

CHAPTER 21
SUBDIVISIONS

21.01 AUTHORITY. This ordinance (Chapter 21) is adopted under the authority granted by Sections 59.692(3), 281.31, and 236.45 of the Wisconsin Statutes and amendments thereto; and pursuant to this authority the County Board of Supervisors of the County of Brown do ordain as follows:

21.02 TITLE. This ordinance shall be known as, referred to, or cited as the Brown County Subdivision and Platting Regulations.

21.03 JURISDICTION. Jurisdiction of these regulations shall include all towns within Brown County. Jurisdiction shall also include any village or city within Brown County that has agreed to county subdivision review authority under Section 66.0301, Wisconsin Statutes. Where the governing body of a town or municipality within Brown County has enacted an ordinance regulating subdivisions, compliance must be made with the most restrictive requirements as provided in Section 236.13(4), except that Condominium Plats in every city, village or town within Brown County will be subject to a review and approval by Brown County under the authority delegated to a County by Sec. 703.115 of the Wisconsin Statutes.

21.04 APPLICABILITY. Within the jurisdiction stated above, these regulations shall apply to the following:

(1) Subdivision: Any land division which results in a subdivision as defined herein shall require a plat thereof be prepared and submitted for review, approval, and recording as required by this ordinance and Chapter 236, Wisconsin Statutes, as applicable.

(2) Certified Survey Map: Any land division which does not necessitate the preparing of a subdivision plat shall have a certified survey map prepared, approved, and recorded as required by this ordinance and Chapter 236, Wisconsin Statutes, provided:

(a) The land division creates at least one parcel located within the Brown County Sewer Service Area that is 40 acres or less in size (not including any land within public rights-of-way), or

(b) The land division creates at least one parcel not located within the Brown County Sewer Service Area that is 10 acres or less in size (not including any land within public rights-of-way).

(3) Replatting: When a replat of a recorded subdivision or part thereof is proposed, the subdivision plat shall be vacated or altered according to the provisions of Chapter 236, Wisconsin Statutes.

(4) Combining Parcels: The combining of two or more parcels of land into a single parcel shall comply with the requirements of Section 21.49 of this ordinance.

(5) Condominium Plat: Property subject to a condominium declaration established under Chapter 703, Wisconsin Statutes. Condominium ownership shall comply with Section 21.455 of this Ordinance.

(6) Exceptions: The provisions of this section shall not apply to:

(a) Transfers of interest in land by will or pursuant to court order.

(b) Leases for a term not to exceed 10 years, mortgages, or easements.

(c) The sale or exchange of land between owners of adjoining property if additional lots and/or parcels are not hereby created and the lots and/or parcels resulting are not reduced below the minimum size required by this ordinance or other applicable laws or ordinances.

(d) Cemetery plats made under Section 157.07, Wisconsin Statutes.

(e) Assessors' plats made under Section 70.27, Wisconsin Statutes.

21.05 PURPOSES. These regulations are adopted for the following purposes:

(1) To protect and provide for the public health, safety, and general welfare of Brown County and its municipalities.

(2) To guide the future growth and development of Brown County in accordance with adopted comprehensive plan and other county or local plans.

(3) To secure safety from fire, flood, and other dangers and to prevent overcrowding of the land and undue congestion of population.

(4) To facilitate the orderly and beneficial development of the county through well-planned land divisions consistent with workable design standards.

(5) To ensure adequate provision of efficient transportation, water, sewerage, stormwater drainage, schools, recreation, and other facilities.

(6) To ensure that the design of the transportation system will not have a negative long-term effect on neighborhood quality, traffic and pedestrian movement, and safety.

(7) To further the orderly layout of land through the establishment of reasonable standards of design and procedures for land divisions.

(8) To ensure accurate legal descriptions and proper monumenting of subdivided land.

(9) To prevent and control erosion, sedimentation, and other pollution of air, streams, and ponds; to ensure the adequacy of drainage facilities; to safeguard potable water supplies; and to encourage the wise use and management of natural resources through the county.

(10) To preserve the natural beauty and topography of the county and to encourage appropriate development with regard to these natural features.

(11) To prevent destruction or impairment of environmentally sensitive areas.

21.06 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, rules, regulations, ordinances, or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

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

21.08 SEVERABILITY AND NON-LIABILITY.

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

(2) The county does not guarantee, warrant, or represent that only those areas designated as floodplains will be subject to periodic inundation and that those soils listed as being unsuited for specific uses are the only unsuited soils within the county and thereby asserts that there is no liability on the part of the County Board of Supervisors, its agencies, or employees for sanitation problems or structural damages that may occur as a result of reliance upon and conformance with this ordinance.

21.09 COMPLIANCE. Any division or combining of parcels which is applicable under Section 21.04 shall not be entitled to recording unless such division is in compliance with all the requirements of this ordinance. All approved certified survey maps and plats shall be filed for recording with the Brown County Register of Deeds prior to transferring ownership of any parcels created by a land division.

21.10 ADMINISTRATION. The administration of the provisions of this ordinance shall be the responsibility of the Brown County Planning Commission Board of Directors and the Planning Commission staff as authorized representative.

21.20 DEFINITIONS. Terms used in this ordinance mean as follows:

Adjusted Tract Area: The resulting area of a tract of land to be divided after the area of environmentally sensitive areas and existing road rights-of-way are deducted.

Alley: A public or private right-of-way that provides secondary access to abutting properties.

Block: A parcel, lot, or group of lots existing within well-defined and fixed boundaries bounded on at least one side by a street, bounded on the other sides by streets, natural or man-made barriers, or unplatted land and having an assigned number, letter, or other name through which it may be identified.

Board: The Board of Directors of the Brown County Planning Commission. The administrating agency of this ordinance as appointed by the Brown County Board of Supervisors.

Brown County Sewer Service Area: Those areas within Brown County that are presently served or anticipated to be served by a sewage collection system, as identified within the approved Brown County Sewage Plan and subsequent amendments thereto.

Building: A structure having a roof supported by columns or walls for shelter, support, or enclosure of persons, animals, or property and having a more or less permanent location on the ground.

Building Setback Line: The distance from the boundaries of a lot or from some other feature within which building(s) shall not be erected.

Certified Survey Map: A map of not more than four parcels prepared in accordance with Chapter 236, Wisconsin Statutes, and the terms of this ordinance.

Channel: A natural or artificial watercourse of perceptible extent with definite bed and banks to conform and conduct continuously or periodically flowing water. Channel flow, thus, is that water which is flowing within the limits of a defined channel.

Cluster Subdivision: A residential development that concentrates buildings or lots on a part or parts of the site to allow the remaining land to be used for open space, recreation, protection of environmental features, or other purposes, where the density regulations are applied to the project as a whole instead of to its individual lots.

Combining Parcels: The voluntary act of creating a single lot description and tax parcel out of two or more separately described parcels.

Commission: The Brown County Planning Commission.

Comprehensive Plan: For the county, a development plan that is prepared or amended under s.59.69(2) or (3), Wisconsin Statutes; or for a city, village, or town, a master plan that is adopted or amended under s.62.23(2) or (3), Wisconsin Statutes.

Condominium Plat: Property subject to a condominium declaration established under Chapter 703, Wisconsin Statutes.

Conservation Easement: The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state precluding future or additional development.

Conservation Designed Subdivision: A subdivision or residential development that is characterized by compact lots that are surrounded by or interspersed with preserved common open space where the natural features of the land are preserved to the greatest extent possible.

Corner Lot: A lot located at the intersection of two or more streets.

County Plat: A map of a division of land prepared in the same manner as required in Chapter 236, Wisconsin Statutes, except that all reviews are completed at the local level, in accordance with the terms of this ordinance and where:

(a) The act of division creates 5 or more lots, of which no more than 4 lots are 1.5 acres or less in area; or

(b) Five or more lots, of which no more than 4 lots 1.5 acres or less in area are created by successive division within a period of 5 years.

Cul-de-sac: A short local street having one end open to vehicular traffic and the other end permanently terminated by a vehicular turnaround. Where a combination of two or more intersecting streets have only one outlet to the adjoining street network, it shall be considered a cul-de-sac for the purposes of this ordinance.

Days: Shall refer to calendar days, unless specifically indicated otherwise.

Dead-end Street: A street having only one outlet for vehicular traffic and no permanent vehicular turnaround.

Double Frontage Lots: A lot, other than a corner lot, which has frontage on two or more streets.

Drainage Easement: A strip of land reserved to accommodate the free flow of stormwater or to provide for storm sewers.

Easement: A grant by a property owner of the use of designated land by another for a specified purpose.

Existing Parcel: A parcel, lot, or tract of land which the enclosing boundaries are separately described and are either of record in the Office of the Register of Deeds or defined by an existing tax parcel. An existing parcel completely severed by a public right-of-way shall be construed to comprise two parcels.

Final Plat: The map or drawing of a subdivision prepared in compliance with the provisions of Chapter 236, Wisconsin Statutes, and the terms of this ordinance.

Flood: A temporary rise in stream flow or pond or lake water levels that result in water overtopping its banks and inundating normally dry areas adjacent to the stream, pond, or lake.

Flood Fringe: That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and generally associated with standing water rather than flowing water.

Floodplain: Land that has been or may be hereafter covered by floodwater, including, but not limited to, the regional flood.

Floodway: The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the flood waters or flood flows of any river or stream, including, but not limited to, flood flows associated with the regional flood.

Frontage: That part of a lot abutting on a street or other public right-of-way. Also, the length of the lot line that runs along a public right-of-way.

Gross Site Area: The total area within the boundaries of a tract to be subdivided, not including public rights-of-way already established.

Land Division: The act of creating one or more new and separately described parcels from an existing parcel(s) of land by the owner thereof or his agent.

Limited Access Expressway: A divided arterial street or highway for through traffic with full or partial control of access, either with or without grade-separated intersections.

Lot: A designated part of a subdivision or certified survey map having an assigned number through which it may be identified and meeting the requirements of this ordinance for a building site. For the purposes of this ordinance, a lot may also include the terms parcel, tract, or building site in determining the applicability of this ordinance to land divisions.

Lot Area: The area contained within the property lines of the individual parcels of land as shown on a plat or certified survey map, excluding any area within a street right-of-way but including the area of any easement.

Municipality: A town, village, or city within Brown County.

Official Map: A legally adopted map of the city, village, town, or county showing thereon existing and proposed streets, highways, parkways, parks, schools, and other public facilities, as provided by Sections 62.23(6), 80.64, or 234.46, Wisconsin Statutes.

Open Space: Land within a subdivision or development retained for use as recreation areas, agriculture, or for natural resource protection in an essentially undeveloped state.

Outlot: A parcel of land so designated on a plat or certified survey map and which is any of the following:

- a) A parcel of land left over at the time of platting and which is intended to be divided further in the future.
- b) A platted parcel which does not meet the requirements of a lot at the time of platting.
- c) A platted parcel which is intended for open space or other use and held in common ownership or which is transferred to a public agency or utility.

Parcel: A continuous area of land described in a single description in a deed or lot or outlot on a plat or certified survey map, separately owned or capable of being separately conveyed.

Planning Commission Staff: Employees retained by the Brown County Planning Commission to administer this ordinance.

Plat: A map of a subdivision.

Preliminary Plat: A map showing the salient features of a proposed subdivision submitted to the Planning Commission for purposes of preliminary consideration.

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

Restrictive Covenant: Written stipulations on the face of the plat or certified survey map regarding restrictions on the use or development of land that are binding on the property owner and subsequent owners of the property.

Retracement Certified Survey Map: A certified survey map that retraces, identifies and locates the boundaries of an existing parcel or parcels of land and which does not create additional parcels or alter existing boundaries.

Right-of-Way: A strip of land allowing or intending to allow the passage of people or goods and is dedicated to the public or under the control of the public.

Roadway: That portion of a street or highway improved, designed, or ordinarily used for vehicular travel.

Service Drive: A public street generally parallel and adjacent to a freeway, expressway, or arterial street primarily designed to provide ingress and egress to abutting properties and control access to the freeway, expressway, or arterial street.

State Plat: A map of a division of land prepared in accordance with Chapter 236 of the Wisconsin Statutes and the terms of this ordinance where:

- a) The act of division creates 5 or more parcels of 1.5 acres or less in area; or
- b) Five or more parcels of 1.5 acres or less in area are created by successive divisions within a period of 5 years.

Street: A thoroughfare or way for vehicular traffic that provides vehicular access to abutting property.

Street, Arterial: A major high capacity street used and designed to carry large volumes of traffic and provide efficient vehicular movement between major activity areas of the community.

Street, Collector: A street designed to carry moderate amounts of traffic and which collects and distributes traffic between arterial streets and local streets, including the principal entrance and traffic movement streets within a residential development.

Street, Half: A street on the exterior boundary of a tract being subdivided with only a portion of the required right-of-way width.

Street, Local: A street designed primarily to provide vehicular access to abutting properties and which generally does not carry through traffic. Such streets are also called minor streets.

Structure: Anything constructed or erected on the ground, to include all types of buildings, and attachments to buildings.

Subdivider: Any individual, firm, association, syndicate, partnership, corporation, guardian, attorney, trust, condominium declarant or any other legal entity commencing proceedings under the regulations of this chapter to effect a subdivision of land or a

condominium plat hereunder for the owner of record or for another with consent of the owner of record.

Subdivision: Any land division where:

a) The act of division creates 5 or more parcels or building sites of 10 acres each or less in area (40 acres each or less in area if located within the Brown County Sewer Service Area), or

b) Five or more parcels or building sites of 10 acres each or less in area (40 acres each or less in area if located within the Brown County Sewer Service Area) are created by successive divisions within a period of 5 years. (See also County Plat and State Plat.)

Tax Parcel: An existing tract of land as defined by the governing jurisdictional body for the purpose of assessment and taxation.

Tax Parcel Number: An identification number assigned to real estate in Brown County for taxation purposes.

Tract: A lot or parcel or contiguous group of lots or parcels in single ownership or under single control, usually considered a unit for purposes of subdivision or development.

Utility Easement: An easement to place, replace, maintain, or move utility facilities, such as telephone or electric lines, water or sewer mains, gas pipelines, and cable television.

Variance: A departure from the terms of this ordinance as applied to a specific parcel of land which the Board of Directors may permit, pursuant to Section 21.81 of this ordinance.

Yield Plan: A conceptual layout of a subdivision that shows the number of lots that would be permitted using the conventional requirements for density, lot size, and so forth. The yield plan is commonly used to justify the number of lots within a proposed conservation designed subdivision or other planned unit development.

21.30 GENERAL PROVISIONS.

21.31 DEDICATION AND RESERVATION OF LAND.

(1) Whenever a tract to be divided includes a proposed street, highway, or parkway or proposed site for a park, playground, school, or other public use or facility as indicated on any adopted official map or comprehensive plan, such space shall be suitably incorporated by the subdivider into the subdivision plat or certified survey map after the proper determination of its necessity by the Planning Commission staff and/or the appropriate body or public agency involved in the acquisition and/or use of each site. For existing and planned streets within the tract to be divided, the subdivider shall dedicate the right-of-way width specified in s.21.61(1)(a), (2), and (11), as applicable.

(2) If areas for potential public access or acquisition are included within a plat or certified survey map, the Planning Commission staff shall refer the plat or certified survey map to the public body concerned with the acquisition for its consideration and report. The Planning Commission staff may propose alternate areas for such acquisition and shall allow the public body concerned 30 days for reply. The reply of the public body if affirmative shall include a

map showing the boundaries and areas of the parcel to be acquired and an estimate of the time required to complete the acquisition.

(a) Upon receipt of an affirmative report, the Planning Commission staff shall notify the property owner and shall require that area proposed to be acquired by the public body to be designated on the plat or certified survey map.

(b) On all plats and certified survey maps in which land is designated for acquisition by a governmental unit or agency, a binding and enforceable agreement shall be executed between the owner of the property so designated and the appropriate governmental unit or agency, within one year of written notification that the owner intends to develop the property. Such notice of intent shall include a sketch plan of the proposed development and a tentative schedule of construction. Failure to execute such a binding and enforceable agreement within the prescribed one year shall result in the loss of the "designated for acquisition" category of the property involved, and the owner shall then be free to develop said property. Nothing herein shall prevent property on a plat as being designated as dedicated, nor shall it prevent the exercise of Eminent Domain powers as authorized by law.

(c) Whenever a preliminary plat or certified survey map includes a proposed dedication of land to public use and the Planning Commission staff finds that such land is not required or not suitable for public use, the Commission may refuse to approve such dedication.

(d) When a final plat or certified survey map has received all required approvals and is recorded, that approval shall constitute acceptance for the purpose designated on the plat of all lands shown on the plat as dedicated to the public, including street rights-of-way.

21.32 LAND SUITABILITY.

(1) No land shall be divided or subdivided if the resulting lots are determined to be unsuitable for a developed use by the Planning Commission staff for reason of flooding or potential flooding, adverse soil or rock formations, severe erosion potential, unfavorable topography, inadequate drainage, inadequate water or sewage disposal capabilities, or any other condition likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. A portion of a proposed lot may contain such conditions, provided the overall lot is not deemed unsuitable.

(2) Except as provided in sub. (4), the Planning Commission staff shall determine such unsuitability at the time the preliminary plat or CSM is considered for approval.

(3) The Planning Commission staff, in applying the provisions of this section, shall consider the various provisions of this ordinance and other county, state, or local regulations. The Planning Commission staff 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 to the contrary and/or the means of overcoming such unsuitability, if subdivider so desires, at a meeting of the Board. Thereafter, the Board may affirm, modify, or withdraw the determination of unsuitability.

(4) The subdivider may, prior to submitting a subdivision plat or certified survey map for review, request a determination of land suitability. The subdivider shall provide all necessary maps, data, and information for such a determination to be made.

21.33 ENVIRONMENTALLY SENSITIVE AREAS.

(1) Environmentally sensitive areas shall consist of the following water-related features:

- (a) Wetlands.
- (b) Land within 50 feet of wetlands that are larger than 2 acres in size.
- (c) Floodways plus 50 feet (but not beyond the floodplain boundary) OR 75 feet beyond the ordinary high water mark, whichever is greater.
- (d) Land within 100 feet of navigable waters if there is no Wisconsin DNR-approved flood study.
- (e) Land within 25 feet of non-navigable waterways shown on the USGS topographic quadrangle maps (7.5-minute series).
- (f) Steep slopes of 12% or greater that are immediately adjacent to or extend into any of the features listed above.

(2) Environmentally sensitive areas shall be shown on all final plat maps and certified survey maps unless waived by Planning Commission staff. Except for amendments approved by the Planning Commission or Wisconsin Department of Natural Resources, restrictions shall be placed on all plats and certified survey maps regarding development and land-distributing activities within environmentally sensitive areas. Notes or disclaimers may be included on plats and certified survey maps indicating that the extent of the environmentally sensitive area is subject to change due to the granting of amendments, revisions to the definition of environmentally sensitive area, or provision of more detailed information, such as flood studies.

(3) When a proposed subdivision or certified survey map is located wholly or partly in an area where flooding or potential flooding may be a hazard, floodplain lines and, where calculated, floodway lines shall be shown on final plats and maps unless waived by the Planning Commission staff. Floodplain boundaries as determined by the subdivider shall be reviewed and approved by the Wisconsin Department of Natural Resources.

21.34 LAND DIVISIONS NOT SERVED BY PUBLIC SEWER

(1) Except as provided in sub. (2), for each proposed land division not served by public sewer, a soil test complying with COMM 83 and COMM 85, Wisconsin Administrative Code, shall be submitted for each proposed lot. No more than 4 lots that are created from the same parent parcel shall be planned to be developed with holding tanks as the onsite waste disposal system.

(2) Land divisions for public utilities and certain public facilities involving structures not requiring onsite waste disposal systems (e.g., water towers, pumping stations, power relay stations) and other land divisions where conditions warrant, as determined by the Planning Commission staff, may be approved with the following required notation: "Restrictive Covenant. The construction of structures which rely upon onsite sewerage disposal systems for sanitary waste disposal shall be prohibited on this lot until all state, county, and municipal

regulations have been met and a sanitary permit has been issued by the Brown County Zoning Administrator's Office."

(3) The Planning Commission staff may require that the locations and dimensions of sites for private onsite wastewater treatment systems be identified on final plats and certified survey maps for those lots with limited suitable area, as determined by the Brown County Zoning Office.

21.35 EROSION PREVENTION REQUIREMENTS.

(1) When a proposed subdivision or certified survey map is located in an area having the potential to cause soil erosion and sedimentation problems or when the construction or extension of roads or other public facilities is involved, the Planning Commission staff may require that the subdivider prepare a detailed erosion and sediment control plan. The plan shall detail all proposed grading activities, stockpile locations, vegetative cover, berms, sediment basins, and other storm drainage and erosion control measures to reduce erosion and sedimentation caused by surface water runoff. The plan shall also include a schedule and maintenance considerations.

(2) Erosion and sediment control plans shall be submitted to Planning Commission staff who shall transmit them where appropriate to the Brown County Land Conservation Committee for review and comment. Guidelines, standards, and specifications which should provide a framework for the development, review, and implementation of erosion control are contained in the "Wisconsin Construction Site Best Management and Practice Handbook."

(3) Municipal Review. In lieu of review and approval by Brown County staff, the required erosion control plan may be reviewed by the local municipality using its own standards, provided:

(a) The municipality has an adopted erosion control ordinance;

(b) The municipality has staff (or contracted consultants) to create and approve erosion control plans, and

(c) A copy of the approved plan is submitted to Brown County Planning Commission staff.

(4) Any required erosion control plan shall be reviewed and approved prior to or concurrent with the review of the final plat or certified survey map. Planning Commission staff may require that some or all of the erosion and sediment control measures, including those recommended by the Brown County Land Conservation Committee, become a restrictive covenant on the final plat or certified survey map.

(5) The staff may require side and/or rear building setback limits when a slope exceeding 20% or unstable soil types exists on the proposed land division.

(6) Any deviation from the above requirements shall follow the variance requirements of Section 21.81 of this ordinance.

21.36 FEES. To assist in defraying the cost of review, the subdivider shall pay the county all fees as established by the County Board at the time the proposed land division is submitted for review.

21.40 APPLICATION PROCEDURES AND APPROVAL PROCESS.

21.41 PRELIMINARY CONSULTATION/SKETCH PLAN.

(1) Prior to filing of an application for the approval of a preliminary plat, the subdivider, or agent, shall submit a sketch plan of the proposed subdivision and consult with the Planning Commission staff regarding the proposal. This consultation is intended to inform the subdivider of the procedures and requirements for the development. Additionally, it is intended that both the subdivider and the planning staff may reach mutual conclusions regarding the proposed subdivision prior to the expenditure of significant engineering and surveying resources.

(2) Information. The subdivider, or agent, shall submit a concept plan showing the proposed general street and lot layout. In addition, information necessary to assess the proposed concept plan may be required if not otherwise available to planning staff. Such information may include:

- (a) Topographic contours at 2-foot intervals.
- (b) Hydrologic characteristics, including surface water bodies, floodways/floodplains, wetlands, and drainageways.
- (c) Existing buildings and structures, including driveway locations and parking areas.
- (d) General land cover, such as woodlands, pasture, and cultivated fields.
- (e) All encumbrances, such as easements or access restrictions.
- (f) General description of proposed methods for stormwater management and sewage treatment.

(3) Review of Sketch Plan. Following the filing of a complete sketch plan as determined by planning staff, the Planning Commission staff shall consult with the subdivider, or agent, to review the concept plan. The consultation may include a visit to the site to review the existing features of the site. Within 20 days following the submittal of a complete sketch plan, the planning staff shall provide written comments informing the subdivider of any additions, changes, or corrections to the concept plan. The comments provided by planning staff shall not be binding upon the subdivider except for items related to the requirements of this ordinance or other applicable laws.

21.42 PRELIMINARY PLAT REVIEW AND APPROVAL.

(1) The subdivider shall submit the necessary copies of the preliminary plat. Planning staff shall provide copies to the different agencies and plat reviewers for their review and recommendations concerning matters within their jurisdiction. The Planning Commission staff

shall review the plat for conformance with this ordinance and all other county ordinances, rules, regulations, and adopted county comprehensive plans or other plans that affect the plat.

(2) Within 40 days of the plat's submittal, planning staff shall approve, approve conditionally, or reject such plat and shall state, in writing, the conditions of such approval or reasons for rejection. Failure of the Planning Commission staff to act within 40 days, or longer if extended by agreement with the subdivider, shall constitute an approval of the preliminary plat. If the surveyor or subdivider wishes to contest the Planning Commission staff's decision, the subdivider shall notify the Planning Commission not less than two weeks preceding the Board of Directors' meeting. The subdivider shall submit in writing the reasons for objecting to the Planning Commission staff's decision. The Board of Directors shall then make the final determination based upon the evidence submitted to it.

(3) Amendment. If the subdivider wishes to amend the preliminary plat as approved, the subdivider may resubmit the amended plat. The amended plat shall be reviewed following the same procedures, except that an additional fee is not required unless the changes to the plat, in the opinion of planning staff, are of such magnitude as to constitute a new plat.

21.43 PRELIMINARY PLAT REQUIREMENTS. The preliminary plat shall be prepared by a registered land surveyor at a convenient and legible scale and shall show correctly on one or more sheets the following information:

(1) Title under which the proposed subdivision is to be recorded. The proposed subdivision name shall not duplicate the name of any plat previously recorded in Brown County. A subtitle of "County Plat" shall be required for all county plats.

(2) 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 Commission staff may waive this requirement where it is unnecessary to fulfill the purposes and intent of this ordinance and were undue hardship would result from strict application thereof.

(3) Signature and seal of the surveyor.

(4) Date, scale, and north point.

(5) The name and address of the owner, authorized agent, and surveyor preparing the plat.

(6) Location of the subdivision by private claim or by government lot, quarter, quarter section, section, township, range, and county.

(7) A small scale drawing of the section or region in which the subdivision lies with the location of the subdivision indicated thereon.

(8) Boundary lines and platting status of adjoining properties.

(9) Existing site conditions, including:

(a) Locations, widths, and names of existing or dedicated streets, alleys, or other public ways.

(b) Location and width of existing public and private easements, railroads, and utility rights-of-way.

(c) Permanent buildings and major structures.

(d) Parks, cemeteries, watercourses, drainage ditches, and other pertinent data as determined by the Planning Commission staff.

(e) Planning Commission staff may request information to be shown beyond the plat boundary if needed for staff's review for the preliminary plat.

(10) Topographic information in the form of 2-foot contours, except that 5-foot contours may be used for areas of steep slopes greater than 20%.

(11) Layout and width of all streets and rights-of-way.

(12) Dimensions of and area of lots, rights-of-way, and the encompassing area of the map listed as square footage.

(13) Locations and type of proposed public easements (e.g., drainage, pedestrian, and utility).

(14) Approximate radii of all curves.

(15) Location and approximate dimensions of any site to be reserved or dedicated for parks, playgrounds, or other public use or to be reserved by deed or covenants for use of all property owners in the subdivision with the conditions, if any, of such dedication or reservation.

(16) Approximate location of environmentally sensitive areas.

21.44 PROCEDURE FOR REVIEW AND APPROVAL OF THE FINAL PLAT.

(1) Submittal. Necessary copies of the final plat shall be submitted to the Planning Commission within two years of the approval of the preliminary plat. Failure to submit the final plat within the two-year period may require resubmittal as a preliminary plat. Copies of the final plat shall also be submitted to the appropriate local municipality and state agencies except in the case of county plats. The final plat may include just that portion of the approved preliminary plat that the subdivider proposes to record at that time.

(2) Review. The Planning Commission staff shall examine the final plat and all necessary certificates as to its conformance with the approved preliminary plat, including any conditions of approval of the preliminary plat and all applicable county ordinances, rules, regulations, and adopted county comprehensive plans or adopted plan components that may affect the plat.

(3) Approval.

(a) If the final plat conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to local plans and ordinances adopted as authorized by law, it is entitled to approval provided the final plat is submitted within two years of the preliminary plat approval.

(b) The Planning Commission staff shall take action on the final plat within 40 days after the plat has been officially submitted unless the time is extended by agreement with the subdivider. If rejected or conditionally approved, the reasons for rejection or conditions of approval shall be stated in writing and forwarded to the surveyor and the subdivider. County approval of the final plat shall not be inscribed on the face of the plat until the plat has been certified as non-objectionable by all state agencies in the case of a state plat or county departments in the case of a county plat having authority to object. County departments having the authority to object to a county plat are the Zoning, Surveying, and Highway Departments.

(4) Recordation. After the final plat has been approved and inscribed, it shall be recorded by the subdivider in the office of the Register of Deeds of Brown County, Wisconsin, in accordance with s.236.25, Wisconsin Statutes. Necessary copies of the recorded plat shall be submitted to the Brown County Planning Commission for distribution to the appropriate agencies and plat reviewers.

21.45 FINAL PLAT REQUIREMENTS. A final plat prepared by a Wisconsin registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of s.236.20 of the Wisconsin Statutes and this ordinance. The final plat shall show correctly on its face, in addition to the information required by s. 236.20 of the Wisconsin Statutes or elsewhere in this ordinance, the following:

- (1) Exact location and description of utility and drainage easements.
- (2) Railroad rights-of-way within and abutting the plat.
- (3) Floodway and floodplain boundaries where applicable.
- (4) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
- (5) Special restrictions or notes required by the Board and any other approving or objecting agency, such as relating to floodplains, airport noise cones, or access control along public ways.
- (6) All certificates required by s.236.21 of the Wisconsin Statutes.
- (7) Locations and dimensions of all preplanned private onsite wastewater treatment systems, when required.

21.455 PROCEDURE FOR REVIEW AND APPROVAL OF CONDOMINIUM PLATS

(1) Submittal. The subdivider shall submit the necessary copies of the plat and declaration along with the required fees and application to Brown County Planning and Land Services Department. Copies of the map will then be circulated to the appropriate agencies or departments for their review and recommendations concerning matters within their jurisdiction. Brown County Property Listing office shall have objecting authority in the condominium plat approval process.

(2) Review. The Preliminary Plat and Final Plat review shall occur simultaneously as a "Final Plat". Review will be performed pursuant to Section 703.115 of the Wisconsin Statutes.

(4) Review by local municipalities. Any city, village, or town within Brown County may adopt an ordinance requiring local review of a Condominium Subdivision. Local Condominium Subdivision review and timelines shall be facilitated independently from review and timelines established by Brown County.

(5) Amendment. If the subdivider wishes to amend the condominium plat as originally approved, the plat may resubmitted. The amended condominium plat shall be reviewed following the same procedures, except that an additional fee is not required unless the changes to the plat, in the opinion of the Brown County Planning Commission staff, are of such magnitude as to constitute a new land division.

(6) Recordation. After all the required certificates have been signed, the condominium plat shall be recorded with the Register of Deeds of Brown County. The Register of Deeds shall not accept a condominium plat for recording unless it is offered for record within 6 months after the date of the last approval. It shall include the signed certificates of the Surveyor, the Planning and Land Services Department and the municipality where the plat is located, if applicable.

21.46 PROCEDURE FOR CERTIFIED SURVEY MAP REVIEW AND APPROVAL.

(1) Submittal. The subdivider shall submit the necessary copies of the certified survey maps to the Brown County Planning Commission. Copies of the map will then be circulated to the appropriate agencies or departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Brown County Planning Commission within 20 days from the date the map is transmitted by the Brown County Planning Commission.

(2) Review. The Planning Commission staff shall review the certified survey map for conformance with Chapter 236 of the Wisconsin Statutes, this ordinance and other county ordinances, regulations, and adopted county comprehensive plans or other plans which affect the certified survey map.

(3) Approval. Within 40 days of its submittal, the Planning Commission staff shall approve, conditionally approve, or reject the certified survey map. In the event of rejection or conditional approval, the land divider may appeal the decision of the planning staff to the Board. The divider or divider's agent shall be notified in writing of any conditions of approval or the reasons for rejection.

(4) Effect of Approval. Approvals of certified survey maps by the Brown County Planning Commission under the procedure in this section shall be valid for one year from the date of the written approval notification. Approved certified survey maps shall be brought for signature of the Brown County Planning Commission within the one-year period following written notice. Brown County's approval of any proposed certified survey map, which has not been signed by the Brown County Planning Commission, shall lapse after the one-year time-period and may require resubmittal under this section.

(5) Amendment. If the land divider wishes to amend the certified survey map as originally approved, the map may be resubmitted. The amended certified survey map shall be reviewed following the same procedures, except that an additional fee is not required unless the changes to the map, in the opinion of planning staff, are of such magnitude as to constitute a new land division.

(6) Recordation. After all the required certificates have been signed, the certified survey map shall be recorded with the Register of Deeds of Brown County. The Register of Deeds shall not accept a certified survey map for recording unless it is offered for record within 6 months after the date of the last approval of the map and within 24 months after the first approval of the map. It shall include the signed certificates of the surveyor, the property owner, the Brown County Treasurer, the Brown County Planning Commission, the municipality in which the map is located, and the municipality with extraterritorial plat approval jurisdiction, where applicable. The appropriate number of copies of the final recorded map shall be forwarded to the Brown County Planning Commission for distribution to the appropriate review agencies and municipalities. The recording data, including the CSM number, volume and page number, and recording date shall be noted on the final approved map.

21.47 CERTIFIED SURVEY MAP REQUIREMENTS.

(1) Certified survey maps shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes.

(2) Required Information. The certified survey map shall be prepared at a convenient scale and shall show correctly on its face, in addition to the information required by Chapter 236.34 of the Wisconsin Statutes, the following where applicable:

(a) Date, scale, and north arrow referenced to the Brown County Coordinate System (unless waived by the Brown County Surveyor).

(b) Location, width, and names of abutting streets and state highways.

(c) Roads and public spaces within the certified survey map shall follow the labeling requirements of s.236.20(4)(a), (b), and (c) of the Wisconsin Statutes.

(d) Boundary lines and platting status of adjoining properties.

(e) All waterways shown on the USGS topographic maps, wetlands, and other existing features pertinent to proper division of land.

(f) Floodplain and floodway boundaries, when required under s.21.33 of this ordinance.

(g) Necessary utility easements and drainage easements.

(h) All visible existing buildings and utility structures.

(i) Locations and dimensions of all preplanned private onsite wastewater treatment systems, when required.

(j) Topographic information in the form of 2-foot contours, or 5-foot contours for areas of slopes greater than 20%, may be required by planning staff. This information need not be shown on the final map.

(k) Special restrictions or notes required by the Planning Commission and any other approving or objecting agency, such as relating to floodplains, airport zoning districts, building setbacks, or access control along public ways.

(l) All necessary certificates, including owner's certificate.

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

(1) The map shall be prepared in accordance with s.236.34, Wisconsin Statutes, and shall comply with the surveying and mapping requirements of this ordinance.

(2) The map shall be headed "CERTIFIED SURVEY MAP" and subheaded "RETRACEMENT OF LANDS DESCRIBED IN [*list recorded documents*]."

(3) The surveyor's certificate shall include the statement that, "this certified survey map is not a division of property but solely a retracement and depiction of the land boundaries recorded in [*list recorded documents from Brown County Records*]."

(4) The map shall not create additional lots that are not of record.

(5) The requirement of Section 21.50 of this ordinance shall apply to all retracement certified survey maps.

(6) Review and Approval.

(a) Submittal. The subdivider shall submit the necessary copies of the retracement certified survey map to the Brown County Planning Commission. A copy of the map will be forwarded to the Brown County Surveyor's Office for review and comments concerning matters within its jurisdiction. The Brown County Surveyor's Office shall have objecting authority in the certified survey map approval process.

(b) The Planning Commission staff and Brown County Property Listing Office shall review the certified survey map for conformance with Chapter 236 of the Wisconsin Statutes, this ordinance, and other pertinent regulations affecting the certified survey map. Within 30 days of its submittal, the Planning Commission staff shall approve, conditionally approve, or reject the certified survey map. The divider shall be notified in writing of any conditions of approval or the reasons for rejection. In the event of rejection or conditional approval, the land divider may appeal the decision of the planning staff to the Board of Directors.

(7) The retracement certified survey map shall be filed for recording with Register of Deeds of Brown County within 30 days of the date of the certified survey map's approval and shall include the signed certificates of the surveyor, property owner, and the Brown County Planning Commission. The recording data, including the CSM number, volume, and page number, shall be noted on the final approved map, and the appropriate number of copies shall

be forwarded to the Brown County Planning Commission for distribution to the appropriate review agencies and municipalities.

(8) This section is created to provide for the use of a certified survey map to show the boundaries of an existing parcel and establish a convenient legal description of record for title, conveyance, etc. Retracement certified survey maps are not required by this ordinance and may not be required by any Brown County department for the conveyance of ownership, establishment of a legal description, etc. Approval of a retracement certified survey map by Brown County does not warrant that the lot within the map conforms to county or local zoning requirements.

21.49 COMBINING PARCELS. A certified survey map shall be required for the combining of two or more existing tax parcels or existing parcels of record into a single lot unless such combining is required by the local assessor or Brown County Property Listing and is necessary for valuation purposes under s.70.23(2), Wisconsin Statutes. Certified survey maps used to combine existing tax parcels or existing parcels of record must meet the following requirements:

(1) The map shall be prepared in accordance with s.236.34, Wisconsin Statutes, and shall comply with the surveying requirements of Section 21.50 of this ordinance.

(2) The map shall be headed "CERTIFIED SURVEY MAP" and subheaded "COMBINING OF PARCELS DESCRIBED IN [*list recorded documents*]."

(3) The surveyor's certificate shall include the statement that "this certified survey map is not a division of property but a combining of and depiction of the parcels recorded in [*list recorded documents from Brown County Records*] into a single parcel and description."

(4) The parcels being combined must meet the following standards:

(a) They shall be contiguous.

(b) They shall be under identical ownership.

(c) They shall be within the same municipality and taxing jurisdictions.

(5) The approval procedure for such certified survey maps shall be in accordance with Section 21.48(6) of this ordinance. The Brown County Property Listing Office shall have objecting authority in the certified survey map approval process.

(6) The certified survey map shall be filed for recording with the Register of Deeds of Brown County within 30 days of the date of the certified survey map's approval and shall include the signed certificates of the surveyor, property owner, the Brown County Treasurer, and the Brown County Planning Commission. The recording data, including the CSM number, volume and page number, shall be noted on the final approved map, and the appropriate number of copies shall be forwarded to the Brown County Planning Commission for distribution to the appropriate review agencies and municipalities. Local municipalities shall be notified by Brown County of all parcel combinations recorded under this section for the purpose of transferring any unpaid taxes or special assessments to the new lot created by the combined parcels.

(7) Parcels which have been combined under this section shall not be subsequently reestablished or separately conveyed unless a new certified survey map or plat is submitted and approved in accordance with this ordinance.

21.50 SURVEYING REQUIREMENTS. All subdivision plats and certified survey maps shall comply with the provisions of s. 236.15 of the Wisconsin Statutes and the following:

(1) Tie Requirements.

(a) The plat or certified survey map shall be tied to two adjacent corners, as monumented by the Brown County Surveyor, of the Federal Land Survey System corners. If such plat or certified survey map falls within the Williams Grant or other Federal Survey Lots, it shall be tied to two monumented corners within or along the Grant or Lot. If such plat or certified survey map falls within the Private Claims of Green Bay, it shall be tied to one monumented corner of the Private Claim and one other monumented point along the Private Claim line. In all cases, it shall include the bearing and distance between these points. Plats or certified survey maps within the Private Claims that are only tied to one end of a Private Claim line and are more than 2,640 feet from the end of the Private Claim shall also include an additional tie to an existing Brown County traverse station that is within 2,640 feet of the plat or certified survey map.

(b) Plats and certified survey maps shall be described as provided in s.236.21 or 236.34, Wisconsin Statutes. When the description requires lead-in lines from the point of commencement to the point of beginning, the first course and distance from the point of commencement shall be along a government survey line or other previously recorded line. Subsequent courses and distances required to tie the point of beginning to the point of commencement should follow lines of previous plats, certified survey maps, conveyances, existing roadways, or other defined locations when possible and practical. It is intended by this requirement to create a logical relationship of the lands being surveyed and the lines previously described or located when these lines are needed or utilized as part of the survey. Cross country-type ties from the point of commencement to the point of beginning are not allowed except when previous boundaries do not exist or are not determined as part of the survey.

(2) All of the exterior boundary corners, angle points, and block corners shall be monumented on the ground with at least a 1" iron pipe not less than 18" long, if not required otherwise by Wisconsin Statutes. All monuments set on the interior of a plat or certified survey map shall meet at least the minimum state requirements for length. In addition, all lot corners shall be monumented with 1" iron pipes not less than 18" long, when not required otherwise. For certified survey maps, all 1" iron pipes set shall include an identification cap that identifies at least the registration number or company name of the surveyor who set such monument.

(3) All monuments set shall be within 0.30 feet of the platted location, and no lineal measurement between the monuments set shall be in error more than 1 part in 3,000.

(4) All mapped boundaries shall close to a tolerance of 1 part in 20,000 and no closures shall be greater than 0.03 feet.

(5) All bearings expressed on the plat or certified survey map shall be represented in the Wisconsin County Coordinate System for Brown County, unless waived by the county

surveyor. The mathematical parameters of this system are available from the Wisconsin State Cartographer. If a plat or certified survey map falls "entirely within" a previously recorded subdivision plat or certified survey map, the bearing may be referenced thereto only when the bearings agree with all of the previously mapped information.

(6) When the boundaries of a plat or certified survey map or based on a section protraction that does not agree with the section protraction by the county surveyor to a tolerance of 0.30 feet in a quarter section, a new section protraction shall be prepared. The surveyor shall submit a new section protraction with the preliminary plat or certified survey map that shows the full section protraction as developed by the surveyor. If the section protraction into quarters is not based on the intersection of quarter lines according to s.59.73(2), Wisconsin Statutes, it shall be explicitly noted on the protraction. Such protraction may be filed as a separate page of the certified survey map or mapped on the subdivision plat. If such protraction is filed as a separate record, it shall be prepared on the County Section Protraction form.

21.60 DESIGN STANDARDS. All plats and certified survey maps shall comply with the design requirements of sections 21.61 through 21.66.

21.61 STREETS AND HIGHWAYS.

(1) Arrangement of Streets.

(a) The arrangement, character, extent, width, and location of all streets shall conform to official maps or plans officially adopted by the applicable municipalities and shall be related to existing and planned streets, topographic conditions, existing natural features, public convenience and safety, and proposed uses of land to be served by such streets.

(b) Arterial streets shall be properly integrated with the existing and proposed system of major streets, highways, and thoroughfares.

(c) Collector streets shall be properly related to special traffic generation facilities, such as schools, churches, and shopping centers, to population densities, and to the arterial streets into which they feed.

(d) Local streets shall be laid out to conform as much as possible to existing topography, to discourage use by through traffic, to permit efficient drainage systems, and to provide convenient, safe access to property.

(2) State and County Trunk Highways. The right-of-way width and building setback requirements of all state highways shall be determined by the Commission upon the recommendation of the State Department of Transportation. The right-of-way width for all county trunk highways shall be as specified on any official map or plan adopted under s.236.46 or s.80.64, Wisconsin Statutes. If no such map or plan exists or if no width is specified on such map or plan, the required right-of-way width shall be 80 feet. Building setback and vision corner requirements shall be established as required in Chapter 6 (Highways) of the Brown County Code. Reduced setbacks or vision corners may be approved by the Planning Commission staff for Planned Unit Developments, areas of existing development, and similar circumstances, upon the recommendation of the Brown County Highway Commission.

(3) When a subdivision abuts or contains an existing or proposed arterial street, the Commission may require service drives, reverse frontage lots with screen planting contained in a non-access reservation along the rear of the property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through traffic and local traffic.

(4) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall be determined with regard for the requirements of approach grades and future grade separations.

(5) At intersections, street jogs shall be avoided. There shall be at least 125 feet between the centerlines of streets at adjacent intersections.

(6) Property lines at street intersections may be rounded with a radius of 12 feet or greater. Cutoffs or chords may be permitted in place of rounded corners. Where a street intersects a county trunk highway, rounded property lines with a radius not greater than 20 feet may be required.

(7) Dead-end streets shall only be permitted if authorized by the Planning Commission staff or when the continuation of said street appears on the municipality's official street map.

(8) Arc distances identifying lot frontage on curved rights-of-way shall be provided for municipal assessment purposes.

(9) Streets shall be laid out so as to intersect as nearly as possible at right angles. No streets shall intersect any other street at less than 75 degrees, and more than two streets intersecting at one point shall be prohibited, unless authorized by the Planning Commission staff for intersections designed for roundabouts.

(10) Reserve strips or median strips controlling access to streets shall be prohibited except where approved by the Commission.

(11) The minimum right-of-way width of all streets and alleys shall be as specified by the official map, master street plan, or area development plan, if any. If no width is specified, the right-of-way shall be equal to or greater than the width specified below:

(a) Arterial streets – 100 feet.

(b) Collector streets – 60 feet for streets constructed with curb and gutter or 70 feet without curb and gutter. Confirmation that a street will be constructed with curb and gutter must be obtained from the local municipality.

(c) Local streets – 50 feet for streets constructed with curb and gutter or 70 feet without curb and gutter. Confirmation that a street will be constructed with curb and gutter must be obtained from the local municipality.

(d) Service drives – 50 feet in addition to the major traffic street it adjoins.

(e) Alleys – 16 feet.

- (12) Minimum sight distance shall comply with county and state design standards.
- (13) The minimum radii or curvature on the centerline shall be as specified below:

<u>Street Type</u>	<u>Minimum Radius in Feet</u>
Arterial	300
Collector	200
Local w/o curb and gutter	100
Local w/ curb and gutter	65

(14) Cul-de-sacs. Cul-de-sacs shall not exceed 1,000 feet in length and shall contain a turnaround with a minimum right-of-way radius of 55 feet. Length shall be measured along the centerline from the center of the turnaround to the edge of the right-of-way of the intersecting street. Cul-de-sacs that are longer than 1,000 feet may be accepted by planning staff, provided such cul-de-sacs are identified on the Official Map or Area Development Plan adopted by the municipality and are based upon environmental, topographic, or access constraints.

(15) Half Streets (streets with less than full right-of-way width).

(a) Where a half street has previously been dedicated adjacent to the subdivision, the remaining half of the street shall be dedicated by the subdivider.

(b) Where no half street adjacent to the subdivision exists, the dedication of the half streets will not be approved unless the remaining portion appears as a mapped street on the official map.

(16) Connections and Access. Street connections to adjacent parcels shall be provided in logical locations to avoid creating landlocked parcels and to provide for connecting street patterns. Except for approved cul-de-sacs, such street connections shall be provided either via platted streets or planned future streets shown on the Official Map or adopted Area Development Plan.

(17) Area Development Plans. In order to determine how proposed streets relate to surrounding properties and the existing street network, the Planning Commission staff may require that the subdivider prepare and submit Area Development Plans or street plans showing street locations beyond the boundary of the proposed subdivision. The street plans shall include an area determined by the Planning Commission staff and in conformance with the local municipality's official street map.

(18) Street Names.

(a) Any street that is the reasonable continuation of an existing street shall bear the same name. If the topography or other feature of a permanent nature is such as to render the continuation of the actual roadway impossible and where such nomenclature is apt to produce confusion, the street shall not carry the same name as the street to which it may be geometrically aligned.

(b) The Planning Commission staff may reject the name of any street that has already been used elsewhere in the county or which because of similarity may cause confusion.

(c) The following table shall be considered in nomenclature:

<u>Type</u>	<u>Dead-end</u>	<u>Curving</u>	<u>Straight</u>
Short Streets	Place or Court	Crescent, Way, Terrace, Circle, or Lane	Row or Lane
Long Streets		Drive or Road	Street or Avenue

(d) The term boulevard shall be reserved for streets that are designed with medians separating lanes of traffic.

21.62 BLOCKS.

(1) The lengths, widths, and shapes of blocks shall be appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed 1,500 feet between right-of-way lines.

(2) Planning Commission staff may require pedestrian easements or rights-of-way not less than 15 feet wide at the end of cul-de-sacs, through the center of blocks more than 900 feet long, and where deemed essential to provide circulation or access to schools, parks, playgrounds, shopping centers, transportation, and other community facilities.

21.63 LOTS.

(1) The lot size, width, depth, shape and orientation shall be sufficient to provide reasonable developable area that is not restricted by easements, building setbacks, zoning requirements, environmentally sensitive areas, or other constraints.

(2) The minimum lot area required under this ordinance or local zoning ordinances shall not include land that is dedicated or reserved for public right-of-way.

(3) Lots shall follow, rather than cross, municipal boundary lines.

(4) Lot dimensions shall conform to the requirements of the local zoning ordinance, as well as the Brown County Shoreland Zoning Ordinance (where applicable) and appropriate state requirements; however,

(a) Residential lots served by public sewer shall be not less than 70 feet wide measured at the right-of-way line or measured at the building setback line only if said lot is located on the outer radius of a curved street or a cul-de-sac turnaround. However, in no case shall the lot width measured at the right-of-way line be less than 50 feet. Residential lots served by public sewers shall not be less than 7,500 square feet in area.

(b) Residential lots not served by public sewerage disposal facilities shall comply with the rules and regulations of the Department of Commerce of the Wisconsin Administrative Code where applicable, the Brown County Sanitary Ordinances, and other state and local requirements. Such lots shall be not less than 40,000 square feet in area and not less than 100 feet in width measured at the right-of-way or measured at the building setback line if the proposed lot is located on the outer radius of a curved street or a cul-de-sac turnaround.

Since the shape of individual lots may render portions unusable for installing private onsite wastewater treatment systems or providing adequate separating distances between them and watercourses or water wells, any part of a lot less than 30 feet wide or separated by a water body will not be used in computing the minimum lot area.

(c) Residential lots located within zero side-yard setback, or "zero lot line" zoning areas will be allowed. These zero lot line lots shall conform to all the requirements of the local zoning ordinance. Zero lot line lot dimensions shall be allowed only in those municipalities that have adopted such a zero lot line ordinance and in those lots which have access to municipal sewer.

(5) Lot Drainage. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the stormwater management plan for the area. Drainage shall be designated so as to avoid concentration of storm drainage water from each lot to adjacent lots. The following shall be placed on the face of all subdivision plats: "RESTRICTIVE COVENANT: The land on all side and rear lot lines of all lots shall be graded by the lot owner and maintained by the abutting property owners to provide for adequate drainage of surface water".

(6) Every lot shall abut on a public street. In addition to abutting on a public street, every lot shall have access to the public street network either through direct access to an abutting street or through a recorded alternative access, such as an easement or shared driveway easement.

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

(8) 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.

(9) When lots within the proposed land division abut the right-of-way of an existing or proposed limited access highway or street, the access restriction shall be noted on the plat or certified survey map, either graphically on the map or within a written access restriction. Planning Commission staff may also require an access restriction for portions of street frontage without safe access. Brown County Highway Department's minimum sight distance standards may be used by Planning Commission staff to determine safe access.

(10) For all lots that abut county trunk highways, the building setback required by Chapter 6.06 of the Brown County Code shall be indicated on the plat or map, either graphically on the map or contained within a written statement on the map. Building setbacks from other roads may be indicated on the plat or map, if desired by the subdivider or if required by the municipality or other review agency.

21.64 EASEMENTS.

(1) The Planning Commission staff may require easements for electric power and communications facilities, storm and sanitary sewers, tree planting, drainage and flood water, gas, water, cable television lines, or other utility lines. Such easements shall be placed so as not to interfere unreasonably with the use and enjoyment of the property for residential or other purposes.

(2) Utility easements and drainage easements shall be separately located, unless specifically approved by the Planning Commission staff.

(3) Whenever any easement is created for specific public improvements or otherwise conveys an interest to a specific individual, entity, or public body, the recipient or beneficiary of such easement shall be clearly noted on the plat or map. For drainage easements, in the absence of a stated beneficiary, the easement shall be a restriction on the affected property and not a conveyance of interest.

(4) Information regarding the rights and responsibilities of the easement holder, terminating or relocating the easement and other information regarding the easement may be included on the plat or certified survey map.

21.65 PUBLIC SITES AND OPEN SPACES. 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, and other public purposes. If specifically designated on or by the comprehensive plan or official map, if any, such areas shall be made a part of the plat as stipulated in Section 21.31 of this ordinance. If not so designated, consideration shall be given in the location of these such sites to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes, ponds, watercourses, watersheds, and ravines.

21.66 STORM WATER DRAINAGE.

(1) Purpose. The intent of this section is to protect property and structures from damage caused by increased surface water runoff volumes and/or velocities due to platting and development of land and to prevent degradation of existing waterways and surface and ground water quality.

(2) Stormwater Management Plan. Except as otherwise required under sub. (7), for all land divisions containing 5 or more parcels and other land divisions as determined by staff, the subdivider shall submit a stormwater management plan. The plan must be approved by Planning Commission staff prior to final approval and recording of the land division and shall include the following information:

(a) General site plan of the development, including site boundaries, lot and road locations, existing buildings, and vegetative cover.

(b) A narrative describing the proposed development, including implementation schedule for the planned practices.

(c) Soil types, infiltration characteristics, and corresponding hydrologic group(s).

(d) Watershed boundaries and the direction of surface water flow indicated by arrows.

(e) The location of existing and proposed bridges, culverts, catch basins, waterways, drainage ditches and swales, storm sewers, detention and retention basins, etc., and indicate the size, dimensions, elevations, and grades of each.

(f) Existing ground contours at 2-foot intervals and proposed contours, if required.

(g) Necessary drainage easements for all drainageways and stormwater management facilities.

(h) Erosion control practices, unless a separate erosion control plan for the development is also submitted.

(i) Technical data, including calculations of pre-construction and post-construction peak flow rates, assumed runoff curve numbers, and time of concentration used in calculations.

(j) Identification of the entity responsible for the long-term maintenance of the planned facilities.

(k) Other information as required by Planning Commission staff to administer this section.

(3) Surface Water Runoff. All stormwater management facilities shall be designated, installed, and maintained to effectively accomplish the following:

(a) Maintain or reduce predevelopment peak runoff volumes and velocities for the 2-year, 24-hour storm event for Brown County.

(b) Maintain or reduce predevelopment peak runoff volumes and velocities for the 25-year, 24-hour storm event for Brown County.

(c) Safely pass the 100-year, 24-hour storm event.

(d) Provide an 80% reduction of sediment loadings which result from the 1-year, 24-hour storm event with no sediment resuspension.

(4) Offsite Facilities. If increased surface water runoff from the site is proposed to be managed through offsite facilities (such as a regional detention pond), then increased flows from the development may be accepted if approved by the municipality.

(5) Easements. Stormwater drainage easements shall be provided where required by the Planning Commission staff to accommodate present and future stormwater runoff.

(6) Design. The design of stormwater management facilities shall be based upon local requirements, if present. If local requirements are not present, the following concepts shall be followed. In designing storm drainage facilities, special consideration shall be given to the prevention of soil erosion, siltation of surface waters, and excess runoff onto adjacent properties. Infiltration, grassed swales, and other open drainage channels are generally preferred over storm sewers. The use of multiple treatment facilities, such as vegetative buffers leading to grass swales leading to wetlands leading to detention ponds, is preferred for water quality benefits. The design of stormwater management facilities shall be consistent with the standards as set forth in the USDA-NRCS-Wisconsin Technical Guide or other technical standards approved by the Brown County Land Conservation Department. Design for smaller storm events (up to the 2-year storm event) shall be necessary for water quality concerns, while larger storm events shall be considered primarily for water quantity concerns. All runoff calculations shall be according to the methodology described in the Natural

Resources Conservation Service's Technical Release 55, "urban Hydrology for Small Watersheds" (TR-55).

(7) Municipal Review. In lieu of review and approval by Planning Commission staff, the required stormwater management plan may be reviewed by the local municipality using its own standards, provided:

- (a) The municipality has an adopted stormwater management ordinance,
- (b) The municipality has staff (or contracted consultants) to create and approve stormwater management plans, and
- (c) A copy of the approved plan is submitted to Brown County.

21.70 PLANNED UNIT DEVELOPMENTS.

(1) The requirements and standards of this ordinance may be waived by the Commission for planned developments providing such proposed developments shall be planned as a unit, shall be appropriate to the site's characteristics and location, shall be of sufficient size to permit the unified development of the area, and shall not conflict with other laws or requirements or with the purpose or intent of this ordinance.

(2) It is the intent of this section to permit, in addition to other types of planned development, conservation designed subdivisions, cluster subdivisions, and planned unit developments with owner-occupied row housing or with privately-owned common property comprising a major element of the development. Conservation designed subdivisions may be approved by the Planning Commission staff, subject to the requirements set forth in this ordinance. All other Planned Unit Developments must be approved by the Board.

(3) The future ownership, maintenance, and use of open space, recreation areas, and other amenities shall be ensured in a manner acceptable to the Commission.

21.71 CONSERVATION DESIGNED SUBDIVISIONS. Conservation subdivisions which meet the following criteria, may be reviewed and approved by Planning Commission staff as planned unit developments. Other proposed developments containing open space or which vary the normal requirements of this ordinance may be reviewed and approved by the Board of Directors under Section 21.70, Planned Unit Developments.

(1) Design Standards. Conservation subdivisions to be reviewed and approved by planning staff shall comply with the design standards of s.2160, except as otherwise stated in this section.

- (a) Minimum Lot Size.
 - 1. Lots served by public sanitary sewer – 6,300 square feet.
 - 2. Lots served by private septic systems located within the lot – 30,000 square feet.
 - 3. Lots served by private septic systems located offsite – 20,000 square feet.

(b) Minimum Lot Width. Lots served by public sanitary sewer shall be at least 70 feet wide at the building line with at least 30 feet of frontage along a public street. Lots served by private septic systems shall be at least 80 feet wide at the building line with at least 30 feet of frontage along a public street.

(c) Flag Lots. Not more than 10% of the lots within a conservation subdivision under this section shall be flag lots. The flag pole portion of such lots shall be at least 30 feet wide.

(d) At least 35% of the lots shall abut open space on at least one side or shall be located directly across the street from open space.

(e) Access. Lots shall generally be accessed through interior streets rather than from collector or arterial streets bordering the subdivision.

(f) Cul-de-sacs. Within conservation subdivisions, cul-de-sac may extend to 1,500 feet in length provided a pedestrian right-of-way or easement is provided to connect the cul-de-sac to other streets.

(g) Right-of-Way width. Planning Commission staff may authorize lesser right-of-way width for one-way loop streets around small neighborhood greens. Right-of-way width for two-way streets without curb and gutter may be reduced to 60 feet for the following:

1. Local (minor) interior residential streets that do not exceed 1,000 feet in length.

2. Cul-de-sacs.

(2) Open Space Standards. Conservation subdivisions to be reviewed and approved by planning staff shall meet the following standards:

(a) Minimum Open Space. Permanent open space shall be designated on the plat and shall be at least 30% of the gross site area and at least 20% of the adjusted tract area.

(b) Location. The required open space shall be situated to take advantage of the site's natural, historic, and cultural features, to create buffer areas between residential and agricultural uses, and to preserve scenic views. Environmentally sensitive areas should generally be included within the preserved open space. Whenever possible, open space shall be located to connect with existing or potential open space land on adjoining parcels.

(c) The size and shape of areas established as open space shall be sufficient and suitable for agriculture, natural resource protection, recreation, or other intended use. Except for open space used for trails or natural resource protection, larger blocks of contiguous land are preferred over smaller scattered open space or narrow linear strips.

(d) The required open space may be used for private or community wastewater treatment systems, subject to the requirements of the Brown County Zoning Office.

(e) Not more than 50% of the required open space shall consist of active recreation areas or permanent ponds and other water bodies.

(f) Planning staff may require easements or walkways to access open space that does not abut public right-of-way.

(g) There shall be adequate guarantees for retention of required open space in perpetuity through the use of a conservation easement, restrictive covenants, or other means acceptable to the Commission or through dedication of the open space to the public.

(h) Ownership. The required open space shall be in undivided ownership (held in common). Such lands may be owned and maintained by one or a combination of the following:

1. A homeowners association.
2. A condominium association established in accordance with Chapter 703 of the Wisconsin Statutes.
3. A land trust or other non-profit conservation organization.
4. An individual, such as the original owner, who will use the land for open space purposes as provided by a conservation easement.
5. The county, local municipality, or other governmental entity, if agreed to by the governmental entity accepting the dedication.

(3) Review and Approval. Conservation designed subdivisions shall follow the review process, submittal requirements, fees, and procedures for subdivision plats as contained in Sections 21.40 to 21.45 of this ordinance, except as follows:

(a) Density Analysis. If the proposed subdivision contains residential lots that contain less area than required under Section 21.63(4), a density analysis shall be submitted with the preliminary plat.

1. The analysis shall show the number of lots that would be permitted if the layout were consistent with the normal minimum lot size, lot width, and other density provisions of this ordinance. Land that is undevelopable because of environmental constraints or other laws and ordinances shall be excluded from the density analysis. The density analysis may take the form of a yield plan.

2. The number of lots within the proposed subdivision shall not exceed the maximum number of lots identified within the density analysis, except if the local municipality has an ordinance for conservation subdivisions that allows greater density than identified in the density analysis.

(b) Open Space. Conservation easements, deed restrictions, or restrictive covenants as required by staff for the establishment of the permanent open space shall be submitted with the final plat and shall be filed for recording with the plat.

(c) Ownership. The legal instruments detailing the ownership of the open space shall be submitted with the final plat and shall be filed for recording with the plat.

21.81 VARIANCES.

(1) Where the Board finds that "extraordinary hardship" or "practical difficulties" may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations. The Board shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

(a) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other properties.

(b) The conditions upon which the request is based are unique to the property for which the variance is sought and are not applicable generally to other property.

(c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.

(d) The variance will not in any manner vary the provisions of the other county ordinances and is not contrary to the comprehensive plan.

(2) Conditions. In approving variances, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards of requirements of these regulations.

(3) Procedure. A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat or certified survey map is filed for consideration of the Board. All petitions shall include a review fee established by the County Board to defray the cost of processing such petitions. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

(4) For all approved variances, a notation shall be placed on the certified survey map or plat stating the nature of the variance granted and the date of approval by the Brown County Planning Commission Board of Directors.

21.82 APPEALS. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Chapter 236, Wisconsin Statutes, within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable, or discriminatory.

21.83 AMENDMENTS. For the purpose of promoting the public health, safety, and general welfare, the County Board may, from time to time, amend the regulations imposed by this ordinance. The County Board shall hold public hearings on all proposed amendments. Notice of such public hearings shall be given by publication of a Class 2 notice in a newspaper of general circulation within the local unit once a week for two weeks preceding the hearing or as otherwise provided by statute.

21.84 VIOLATIONS, PENALTIES, AND REMEDIES.

(1) Any violation of any provision of this ordinance by any person, firm, association, corporation or agent, employee, or officer, shall be unlawful. A violator shall, upon a finding that a violation exists, forfeit to the county not less than \$25 nor more than \$500, together with the taxable cost in such action. Each day during which such violation exists shall constitute a separate offense.

(2) Every violation of this ordinance is a public nuisance, and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the county, the state, or any citizen whose interests are adversely affected. Any such violator may be required to forfeit not more than \$500 for each such offense. Each day during which such violation exists shall constitute a separate offense.

(3) When a subdivision is created in violation of this ordinance, or any other applicable law whether state or local, any municipality, town, county, or state agency with subdivision review authority may order an assessor's plat to be made under Section 70.27, Wisconsin Statutes, at the expense of the subdivider or subdivider's agent.