

**RESOLUTION #18-2010  
ORDINANCE AMENDMENT #1-2009  
CHAPTER 15, ONEIDA COUNTY SUBDIVISION ORDINANCE**

Ordinance Amendment offered by Supervisors of the Planning and Zoning Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

**WHEREAS**, the Planning & Zoning Committee, having considered Ordinance Amendment #1-2009, (copy attached) which was filed November 11, 2009 to amend the Oneida County Subdivision Ordinance, and having given notice thereof as provided by law and having held a public hearing thereon December 2, 2009 pursuant to Section 236.45(4) and Section 59.69(5), Wisconsin Statutes, and having been informed of the facts pertinent to the changes which are as follows:

**WHEREAS**, Chapter 15, the Oneida County Subdivision Ordinance, is outdated and not consistent with Wisconsin Statutes, Administrative Codes and County Codes; and

**WHEREAS**, the County Planning and Zoning Committee formed a work group consisting of surveyors, septic installers, soil testers, realtors, developers and county staff including Planning and Zoning and Land Information; and

**WHEREAS**, the Planning and Zoning Committee had an initial public hearing on April 15, 2009 and as a result of public comments revised the draft Subdivision Ordinance; and

**WHEREAS**; the Planning and Zoning Committee held another public hearing on December 2, 2009 and listened to public comments and then went through each and every public comment; and

**WHEREAS**, all Towns were provided with written notice of said changes and no Town objected; and

**WHEREAS**, the Planning & Zoning Committee has carefully studied the proposed changes after listening to comments made at the public hearing and recommends approval; and

**NOW THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVIORS DOES ORDAIN AS FOLLOWS:**

Section 1: Any existing ordinances, codes, resolutions, or portion thereof in conflict with this ordinance shall be and are hereby repealed as far as any conflict exists.

Section 2: This ordinance shall take effect July 1, 2010 after passage and publication as required by law.

Section 3: If any claims, provisions, or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Section 4: The Oneida County Subdivision Ordinance is repealed and recreated as follows:

CHAPTER 15  
ONEIDA COUNTY GENERAL CODE  
SUBDIVISION CONTROL ORDINANCE

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**GENERAL PROVISIONS**

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15.01 Title and Statutory Authority.

- 1. Title. Chapter 15 of the General Code of Oneida County, Wisconsin – “Oneida County Subdivision Control Ordinance” (herein referred to as “this chapter”)
- 2. Authority. These regulations are adopted under the authority granted by §§59.69, 144.26, 281.31, and Ch. 236, Wis. Stats.

15.02 Purpose. The purpose of this Ordinance is to regulate the subdivision of land to promote public health, safety and general welfare; to further the orderly layout and use of land, to facilitate adequate provision for water, sewerage and other public requirements; to provide for property ingress and egress; and to promote proper monumenting of land subdivided and conveyancing by accurate legal description. The approvals to be obtained by the subdivider as required in this chapter are based on requirements designed to accomplish the aforesaid purposes.

15.03 Abrogation and Greater Restrictions. It is not the intent of this chapter to repeal, modify, abrogate, annul, impair or interfere with existing easements, covenants, deed restrictions, other ordinances or permits previously adopted or issued pursuant to law. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern.

15.04 Interpretation. In the interpretation and application of this chapter, provisions shall be held to be the 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.

15.05 Severability and Non-Liability.

- 1. If any section, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.
- 2. The County does not guarantee, warrant or represent that only those areas

38 designated as floodplains will be subject to periodic inundation and thereby  
39 asserts that there is no liability on the part of the County, its agencies or  
40 employees for sanitation and water supply problems or structural damages  
41 that may occur as a result of reliance upon and conformance with this  
42 chapter.  
43

44 15.06 Conflict of Ordinance, Effect or Partial Validity.  
45

- 46 1. In any case where a provision of this chapter is found to be in conflict with a  
47 provision of any county or local government body, zoning, building, fire safety  
48 or health ordinance existing on the effective date of this chapter, the  
49 provisions that establish the higher standard for the protection of public  
50 health, safety and general welfare shall prevail.  
51
- 52 2. In any case where a provision of this chapter is found to be in conflict with a  
53 provision of any other County or local governing body ordinance existing on  
54 the effective date of this chapter, which establishes a lower standard for the  
55 protection of the public health, safety and general welfare, the provisions of  
56 this chapter shall be deemed to prevail and such other ordinances are hereby  
57 declared to be repealed to the extent that they may be found in conflict with  
58 this chapter.  
59

60 15.07 Effective Date. This chapter shall be effective after adoption by the County  
61 Board and publication or posting as provided by law (insert date).  
62

63 15.08 County Planning Agency. The county planning agency is the Oneida County  
64 Planning and Zoning Committee.  
65

66 15.09 Jurisdiction. The provisions of this chapter apply to all lands within Oneida  
67 County, except within the corporate limits of any incorporated area. Where a  
68 duly adopted town subdivision ordinance is more restrictive than this chapter, the  
69 town is ultimately responsible to enforce its own more restrictive ordinance  
70 requirements.  
71

72 15.10 Land Divisions Governed by this Chapter.  
73

- 74 1. This chapter shall apply to:
  - 75
  - 76 A. The act of division of a lot, parcel, or tract by the owner thereof or his/her  
77 agent where the act of division creates one or more new lots, parcels, or  
78 tracts smaller in area than herein provided.  
79
  - 80 B. The sale or exchange of parcels of land between owners of adjoining  
81 property if the parcels are reduced below the minimum sizes required by  
82 this code or other applicable laws and ordinances.  
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- 2. This chapter shall not apply to:
  - A. Transfers of interest in land by will or pursuant to court order. (§236.45(2), Wis. Stats.)
  - B. Leases for a term not to exceed 10 years, mortgages, or easements. (§236.45(2), Wis. Stats.)
  - C. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Code or other applicable laws and ordinances, (§236.45(2), Wis. Stats.). The sale or exchange must be reviewed by the Department for the purpose of verifying that additional lots are not thereby created and the lots resulting there from are not reduced below the minimum sizes required by law.
  - D. Assessor's plats made under §70.27, Wis. Stats.
  - E. The re-survey of an existing parcel which does not result in a division as defined in ch. 15.10 (1) (A).
  - F. Parcels of property put into Managed Forest Crop and Managed Forest Law pursuant to §77, Wis. Stats., provided the non-Managed Forest Law property remains in the same ownership as the Managed Forest Law property.
  - G. Cemetery plats made under §157.07, Wis. Stats.

15.11 Compliance. No person shall divide any land located within the jurisdiction limits of these regulations contrary to the provision of this chapter, Chapters 9, 13, and 20 of the General Code of Oneida County, Wisconsin Statutes, or Wisconsin Administrative Code. No such subdivisions shall be entitled to record and no road shall be laid out or improvements made to land without compliance with all requirements of this chapter.

15.12 Land Suitability.

- 1. No land shall be divided which is determined by the County Zoning Director, his or her designee, or Committee, to be unsuitable for its proposed use for reasons of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, known contaminated water supply, or any other feature(s) or circumstances to be harmful to the health, safety or general welfare of the future residents of the land division or of the community.
- 2. Lands deemed unsuitable may, with the approval of the Committee, be divided and designated as an outlot as defined in ch. 15.33 (Definitions). It

130 must be designated as an outlot on the face of the plat or certified survey  
131 map. Furthermore, it must be noted on the face of the plat or certified survey  
132 map it is unsuitable for habitable structures, sanitary facilities or other  
133 development uses.  
134

135 15.13 Classification of Land Divisions. Any contiguous parcel or tract which is owned,  
136 controlled or managed as a single entity shall be treated as a single parcel or  
137 tract for the purpose of this ordinance unless it is bisected by an existing  
138 easement road greater than 20 feet in width, existing dedicated street, existing  
139 public road, or a meandered or un-meandered lake. An un-meandered or  
140 intermittent stream, creek, or drainage ditch does not bisect a parcel. The  
141 Director shall determine whether the proposed land division satisfies the above  
142 definition and this determination shall be subject to review by the Committee.  
143 Land divisions are classified under this chapter as either:  
144

- 145 1. Access & Utility Review Subdivision. Any division of land resulting in a parcel  
146 greater than ten (10) acres in size will be reviewed for access to a town,  
147 county, state or federal road or highway as well as applicable utilities.  
148
- 149 2. Minor Subdivision. A minor subdivision shall include the creation of one (1)  
150 but not more than eight (8) parcels, lots, or building sites which are ten (10)  
151 acres or less in size within any five (5) year period.  
152
- 153 3. County and Town Subdivision. A county subdivision shall include the  
154 creation of nine (9) or more parcels, lots, or building sites which are ten (10)  
155 acres or less in size within any five (5) year time period.  
156
- 157 4. State Subdivision. Land divisions meeting the definitions of state  
158 subdivisions are subject to mandatory State review under §236, Wis. Stats.,  
159 as well as county review under this chapter.  
160  
161

162 **PROCEDURES FOR APPLICATION AND REVIEW OF LAND DIVISIONS**  
163

164 15.14 Pre-Application Consultation. Prior to submitting an application for County  
165 approval of a land division, it is recommended that the applicant or agent meet  
166 with the Director. At this meeting, the applicant should inform the Director of the  
167 location and nature of the proposed project. Based upon this information, the  
168 Director shall explain to the applicant:  
169

- 170 1. Whether the proposal will require State and/or County reviews.  
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- 172 2. Which standards of this chapter and §236, Wis. Stats., will apply to the land  
173 division.  
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- 175 3. The procedure to follow to submit a land division for review.

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15.15 Application and Review of Access and Utility Review Subdivisions.

1. One copy of an application prepared on a form provided by the Department, review fee, and a sketch of reasonable accuracy showing: the boundaries of the property to be divided and the proposed layout of the access to each parcel including any driveways, frontage roads, or private roads to be developed, and the proposed provision of utilities, including any easement to each parcel, shall be submitted to the Director.
2. The Director may send any such application to state agencies for advisory review and comments upon a determination that such a referral could yield information that might be useful in the review process.
3. Where the Director finds that the county requires additional information relative to a particular problem posed by the proposed subdivision, (s)he shall have the authority to request such information in writing from the subdivider.
4. The application shall be reviewed by the County Highway Commissioner and the WI Department of Transportation (DOT) for subdivisions abutting a County or State highway. A copy of the application shall be forwarded to the Highway Commissioner by the Director at the time of application for review and comment. If, within thirty (30) days, the proposed access has not been approved or denied by the Highway Commissioner, the application may be reviewed pursuant to ch. 15.15(6). When access is being requested onto a state or federal highway, the provisions of TRANS 233, Wisconsin Administrative Code, shall be complied with.
5. Copies to Utility Providers. The subdivider shall provide a copy of the proposed division to all utility providers (i.e. electric, natural gas, telephone, cable television, telecommunications, water and/or sewer) so that they may identify appropriate locations for facilities and easements for consideration on the division.
6. The Director shall transmit a copy of the application and sketch map to the Land Information office for road naming or addressing review, and the town chairperson of the town where the property is located for review of compliance with town ordinances. The Land Information office and the town shall provide a response within forty five (45) days of the Director's transmittal. Within ninety (90) days of the date a complete application is submitted, the Director or designees shall approve, conditionally approve, or disapprove the application. Where the Director finds an application requires additional review in regard to County or Town policy, the Director will notify the applicant and may place it on the agenda of the Committee for review.
  - A. The disapproval of an access and utility review application may be

222 appealed within thirty (30) days, from the date of the Directors letter, to  
223 the Committee upon written request. The Director shall place the  
224 application on the Committee agenda and submit a copy of the agenda to  
225 any government, agencies or utilities that are deemed to have an interest  
226 in the proposed division.  
227

228 B. The Committee shall, within forty five (45) days of submission of appeal  
229 request, review the application and map and approve, approve  
230 conditionally, or disapprove the application and map based upon a  
231 determination of conformity or nonconformity with the standards. A letter  
232 setting forth the conditions of approval or the reasons for denial shall be  
233 sent to the subdivider.  
234

235 C. The action of the Committee on the appeal request shall be stated in  
236 writing in the minutes of the Committee meeting and those minutes, or an  
237 extract thereof shall be mailed to the applicant. Failure of the Committee  
238 to act within forty five (45) days of the date of submission of appeal  
239 request or within a time as extended by agreement with the subdivider  
240 shall constitute an approval.  
241

#### 242 15.16 Application and Review of Minor Subdivisions. 243

- 244 1. Minor subdivision shall be created by use of one or more certified survey  
245 maps (CSM) per §236.34(1), Wis. Stats (as amended). One copy of an  
246 application form provided by the Department, review fee, preliminary map,  
247 and after final approval, the original CSM(s) shall be submitted to the  
248 Director.  
249
- 250 2. The CSM shall comply with the requirements of §236.34, Wis. Stats., and the  
251 preliminary map and application shall also include the following requirements:  
252
  - 253 A. Proposed division showing with reasonable accuracy the lot layout at a  
254 sufficient scale and date of preparation.  
255
  - 256 B. Names and addresses of the landowner and proposed purchaser (if  
257 known), parcel identification number and zoning district designation of the  
258 parcels to be divided/created, as well as density calculations.  
259
  - 260 C. Location of existing buildings and structures, adjoining public or private  
261 streets and highways, parks, cemeteries, and subdivisions.  
262
  - 263 D. Location of the ordinary high watermark (OHWM) of navigable water, the  
264 approximate water's edge and water elevation referenced to an assumed  
265 or known elevation on the date of survey of any navigable water. Also  
266 include the location of non-navigable streams, drainage ditches,  
267 easements, and other features. Any subdivision submitted for County

268 approval shall show, where practical, the OHWM wherever the OHWM is  
269 within 75 feet of the subject parcel.

- 270
- 271 E. The lands lying between the meander line, established in accordance with  
272 §236.20(2)(g), Wis. Stats., and the water's edge, and any otherwise  
273 unplattable lands which lie between a proposed subdivision and the  
274 water's edge shall be included as part of lots, outlots, or public  
275 dedications in any plat abutting a lake or stream. This subsection applies  
276 not only to lands proposed to be subdivided but also to all lands under  
277 option to the subdivider or in which the subdivider holds any interest and  
278 which are contiguous to the lands proposed to be subdivided and which  
279 abut a lake or stream.
- 280
- 281 F. The preliminary and final CSM shall show the extension of the lot lines to  
282 the water's edge to define the riparian area below the OHWM between  
283 adjoining lots, and at minimum, shall show the bearing and approximate  
284 length of said line.
- 285
- 286 G. Existing or proposed lake and/or stream access (water front access).
- 287
- 288 H. Location of existing wells, POWTS components. The approximate outline  
289 of the base of any mound or above grade POWTS component.
- 290
- 291 I. Location of easements or private rights of way which adjoin or cross the  
292 property including volume, page, document number, and stated  
293 dimensions.
- 294
- 295 J. Adjoining property information (volume, page, document number, CSM#,  
296 plat, etc.) including zoning district.
- 297
- 298 K. The location of any documented or inventoried landfill, abandoned or  
299 existing, within 1,200 feet of proposed subdivision.
- 300
- 301 L. Minimum lot area as required by ch. 15.24.
- 302
- 303 M. A statement by the surveyor certifying that the requirements of this  
304 ordinance have been fully complied with.
- 305
- 306 N. The area of the surveyed parcel shall be shown as square feet and acres.  
307 If the lot is on water, the preliminary and final map must list the area  
308 above the OHWM and the area below the OHWM to the water's edge.
- 309
- 310 O. Delineation and direction of slopes that exceed 25% graphically or by  
311 topographic survey defining four (4) foot contours or less.
- 312
- 313 P. Regional floodplain boundaries and the vertical contour line which is two

314 (2) feet above the regional flood as defined in Wisconsin Administrative  
315 Code NR 116 or two (2) feet above highest known water elevation of any  
316 body of water whose regional flood is undefined. Where floodplain areas  
317 conflict with the Flood Insurance Rate Map (FIRM), formal changes  
318 require copy of official Letter of Map Amendment (LOMA).  
319

320 Q. Wetland boundaries delineated by a licensed and/or certified delineator  
321 and a copy of the delineation report shall be submitted with the  
322 preliminary map unless waived by the Department and/or Committee.  
323

324 R. Location sketch.  
325

326 3. The Director may send any minor subdivision to state agencies for advisory  
327 review and comments upon a determination that such a referral could yield  
328 information that might be useful in the review process.  
329

330 4. Where the Director finds that the county requires additional information  
331 relative to a particular problem presented by the proposed subdivision, (s)he  
332 shall have the authority to request in writing that additional information  
333 including but not limited to the following be included on the preliminary plat or  
334 the accompanying documents.  
335

336 A. Identification of surface drainage patterns, showing direction of flow,  
337 grading plan indicating the manner and extent to which the drainage  
338 patterns will be altered by the subdivision, development and/or erosion  
339 control plan.  
340

341 B. Proposed or existing deed and/or plat restrictions.  
342

343 1. All lands reserved for public purposes and/or acquisitions.  
344

345 2. Official proof of withdrawal or proof of submittal for withdrawal from  
346 Managed Forest Law (MFL) or similar program if property being  
347 divided is enrolled.  
348

349 3. Known documentation or research of cultural resource inventory  
350 listings with the survey area.  
351

352 5. The application and map shall be reviewed by the County Highway  
353 Commissioner and/or the WI Department of Transportation (WDOT) for  
354 subdivisions abutting a county, state or federal highway. A copy of the  
355 application shall be forwarded to the Highway Commissioner by the Director  
356 at the time of application for review and comment. If, within thirty (30) days,  
357 the proposed access has not been approved or denied by the Highway  
358 Commissioner, the application may be reviewed pursuant to ch. 15.16(8).  
359 When access is being requested onto a state or federal highway, the

360 provisions of ch. TRANS 233, Wisconsin Administrative Code, shall be  
361 complied with. A copy of the decision of the DOT shall be submitted with the  
362 request for review of a survey map.  
363

364 6. Copies to Utility Providers. The subdivider shall provide a copy of the  
365 proposed division to all utility providers (i.e. electric, natural gas, telephone,  
366 cable television, telecommunications, water and/or sewer) so that they may  
367 identify appropriate locations for facilities and easements for consideration on  
368 the final plat.  
369

370 7. Development of proposed land divisions may require review and permitting  
371 by the WDNR under Wisconsin Administrative Code NR 151 and/or NR 216.  
372 A copy of the permit application or evidence that such permit has been  
373 submitted with the request for review or a survey map.  
374

375 8. The Director shall transmit a copy of the application and map to the Land  
376 Information office for road naming or addressing review, and the town  
377 chairperson of the town where the property is located for review of  
378 compliance with town ordinances. The Land Information office and the town  
379 shall provide a response within forty five (45) days of Director's transmittal.  
380 Within ninety (90) days of the date a complete application is submitted, the  
381 Director or designees shall approve, conditionally approve, or disapprove a  
382 minor subdivision. Where the Director finds a minor subdivision application  
383 requires additional review in regard to County or Town policy, the Director will  
384 notify the applicant and may place it on the agenda of the Committee for  
385 review.  
386

387 A. The disapproval of a minor subdivision application may be appealed  
388 within thirty (30) days, from the date of Director's letter, to the Committee  
389 upon written request. The Director shall place the minor subdivision  
390 application on the Committee agenda and submit a copy of the agenda to  
391 any government agencies or utilities that are deemed to have an interest  
392 in the proposed division.  
393

394 B. The Committee shall, within forty five (45) days of the submission of  
395 appeal request, review the application and map, and reasons for denial  
396 against the applicable standards of this chapter, and approve, approve  
397 conditionally, or disapprove the application and map based upon a  
398 determination of conformity or nonconformity with the standards.  
399

400 C. The action of the Committee shall be stated in writing in the minutes of  
401 the Committee meeting and those minutes or an extract thereof shall be  
402 mailed to the applicant. Failure of the Committee to act within forty five  
403 (45) days of the date of submission of appeal request or within a time as  
404 extended by agreement with the subdivider shall constitute an approval.  
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9. The final CSM is to be prepared and recorded in accordance with §236.34, Wis. Stats., (as amended) and shall note on the face of the CSM any required restrictions, conditions set forth by the approving authority, and any required certificates. If the final CSM conforms substantially to the preliminary CSM as approved, including any conditions of the preliminary approval, and to local plans and ordinances authorized by law, it is entitled to approval. If the final CSM is not submitted with 24 months after the last required approval of the preliminary CSM, the Committee may refuse to approve the final CSM.

10. Major correction of errors on a recorded certified survey map (CSM) shall be made by recording a correction CSM. A statement shall be clearly placed on the face of the correction CSM indicating the volume, page, and document number of the CSM it is correcting. The Director shall approve a correction CSM prior to filing. The Director may allow an affidavit to correct minor errors with the CSM.

15.17 Pre-Preliminary Plat Conference for Proposed Town, County and State Subdivisions.

- 1. Where it is desired to create a town, county, or state subdivision it is recommended the subdivider meet with the Director for a conference prior to preparation of the preliminary plat. It is also recommended the subdivider meet with the appropriate town board. The following information may be submitted at the conference:
  - A. A sketch of reasonable scale and accuracy showing the boundaries of the property being considered for division.
  - B. The proposed general layout.
  - C. A description of all contiguous lands owned by the divider.
  - D. Existing and proposed zoning for the subdivision.

15.18 Application and Review of Proposed Town, County and State Subdivisions.

- 1. A preliminary plat shall be created for all Town, County, and State Subdivisions. A cover letter, location sketch, preliminary plat map and review fee shall be submitted to the Director. The required number of copies shall be determined by the Director pursuant to ch. 15.18(7) (A).
- 2. Preliminary Plat Submittal Requirements. The items outlined for a minor subdivision in ch. 15.16(2)(A-P) shall apply to town, county, and state subdivisions in addition to the following:

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- A. The preliminary plat shall be by a land surveyor registered in Wisconsin and comply with the requirements of §236.11, Wis. Stats.
- 3. Where the Director finds that the County requires additional information relative to a particular problem presented by the proposed subdivision, (s)he shall have the authority to request in writing that additional information outlined in ch. 15.16(4)(A-E) be included on the preliminary plat or the accompanying documents.
- 4. The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of the features and that they have fully complied with this ordinance.
- 5. The items outlined for a minor subdivision in ch. 15.16(5), (6) & (7) shall apply to town, county, and state subdivisions.
- 6. Preliminary Plat Approval Process.
  - A. The department shall act as the agent for distribution of copies to all objecting and approving agencies and other agencies such as the town board of the town in which the proposed land division is located as appropriate. State subdivisions shall be submitted to the State for review. For county subdivisions, no transmittals to or approvals from the State objecting agencies are needed unless required by the Director where (s)he finds a State review to be necessary. Development of proposed land divisions may require review and permitting by the WDNR. A copy of the approved permit, the permit application, or evidence that such permit will not be required shall be submitted with the request for review of a survey map. The number of copies required of each plat shall be determined by the "Zoning Director's Checklist for Distribution of Plats."
  - B. The town board of the town in which the proposed land division is located shall, within forty five (45) days of receipt of the preliminary plat, forward its comments on the proposed plat including its recommendation to approve, approve conditionally, or deny. A town board may request an extension and the extension may be granted by the Director.
  - C. The Committee or its designee, within ninety (90) days of the date of filing of a complete preliminary plat and application with the Director shall attempt to review and/or conduct an inspection of the subdivision and approve, approve conditionally, or deny such plat. A letter setting forth the conditions of approval or the reasons for denial shall be sent to the divider. One (1) copy each of the plat and letter shall be placed in the Committee's permanent file.

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- D. Failure of the Committee to act within ninety (90) days or the time as extended by agreement with the subdivider, shall constitute an approval. The ninety (90) day time period shall commence with the filing of the complete plat and application.
  - E. The Committee or approving authority shall not approve any preliminary plat that is subject of an objection from an objecting agency.
  - F. The Director shall not place the preliminary plat on the Committee agenda for review unless there has been a complete submittal, including town board input, at least fifteen (15) working days prior to the required Committee meeting date.
7. Final Plat. Upon approval of the preliminary plat, the subdivider or agent shall prepare a final plat for review. The application and review shall include the following:
- A. A final plat prepared by a land surveyor registered in Wisconsin. The plat shall comply with all applicable requirements of §236.25, Wis. Stats.
  - B. In addition to the requirements of §236.25, Wis. Stats., the final plat shall correctly show on its face:
    - 1. Lands reserved for future public acquisition or for the common use of the property owners within the subdivision. Such lands shall be described and established as outlots. Outlot restrictions shall appear on the face of the plat.
    - 2. Special restrictions required by the reviewing authorities.
    - 3. Final plats shall provide all certificates required by §236.21, Wis. Stats., and in addition, the surveyor shall certify specifically that all provisions of this ordinance have been fully complied with.
  - C. The Committee or its designee shall within sixty (60) days of the date of filing of a complete final plat with the Director, approve, approve conditionally, or reject such plat, unless the time is extended by mutual agreement with the subdivider. If approved conditionally, the certifications shall not be completed until the conditions are met. If rejected, a letter or copy of the committee minutes setting forth the reasons for rejection shall accompany the plat and be sent to the applicant.
  - D. Failure of the Committee to act within the sixty (60) days or the time as extended by agreement with the subdivider, shall constitute an approval.
  - E. The Committee may or may not choose to approve any final plat which is

544 the subject of an objection of any objecting agency.

545  
546 F. The Director shall not place a final plat on the Committee agenda unless  
547 the plat of a true copy is submitted at least fifteen (15) working days prior  
548 to the required Committee meeting date.

549  
550 G. Relationship between preliminary and final plat:

551  
552 1. Approval of a preliminary plat shall be deemed an expression of  
553 approval or conditional approval of the layout submitted and guide to  
554 the preparation of the final plat which will be subject to further  
555 consideration by the committee at the time of its submission.

556  
557 2. If the final plat conforms substantially to the preliminary plat as  
558 approved, including any conditions of the preliminary approval, and to  
559 local plans and ordinances authorized by law, it is entitled to approval.  
560 If the final plat is not submitted within 24 months after the last required  
561 approval of the preliminary plat, the Committee may refuse to approve  
562 the final plat. The map is to be recorded in accordance with ch. 236,  
563 Wis. Stats.

564  
565 H. Partial Platting. The final plat may constitute only that portion of the  
566 approved preliminary plat which the subdivider proposes to record at that  
567 time. Approval of a final plat for only a portion of the preliminary plat shall  
568 extend approval for the remaining portion of the preliminary plat for six (6)  
569 months from the date of such final plat approval unless extended by the  
570 Committee.

571  
572 I. Deed Restrictions. For public lands, the committee reserves the right to  
573 add further deed restrictions and covenants as provided in §236.293, Wis.  
574 Stats.

575  
576 15.19 Sale or Exchange of Parcels. The sale or exchange of parcels of land between  
577 owners of adjoining property if the parcels are reduced below the minimum sizes  
578 required by this code or other applicable laws and ordinance are required to be  
579 reviewed by the Director. These divisions are required to be reviewed by the  
580 Director to ensure the split does not reduce the capability of the parcel(s) to  
581 support a sanitary system or does not create other adverse conditions. A CSM  
582 must be prepared and recorded identifying the new exterior lot lines of each  
583 parcel affected by the split and deeds recorded to support the split attachments.

584  
585 15.20 Width of Easements. No permanent easement wider than twenty (20) feet shall  
586 be recorded which reduces the lot size below the minimum required by the  
587 zoning district in which the lot is located.

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589 **SUBDIVISION DESIGN STANDARDS**

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15.21 General. Subdivision design standards shall apply to all divisions of land regulated by this ordinance. Land division layouts shall be planned in proper relation to existing and proposed land divisions and roads, topography, surface water, vegetative cover, and other natural features

15.22 Surface Drainage and Erosion Control.

1. Land divisions shall be designed so as to minimize soil erosion and to provide reasonable management of surface water drainage. The Committee may require engineering studies of erosion potentials and may impose preventive design requirements. The Committee may require documentation of surface water drainage patterns and may impose design requirements to assure that flows are transported and disposed of without causing undue erosion and siltation of surface waters, undue runoff onto adjoining lands, roads, or other rights-of-way or excessive infiltration into locations of on-site wastewater disposal facilities. Subdividers may request assistance from the Department and the Oneida County Land and Water Conservation Department in meeting the above requirements. Subdivision of lands may be subject to provisions found in Wisconsin Administrative Code NR 151 and NR 216.
2. Storm Water Easement and Drainage Right-of-Way. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such water course and of such width or construction or both as is adequate for drainage purposes. Wherever possible, it is desirable that the drainage be maintained by an open channel with natural or landscaped banks and adequate width for maximum potential volume of flow.

15.23 Public, Private and Easement Roads.

1. General Considerations for Public, Private and Easement Roads. Roads shall be designed and located in relation to existing and planned public roads, private roads, and subdivisions. Roads shall be designed and located according to topographic conditions and natural terrain, to promote convenience and safety, and in appropriate relation to the proposed uses of land to be served by such public and private roads.
  - A. These provisions shall apply to all public, private, and easement roads within the jurisdiction of this ordinance.
  - B. All lots in state, county, and town subdivision plats shall front on public, private, or easement roads, except as set forth in sub 2 below.

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- C. For newly created subdivisions, right-of-way width for public, private, or easement roads shall be at least 66 feet except as provided in ch. 15.23(2)(A).
  - D. Any municipality of jurisdiction may impose more restrictive road construction or design standards than those imposed herein. In those situations the municipality of jurisdiction shall be responsible for enforcing those more restrictive requirements.
  - E. Before the final plat is submitted for final approval the subdivider shall provide written proof to the Department that all road work is either already satisfied or will satisfy all road concerns with the municipality of jurisdiction. Failure to provide this information will deem the project incomplete. In the case of where a plat is filed which includes a road dedication as a public road and is signed by the municipality of jurisdiction, no additional proof of satisfaction is required.
  - F. An owner's certificate of dedication and a town certificate of approval shall be on certified survey maps of minor subdivisions when public roads are created and dedicated.
  - G. Public, private, and easement road names are subject to approval by the Land Information office to ensure unique naming. Before any minor subdivision, town subdivision, county subdivision, or state subdivision can be approved for recording, new roads shall be named and these names as approved shall appear on the document to be recorded.
  - H. All public, private, and easement roads shall have sufficient side and overhead clearances to allow access and an adequate turnaround for emergency, police, fire, utility, and school bus usage.
  - I. Public, private, and easement roads that are existing at the time of the effective date of this ordinance, that are proposed to provide access to newly created parcels, shall meet the requirements as specified in this section. If the road does not meet the requirements, the subdivider shall meet with the town and Committee to determine the suitability of the existing road and determine what conditions need to be met to provide for adequate access.
2. General Provisions for Private and Easement Roads. These provisions shall apply to all private and easement roads intended to provide access to newly created parcels.
- A. A minimum of a 33 feet wide right-of-way width is required for any private road/easement that will provide access from a public road to not more than two (2) lots. Further re-division of lands may not be possible unless

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the private easement road satisfies 15.23(1)(C) of this ordinance.

B. In the event a town does not have private or easement road development standards the following standards shall apply:

1. Proposed private and easement roads shall be as follows:

- a. Right-of-way width - 66 feet
- b. Roadway width - 26 feet
- c. Surface width - 20 feet with 6 inch minimum gravel base
- d. Maximum grades - 10%

2. Inspection. A town without other means of carrying out an inspection of roads as part of a division or dedication, the Director may request the Oneida County Highway Commissioner provide inspection of roads to ensure compliance with this section.

C. Private roads and easement roads from an existing public road to the newly created lot(s) shall be clearly labeled and surveyed and a monumented centerline shall be shown on the certified survey map.

D. Private roads and easement roads serving lots or parcels in a subdivision, or connecting a subdivision to a public road, shall be jointly held by the property owners in fee simple or by easement, and a recorded agreement approved by the department shall provide for the repair and maintenance of such private and/or easement road.

3. Width of Roadways. Paving widths of all roadways shall be determined by the Town Board but shall not be less than that specified in §82.50, Wis. Stats.

4. Cul-de-sacs or "T" Turnarounds.

A. The use of cul-de-sacs in road layouts shall be limited to portions of developments which, due to unusual shape, size, location, or topography, floodplain, wetland, or other condition may better be served by cul-de-sacs than by continuous streets.

B. Unless waived by the town board and Committee, the radius of a permanent cul-de-sac right-of-way shall be not less than sixty (60) feet. The roadway within the turn-around shall have a minimum roadway width of 35 feet radius.

C. The Department may approve "T" turnarounds or a different design on a case-by-case basis, with town board and Committee approval.

5. Road Intersections. The town board or Committee may require the developer

728 to dedicate or reserve land at intersections to the extent deemed necessary  
729 to provide adequate sight distances.

730  
731 6. Utility Easements. The Committee may require easements for electric power  
732 and communication facilities, storm and sanitary sewer, roads, gas, water or  
733 other utility lines. Where such easements are specifically located within the  
734 area being divided, they shall be placed so as not to interfere unreasonably  
735 with the use and enjoyment of the property for residential or other purposes.  
736 All easements shall be noted on the final plat followed by reference to  
737 intended use; such easements shall be at least ten (10) feet wide. All roads  
738 are subject to utility easements.

739  
740 7. Driveway Access. Driveway access points shall be located and shown on the  
741 plat where the municipality of jurisdiction deems necessary due to visibility,  
742 safety, and topography concerns.

743  
744 15.24 Minimum Lot Requirements.

745  
746 1. Minimum Lot Size Requirements.

747  
748 A. In all areas within the jurisdiction of the Oneida County Zoning &  
749 Shoreland Protection Ordinance the minimum lot size shall be as  
750 specified in Appendix A & Appendix B of such ordinance.

751  
752 B. In all areas that do not come under the jurisdiction of the Oneida County  
753 Zoning & Shoreland Protection Ordinance, the minimum lot size shall be  
754 as specified in Appendix A & Appendix B, District #10, General Use  
755 District of such ordinance.

756  
757 C. The area located below the OHWM of any navigable water shall not be  
758 included in the minimum lot area of any lot or parcel created under the  
759 terms of this ordinance.

760  
761 2. Minimum Buildable Area Criteria. Lots must meet the following criteria:

762  
763 A. Unsewered Lots.

764  
765 1. Unsewered lots shall meet minimum lot area as described in the  
766 designated zoning district.

767  
768 a. For lots on Class I Waterways, except for public and private parks,  
769 10,000 contiguous square feet of the minimum lot area shall:

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771 1. Not contain any shoreland-wetlands.

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2. Is above the elevation of the regional flood as defined in Wis. Admin. Code NR 116.
  3. Is at least 2' above the highest known water elevation of any body of water whose regional flood is undefined
  4. Must have dryland access to a public or private road.
  5. Be free of easements greater than 20 feet in width.
- b. For lots on Class II Waterways, except for public and private parks, 10,000 contiguous square feet of the minimum lot area shall:
1. Not contain any shoreland-wetlands.
  2. Is above the elevation of the regional flood as defined in Wis. Admin. Code NR 116.
  3. Is at least 2' above the highest known water elevation of any body of water whose regional flood is undefined.
  4. Must have dryland access to a public or private road.
  5. Be free of easements greater than 20 feet in width.
- c. For off-water lots in the shoreland area, except for public and private parks, 10,000 contiguous square feet of the minimum lot area shall:
1. Not contain any shoreland-wetlands.
  2. Is above the elevation of the regional flood as defined in Wis. Admin. Code NR 116.
  3. Is at least 2' above the highest known water elevation of any body of water whose regional flood is undefined.
  4. Must have dryland access to a public or private road.
  5. Be free of easements greater than 20 feet in width.
- B. Sewered Lots (Municipal Owned Sanitary District).
1. Sewered lots shall meet minimum lot area as described in the designated zoning district.

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- a. Class I Waterways, except for public and private parks, 10,000 contiguous square feet of the minimum lot area shall:
  - 1. Not contain any shoreland-wetlands.
  - 2. Is above the elevation of the regional flood as defined in Wis. Admin. Code NR 116.
  - 3. Is at least 2' above the highest known water elevation of any body of water whose regional flood is undefined.
  - 4. Must have dryland access to a public or private road.
  - 5. Be free of easements greater than 20 feet in width.
- b. Class II Waterways, except for public and private parks, 10,000 contiguous square feet of the minimum lot area shall:
  - 1. Not contain any shoreland-wetlands.
  - 2. Is above the elevation of the regional flood as defined in Wis. Admin. Code NR 116.
  - 3. Is at least 2' above the highest known water elevation of any body of water whose regional flood is undefined.
  - 4. Must have dryland access to a public or private road.
  - 5. Be free of easements greater than 20 feet in width.
- c. Back lots, except for public and private parks, 10,000 contiguous square feet of the minimum lot area shall:
  - 1. Not contain any shoreland-wetlands.
  - 2. Is above the elevation of the regional flood as defined in Wis. Admin. Code NR 116.
  - 3. Is at least 2' above the highest known water elevation of any body of water whose regional flood is undefined.
  - 4. Must have dryland access to a public or private road.
  - 5. Be free of easements greater than 20 feet in width.

- 865 3. Residential lots. Residential lots to be served by private sewage systems  
866 shall comply with the rules of the Department of Commerce and the Oneida  
867 County Private Sewage System Ordinance.  
868
- 869 4. Lot frontage. Every lot shall have a minimum of 33 feet of frontage directly  
870 on a public, private or easement road except as provided in ch. 15.23(1)(c).  
871
- 872 5. Drainage requirements. Lots shall be laid out so as to provide positive  
873 drainage away from all buildings and individual lot drainage shall be  
874 coordinated with the general storm drainage pattern for the area. Drainage  
875 shall be designed so as to avoid concentration of storm drainage water from  
876 each lot to adjacent lots.  
877
- 878 6. Outlots. No outlot in a subdivision may be used as a building site for human  
879 habitation unless it is in compliance with all restrictions imposed by §236,  
880 Wis. Stats., the provisions of this ordinance and the Oneida County Zoning  
881 and Shoreland Protection Ordinance.  
882

883 15.25 Keyhole Development Prohibited. Keyhole development as defined in ch.  
884 9.93(H), Oneida County Zoning and Shoreland Protection Ordinance, is  
885 prohibited.  
886

887 15.26 (Reserved for Future Use)  
888

## 889 **DEDICATIONS AND IMPROVEMENTS**

890  
891 15.27 Reservation of Land and Dedications.  
892

- 893 1. Roads. The subdivider shall be required to offer for dedication to the county  
894 or town, whichever is applicable, all streets, roads, and other public ways  
895 which are proposed to be established within the subdivision.  
896
- 897 2. Disclosure. No person shall sell any parcel of land if it abuts on a road which  
898 has not been accepted as a public road unless the seller informs the  
899 purchaser in writing of the fact that the road is not a public road and is not  
900 required to be maintained by the town or the county.  
901
- 902 3. Public Access to Navigable Waters. State, county, and town subdivisions  
903 abutting on a navigable lake or stream shall conform with the provisions of  
904 §236.16, Wis. Stats. (as amended).  
905
- 906 4. Method of Offering Dedications. Dedications shall be affected as provided in  
907 §236.29, Wis. Stats. Dedications to the county shall require approval of the  
908 County Board.  
909

910 15.28 Commencement of Improvements and Construction. No construction or

911 installation of improvements shall commence in a proposed subdivision until the  
912 final plat has been approved by all reviewing authorities provided, however, that  
913 construction or installation of improvements may commence following approval  
914 of a preliminary plat if the Committee's approval of the preliminary plat included  
915 explicit approval of such commencement. The setting of survey monuments  
916 does not require explicit approval of the committee.  
917

918 **ADMINISTRATION AND ENFORCEMENT**  
919

920 15.29 Planning and Zoning Committee. The Committee as appointed by the Oneida  
921 County Board, shall be empowered to ensure proper administration and  
922 compliance with the provisions of this chapter, conduct such hearings and  
923 meetings as necessary in accordance with this code and to approve,  
924 conditionally approve or deny applications under the terms as set forth herein  
925 and set fees and adjust them from time to time as is deemed necessary.  
926

927 15.30 Zoning Director. The Director shall be responsible for the administration and  
928 enforcement of this ordinance and may delegate duties to designees within the  
929 department.  
930

931 15.31 Fees, Enforcement, Variances and Appeals.  
932

933 1. Fees.  
934

935 A. A subdivision review fee as periodically designated by the County Board  
936 shall be paid when the application is filed.  
937

938 B. Legal and Engineering Fees. Upon mutual agreement, the subdivider  
939 shall pay the County at times specified by the committee, a fee equal to  
940 the actual cost to the County of any engineering or legal work incurred by  
941 the County in conjunction with the plat review. Engineering work shall  
942 include preparation of construction plans, specifications, and inspections.  
943 Legal work shall include the drafting of contracts between the county and  
944 the subdivider and a review of covenants, easements, and documents  
945 involved in dedications.  
946

947 C. A triple permit fee will be charged for all after-the-fact submittals to  
948 partially recover the cost of obtaining compliance.  
949

950 D. Re-submittal fees equal to the subdivision review fees may be charged if  
951 major revisions to the revised map are required.  
952

953 2. Modifications and Appeals.  
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955 A. Modification. Where in the judgment of the Committee it would be  
956 inappropriate to apply literally the provisions of this chapter because

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exceptional or undue hardship would result, the Committee may waive or modify any requirement to the extent deemed just and proper.

1. Such relief shall be granted without impairing the intent and purpose of this chapter or the desirable general development of the county. A majority vote of the entire membership of the Committee shall be required to grant any modification of this chapter and the reason shall be entered in the committee minutes, a copy of which shall be attached to the plat.

3. No modification may be granted that would be contrary to the Wisconsin Statutes or Wisconsin Administrative Code.

A. Appeals.

1. Any person aggrieved by a failure to approve any land division may appeal to the Circuit Court of Oneida County as provided in the Wisconsin Statutes.

4. Replats, Vacations or Alterations in Recorded Plats.

A. Replats of all or part of a recorded land division shall occur pursuant to §236.36 through 236.445, Wis. Stats.

B. Upon submission to the county of a preliminary plat for an area for which a plat was vacated or altered by action pursuant to §236.40 through 236.44, Wis. Stats., the Committee shall hold a public hearing. While the proposed new plat is pending before the Committee, notices of the hearing shall be mailed to the owners of all properties within the area of the subdivision and to all landowners within two hundred (200) feet of the proposed replat.

5. Violations and Enforcement.

A. Violations. No person shall build upon, divide, convey, record, or monument any land in violation of this chapter or the Wisconsin Statutes; and no person shall be issued a building permit by the Director authorizing the building on, improvement of any subdivision or re-plat within the jurisdiction of this chapter not of record as of the effective date of this chapter until the provisions and requirements of the chapter have been fully met. The county may institute appropriate action or proceedings applicable to the Wisconsin Statutes.

1. Enforcement.

a. Any division of land which results in a state subdivision, county

1003 subdivision, or minor subdivision plat as defined in this ordinance,  
1004 shall be surveyed, mapped, or platted, and the map or plat shall be  
1005 approved as provided herein, and the approved map or plat shall  
1006 be recorded with the Oneida County Register of Deeds prior to  
1007 conveying any lot, parcel, or tract included within the proposed  
1008 division. However, in the case of a subdivision which has been the  
1009 subject of a preliminary plat approved by the Committee offers or  
1010 contracts to convey parcels, lots, or tracts within the proposed land  
1011 division may be entered into pending approval of the final plat if the  
1012 contract or offer to convey stated on its face that it is contingent  
1013 upon recording of the final plat and shall be void if such plat is not  
1014 recorded within a specified time.

1015  
1016 b. Lots may be further divided, providing they meet all land division  
1017 standards of this and other applicable ordinances. It shall be  
1018 unlawful for any person to build upon, divide, convey, record, or  
1019 monument any land in violation of this code or the Wisconsin  
1020 Statutes. No person shall be issued a permit by the county  
1021 authorizing the building upon or improvement of any land division  
1022 until the requirements of this chapter have been fully met.

1023  
1024 c. The Director or designee may issue a compliance order, filed  
1025 directive, suspension order or termination order to assure  
1026 compliance with the provisions of this code.

1027  
1028 d. The county may institute appropriate action or proceedings to  
1029 enjoin violation of the ordinance or of state law pursuant to  
1030 §236.31, Wis. Stats.

1031  
1032 2. Penalties

1033  
1034 a. A person, firm, or corporation who fails to comply with this code  
1035 shall be subject to the penalty provisions contained in ch. 25.04,  
1036 Oneida County General Code. Each day a violation exists or  
1037 continues shall constitute a separate offense.

1038  
1039 b. Improperly recording or conveyance of a lot in an unrecorded plat  
1040 and monuments disturbed or not placed has penalties provided in  
1041 §236.30, 236.31 and 236.32, Wis. Stats.

1042  
1043 c. Assessor's plats made pursuant to §70.27, Wis. Stats., may be  
1044 ordered by the county at the expense of the divider or the owners  
1045 of record when a land division is created by successive divisions,  
1046 not in compliance with this code.

1047  
1048 d. The Department shall withhold any permit or approval pursuant to

1049 this chapter where the applicant, owner, or licensed contractor is in  
1050 violation of this or any ordinance administered by the Department,  
1051 and for any parcel of land which has an outstanding violation until  
1052 the violation has been corrected. A request for a waiver of these  
1053 provisions may be made to grant or deny a permit or approval on  
1054 the merits of the application, to the Committee.  
1055

1056 15.32 Recording and Conveyance of Lots or Parcels Included Within Land Division  
1057 Requiring County Approval.  
1058

- 1059 1. Recording. Pursuant to §236.45(2), Wis. Stats., the Register of Deeds is  
1060 directed to accept for recording all plats and certified survey maps and  
1061 accompanying documents which are required to be prepared and approved  
1062 by this code, and to keep and record same. No person shall attempt to  
1063 record a plat or document purporting to create parcels of land for sale or  
1064 development that are not in conformance with this ordinance.  
1065
- 1066 2. Conveyance. Lands described in plats and maps recorded pursuant to sub.  
1067 (1) shall be described by reference to the recorded plat or map and recording  
1068 document number for all purposes, including those of assessment, taxation,  
1069 devise, descent, and conveyance as defined in §706.01(4), Wis. Stats.  
1070

1071 **DEFINITIONS**  
1072

1073 15.33 DEFINITIONS. Unless specifically defined below, words or phrases used in this  
1074 chapter, the Oneida County Zoning & Shoreland Protection Ordinance and  
1075 Oneida County Floodplain Ordinance shall be interpreted so as to give them the  
1076 same meaning as they have in common law and this chapter.  
1077

1078 **ALLEY:** A public or private right-of-way primarily designed to serve as secondary  
1079 access to the side or rear of those properties whose principal frontage is on a  
1080 street.  
1081

1082 **AVERAGE LOT WIDTH (ALW):** The average horizontal straight line  
1083 measurement between side lines of a lot. A lot shall be judged to meet the  
1084 minimum average width requirement for the district in which it is located, if the  
1085 district's average width dimensions are maintained from the points at which the  
1086 lot's riparian frontage width (RFW as defined in Article 10, Definitions, Oneida  
1087 County Zoning and Shoreland Protection Ordinance) and/or frontage width is  
1088 determined to the point(s) at which the lot's minimum area requirement has been  
1089 satisfied; no additional area of a particular lot in question need meet the  
1090 minimum average width requirement.  
1091

1092 **BACK LOT:** A distinct portion or plot of land with no riparian frontage  
1093

1094 **BLOCK:** A tract of land bounded by streets, or by a combination of streets and

1095 public parks, cemeteries, railroad right-of-ways, shorelines of waterways, or  
1096 municipal boundary lines.  
1097  
1098 **BUILDING SETBACK LINE:** A line within a lot or other parcel of land between  
1099 which line and the adjacent boundary of the road or waterway upon which the lot  
1100 abuts, the erection of a building is prohibited, as prescribed by the appropriate  
1101 zoning or other regulations.  
1102  
1103 **BULKHEAD LINE:** A geographic line along a reach of navigable water that has  
1104 been adopted by a municipal ordinance and approved by the Department  
1105 pursuant to §30.11, Wis. Stats., and which allows limited filling between this  
1106 bulkhead line and the original ordinary high water mark, except where such filling  
1107 is prohibited by the floodway provisions of this ordinance.  
1108  
1109 **CHANNEL:** A natural or artificial watercourse of perceptible extent with definite  
1110 bed and banks to confine and conduct continuously or periodically flowing water.  
1111 Channel flow thus is that water which is flowing within the limits of the defined  
1112 channel.  
1113  
1114 **COMMITTEE:** The Oneida County Planning & Zoning Committee authorized by  
1115 §59.69, Wis. Stats.  
1116  
1117 **CUL-DE-SAC:** A local road with only one vehicular outlet and having an  
1118 appropriate terminal for the safe and convenient reversal of traffic movement.  
1119  
1120 **DEPARTMENT:** The County Planning and Zoning Department.  
1121  
1122 **DIRECTOR:** The County Zoning Director or his/her designee.  
1123  
1124 **DIVIDER:** Any person, corporation, or authorized agent who undertakes a land  
1125 division as defined in this section.  
1126  
1127 **DRYLAND ACCESS:** A vehicular access route which is above the regional flood  
1128 elevation and which connects land located in the floodplain to land outside the  
1129 floodplain, such as a road with its surface above regional flood elevation and  
1130 wide enough for wheeled rescue and relief vehicles.  
1131  
1132 **EASEMENT:** A grant by a property owner for the use of land for a specific  
1133 purpose.  
1134  
1135 **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA):** The federal  
1136 agency that administers the National Flood Insurance Program.  
1137  
1138 **FINAL PLAT:** The map of record of a subdivision and any accompanying  
1139 material.  
1140

1141 **FLOOD FRINGE:** That portion of the floodplain outside of the floodway which is  
1142 covered by flood waters during the regional flood and associated with standing  
1143 water rather than flowing water.  
1144

1145 **FLOOD HAZARD BOUNDARY MAP:** A map designating approximate flood  
1146 hazard areas. Flood hazard areas are designated as unnumbered A-Zones and  
1147 do not contain floodway lines or regional flood elevations. This map forms the  
1148 basis for both the regulatory and insurance aspects of the National Flood  
1149 Insurance Program (NFIP) until superseded by a Flood Insurance Study and a  
1150 Flood Insurance Rate Map.  
1151

1152 **FLOOD INSURANCE RATE MAP (FIRM):** A map of a community on which the  
1153 Federal Insurance Administration has delineated both special flood hazard areas  
1154 (the floodplain) and the risk premium zones applicable to the community. This  
1155 map can only be amended by the Federal Emergency Management Agency.  
1156

1157 **FLOODPLAIN:** Land which has been or may be covered by flood water during  
1158 the regional flood. It includes the floodway and the flood fringe, and may include  
1159 other designated floodplain areas for regulatory purposes.  
1160

1161 **FLOODWAY:** The channel of a stream and those portions of the floodplain  
1162 adjoining the channel that are required to carry and discharge the floodwater or  
1163 flood flows of any river or stream including, but not limited to, flood flows  
1164 associated with the regional flood.  
1165

1166 **FRONTAGE:** The length of the front property line of the lot, lots, or tract of land  
1167 abutting a public or private street, road, highway, public right-of-way, or  
1168 navigable water body.  
1169

1170 **GRADE:** The degree of slope of land.  
1171

1172 **IMPROVEMENT, PUBLIC:** Any sanitary sewer, storm sewer, drainage ditch,  
1173 water main, off-street parking area, or other facility for which the county, town, or  
1174 special use district may ultimately assume the responsibility for maintenance and  
1175 operation.  
1176

1177 **KEYHOLE DEVELOPMENT:** The creation of a lot, outlot, or parcel of land, by  
1178 any type of recorded instrument, that provides access to a navigable water body  
1179 for more than one non-riparian lot, outlot, or parcel of land and where the  
1180 ownership of the riparian and non-riparian lots are not the same. Keyhole  
1181 development shall also include dredging of a channel for the purpose of  
1182 navigational access to a water body from one or more lots, outlots, or parcels of  
1183 land. Keyhole development shall not include public boat ramps or marinas  
1184 permitted in the Oneida County Zoning & Shoreland Protection Ordinance  
1185

1186 **LAND DIVISION:** The division of a lot or parcel of land for the purpose of

1187 transfer of ownership or building development.

1188  
1189 **LIMITED ACCESS EXPRESSWAY OR HIGHWAY:** A traffic way for through  
1190 traffic, in respect to which owners or occupants of abutting property or lands and  
1191 other persons have no legal rights of access to or from the same, except only at  
1192 such points and in such manner as may be determined by the public authority  
1193 having jurisdiction over such traffic way.

1194  
1195 **LOT:** A distinct portion or plot of land.

1196  
1197 **LOT, CORNER:** A lot situated at the intersection of two streets.

1198  
1199 **LOT LINE:** The boundary of a lot or parcel of land.

1200  
1201 **LOT WIDTH:** The shortest distance between lot lines from any given point.

1202  
1203 **NAVIGABLE WATERS:** Lake Superior, Lake Michigan, all natural inland lakes  
1204 within Wisconsin and all streams, ponds, sloughs, flowages, and other waters  
1205 within the territorial limits of this State, including the Wisconsin portion of  
1206 boundary water, which are navigable under the laws of the State. Under  
1207 §281.31(2) (d), Wis. Stats., notwithstanding any other provision of law or  
1208 administrative rule promulgated there under, shoreland ordinances required  
1209 under §59.69(1), Wis. Stats., and ch. NR 115, Wis. Adm. Code, do not apply to  
1210 lands adjacent to farm drainage ditches if:

- 1211  
1212 1. Such lands are not adjacent to a natural navigable stream or river.  
1213 2. Those parts of such drainage ditches adjacent to such lands were not  
1214 navigable streams before ditching.  
1215 3. Such lands are maintained in nonstructural agricultural use.

1216  
1217 **ORDINARY HIGH WATER MARK (OHWM):** The point on the bank or shore up  
1218 to which the presence and action of surface water is so continuous as to leave a  
1219 distinctive mark, such as by erosion, destruction or prevention of terrestrial  
1220 vegetation, predominance of aquatic vegetation, or other easily recognized  
1221 characteristics.

1222  
1223 **OUTLOT:** A parcel of land other than a lot or block, so designated on the plat,  
1224 but not of standard size, which can be either re-divided into lots or combined with  
1225 one (1) or more other adjacent outlots or lots in adjacent subdivisions or minor  
1226 subdivisions in the future for the purpose of creating buildable lots. An outlot may  
1227 not be used as a building site for a habitable structure unless it is in compliance  
1228 with restrictions imposed under this ordinance and the Oneida County Zoning &  
1229 Shoreland Protection Ordinance with respect to building sites. An outlot may be  
1230 a private road, easement, or alley

1231  
1232 **OWNER:** Any person, group of persons, firm, corporation, or any other legal

1233 entity having legal title to the land sought to be divided under this title.  
1234  
1235 **PARCEL:** A distinct portion or plot of land.  
1236  
1237 **PERSON:** Person in this chapter shall include any natural person, corporate  
1238 entity, or statutory entity.  
1239  
1240 **PIN:** Parcel Identification Number also known as tax key number.  
1241  
1242 **POWTS:** A private onsite wastewater treatment system and also referred to as  
1243 private sewage system.  
1244  
1245 **PRELIMINARY PLAT:** A map showing the salient features of a proposed  
1246 subdivision, submitted to the committee for purposes of preliminary  
1247 considerations.  
1248  
1249 **PRIVATE SEWAGE SYSTEM:** Also referred to as a private onsite wastewater  
1250 treatment system (POWTS), has the meaning given under §145.01(12), Wis.  
1251 Stats. Unsewered lots mean those lots sewered by a private sewage system.  
1252  
1253 **PUBLIC SANITARY SYSTEM:** All facilities of a sanitary district with taxing  
1254 authority for collection, transporting, storing, pumping, treatment, and final  
1255 disposition of sewage. However, it does not include any private sewage  
1256 systems. Sewered lots mean those lots sewered off a public sanitary system.  
1257  
1258 **REGIONAL FLOOD:** A flood determined to be representative of large floods  
1259 known to have occurred in Wisconsin. A regional flood is a flood with a one  
1260 percent chance of being equaled or exceeded in any given year, and if depicted  
1261 on the Flood Insurance Rate Map (FIRM), the Regional Flood Elevation (RFE) is  
1262 equivalent to the Base Flood Elevation (BFE).  
1263  
1264 **RIGHT-OF-WAY:** Right-of-way is a strip of land occupied or intended to be  
1265 occupied by a road, street, walkway, railroad, electric transmission line, oil or gas  
1266 pipeline, water main, sanitary or storm sewer main, or for another special use.  
1267 The usage of the term “right-of-way” for land established and shown on a final  
1268 plat is to be separated and distinct from the lots or parcels adjoining such right-  
1269 of-way, and not included within the dimensions or areas of such lots or parcels  
1270  
1271 **RIPARIAN FRONTAGE WIDTH (RFW):** (Re: ch. 9.93 (E)(2), Oneida County  
1272 Zoning & Shoreland Protection Ordinance) The minimum riparian frontage width  
1273 shall be measured the lesser of a straight line connect points where the side lot  
1274 lines intersect the ordinary high water mark (OHWM) or as the length of chord  
1275 which is perpendicular to a side lot where it intersects the OHWM and terminates  
1276 at the opposite side lot line.  
1277  
1278 **ROAD:** A public or private right-of-way which affords a primary means of

1279 vehicular access to abutting properties, whether designated as a street, avenue,  
1280 highway, road, boulevard, land throughway, or however otherwise designated,  
1281 but excepting driveways to buildings.

1282  
1283 **ROADWAY:** The surfaced portion of the road available for vehicular traffic.

1284  
1285 **SHORELANDS:** Lands within the following distances from the ordinary high  
1286 watermark of navigable waters: 1,000 ft from a lake, pond or flowage and 300 ft  
1287 from a river or stream or to the landward side of the floodplain, whichever  
1288 distance is greater.

1289  
1290 **SUBDIVIDER:** Any person, corporation, or authorized agent who undertakes the  
1291 subdivision of and as defined in this section.

1292  
1293 **SUBDIVISION, COUNTY AND TOWN:** A division of a lot, contiguous parcels, or  
1294 tract of land for the purpose of sale or of building development, where:

- 1295
- 1296 1. The act of division creates nine (9) or more parcels, lots, or building sites  
1297 within any five (5) year time period.
  - 1298 2. The act of division may not include more than four parcels, lots, or  
1299 building sites of one and one-half (1 ½) acres each or less in area.

1300  
1301 **SUBDIVISION, MINOR:** A division of a lot, contiguous parcels, or tract of land  
1302 for the purpose of sale or of building development, where:

- 1303
- 1304 1. The act of division creates one but not more than eight (8) lots, parcels, or  
1305 building sites which are 10 acres or less in size within any five (5) year  
1306 time period.
  - 1307 2. The act of division may not include more than four parcels, lots, or  
1308 building sites of one and one-half (1 ½) acres each or less in area.

1309  
1310 **SUBDIVISION, STATE:** A division of a lot, contiguous parcels, or tract of land  
1311 for the purpose of sale or of building development, where:

- 1312
- 1313 1. The act of division creates five or more parcels or building sites of one  
1314 and one-half (1 ½) acres each or less in area; or
  - 1315 2. Five (5) or more parcels or building sites of one and one-half (1 ½) acres  
1316 each or less in area are created by successive divisions within a period of  
1317 five (5) years.

1318  
1319 **WATER'S EDGE:** A continuous line that intersects a clear, unobstructed  
1320 expanse of water that is free of woody vegetation and that can support the  
1321 continuous floatation of a canoe or other like small watercraft without impeding  
1322 its movement.

1323  
1324 **WATER SUPPLY, INDIVIDUAL:** A well and appurtenances usually supplying

1325 only one lot.

1326

1327 **WETLANDS:** Those areas where water is at, near, or above the land surface  
1328 long enough to be capable of supporting aquatic or hydrophilic vegetation and  
1329 which have soils indicative of wet conditions.

1330

1331 The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment  
1332 #1-2009 by the Oneida County Board of Supervisors, cause a certified copy thereof to  
1333 be transmitted by mail to all Town Clerks.

1334

1335 Approved by the Planning and Zoning Committee this 3rd day of February, 2010.

1336

1337 Vote Required: Majority = \_\_\_\_\_ 2/3 Majority = \_\_\_\_\_ ¾ Majority = \_\_\_\_\_

1338

1339 The County Board has the legal authority to adopt: Yes \_\_\_\_\_ No \_\_\_\_\_ as reviewed by the  
1340 Corporation Counsel, \_\_\_\_\_, Date: \_\_\_\_\_

1341

1342

1343 Offered and passage moved by: \_\_\_\_\_  
1344 Supervisor

1345

1346 \_\_\_\_\_  
1347 Supervisor

1348

1349 \_\_\_\_\_  
1350 Supervisor

1351

1352 \_\_\_\_\_  
1353 Supervisor

1354

1355 \_\_\_\_\_  
1356 Supervisor

1357

1358 Seconded by: \_\_\_\_\_

1359

1360 \_\_\_\_\_ Ayes

1362

1363 \_\_\_\_\_ Nays

1364

1365 \_\_\_\_\_ Absent

1366

1367 \_\_\_\_\_ Abstain

1368

1369

1370 \_\_\_\_\_ Adopted

1371

1372 by the County Board of Supervisors this day of 2010.

1373  
1374 \_\_\_\_\_ Defeated

1375  
1376  
1377 \_\_\_\_\_  
1378 Robert Brusio, Clerk Andrew P. Smith, County Board Chair

1379  
1380 P&Z.ordinance.amendment