orderly development of adjacent tracts of land.
- (c) The number of intersections along arterial streets shall be held to a minimum. Wherever practicable the distance between such intersections shall be not less than 1200 feet.
- (d) Street jogs with centerline offsets of less than 150 feet shall be avoided.
- (e) A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.
- (f) Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 75 degrees, and not more than two streets shall intersect at one point. Exceptions may be granted due to steep or unusual terrain as approved by County Engineer.
- (g) Half streets shall be prohibited except where necessary for continuity of the street plan in the area.

(2) Access

- (a) Local roads or streets in a subdivision shall be designed to provide suitable access to abutting properties and to discourage their use by through traffic. Collector roads or streets shall be provided where anticipated traffic volumes exceed the practical capacity of such local roads or streets.
- (b) Where a subdivision abuts or contains an existing or planned arterial road, street, or highway, adequate protection of adjacent properties, access control, and the separation of through and local traffic, shall be provided by "reversed frontages" with screen planting in a non-access reservation along the rear property lines, or by the use of "frontage roads or streets." Said arterial roads, streets, or highways shall include all Class A, Class B and Class C highways and such other roads, streets, or highways so designated by the highway agency having jurisdiction thereover.

- (c) Where a subdivision borders on or contains a railroad or limited access highway right-of-way, roads or streets shall be provided approximately parallel to such right-of-way as necessary for the appropriate use of the intervening land with due regard for the requirements of approach grades and future grade separation.
- (d) Public alleys may be required to provide off-street loading and service access to commercial, industrial or institutional establishments, but shall not be approved in residential areas except where unusual or extraordinary conditions prevail. No such alleys shall connect to an arterial road or street or terminate without a suitable turn-around facility.
- (e) Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the Agency, under conditions approved by said agency.

(3) Cul-de-Sac and Dead End Streets

3

- (a) Cul-de-sacs shall not exceed 1000 feet in length and shall provide a turn-around with a minimum right-of-way radius of 55 feet and road way radius of 45 feet.
- (b) Dead-end streets shall not be permitted without a suitable turn-around. Appropriate arrangements shall be made for those parts of temporary turn-arounds outside of street right-of-way to revert to the abutting property owners at such time as streets shall be extended.

(4) Street Names

4

The name of any subdivision road or street shall be reviewed and approved or disapproved in accordance with the following criteria:

- (a) No road or street name shall duplicate, or be so similar to, road or street names in the area as to cause confusion.
- (b) Where a road or street maintains the same general direction or orientation, the existing name and suffix or the same name and suffix shall continue for the entire length of the road or street.
- (c) The suffix "Boulevard" shall be limited to roads and streets with divided pavement or the projection or extension of the same.
- (d) The suffix "Circle" or "Court" shall be limited to roads and streets terminating with a cul-de-sac.
- (e) The suffix "Lane" or "Drive" shall be limited to minor roads and streets not more than one block in length.
- (f) The suffix "Parkway" shall be limited to roads and streets abutting or traversing a park or greenway or water course.

6.43 Setbacks and Vision Corners

6.43

- (1) All plats abutting a public street or highway shall indicate building setback lines in accord with the standards shown below.

1

<u>Functional Classification</u>	<u>Setback from Right-of-way</u>	<u>Setback from Centerline</u>
Class A Highways	70 feet	150 feet
Class B Highways	60 feet	130 feet
Class C Highways	50 feet	110 feet
Class D Highways	40 feet	90 feet
Class E Highways	30 feet	70 feet

- (a) Setbacks from public highways shall be not less than the horizontal distances set forth in this subsection measured from (1) the near existing right-of-way line or the near officially mapped right-of-way line whichever is more restrictive, and (2) the centerline of the abutting roadway or the centerline of the near pair of travel lanes whichever is more restrictive. The more restrictive of the two measurements shall prevail.

- (b) Where the lots abut navigable waters, building setback line for all buildings and structures, except piers, marines, boathouses and similar uses, shall be shown on the plat and shall not be less than 75 feet from the normal high water line.

- (2) Vision Corners. The setback lines for a corner lot shall be modified to provide a vision corner consisting of a triangular area within which no obstruction to view from an uncoming vehicle is permitted.

2

- (a) All such vision corners shall be bounded by the centerlines of the intersecting roads, streets, highways or railroad tracks, on a straight line connecting points on said centerlines and at the following horizontal distances from their point of intersection. In the case of a multi-lane or divided highway or a multi-track railroad, said centerline shall be construed to be the centerline of the near pair of travel lanes or the near pair of rails.

<u>Functional Classification</u>	<u>Distance from Intersection</u>
Class A Highways	350 feet
Class B Highways	300 feet
Class C Highways	250 feet
Class D Highways	200 feet
Class E Highways	150 feet

6.44 Blocks

6.44

- (1) The length, width, and shape of blocks shall be suited to the planned use of the land, zoning requirements, needs for convenient access, control and safety of street traffic, and the limitations and opportunities of topography. Block lengths in residential areas shall not, as a general rule, be less than 600 feet in length between street lines unless dictated by exceptional topography or other limiting factors of good design. 1
- (2) Blocks shall have sufficient widths to provide two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. 2
- (3) Pedestrian ways or crosswalks, not less than 10 feet in width, shall be provided near the center and entirely across any block 900 feet or more in length where essential to provide adequate pedestrian circulation or access to schools, shopping centers, churches, or transportation facilities. 3

6.45 Lots

6.45

- (1) The size, shape, and orientation of the lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. All lots shall have an average width of not less than thirty (30) percent of their respective average depth. 1
- (2) Every lot shall front or abut a public street. 2
- (3) Lot width as measured from the building setback line and lot area for residential development shall conform to the requirements of the County Zoning Ordinance but shall be not less than specified below: 3

	Subdivision Served by Public Sewer		Subdivision Not Served by Public Sewer	
	Area in sq. ft.	Width in ft.	Area in sq. ft.	Width in ft.
Lots Located in Shoreland Acres	10,000	80	20,000	100
Lots Not Located in Shoreland Acres	8,000	70	20,000	100

- (4) Side lot lines shall be substantially at right angles or radial to street lines.

- (5) In case a parcel is subdivided into smaller parcels, such parcels shall be arranged as to allow the resubdivision of any such parcels into normal lots in accordance with the provisions of this ordinance. 5
- (6) Lot lines shall follow municipal boundary lines rather than cross them. 6
- (7) Double frontage, or reverse frontage lots, shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 10 feet shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use. 7
- (8) No lot shall front on the right-of-way of any Class A Highway; on the right-of-way of any ramp or turning or acceleration or deceleration lane of any interchange on a Class A Highway; nor on any public road, street or highway intersecting or interchanging with a Class A Highway within one thousand (1000) feet of such intersection or interchange. 8
- (9) Lots requiring direct private access to the right-of-way of any public road, street or highway shall have a frontage along such right-of-way of not less than the following minimum distance: 9

<u>Functional Classification</u>	<u>Minimum Frontage</u>	
	<u>Internal Lot</u>	<u>Corner Lot</u>
Class A Highway	400 feet	450 feet
Class B Highway	200 feet	300 feet
Class C Highway	200 feet	250 feet
Class D Highway	100 feet	150 feet
Class E Highway	70 feet	80 feet

6.46 Easements

6.46

- (1) Utility easements shall be provided where necessary to service the subdivision in accordance with the recommendations of the respective utility companies. Such easements to be along rear or side lot lines with not less than seven (7) feet of such easement on each side of the particular lot line except where unusual or extraordinary conditions prevail. 1
- (2) Drainageway easements shall be provided where a subdivision is traversed by a watercourse, drainageway, channel or stream except where a special exception is permitted. Said easements shall be of such alignment and width to accommodate the anticipated discharge from the upstream drainage basin with due allowance for the future development of upstream land. 2

- (3) Pedestrian ways, including sidewalks and crosswalks, shall be provided for essential pedestrian circulation such as access to schools, shopping centers, churches, community and transportation facilities, and across the entire width of any block 800 feet or more in length. Such pedestrian ways to be located within a public right-of-way or within an easement of not less than 10 feet in width.
- (4) Multi-purpose easements for drainageways, pedestrianways and/or utilities may be provided where the same would satisfy the requirements heretofore set forth and further the orderly development of the land being subdivided.

3

4

6.47 Dedication

6.47

(1) Public Approval

1

Any part of a street, drainageway or other public way which is indicated on a comprehensive plan or plan component shall conform to the arrangement, width and location indicated, and shall be offered for dedication to the county or town. The required right-of-way for new public roads, streets, or highways shall be dedicated to the public. Such dedications must be approved by the governing body having jurisdiction thereover and said body reserves the right to refuse any or all such dedications. All public ways, easements, reservations reserve strips, and any approved names thereof, shall be shown on the final plot.

- (2) Subdivisions abutting on a navigable lake or stream shall, according to the provisions of Section 236.16 (3), Wisconsin Statutes, provide access at least 60 feet wide to the high water mark so that there will be public access, which is connected to existing public roads at least at one-half mile intervals as measured along the lake or stream shore except where greater intervals and wider access is agreed upon by the State Conservation Division and the director of Local and Regional Planning of the Department of Local Affairs and Development and excluding shore areas where public parks or open space streets or roads on either side of a stream are provided. The County Planning Agency may require dedications of access points of greater width or at more frequent intervals at points designated by them.

2

The lands lying between the meander line, established in accordance with Section 236.20 (2) (g), 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. 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.

- (3) Reservations, or reserve strips for the control of access to streets, shall be placed under the control of the governing body having jurisdiction over such streets. Reservation of land for public acquisition shall be for a period not to exceed three (3) years. Land so dedicated or reserved must be shown on the final plat.

6.48 Planned Developments

- (1) The requirements and standards of this ordinance may be modified by the Agency for planned developments providing such proposed developments shall be planned as a unit, be appropriate to the site and location, shall be a minimum of 10 acres, and shall not conflict with other laws or requirements or with the purpose or intent of this ordinance, and is approved by the Agency. In addition, continued provision, maintenance, and use of open space, recreation areas, services, and amenities shall be assured in a manner acceptable to the Agency. Also for single family development a maximum density of 5 units per gross usable acre shall be required.
- (2) It is the intent of this section to permit, in addition to other types of planned development, cluster subdivisions and planned unit developments with owner-occupied row housing and with privately owned common property comprising a major element of the development.

SECTION 6.50 REQUIRED IMPROVEMENTS

6.50

The subdivider of any proposed subdivision including the opening or extension of any street or streets, or the installation of county or municipal utilities within easements, shall submit construction plans and specifications prepared by a registered civil engineer to the Grant County Engineer. Such plans and specifications shall meet the requirements of the county engineer. Construction of public improvements shall not proceed unless plans and specifications have been approved by the county engineer. The subdivider shall notify the county engineer whenever constructed improvements require inspection preparatory to approval by the county engineer. If the subdivider has not complied with minimum improvement requirements, he shall reinstall the improvements to conform with these regulations.

6.51

6.51 Streets

Design and specifications of pavement base, wearing surfaces, curbs and gutters, materials and procedures, and grading and drainage facilities shall be in accordance with requirements specified by the county engineer.

All roadways shall be improved as specified in the following table:
entitled "Street Improvement Standards."

6.52 Utilities and Drainage

6.52

(1) Water supply and sewage disposal:

1

- (a) All water and sewage lines to be installed shall be constructed to the property line before the streets are built.
- (b) Where an approved public water supply or sanitary sewer is not located in proximity to a subdivision any private system shall meet the requirements as to standards, specifications, construction, supervision, and maintenance as specified in the Grant County Sanitary Code.

(2) Drainage:

2

- (a) Provision shall be made for the adequate disposal of surface water either to a natural drainage course or to a storm sewer system, as approved by the County Engineer.
- (b) All surface drainage facilities shall connect to an adequate drainage course.
- (c) Land that is subject to flooding periodically shall be provided with such improvements as may be required to remove flooding hazards from proposed subdivision lots.

6.53 Survey Monuments

6.53

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

6.54 Improvement Guarantee

6.54

The developer may apply for final approval and recording of all or only part of the entire subdivision. The improvements specified shall be installed and approval of the final plat shall be given only after the work has been completed or there shall have been filed with the Agency one of the following:

- (1) A duly completed and executed surety bond in an amount sufficient to complete the work with surety satisfaction to appropriate municipality or the Agency. 1
- (2) A certified check, in an amount sufficient to complete the work, drawn on an approved bank and available to the appropriate municipality or the Agency. As the work progresses the municipality or the Agency may permit the exchange of said check for another check of sufficient amount to complete the remaining improvements agreed upon. If the improvements are not completed within the specified time, the municipality or Agency may use the bond or the certified check to complete the remaining work provided for. 2
- (3) Other collateral satisfactory to the appropriate municipality or the Agency in an amount sufficient to complete the work. 3

SECTION 6.60 ADMINISTRATION AND PROCEDURE

6.60

6.61 Pre-Application Procedure

6.61

Prior to filing an application for approval of a preliminary plat, the subdivider may consult with the staff of the Agency for advice and assistance for the purpose of reviewing the procedures and requirements of this ordinance and other ordinances, and any plans or data which may affect the proposed development. It is generally desirable to submit sketch plan of the proposed development along with a general indication of the type and extent of development.

6.62 Preliminary Plat Procedure

6.62

Prior to submitting a final plat for approval, the subdivider shall cause to be prepared a preliminary plat and file with the staff of the Agency a written application for approval of the preliminary plat, which shall include all data required by this ordinance accompanied by six (6) copies of the plat. The preliminary plat shall cover the entire area owned or controlled by the subdivider even though only a small portion thereof is proposed for development at the time. The Agency shall within sixty (60) days from the date submitted, approve, approve conditionally or reject the preliminary plat based on its determination of conformance with the provisions of this ordinance. The Agency shall forward one copy of the plat to the town in which the plat is proposed to be located. The town shall within fifteen (15) days submit its comments to the Agency.

6.63 Final Plat Procedure

6.63

If the preliminary plat has been approved or been approved conditionally, the subdivider may submit six (6) copies of the final plat. All improvements required by this ordinance shall be made or guaranteed in a manner described in Sections 6.50 to 6.54 of this ordinance. If the final plat meets the requirements of this ordinance, and has been submitted within six months from the approval date of the preliminary plat and the conditions have been met in the case of preliminary plats given conditional approval, the Agency shall approve the final plat of the subdivision.

6.64 Plat and Data Submission Requirements

6.64

(1) Preliminary Plat

The preliminary plat shall be based upon survey by a registered land surveyor and shall be submitted in six (6) copies at a scale of not more than 100 feet to one inch, and shall show correctly on its face:

- (a) Date, graphic scale and north point.
 - (b) Name of the proposed subdivision
 - (c) Name, address and telephone number of the person to be contacted regarding the plat.
 - (d) Location of the proposed subdivision by government lot, quarter section, section, township, range and county.
 - (e) A scaled drawing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey, and the total acreage encompassed thereby.
 - (f) Location and names of adjacent subdivisions, parks and cemeteries.
 - (g) Location, right-of-way width and names of any existing or proposed streets, alleys or other public ways; easements, and railroad and utility rights-of-way included within or adjacent to the proposed subdivision.
 - (h) Location of existing property lines, buildings, drives, streams and water courses, lakes, marshes, rock outcrops, wooded areas, and other similar significant features within the parcel being subdivided.
 - (i) Water elevations of adjoining lakes or streams at the date of the survey, and approximate high and low water elevations.
 - (j) Contours at vertical intervals five (5) feet.
 - (k) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, or other public uses which are to be used for group housing, shopping centers, church sites or other uses not requiring lotting.
 - (l) Existing and proposed land use and zoning included within or adjacent to the proposed subdivision.
 - (m) Approximate dimensions of all lots, and proposed lot and block numbers.
 - (n) When requested by the Agency, a draft of a protective covenant whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.
- (2) Final Plat

The final plat of the proposed subdivision shall comply with the requirements of Chapter 236 of the Wisconsin Statutes.

The Agency may hear and grant appeals for variances not contrary to the public interest, where, owing to special conditions, a literal enforcement of this ordinance will result in practical difficulty or unnecessary hardship, so that the spirit and purpose of this Ordinance shall be observed and the public safety, welfare, and justice secured. Variances shall not create substantial detriment to adjacent property.

- (1) Principles Guiding Agency Decisions: The following are principles that shall guide the Grant County Planning and Zoning Committee: 1
 - (a) The burden is upon the appellant to prove the need for a variance.
 - (b) Pecuniary hardship, loss of profit, self-imposed hardships, such as that caused by ignorance, deed restrictions, proceeding without a permit, or illegal sales, are not sufficient reasons for granting a variance.
 - (c) The plight of the appellant must be unique, such as a shallow or steep parcel of land, or situation caused by other than his own action.
 - (d) The hardship justifying a variance must apply to individual appellants' parcel or structure and not generally to other properties in the county.
- (2) Application: Applications for a variance shall be made in duplicate to the County Planner on forms provided by his office. Applications for variances shall be forwarded to the Planning and Zoning Committee. 2
- (3) Review and Approval: Upon receipt of an application for a variance the Agency shall set a time and place for a meeting at which the appellant and other interested parties will be heard. In passing upon a variance evaluation of the proposed development shall take into account the following: 3
 - (a) The maintenance of safe and healthful conditions;
 - (b) The prevention and control of water pollution including sedimentation;
 - (c) Existing topographic and drainage features and vegetation cover on the site;
 - (d) The location of the site with respect to flood plains and floodways of rivers or streams;
 - (e) The erosion potential of the site based upon degree and direction of slope type and vegetation cover;

	6.65
(f) The location of the site with respect to existing or future access roads;	3
(g) The amount of storm waters and solid and liquid wastes to be generated and the adequacy of the proposed disposal system;	
6.66 Fees, Violations and Penalties	6.66
(1) Fees	1
<p>The developer shall pay to the Grant County Treasurer a fee amounting to ten (\$10.00) dollars plus one (\$1.00) dollar for each lot or parcel shown on the preliminary plat to assist in defraying the cost of reviewing the plat. In addition, the developer shall pay to the County Treasurer prior to approval of a final plat of a subdivision a fee to defray the cost of checking improvement plans and inspecting improvements amounting to ten (\$10.00) dollars plus one (\$1.00) dollar per lot as shown on the final plat.</p>	
(2) Violations and Penalties	2
<p>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 Sections 236.30, 236.31, 236.32, 236.335, 236.35 of the Wisconsin Statutes.</p>	

SECTION 6.70 DEFINITIONS of Terms Used in this Ordinance:

6.70

- (1) AGENCY. The Grant County Planning and Zoning Committee.
- (2) BUILDABLE AREA of a LOT. That part of the lot bounded by the required building setback, side, and rear yard line and less than 15% grade.
- (3) BUILDING. Any structure used, designed, or intended for the protection, shelter, or roofed enclosure of persons, animals, or property.
- (4) CERTIFIED SURVEY MAP. A map of land division, not a subdivision, prepared in accordance with Section 236.34, Wisconsin Statutes.
- (5) CUL-DE-SAC. A street with only one outlet, which has a circular turnaround at the end.
- (6) LOT. A parcel of land within a subdivision which parcel has its full frontage on a public street or right-of-way.
- (7) LOT WIDTH OR FRONTAGE. The distance between side lines of the lot at the building line. In the case of a shoreland lot, the lot width is the width of the lot 75 feet from the waterline.
- (8) MASTER PLAN. A plan for guiding and shaping the growth or development of Grant County or of a community or area in Grant County which has been adopted by a governmental unit of Grant County, and whose preparation is authorized by the Wisconsin Statutes.
- (9) OFFICIAL MAP. A map indicating the location, width, extent of the existing and proposed streets, highways, parkways, parks and playgrounds adopted by the municipalities in Grant County in accordance with Section 62.33 (6) of the Wisconsin Statutes.
- (10) PARCEL. Contiguous lands under the control of a subdivider(s) not separated by streets, highways, or railroad rights-of-way.
- (11) PLAT. A map of subdivision.
- (12) PUBLIC STREET. A right-of-way accepted and designated as a public street, road or highway by a public authority.
- (13) REGIONAL FLOOD. A flood determined by the designated regulatory agency which is representative of large floods known to have occurred generally in Wisconsin or along its boundaries and characteristic of what can be expected to occur on a particular river or stream. The typical regional flood has an average frequency in the order of the 100 year recurrence interval

flood as determined by analysis of floods on the particular river or stream and other bodies of water in the same general region.

- (14) RIGHT-OF-WAY. A strip of land, property, or interest therein acquired for or devoted to a highway or other public way.
- (15) SEWER, PUBLIC. Sewers and treatment facilities used in connection therewith, which are maintained and operated by a municipality, privately owned public utility, town or town sanitary district.
- (16) SHORELAND AREA. All lands within 300 feet of the shoreline of navigable rivers or streams and 1,000 feet of the shoreline of navigable lakes, ponds or flowages or to the landward side of the flood plain whichever is greater.
- (17) SUBDIVISION. The division of a lot, parcel or tract by the owner thereof, or his agent, for the purpose of transfer of ownership or building development where the act of division creates three (3) or more parcels or building sites of five (5) acres each or less in area or where the act of division creates three (3) or more parcels of building sites of five (5) acres each or less in area by successive division within a five-year-period, or any division or allocation of land for the opening, widening or extension of any public street or road.
- (18) USABLE AREA. Land that has a slope of less than 20%. Land that is permanently under water shall not be considered usable area.

The undersigned hereby certify that the foregoing ordinance was adopted by the Grant County Board of Supervisors the _____ day of _____, 1979.

Dated this _____ day of _____, 1979.

Richard J. Markus, Chairman

Attest:

Dorothea Eck, Clerk

