

CHAPTER 21
(Revised 10-4-2016)
LAND DIVISION AND SUBDIVISION ORDINANCE

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 Land Division and Subdivision Ordinance.

21.03 JURISDICTION. Jurisdiction of these regulations shall apply in all towns within Brown County. Jurisdiction shall also apply in any village or city within Brown County that has agreed to county subdivision review authority under Section 66.0301 of the 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) of the Wisconsin Statutes, 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 Section 703.115 of the Wisconsin Statutes.

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

(1) Any land division that 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 right-of-ways), or

(2) Any land division that 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 right-of-ways).

(3) 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 of the Wisconsin Statutes.

(4) 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 this ordinance and Chapter 236, Wisconsin Statutes.

(5) Certified Survey Map: Any land division, applicable to Section 21.04(1) or Section 21.04(2) of this ordinance, that 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 of the Wisconsin Statutes.

(6) Combining Parcels: The combining of two or more parcels of land into fewer parcels shall comply with the requirements of Section 21.48 of this ordinance.

(7) Condominium Plat: Property subject to a condominium declaration established under Chapter 703, Wisconsin Statutes. Condominium ownership shall comply with Section 21.45(5) of this ordinance.

(8) 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 of the Wisconsin Statutes.

(e) Assessors' plats made under Section 70.27 of the 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 the 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 land division or combining of parcels which is applicable under Section 21.04 of this ordinance 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: An unnamed public or private right-of-way that provides 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. A certified survey map has the same legal force and effect as a subdivision plat.

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 Development: A planned unit development technique that cost effectively concentrates buildings on a portion of the site to maximize the use of the remaining land for recreation, common open space, historic preservation, or environmentally sensitive areas.

Combination Certified Survey Map: The act of creating a single lot description and tax parcel out of two or more separately described parcels.

Commission: The Brown County Planning Commission.

Common Property: Any land held in common for public use by a municipality, or through a homeowners association, or other similar organization.

Comprehensive Plan: For the county, a development plan that is prepared or amended under Section 59.69(2) or (3) and Section 66.1001 of the Wisconsin Statutes; or for a city, village, or town, a master plan that is adopted or amended under Section 62.23(2) or (3) and Section 66.1001 of the Wisconsin Statutes.

Condominium Plat: Property subject to a condominium declaration established under Chapter 703 of the 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 of the 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 are 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 has 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 of the 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 right-of-ways already established.

Hardship: A restriction on property so unreasonable that it results in an arbitrary and capricious interference with basic property rights. Hardship relates to the physical characteristics of property, not the personal circumstances of the owner or user, and the property is rendered unusable without the granting of a variance.

Innovative Development: A development with characteristics of a planned unit development which utilizes new development ideas.

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.

Mixed Use: The development of land with two or more different uses including a variety of residential, office, retail, public, or entertainment use.

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 of the 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 outlots 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.

Row Development or Row Housing: A group of attached residences in which each residence has its own front and rear yard, and each unit is placed on a separate lot.

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.

Traditional Neighborhood Development: A development that exhibits several of the following characteristics: alleys, streets laid out in a grid system, buildings oriented to the street, front porches on houses, pedestrian-orientation, a mix of compatible land uses, town squares and greens, all oriented to reduce the need for automobile usage. Inclusion of multiple forms of transportation such as pedestrian, bicycle, and motor vehicle are encouraged to have a design that reduces motor vehicle traffic impacts.

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 Sections 21.61(1)(a), (2), and (11) of this ordinance, 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 right-of-ways.

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. (5), the Planning Commission staff shall determine such unsuitability at the time the preliminary plat or CSM is considered for approval.

(3) Land considered unsuitable for building may include the following (not an all-inclusive list):

(a) Steep slopes of 20% or greater that do not extend into an environmentally sensitive area.

(b) Sinkholes.

(c) Drainage ways.

(d) Karst features.

(e) Wisconsin historic landmarks and burial grounds.

(4) 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.

(5) 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 to the Planning Commission staff in order for such a determination to be made.

(6) Geotechnical Study and Report Requirements. Certain steep slopes that are determined to be land unsuitable for building under this ordinance, but are not an environmentally sensitive area, shall be permitted to have a Geotechnical Study and Report submitted to Planning Commission staff for file record prior to any development within the steep slope lands unsuitable for building.

(a) A Geotechnical Study and Report must justify that any lands unsuitable for building are buildable and, at a minimum, contain the following information:

- (i) Summary of subject site and proposed changes.
- (ii) Soil types.
- (iii) Existing conditions and slopes.
- (iv) Existing erosion.
- (v) Existing slope stability.
- (vi) Proposed land development.
- (vii) Proposed structural foundations.
- (viii) Proposed erosion control best management practices.
- (ix) Identification of a single responsible party, before, during and after changes to slope.
- (x) Verification and statement that changes to slope does not reduce the existing water quality, the existing erosion, or the stability of the slope.
- (xi) An engineer's stamp and signature on the report verifying the accuracy of the document.

(b) Allowable changes resulting from an acceptable Geotechnical Study and Report that is submitted to Planning Commission staff before a subdivision plat or certified survey map is recorded shall allow the land divider to represent appropriate changes on the a subdivision plat or certified survey map.

(c) Allowable changes resulting from an acceptable Geotechnical Study and Report that is submitted to Planning Commission staff after a subdivision plat or certified survey map is recorded shall require the land divider to represent appropriate changes on a separately recorded document, such as an Affidavit, that includes a legal description and graphic of the subject area.

21.33 ENVIRONMENTALLY SENSITIVE AREAS.

(1) Environmentally sensitive areas include water related features as identified in the most current approved Brown County Sewage Plan, or the following if more restrictive:

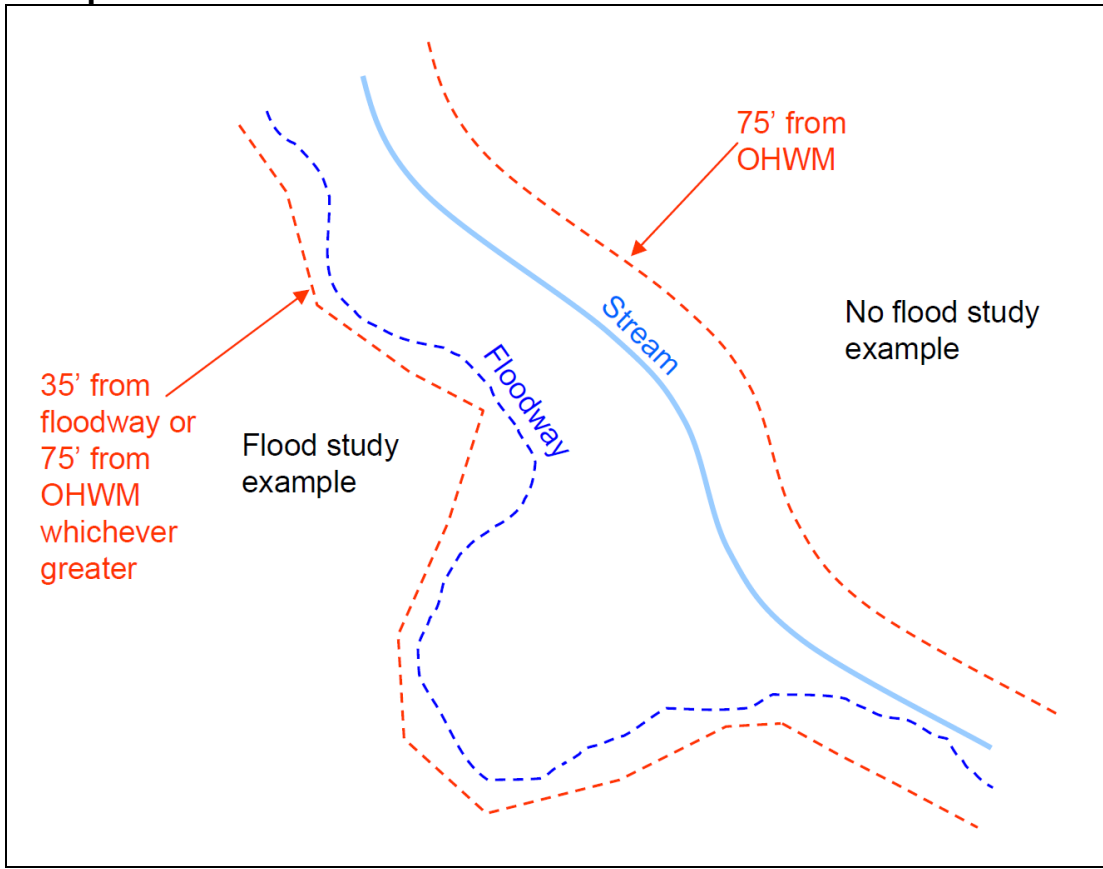
(a) Navigable waterways.

(i) Including lakes, rivers, streams and ponds identified on USGS topographic maps or Brown County GIS system.

(b) Land within 75-feet from the ordinary high water mark (OHWM) of navigable waterways with no flood study (see example 1).

(i) The 75-foot ESA setback from navigable waterways should be defined using lines that are, at minimum, parallel to the waterway. Points and straight lines that are surveyed and scaled may be used to define the boundary similar to a meander line; however, in no instance shall resultant points and straightened lines be closer than the designated ESA width.

Example 1.



(c) Floodway plus land within 35-feet from the floodway line, or 75-feet from the ordinary high water mark (OHWM), whichever is greater (see example 1).

(i) Including floodways identified on FEMA maps, and WDNR approved floodway maps and flood studies.

(ii) The 35-foot ESA setback to floodways should be defined using points that are a minimum of 35-feet from the actual ESA. The points should be connected with a straight line that is surveyed and scaled, similar to a meander line. In no instance shall the resultant straightened lines be closer than 20 feet from the actual ESA.

(e) Non-navigable waterways.

(i) Including lakes, rivers, streams and ponds identified on USGS topographic maps or Brown County GIS system.

(ii) Waterways determined to be non-navigable by Brown County or the WDNR.

(f) Land within 35-feet from the top of bank of non-navigable waterways.

(i) The 35-foot ESA setback from non-navigable waterways should be defined using lines that are, at minimum, parallel to the waterway. Points and straight lines that are surveyed and scaled should be used to define the boundary, similar to a

meander line. In no instance shall the resultant points and straightened lines be closer than the designated ESA width.

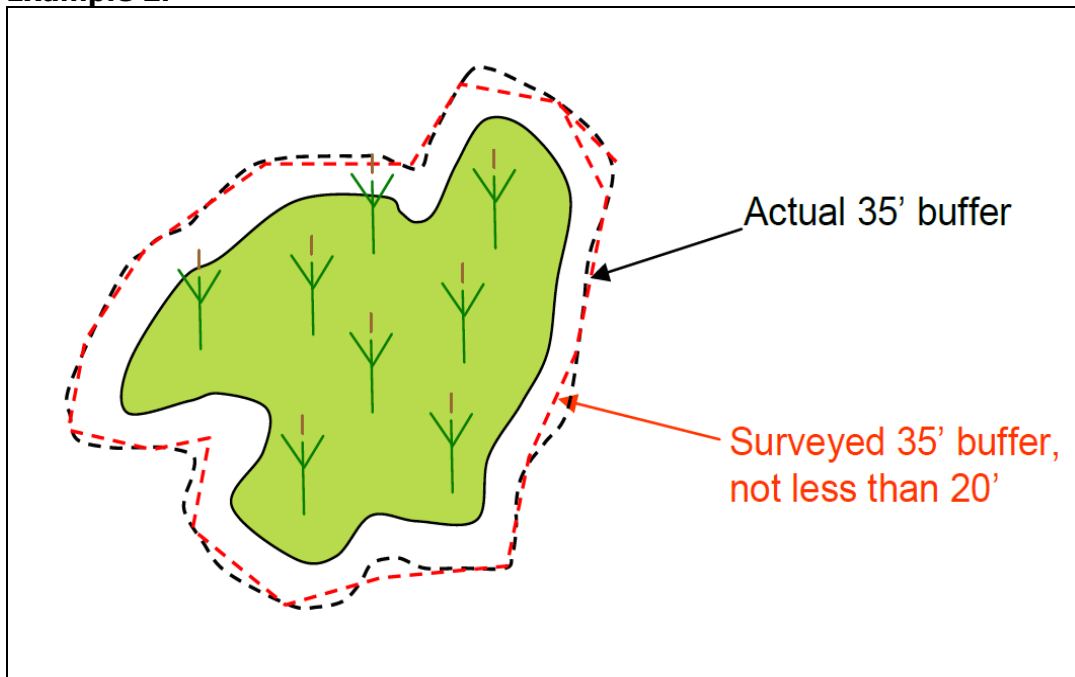
(g) Wetlands.

(ii) When there is no ESA Setback to wetlands, the wetland boundary should be defined using points that are at the border of the actual ESA. Points and straight lines that are surveyed and scaled should be used to define the boundary, similar to a meander line. In no instance shall the resultant points and straightened lines be within the actual ESA.

(h) Land within 35-feet of wetlands that are larger than 2 acres in size (see example 2).

(i) The 35-foot ESA setback to wetlands should be defined using points that are a minimum of 35-feet from the actual ESA. The points should be connected with a straight line that is surveyed and scaled, similar to a meander line. In no instance shall the resultant straightened lines be closer than 20 feet from the actual ESA.

Example 2.



(ii) Other significant natural resource features.

(iii) Including (on a case-by-case basis) river and stream headwaters, groundwater recharge areas, unique woodlands, high-value wildlife habitat areas, geologic and natural area sites and wet, poorly drained and organic soils, and areas identified in the *Wisconsin Land Legacy Report* and where rare plants, animals, and natural communities are known to be located as identified in *Wisconsin's Natural Heritage Inventory*.

(i) Land within 20-feet from the top and bottom of steep slopes that are 20% or greater that are located within and extend beyond any of the aforementioned

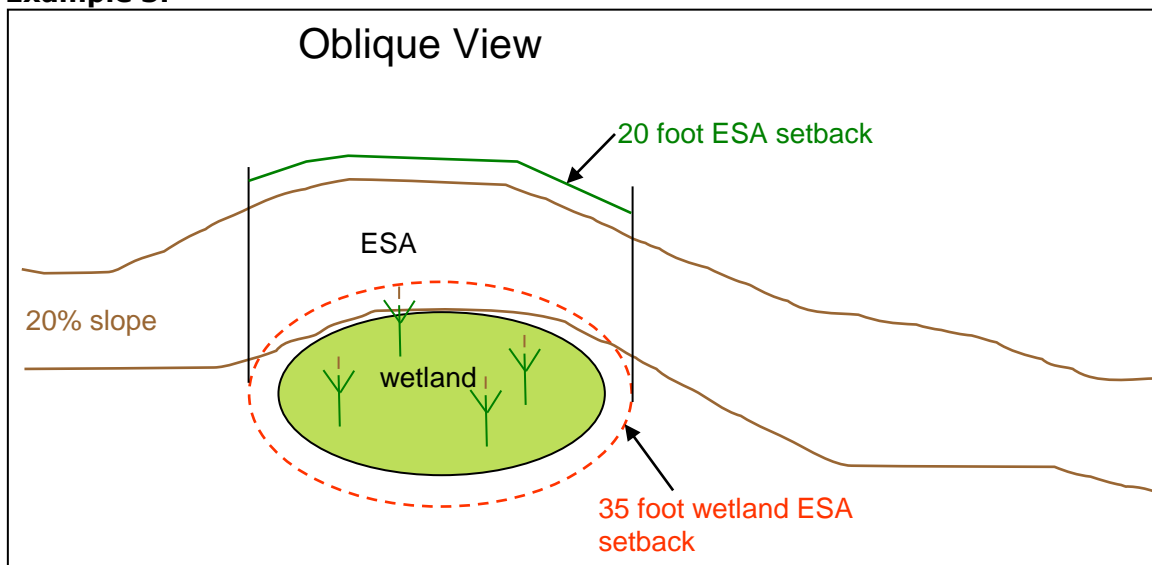
natural resource features. The steep slope is also considered part of the ESA (see example 3).

(i) Lands with 20% or greater of slope that extend out from an ESA and are not part of a continuous ravine to the ESA shall be considered "lands unsuitable for building" until such time as a geotechnical report proving its suitability is provided to Brown County staff.

(ii) Cutting and filling necessary to provide proper grade for walk-out basements is permitted within a steep slope ESA setback.

(iii) The 20-foot ESA setback to steep slopes should be defined using points that are a minimum of 20-feet from the actual ESA. The points should be connected with a straight line that is surveyed and scaled, similar to a meander line. In no instance shall the resultant straightened lines be closer than 15 feet from the actual ESA.

Example 3.



(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) The use of approximate wetland environmentally sensitive areas may be used only if approved by Planning Commission staff. Criteria for use of approximate environmentally sensitive areas are the following:

- (a) Large wetlands with obvious, well defined boundaries.

(b) The wetland is located at the rear or side of a large lot (greater than 2 acres in size); and,

(c) Proposed development can be easily be located a distance greater than 50-feet from the approximate wetland environmentally sensitive area.

(d) All approximate wetlands shall have a 50-foot wetland buffer shown on the final plat or CSM, regardless of wetland size.

(4) When development is proposed within 50-feet of an approximate wetland environmentally sensitive area, then the actual environmentally sensitive area boundary and any setbacks shall be delineated by a certified wetland delineator, using criteria identified in Section 21.33(1) of this ordinance. If the area is delineated before the final plat or CSM is recorded, then the delineated wetland shall be properly shown on the final CSM or plat.

(5) Final subdivision plats or certified survey maps located wholly or partly in an area where flooding or potential flooding may be a hazard shall show floodplain lines and, where calculated, floodway lines 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 subsection (2), for each proposed land division not served by public sewer, a soil test complying with COMM 83 and COMM 85 of the Wisconsin Administrative Code, shall be submitted for each proposed lot. No more than four 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, and 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, unstable soils, 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 stormwater management 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 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."

(a) Erosion and sediment control plans shall comply with NR 151 and NR 216 requirements.

(b) Erosion and sediment control plans shall be prepared and stamped by a licensed engineer.

(3) Municipal Review. In lieu of submittal to Brown County staff, the required erosion and sediment 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) Documentation acknowledging municipality approval is submitted to Brown County Planning Commission staff by the municipality.

(4) Any required erosion control plan shall be submitted 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 become a restrictive covenant on the final plat or certified survey map.

(5) Brown County staff may require side and/or rear building setback limits when unstable soil types exist on the proposed land division.

21.36 FEES. To defray 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 PROCESSES

21.41 PRELIMINARY CONSULTATION AND SKETCH PLAN FOR PLATS.

(1) Prior to submitting of an application for the review 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) Application submittal. An application is not submitted with a preliminary consultation. However, preliminary submittal documents are required and may be submitted in one of two ways:

(a) Digital submittal. Simple, self-explanatory, plats may be submitted digitally for review and comment by Planning Commission staff.

(b) In person submittal. Complex plats, or projects where Planning Commission staff may be unfamiliar with the details or site location, may require in-person consultation at the Planning and Land Services office.

(3) Required information. The subdivider, or agent, shall submit the following information to Planning Commission staff:

(a) Concept Plan.

(b) Street and lot layout.

(c) Scale.

(d) North point.

(e) Name of subdivider.

(f) Name and contact information of surveyor.

(g) Existing buildings and structures, driveway locations and parking areas.

(h) Topographic contours at 2-foot intervals.

(i) Hydrologic characteristics, including surface water bodies, floodways/floodplains, wetlands, and drainage ways.

(j) Steep slopes.

(k) All encumbrances, such as easements or access restrictions.

(l) General description of proposed methods for stormwater management and sewage treatment.

(4) Review process. Following the filing of a complete sketch plan as determined by Planning Commission staff, the Planning staff shall consult with the subdivider, or agent, to review the concept plan inform the subdivider, or agent, of the procedures and requirements for the development. The consultation may include a visit to the site to review the existing features of the site.

(5) Sketch Plan Changes. Proposed changes to a submitted sketch plan may be made at any time. The sketch plan shall be resubmitted with the required information identified in Section 21.41(3) of this ordinance. The date any complete sketch plan change is submitted will be the date used when establishing the review timeline.

(6) Review timeline. 20 days.

(a) Planning Commission staff shall complete the review within 20 days following the submittal of a complete sketch plan the Plan Commission staff shall provide written comments informing the subdivider, or agent, of any additions, changes, or corrections to the sketch plan.

(b) Failure of the Planning Commission staff to act within the review timeline, or longer if extended by agreement with the subdivider, shall constitute an approval of the sketch plan.

(c) Comments provided by Planning Commission 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 SUBMITTAL AND REVIEW PROCESS.

(1) The subdivider shall submit the necessary copies of the preliminary plat for review to the Brown County Planning and Land Services Department. Planning Commission staff shall provide copies to the different agencies and plat reviewers for 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) Application submittal. The subdivider, or agent, shall submit the following in order to begin an application review:

- (a) Completed digital copy of application form.
- (b) Appropriate number of digital and hard copies of plat, in full size.
- (c) Payment for preliminary plat review.

(3) Required information. The subdivider, or agent, shall include the following information on the preliminary plat when submitting to Planning Commission staff:

- (a) Plat with plat name prepared by a registered land surveyor.
- (b) Plat pages numbered.
- (c) Date.
- (d) Scale.
- (e) North point.
- (f) Surveyor name and contact information.
- (g) Surveyor signature, date, and seal (on hard copies).

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

(i) A small scale drawing of the section or region in which the plat lies with the location of the plat clearly identified.

(j) Boundary lines and platting status.

(k) Lots numbered sequentially. Outlots numbered sequentially.

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

(m) Layout, locations, widths, and names of existing or dedicated streets, alleys, or other public walkways.

(n) Street access restrictions.

(o) Radii of all curves.

(p) Layout, locations, widths, types, and names of existing public and private easements, drainage easements, railroads, utility rights-of-way, public stormwater management facilities and private waste water treatment system locations.

(q) Existing permanent buildings and structures.

(r) Parks and cemeteries.

(s) Location and 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 plat with the conditions, if any, of such dedication or reservation.

(t) Environmentally sensitive areas, including: waterways, wetlands, floodways, steep slopes, and associated setbacks.

(u) Floodplains, drainage ways and associated setbacks.

(v) Airport zoning districts.

(w) Planning Commission staff may require information to be shown beyond the plat boundary, if needed, for staff review of the preliminary plat.

(x) Surveyor's Certificate, Owner's Certificate, Municipality Certificate(s), Brown County Planning Commission Certificate, Brown County Treasurer's Certificate.

(y) Additional certificates identified in Section 236.21 of the Wisconsin Statutes.

(z) Required notes and restrictive covenants.

(4) Review Process. Following the filing of a complete preliminary plat as determined by Planning Commission staff, the Planning Commission staff shall gather comments from reviewing agents and complete the Planning Commission staff review of the preliminary plat. Planning Commission staff may contact the subdivider, or agent, with questions regarding the preliminary plat. The review may include a visit to the site to review the existing features of the site.

(5) Preliminary plat changes. Proposed changes to a submitted preliminary plat may be made once without resubmittal of preliminary plat review fees provided both of the following occurs:

(a) Submittal occurs prior to completion of the Planning Commission staff review of the preliminary plat.

(b) The number of lots or outlots does not increase.

(c) The preliminary plat shall be resubmitted with the required information identified in Section 21.42(3) of this ordinance. The date any complete preliminary plat change is submitted will be the date used when establishing the review timeline.

(6) Review timeline. 40 calendar days.

(a) Planning Commission staff shall complete the review within 40 calendar days following the submittal of a complete application, plat, and fees and provide written comments informing the subdivider, or agent, of any additions, changes, or corrections to the preliminary plat.

(b) Failure of the Planning Commission staff to act within the review timeline, or longer if extended by agreement with the subdivider, shall constitute an approval of the preliminary plat.

(c) Any approval, or conditional approval made by Planning Commission staff in writing is valid for a period of three years.

(7) Recordation. Preliminary plats are not recorded.

(8) Copies of Recorded Document. Not applicable for preliminary plats.

21.43 FINAL PLAT SUBMITTAL AND REVIEW PROCESS.

(1) The subdivider shall submit the necessary copies of the final plat for review to the Brown County Planning and Land Services Department. Planning Commission staff shall provide copies to the different agencies and plat reviewers for 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) Application submittal. The subdivider, or agent, shall submit the following in order to begin an application review:

(a) Completed digital copy of application form.

(b) Appropriate number of digital and hard copies of plat, in full size.

(c) Payment for final plat review.

(3) Required information. The subdivider, or agent, shall include the following information on the final plat when submitting to Planning Commission staff:

(a) Final plat, prepared by a registered land surveyor, that complies in all respects with the requirements of Section 236.20 of the Wisconsin Statutes and conforms substantially to the approved preliminary plat.

(b) Plat pages numbered.

(c) Date.

(d) Scale.

(e) North point.

(f) Surveyor name and contact information.

(g) Surveyor signature, date, and seal (on hard copies).

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

(i) A small scale drawing of the section or region in which the plat lies with the location of the plat clearly identified.

(j) Boundary lines and platting status.

(k) Lots numbered sequentially. Outlots numbered sequentially.

(l) Dimensions of and area of lots, right-of-ways, and the encompassing area of the map listed as square footage.

(m) Layout, locations, widths, and names of existing or dedicated streets, alleys, or other public walkways.

(n) Street access restrictions.

(o) Radii of all curves.

(p) Layout, locations, widths, types, and names of existing public and private easements, drainage easements, railroads, utility right-of-ways, public stormwater management facilities and private waste water treatment system locations.

(q) Existing permanent buildings and structures.

(r) Parks and cemeteries.

(s) Location and 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 plat with the conditions, if any, of such dedication or reservation.

(t) Environmentally sensitive areas, including: waterways, wetlands, floodways, steep slopes, and associated setbacks.

(u) Floodplains, drainage ways and associated setbacks.

(v) Airport zoning districts.

(w) Planning Commission staff may require information to be shown beyond the plat boundary, if needed, for staff review of the final plat.

(x) Surveyor's Certificate, Owner's Certificate, Municipality Certificate(s), Brown County Planning Commission Certificate, Brown County Treasurer's Certificate.

(y) Additional certificates identified in Section 236.21 of the State Statutes.

(z) Required notes and restrictive covenants.

(4) Review Process. Following the filing of a complete final plat as determined by Planning Commission staff, the Planning Commission staff shall gather comments from reviewing agents and complete the Planning Commission staff review of the final plat. Planning Commission staff may contact the subdivider, or agent, with questions regarding the final plat. The review may include a visit to the site to review the existing features of the site.

(5) Final plat changes. Proposed changes to a submitted final plat may be made once without resubmittal of final plat review fees provided all of the following occurs:

(a) Submittal occurs prior to completion of the Planning Commission staff review of the final plat.

(b) The final plat conforms substantially to the preliminary plat.

(c) The number of lots or outlots does not increase.

(d) The final plat shall be resubmitted with the required information identified in Section 21.43(3) of this ordinance. The date any complete final plat change is submitted will be the date used when establishing the review timeline.

(6) Review timeline. 40 calendar days.

(a) Planning Commission staff shall complete the review within 40 calendar days following the submittal of a complete application, plat, and fees and provide written comments informing the subdivider, or agent, of any additions, changes, or corrections to the final plat.

(b) Failure of the Planning Commission staff to act within the review timeline, or longer if extended by agreement with the subdivider, shall constitute an approval of the final plat.

(c) Any approval, or conditional approval made by Planning Commission staff in writing is valid for a period of three years.

(7) Recordation. After the final plat has been approved and inscribed, with the final signature being Planning Commission staff, the final plat shall be recorded by the subdivider, or agent, in the office of the Register of Deeds of Brown County on accordance with s. 236.25 of the Wisconsin Statutes.

(8) Copies of Recorded Document. Within 40 calendar days of recording, necessary digital and hard copies of the final recorded plat shall be submitted to Brown County Planning and Land Services Department for distribution to the appropriate agencies and plat reviewers.

21.44 CONDOMINIUM PLAT SUBMITTAL AND REVIEW PROCESS.

(1) The subdivider shall submit the necessary copies of the condominium plat and declaration for review to the Brown County Planning and Land Services Department. Property Listing staff shall review and provide recommendations concerning matters within their jurisdiction. The Property Listing staff shall review the condominium plat for conformance with Section 703 of the Wisconsin Statutes.

(2) Application submittal. The subdivider, or agent, shall submit the following in order to begin an application review:

(a) Completed digital copy of application form.

(b) Appropriate number of digital and hard copies of condominium plat and declaration, in full size.

(c) Payment for condominium plat review.

(3) Required information. The subdivider, or agent, shall include the following information on the condominium plat when submitting to Property Listing staff:

(a) Condominium plat, prepared by a registered land surveyor, that complies in all respects with the requirements of Section 703.115 of the Wisconsin Statutes and conforms substantially to the approved preliminary plat.

(b) Condominium plat pages numbered.

(c) Date.

(d) Scale.

(e) North point.

(f) Surveyor name and contact information.

(g) Surveyor signature, date, and seal (on hard copies).

(h) Location of the condominium plat by private claim or by government lot, quarter, quarter section, section, township, range, and county.

(i) A small scale drawing of the section or region in which the plat lies with the location of the plat clearly identified.

(j) Boundary lines and platting status.

(k) Lot equivalent numbers numbered sequentially. Units numbered sequentially.

(l) Dimensions of and area of lot equivalents, right-of-ways, and the encompassing area of the map listed as square footage.

(m) Layout, locations, widths, and names of existing or dedicated streets, alleys, or other public walkways.

(n) Street access restrictions.

(o) Radii of all curves.

(p) Layout, locations, widths, types, and names of existing public and private easements, drainage easements, railroads, and utility rights-of-way public stormwater management facilities and private waste water treatment system locations.

(q) Existing permanent buildings and structures.

(r) Parks and cemeteries.

(s) Location and 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 plat with the conditions, if any, of such dedication or reservation.

(t) Airport zoning districts.

(u) Property Listing may require information to be shown beyond the plat boundary, if needed, for staff review of the condominium plat.

(v) Surveyor's Certificate, Owner's Certificate, Municipality Certificate(s), Brown County Property Listing Certificate, Brown County Treasurer's Certificate.

(w) Additional certificates identified in Section 703 of the Wisconsin Statutes.

(x) Required notes and restrictive covenants.

(4) Review Process. Following the filing of a complete condominium plat as determined by Property Listing staff, the Property Listing staff shall complete the Property Listing staff review of the condominium plat. The preliminary condominium plat review and final condominium plat review shall occur simultaneously as a final condominium plat. Property Listing staff may contact the subdivider, or agent, with questions regarding the condominium plat. The review may include a visit to the site to review the existing features of the site.

(5) Condominium plat changes. Proposed changes to a submitted condominium plat may be made once without resubmittal of condominium plat review fees provided all of the following occurs:

(a) Submittal occurs prior to completion of the Property Listing staff review of the condominium plat.

(b) The number of lot equivalents or units does not increase.

(c) The condominium plat shall be resubmitted with the required information identified in Section 703.115 of the Wisconsin Statutes. The date any complete condominium plat change is submitted will be the date used when establishing the review timeline.

(6) Review timeline. 10 working days.

(a) Property Listing staff shall complete the review within 10 working days following the submittal of a complete application, condominium plat, declaration, and fees and provide written comments informing the subdivider, or agent, of any additions, changes, or corrections to the condominium plat.

(7) Recordation. After the condominium plat has been approved and inscribed, with the final signature being Property Listing staff, the final plat shall be recorded by the subdivider, or agent, in the office of the Register of Deeds of Brown County on accordance with Section 703 of the Wisconsin Statutes.

(8) Copies of Recorded Document. Not applicable for condominium plats.

21.45 CERTIFIED SURVEY MAP SUBMITTAL AND REVIEW PROCESS

(1) Certified survey maps may be used when a proposed land division generates less than five land divisions from a parent parcel within a five year period, when any of the following apply: The land division is made by the same land owner, a relative of the property owner, or a person who purchased the property with the intent of land division.

(a) The subdivider shall submit the necessary copies of the certified survey map for review to the Brown County Planning and Land Services Department. Planning Commission staff shall provide copies to the different agencies and plat reviewers for review and recommendations concerning matters within their jurisdiction. The Planning Commission staff shall review the certified survey map for conformance with this ordinance and all other county ordinances, rules, regulations, and adopted county comprehensive plans or other plans that affect the certified survey map.

(2) Application submittal. The subdivider, or agent, shall submit the following in order to begin an application review:

(a) Completed digital copy of application form.

(b) Appropriate number of digital and hard copies of certified survey map, in full size.

(c) Payment for certified survey map review.

(3) Required information. The subdivider, or agent, shall include the following information on the certified survey map when submitting to Planning Commission staff:

(a) Certified survey map, prepared by a registered land surveyor that complies in all respects with the requirements of Section 236.34 of the Wisconsin Statutes.

(b) Certified survey map pages numbered.

- (c) Date.
- (d) Scale.
- (e) North point.
- (f) Surveyor name and contact information.
- (g) Surveyor signature, date, and seal (on hard copies).
- (h) Location of the certified survey map by private claim or by government lot, quarter, quarter section, section, township, range, and county.
- (i) Boundary lines and platting status.
- (j) Lots numbered sequentially. Outlots numbered sequentially.
- (k) Dimensions of and area of lots, right-of-ways, and the encompassing area of the map listed as square footage.
- (l) Layout, locations, widths, and names of existing or dedicated streets, alleys, or other public walkways.
- (m) Street access restrictions.
- (n) Radii of all curves.
- (o) Layout, locations, widths, types, and names of existing public and private easements, drainage easements, railroads, utility right-of-ways, public stormwater management facilities and private waste water treatment system locations.
- (p) Existing permanent buildings and structures.
- (q) Parks and cemeteries.
- (r) Location and 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 plat with the conditions, if any, of such dedication or reservation.
- (s) Environmentally sensitive areas, including: waterways, wetlands, floodways, steep slopes, and associated setbacks.
- (t) Floodplains, drainage ways and associated setbacks.
- (u) Airport zoning districts.
- (v) Planning Commission staff may require information to be shown beyond the certified survey map boundary, if needed, for staff review of the certified survey map.
- (w) Surveyor's Certificate, Owner's Certificate, Municipality Certificate(s), Brown County Planning Commission Certificate, Brown County Treasurer's Certificate.

(x) Additional certificates identified in Section 236.21 of the Wisconsin Statutes.

(y) Required notes and restrictive covenants.

(4) Review Process. Following the filing of a complete certified survey map as determined by Planning Commission staff, the Planning Commission staff shall gather comments from reviewing agents and complete the Planning Commission staff review of the certified survey map. Planning Commission staff may contact the subdivider, or agent, with questions regarding the certified survey map. The review may include a visit to the site to review the existing features of the site.

(5) Certified survey map changes. Proposed changes to a submitted certified survey map may be made once without resubmittal of certified survey map review fees provided all of the following occurs:

(a) Submittal occurs prior to completion of the Planning Commission staff review of the certified survey map.

(b) The number of lots or outlots does not increase.

(c) The certified survey map shall be resubmitted with the required information identified in Section 21.45(2) of this ordinance. The date any complete certified survey map change is submitted will be the date used when establishing the review timeline.

(6) Review timeline. 40 calendar days.

(a) Planning Commission staff shall complete the review within 40 calendar days following the submittal of a complete application, certified survey map, and fees and provide written comments informing the subdivider, or agent, of any additions, changes, or corrections to the certified survey map.

(b) Failure of the Planning Commission staff to act within the review timeline, or longer if extended by agreement with the subdivider, shall constitute an approval of the certified survey map.

(c) Any approval, or conditional approval made by Planning Commission staff in writing is valid for a period of three years.

(7) Recordation. After the certified survey map has been approved and inscribed, with the final signature being Planning Commission staff, the certified survey map shall be recorded by the subdivider, or agent, in the office of the Register of Deeds of Brown County on accordance with Section 236.25 of the Wisconsin Statutes.

(8) Copies of Recorded Document. Within 40 calendar days of recording, necessary digital and hard copies of the final recorded plat shall be submitted to Brown County Planning and Land Services Department for distribution to the appropriate agencies and certified survey map reviewers.

21.46 RETRACEMENT CERTIFIED SURVEY MAP SUBMITTAL AND REVIEW PROCESS.

(1) Retracement certified survey maps may be used to identify and locate existing parcels of record. A retracement certified survey map shall not create additional lots of record. The intent of a retracement certified survey map is 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 other Brown County departments 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.

(a) The subdivider shall submit the necessary copies of the retracement certified survey map for review to the Brown County Planning and Land Services Department. Planning Commission staff shall provide copies to the different agencies and plat reviewers for review and recommendations concerning matters within their jurisdiction. The Planning Commission staff shall review the certified survey map for conformance with this ordinance and all other county ordinances, rules, regulations, and adopted county comprehensive plans or other plans that affect the retracement certified survey map.

(2) Application submittal. The subdivider, or agent, shall submit the following in order to begin an application review:

(a) Completed digital copy of application form.

(b) Appropriate number of digital and hard copies of retracement certified survey map, in full size.

(c) Payment for retracement certified survey map review.

(3) Required information. The subdivider, or agent, shall include the following information on the retracement certified survey map when submitting to Planning Commission staff:

(a) Retracement certified survey map, prepared by a registered land surveyor that complies in all respects with the requirements of Section 236.34 of the Wisconsin Statutes. The map shall be headed "CERTIFIED SURVEY MAP" and sub headed "RETRACEMENT OF LANDS DESCRIBED IN [*list recorded documents*]."

(b) Retracement certified survey map pages numbered.

(c) Date.

(d) Scale.

(e) North point.

(f) Surveyor name and contact information.

(g) Surveyor signature, date, and seal (on hard copies).

(h) Location of the certified survey map by private claim or by government lot, quarter, quarter section, section, township, range, and county.

- (i) Boundary lines and platting status.
- (j) Lots numbered sequentially. Outlots numbered sequentially.
- (k) Dimensions of and area of lots, rights-of-way, and the encompassing area of the map listed as square footage.
- (l) Layout, locations, widths, and names of existing or dedicated streets, alleys, or other public walkways.
- (m) Street access restrictions.
- (n) Radii of all curves.
- (o) Layout, locations, widths, types, and names of existing public and private easements, drainage easements, railroads, utility rights-of-way, public stormwater management facilities and private waste water treatment system locations.
- (p) Existing permanent buildings and structures.
- (q) Parks and cemeteries.
- (r) If shown on previously recorded plat or certified survey map: Environmentally sensitive areas, including: waterways, wetlands, floodways, steep slopes, and associated setbacks.
- (s) If shown of previously recorded plat or certified survey map: Floodplains, drainage ways and associated setbacks.
- (t) Airport zoning districts.
- (u) Planning Commission staff may require information to be shown beyond the certified survey map boundary, if needed, for staff review of the retracement certified survey map.
- (v) Surveyor's Certificate, Owner's Certificate, Brown County Planning Commission Certificate, Brown County Treasurer's Certificate.
- (w) Additional certificates identified in Section 236.21 of the Wisconsin Statutes.
- (x) Required notes and restrictive covenants.
- (y) 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) Review Process. Following the filing of a complete retracement certified survey map as determined by Planning Commission staff, the Planning Commission staff shall gather comments from reviewing agents and complete the Planning Commission staff review of the retracement certified survey map. Planning Commission staff may contact the subdivider, or

agent, with questions regarding the retracement certified survey map. The review may include a visit to the site to review the existing features of the site.

(5) Retracement certified survey map changes. Proposed changes to a submitted retracement certified survey map may be made once without resubmittal of retracement certified survey map review fees provided all of the following occurs:

(a) Submittal occurs prior to completion of the Planning Commission staff review of the retracement certified survey map.

(b) The number of lots or outlots does not increase.

(c) The retracement certified survey map shall be resubmitted with the required information identified in Section 21.46(3) of this ordinance. The date any complete certified survey map change is submitted will be the date used when establishing the review timeline.

(6) Review timeline. 30 calendar days.

(a) Planning Commission staff shall complete the review within 30 calendar days following the submittal of a complete application, retracement certified survey map, and fees and provide written comments informing the subdivider, or agent, of any additions, changes, or corrections to the retracement certified survey map.

(b) Failure of the Planning Commission staff to act within the review timeline, or longer if extended by agreement with the subdivider, shall constitute an approval of the retracement certified survey map.

(c) Any approval, or conditional approval made by Planning Commission staff in writing is valid for a period of three years.

(7) Recordation. After the retracement certified survey map has been approved and inscribed, with the final signature being Planning Commission staff, the certified survey map shall be recorded by the subdivider, or agent, in the office of the Register of Deeds of Brown County on accordance with Section 236.25 of the Wisconsin Statutes.

(8) Copies of Recorded Document. Within 30 calendar days of recording, necessary digital and hard copies of the final recorded retracement certified survey map shall be submitted to Brown County Planning and Land Services Department for distribution to the appropriate agencies and retracement certified survey map reviewers.

21.47 COMBINING PARCELS / COMBINATION CERTIFIED SURVEY MAP SUBMITTAL AND REVIEW PROCESS.

(1) A combination certified survey map shall be required for the combining of two or more existing tax parcels or existing parcels of record into fewer parcels, including the reduction of an existing parcel when the various parts are attached to an adjoining parcel unless such combining is required by the local assessor or Brown County Property Listing and is necessary for valuation purposes under Section 70.23(2) of the Wisconsin Statutes, or is the result of clear adverse possession claim between abutting landowners.

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

- (i) The parcels shall be contiguous.
- (ii) The parcels shall be under identical ownership.
- (iii) The parcels shall be within the same municipality and taxing jurisdictions.

(b) The subdivider shall submit the necessary copies of the combination certified survey map for review to the Brown County Planning and Land Services Department. Planning Commission staff shall provide copies to the different agencies and plat reviewers for review and recommendations concerning matters within their jurisdiction. The Planning Commission staff shall review the combination certified survey map for conformance with this ordinance and all other county ordinances, rules, regulations, and adopted county comprehensive plans or other plans that affect the combination certified survey map.

(2) Application submittal. The subdivider, or agent, shall submit the following in order to begin an application review:

- (a) Completed digital copy of application form.
- (b) Appropriate number of digital and hard copies of combination certified survey map, in full size.
- (c) Payment for combination certified survey map review.

(3) Required information. The subdivider, or agent, shall include the following information on the combination certified survey map when submitting to Planning Commission staff:

(a) Combination certified survey map, prepared by a registered land surveyor that complies in all respects with the requirements of Section 236.34 of the Wisconsin Statutes. The map shall be headed "CERTIFIED SURVEY MAP" and sub headed "COMBINING OF PARCELS DESCRIBED IN [*list recorded documents*]."

- (b) Combination certified survey map pages numbered.
- (c) Date.
- (d) Scale.
- (e) North point.
- (f) Surveyor name and contact information.
- (g) Surveyor signature, date, and seal (on hard copies).
- (h) Location of the certified survey map by private claim or by government lot, quarter, quarter section, section, township, range, and county.
 - (i) Boundary lines and platting status.
 - (j) Lots numbered sequentially. Outlots numbered sequentially.

(k) Dimensions of and area of lots, right-of-ways, and the encompassing area of the map listed as square footage.

(l) Layout, locations, widths, and names of existing or dedicated streets, alleys, or other public walkways.

(m) Street access restrictions.

(n) Radii of all curves.

(o) Layout, locations, widths, types, and names of existing public and private easements, drainage easements, railroads, utility rights-of-way, and public stormwater management facilities and private waste water treatment system locations.

(p) Existing permanent buildings and structures.

(q) Parks and cemeteries.

(r) If shown on previously recorded plat or certified survey map: Environmentally sensitive areas, including: waterways, wetlands, floodways, steep slopes, and associated setbacks.

(s) If shown of previously recorded plat or certified survey map: Floodplains, drainage ways and associated setbacks.

(t) Airport zoning districts.

(u) Planning Commission staff may require information to be shown beyond the certified survey map boundary, if needed, for staff review of the retracement certified survey map.

(v) Surveyor's Certificate, Owner's Certificate, Brown County Planning Commission Certificate, Brown County Treasurer's Certificate.

(w) Additional certificates identified in Section 236.21 of the Wisconsin Statutes.

(x) Required notes and restrictive covenants.

(y) 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) Review Process. Following the filing of a complete combination certified survey map as determined by Planning Commission staff, the Planning Commission staff shall gather comments from reviewing agents and complete the Planning Commission staff review of the combination certified survey map. Planning Commission staff may contact the subdivider, or agent, with questions regarding the combination certified survey map. The review may include a visit to the site to review the existing features of the site.

(5) Combination certified survey map changes. Proposed changes to a submitted combination certified survey map may be made once without resubmittal of combination retracement certified survey map review fees provided all of the following occurs:

(a) Submittal occurs prior to completion of the Planning Commission staff review of the combination certified survey map.

(b) The number of lots or outlots does not increase.

(c) The combination certified survey map shall be resubmitted with the required information identified in Section 21.47(3) of this ordinance. The date any complete certified survey map change is submitted will be the date used when establishing the review timeline.

(6) Review timeline. 30 calendar days.

(a) Planning Commission staff shall complete the review within 30 calendar days following the submittal of a complete application, combination certified survey map, and fees and provide written comments informing the subdivider, or agent, of any additions, changes, or corrections to the combination certified survey map.

(b) Failure of the Planning Commission staff to act within the review timeline, or longer if extended by agreement with the subdivider, shall constitute an approval of the combination certified survey map.

(c) Any approval, or conditional approval made by Planning Commission staff in writing is valid for a period of three years.

(7) Recordation. After the retracement certified survey map has been approved and inscribed, with the final signature being Planning Commission staff, the certified survey map shall be recorded by the subdivider, or agent, in the office of the Register of Deeds of Brown County on accordance with Section 236.25 of the Wisconsin Statutes.

(8) Copies of Recorded Document. Within 30 calendar days of recording, necessary digital and hard copies of the final recorded combination certified survey map shall be submitted to Brown County Planning and Land Services Department for distribution to the appropriate agencies and retracement certified survey map reviewers.

21.50 SURVEYING REQUIREMENTS. All subdivision plats and certified survey maps and land only or building pad style condominiums shall comply with the provisions of Section 236.15 of the Wisconsin Statutes and the following:

(1) Tie Requirements.

(a) In all cases, tie requirements shall include the bearing and distance between points.

(b) 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.

(c) 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.

(d) 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.

(e) 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.

(f) Plats and certified survey maps shall be described as provided in Section 236.21 or 236.34 of the 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.

(g) Any corrections to a land division document that requires setting boundaries and lot corners differently than the map of record shall require the recording of a replacement land division document with required signatures and certificates.

(2) Exterior boundary corners, angle points, and block corners.

(a) 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.

(b) All monuments set on the interior of a plat or certified survey map shall meet at least the minimum state requirements for length.

(c) 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.

(d) Monuments required in Section. 236.15 (1)(c) of the Wisconsin Statutes shall be placed at the unit corners on a land only or building pad style condominium when the limits of unit are defined as a tract of land and not a structure.

(3) Closure tolerance.

(a) All mapped boundaries shall close to a tolerance of 1 part in 20,000.

(b) No closures shall be greater than 0.03 feet.

(4) Bearings.

(a) 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.

(b) 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.

(5) Boundaries based on section protractions.

(a) 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 Section 59.73(2) of the 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 officially adopted maps or plans for 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.

(a) The right-of-way width and building setback requirements of all state highways shall be determined by the Planning Commission staff upon the recommendation of the State Department of Transportation.

(b) The right-of-way width for all county trunk highways shall be as specified on any official map or plan adopted under Section 236.46 or s.80.64 of the 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.

(c) Building setback and vision corner requirements shall be established as required in Chapter 6 (Highways) of the Brown County Code.

(d) 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 Planning Commission staff 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 right-of-ways 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 municipal (non- state highway and non-county highway) streets and alleys shall be as specified by the local municipality 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:

Municipal Street Type	Minimum Right-of-way Width in Feet
Arterial	80
Collector without curb and gutter	70
Collector with curb and gutter	60
Local without curb and gutter	70
Local with curb and gutter	50
Service Drive	50 (in addition to the major traffic street the drive adjoins)
Alley	16

(a) Confirmation that a street will be constructed with curb and gutter must be obtained from the local municipality.

(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:

Street Type	Minimum Radius in Feet
Arterial	300
Collector	200
Local without curb and gutter	100
Local with curb and gutter	65

(14) Cul-de-sacs. Cul-de-sacs shall contain a turnaround with a minimum right-of-way radius of 55 feet. The Official Map or Area Development Plan adopted by the municipality should be used to determine cul-de-sac location and length. Environmental, topographic, or access constraints should be taken into consideration.

(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 be 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) Street names shall include less than thirteen characters (including spaces, but not including prefixes or suffixes such as N, S, E, W, or ST, AV, LN, WY) in length, shall be non-offensive in nature, and shall not be copy-righted by another entity.

(c) 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. The use of the suffix "street," "avenue," "boulevard," "drive," "place," or "court," or similar description shall not be distinction sufficient to constitute compliance with the subsection.

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

Street Type	Dead End	Curving Street	Straight Street
Short Streets	Place Court	Circle Crescent Lane Terrace Way	Lane Row
Long Streets	--	Drive Road	Avenue Street

(e) 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 right-of-ways 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 required lot area shall comply with the local zoning ordinance or by this ordinance if no local zoning ordinance exists. The minimum lot area shall not include land that is dedicated or reserved for public right-of-way.

(3) Lots shall not cross municipal boundary lines.

(4) Lot dimensions shall conform to the requirements of the Brown County Shoreland Zoning Ordinance (where applicable) and appropriate state requirements, including NR 115. Requirements include the following:

(a) Residential lots in shoreland zoning districts served by public sewer shall be not less than 65 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 10,000 square feet in area.

(b) Residential lots in shoreland zoning districts 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 100 feet wide measured at the right-of-way line or measured at the building setback line if the said lot is located on the outer radius of a curved street or cul-de-sac turnaround. Residential lots not served by public sewerage disposal facilities shall not be less than 20,000 square feet in area.

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) Zero lot line lots shall conform to all requirements of the local municipality zoning ordinance. Zero lot line developments shall only be allowed in municipalities that have adopted a zero lot line zoning ordinance, planned unit development, or variance.

(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.

(a) The following shall be placed on the face of all subdivision plats and certified survey maps: "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 certified survey map.

(4) 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.

(5) 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.

(1) Design. In the design of the plat or certified survey map, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, and other public purposes.

(a) If specifically designated on or by the comprehensive plan or official map, if any, such areas shall be made a part of the plat or certified survey map as stipulated in Section 21.31 of this ordinance, related to the dedication and reservation of land.

(b) If not so designated, consideration shall be given in the location of these sites to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes, ponds, watercourses, watersheds, and ravines.

21.66 STORMWATER MANAGEMENT PLAN AND DRAINAGE.

(1) Purpose. Urban stormwater runoff and discharges from storm sewers are a primary cause of impaired water quality in the United States. 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. In order for the developer to properly address criteria of the Clean Water Act, the Planning Commission staff may require that the subdivider prepare a detailed stormwater management plan. The plan shall detail all soil types, watersheds, stormwater conveyance systems, contours, easements, other stormwater management 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) Stormwater management plans shall be submitted by the subdivider to Planning Commission staff for review and comment for all land divisions containing 5 or more parcels and other land divisions as determined by Planning Commission staff. The plan must be submitted to Planning Commission staff prior to or concurrent with the review of the final plat or certified survey map. The stormwater management plan shall include the following information:

(a) Stormwater management plans shall comply with NR 151, NR 152, and NR 216 requirements.

(b) Stormwater management plans shall be prepared and stamped by a Wisconsin licensed engineer.

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

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

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

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

(g) 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.

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

(i) Necessary drainage easements for all drainage ways and stormwater management facilities.

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

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

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

(m) Stormwater management facilities that are designated, installed, and maintained to effectively accomplish the following:

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

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

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

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

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

(o) Stormwater drainage easements shall be provided to accommodate present and future stormwater runoff.

(p) 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).

(3) 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) Documentation acknowledging municipality approval is submitted to Brown County Planning Commission staff by the municipality.

(4) Any required stormwater management plan shall be submitted 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 stormwater management plan control measures become a restrictive covenant on the final plat or certified survey map.

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) When a planned unit development such as traditional neighborhood development, cluster development, row housing, common property, mixed use, or other innovative development technique is approved by a municipality in accordance with the municipality's planned unit development code, the planned unit development may be reviewed and approved by Planning Commission staff. Any planned unit development proposed in a municipality that does not have a planned unit development process is subject to review and approval 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.

(4) Planned unit developments that include lands subject to shoreland zoning, must also comply with Section 22.13 of the Brown County Code of Ordinances entitled "Planning Unit Development (s. NR 115.05(1)(a)4)."

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 under Section 21.70 of this ordinance, Planned Unit Developments.

(1) Design Standards. Conservation subdivisions to be reviewed and approved by planning staff shall comply with the design standards of Section 21.60 of this ordinance, except as otherwise stated in this section.

(a) Minimum Lot Size.

(i) Lots served by public sanitary sewer – 6,300 square feet.

(ii) Lots served by private septic systems located within the lot – 30,000 square feet.

(iii) 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:

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

(ii) 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:

(i) A homeowners association.

(ii) A condominium association established in accordance with Chapter 703 of the Wisconsin Statutes.

(iii) A land trust or other non-profit conservation organization.

(3) An individual, such as the original owner, who will use the land for open space purposes as provided by a conservation easement.

(4) The county, local municipality, or other governmental entity, if agreed to by the governmental entity accepting the dedication.

(5) 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) of this ordinance, a density analysis shall be submitted with the preliminary plat.

(i) 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.

(ii) 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.

21.80 VARIANCES, APPEALS, AMENDMENTS AND VIOLATIONS.

21.81 VARIANCES.

(1) Where the Board finds that "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.

(1) Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Chapter 236 of the 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.

(1) 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 or 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.