

Chapter 5  
**LAND DIVISION**

Date Approved: March 19, 2019  
Date Revised and Approved: September 21, 2021  
Resolution: None

**SECTION 2.0 LAND DIVISION**

**2.1 Authority and General Provision**

**A. Statutory Authority**

1. These regulations are adopted under the authority granted by §59.02, §59.69, §236.45, §281.31 and §703.27 of the Wisconsin Statutes; and any amendments thereto.
2. To the extent that this chapter contains time limits, deadlines, notice requirements or other provisions that provide protections for a subdivider contained in Chapter 236 of the Wisconsin Statutes, the time limits, deadlines, notice requirements or other provisions that provide protections for a subdivider contained in Chapter 236 shall apply.

**B. Title:** This ordinance shall be known as the “Lafayette County Land Division Ordinance”.

**C. Purpose and Intent:** The purpose of this chapter is to regulate and control the division of land within the unincorporated areas of the county for the following purposes: To promote the public health, safety and general welfare; to further the orderly layout and use of land; to prevent the overcrowding of land; to lessen congestion on the roads, streets and highways; to provide for adequate light and air; to facilitate adequate provisions for water, sewerage and other public requirements; to provide for proper ingress and egress; to prevent and control erosion, sedimentation and other pollution of surface and subsurface waters; to preserve natural vegetation and cover and promote the natural beauty of the county; to ensure an adequate legal description and property survey monumentation of the subdivided land; to provide for the administration and enforcement of this chapter; and to provide penalties for its violation.

**D. Validity and Repeal**

1. If any section, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the chapter shall not be affected thereby.
2. All other ordinances or parts of ordinances of Lafayette County, (including the Lafayette County Zoning, Floodplain, and Shoreland Ordinances) inconsistent or in conflict with this ordinance, to the extent of inconsistency or conflict only, are hereby repealed.

**2.2 Definitions**

**A.** For the purposes of this chapter, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number;

and the plural number includes the singular number. The word “shall” is mandatory and not directory.

1. **Act of Division.** The execution and delivery of a deed, land contract or other conveyance which has the effect of dividing an existing parcel of land into two or more smaller lots or parcels or the recording of a certified survey map or Chapter 236 plat which has a similar effect.
2. **Administrator.** The Lafayette County Planning and Zoning Administrator or the Land Information Officer as designated.
3. **Applicant.** Synonymous with Subdivider.
4. **Block.** A group of lots existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter or other name through which it may be identified.
5. **Bond.** Any form of security including cash deposit, surety bond, collateral, property or instrument of credit in any amount and form satisfactory to the County.
6. **Buildable Area.** The area of a lot remaining after building setbacks are applied.
7. **Building.** Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind and which is permanently affixed to the land.
8. **Certified Survey Map (CSM).** A map of land division, not a subdivision, prepared in accordance with Section 236.34, Wisconsin Statutes, and in full compliance with the applicable provisions of this ordinance. A certified survey map has the same legal force and effect as a subdivision plat.
9. **Combining Parcels.** The voluntary act of creating a single lot description and tax parcel from two or more separately described parcels.
10. **Committee.** The Lafayette County Planning and Zoning Committee as authorized by Section 59.69, Wisconsin Statutes.
11. **Condominium.** Individual ownership of a structure or a unit in multi-unit structure located on a commonly held parcel of land organized under Chapter 703, Wisconsin Statutes. If applicable, buildings in a condominium shall meet the density and location requirements of the zoning district in which they are located.
12. **Contiguous.** For the purposes of this ordinance, this shall refer to property that is adjoined by a minimum of 50 feet of shared boundary and not split by a public road.
13. **Cul-de-sac.** Roads having one end open to traffic and the other permanently terminated by a vehicular turnaround.
14. **Easement.** A grant by a property owner for the right to use all or part of the owner’s land for a specific limited purpose.
15. **Department.** The Lafayette County Planning and Zoning and/or Lafayette County Land Information department staff.
16. **Developer.** The owner of land proposed to be subdivided or his authorized representative.
17. **Final Plat.** The map of record of subdivision and any accompanying material as required per this ordinance for final approval of the subdivision by the Committee and recording in the Register of Deeds.

18. **Floodplain.** Those lands adjacent to a body of water subject to inundation by the 100-year recurrence flood as determined by the US Department of Homeland Security: Federal Emergency Management Agency's Flood Insurance Rate Maps.
19. **Frontage.** The length of the front property line of the lot, lots, or tract of land abutting a public street, road, highway or public right-of-way.
20. **Grade.** The slope of a road, street, alley, footpath, lot or block, specified in percent.
21. **Half Street.** A street or highway, typically bordering upon a boundary of a subdivision, which is only one-half the width of such a street or highway required by this ordinance.
22. **Highway.** Synonymous with street or road.
23. **Highway, Major.** A designated federal, state or county highway.
24. **Improvement, Public.** Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, park, parkway, public access, sidewalk, pedestrian walk-way, planting strip, off-street parking area or other facility for which the county or town may ultimately assume the responsibility for maintenance and operation.
25. **Land Division.** Any division of a parcel of land where the act of division creates a lot, parcel, or building site of less than 15 acres.
26. **Land Division Checklist.** A department approved checklist that should be completed before recording any land division with the Register of Deeds.
27. **Land Division Design Standards.** The basic land planning standards established as guides for the preparation of preliminary plats and certified survey maps.
28. **Lot.** A parcel of land under common ownership having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area or other open space provisions of the Zoning Code, Shoreland Code, Floodplain Code or other applicable local ordinances.
29. **Monument Record:** Also commonly referred to as a tie sheet, a monument record identifies a government corner as referenced to the Public Land Survey System and its location. The record is a description of any recorded evidence, monument evidence, occupational evidence, testimonial or any other material evidence considered by the surveyor and whether the monument was found or replaced. Monument records are filed with the Land Information Department.
30. **Navigable Water.** As defined in Sec. 281.31(2) Wisconsin Statutes or in Administrative Code NR 115 or in Lafayette County Shoreland Ordinance, whichever has the broader definition.
31. **Outlot.** A parcel of land other than a lot or block, intended for transfer of ownership, dedication or for use as a private right-of-way. An outlot may not be used as a building site. An outlot may be the site of a private road or private alley, a non-buildable parcel having poor soils or topographic conditions or a remnant parcel.
32. **Owner.** Any person, group, firm, corporation, partnership, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under this ordinance.
33. **Parcel.** See Lot.
34. **Parent Parcel (Lot of Record).** The existing parcel of record, as described on a deed of ownership so recorded with the Register of Deeds. The parent parcel shall

include all individual tax parcels as described in said deed, provided they are contiguous.

35. **Plat of Survey.** A property survey locating one or more boundaries of an existing property. The plat of survey map shall bear the official seal of a Professional Land Surveyor and shall be filed with the County Land Information Department. The plat of survey does not transfer title or automatically trigger the creation of a new tax parcel.
36. **Private Road.** Any street or road not dedicated to the public, which serves as a vehicular access to two or more parcels or lots or which crosses a property line. All private roads shall be recorded easements, shall meet the requirements of local road standards, and shall be approved as private roads by the Committee and the local municipality.
37. **Preliminary Plat.** A map showing the salient features of a proposed subdivision, submitted to the committee for purposes of preliminary consideration.
38. **Road.** See Street.
39. **Roadway.** The surfaced portion of a street or highway available for vehicular traffic.
40. **Private On-Site Waste Treatment System (POWTS).** An on-site septic, aerobic, experimental, holding or other system approved for use by the Wisconsin Department of Commerce and conformity with all applicable codes.
41. **Street.** A public way or right-of-way for vehicular or pedestrian and vehicular traffic.
42. **Streets, Arterial Highways.** Streets which provide for rapid movement of concentrated volumes of traffic over relatively long distances between activity areas. This includes all Federal highways other than the interstate highway, all state and county highways, and designated township roads.
43. **Streets, Local.** Streets designed for low speeds and volumes, which provide access from low traffic generating areas to collector and arterial streets.
44. **Subdivider.** Any person, corporation, partnership, LLC or other legal entity or authorized agent thereof who undertakes the subdivision of land as defined in this section.
45. **Subdivision.** A division of a lot, contiguous parcel, or tract of land for the purpose of sale or of building development, where:
  - The act of division creates five (5) or more parcels or building sites of one and one-half (1-1/2) acres each or less in area; or
  - Five (5) or more parcels or building sites of one and one-half (1-1/2) acres each or less in area are created by successive divisions within a period of five (5) years;
  - Or as defined by Chapter 236 Wisconsin Statutes.
46. **Tax Parcel.** A piece of land that has been assigned a unique ID number, is held in one ownership and is to be listed for assessment and taxation purposes only.
47. **Tract.** See Parcel.
48. **Walkway.** A walkway or crosswalk is a right-of-way within a block, dedicated to public use and intended primarily for pedestrians, but which may include utilities where necessary.
49. **Water Supply, Private.** A well, or any other domestic water source and appurtenances, usually supply only one lot.

**50. Zoning Regulations.** All zoning regulations or ordinances duly adopted or approved by the governmental unit having zoning jurisdiction. (See Chapter 6-1 of Lafayette County Ordinances.)

### **2.3 Geographic Jurisdiction**

The provisions of this ordinance apply to all unincorporated lands within Lafayette County, except land which is within the extraterritorial zone of a city or village which has properly exercised its extraterritorial zoning authority. Where a duly adopted town subdivision ordinance contains more restrictive provisions than the provisions of this ordinance then the town's more restrictive provisions shall apply. When any town adopts a subdivision ordinance after the effective date of this ordinance, no provisions of such town ordinance shall be less restrictive than the provision of this ordinance. This ordinance shall not repeal, impair or modify private covenants or other ordinances, except that it shall apply whenever it imposes stricter regulations.

### **2.4 General Jurisdiction**

This ordinance shall apply to all acts of division of a lot, parcel, or tract of land, including divisions under land contract, on the effective date of this Ordinance for the purpose of recording where such act of division creates one (1) or more new lots, parcels or tracts which are fifteen (15) acres or less in area.

The Certified Survey Map requirements of this Ordinance shall apply to any survey prepared for the purpose of monumenting or describing an existing lot, tract or parcel fifteen (15) acres or less in size which was previously conveyed by a metes and bounds or rectangular description.

- A.** This ordinance shall not apply to (see Section 236.45(2)) Wisconsin Statutes:
1. Transfers of interest in land by will or pursuant to court order.
  2. Leases for a term not to exceed ten (10) years, mortgages or easements.
  3. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the parcels resulting are not reduced below the minimum lot sizes required by this Ordinance or other applicable laws and ordinances. A Plat of Survey shall be required for the sale or exchange of parcels of land between owners of adjoining property.
  4. Assessor's plats made under Section 70.27, Wisconsin Statutes.
  5. A correction document executed solely for the purpose of merely correcting typographical or scriveners' errors in a document recorded prior to the effective date of this ordinance.
  6. Conveyance of land to a governmental unit for street or highway purposes.
  7. Options to purchase. However, this Ordinance shall apply to a conveyance given upon the exercise of an option to purchase, whether the option was granted before or after the effective date of this ordinance.
  8. Parcels which are divided by a dedicated roadway, railroad, or navigable water; and all of said parcels lie between these stated public entities and the quarter-quarter lines.

## **2.5 Classification of Land Divisions Governed by this Ordinance**

Any parcel of land which is owned, controlled or managed as a single entity shall be treated as a single parcel or tract for the purpose of this ordinance unless it is divided by an existing dedicated street, public highway or by navigable water. The Administrator shall determine whether the proposed land division satisfies the above definition and this determination may be reviewed by the Committee.

Land divisions are classified under this chapter as either:

- A. Minor Land Divisions:** A minor land division shall include the creation of one (1) but not more than four (4) parcels or building sites which are fifteen (15) acres or less but at least one and a half (1.5) acres in size or the division of a lot or outlot within a recorded subdivision into not more than four (4) parcels or building sites one and a half (1.5) acres in size without changing the original exterior boundaries of the lot or outlot within any five (5) year period.
- B. Subdivisions:** Land divisions meeting the definition of subdivisions are subject to mandatory State review under Chapter 236, Wisconsin Statutes, as well as County review and approval under this chapter.

## **2.6 Procedures for Application and Review of Land Divisions**

- A. Pre-Application Consultation:** Prior to submitting an application for County approval of a subdivision it is recommended that the applicant or agent meet with the County Zoning Administrator. Prior to submitting an application for County approval of a Minor Land Division, it is recommended that the applicant or agent meet with the Land Information Officer. At this meeting, the applicant should inform the Administrator/Land Information Officer of the location and nature of the project which will be proposed. Based upon this information, the Administrator or Land Information Officer shall explain to the applicant:
  - 1. Whether the proposal will require Town, County or State reviews.
  - 2. Which standards of this ordinance apply and which standards of Chapter 236, Wisconsin Statutes, will apply to the land division.
  - 3. The procedure to follow to submit a land division for review.
- B. Application and Review of Minor Land Divisions**
  - 1. Minor land divisions shall be created by use of a certified survey map (CSM). The original map, County provided application with checklist, and review fee shall be submitted to the County Land Information Department.
  - 2. The CSM shall comply with the requirements of Section 236.34 Wisconsin Statutes along with additional County requirements. These include but may not be limited to the following requirements:
    - a. Date of preparation, scale, and names of owner, subdivider, and surveyor;
    - b. Location of existing buildings, including those encroaching on existing setbacks; visible location of other existing improvements such as wells, drainfield vents, septic or holding tanks. If the existing improvements are not identifiable, then a note on the face of the CSM explaining why they are not shown;

- c. Adjoining streets, highways, parks, streams, ponds, lakes, wetlands, cemeteries and subdivisions;
  - d. Easements or private rights-of-way which cross the property;
  - e. The document number of the last previous deed of record conveying such lot, tract or parcel shall be shown on the face of the map. If a CSM is created to depict boundaries of an existing parcel, it should state this on the face of the map along with the document number and notation of recorded distances and bearings;
  - f. Signed Owners Certificate;
  - g. If dedicating lands to the public, the CSM must include the certification of approval of the Town Board as required by Wisconsin §236.21(2)(a),
  - h. The names of any newly created street or road in compliance with the Lafayette County Addressing and Road Name Ordinance;
3. The Land Information Officer may send any minor land division 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.
  4. The original CSM shall not be recorded with the Lafayette County Register of Deeds until all components of the review checklist have been initialed and the Land Information Officer has given final approval. The Land Information Officer, within ninety (90) days of a CSM being submitted for approval, shall take action to approve, approve conditionally, or reject the certified survey map and shall state in writing any conditions of approval or reasons for rejection, unless the CSM is deemed to need State review. Submission of said CSM to the State by the Land Information Officer for review extends the period for approval or disapproval by an additional twenty (20) working days. The Land Information Officer's decision shall be based upon the standards of this ordinance and shall be provided to the applicant in writing. Failure of the approving authority or its agent to act within the 90 days, or any extension of that period, constitutes an approval of the certified survey map and, upon demand, a certificate to that effect shall be made on the face of the map by the clerk of the authority that has failed to act. (See WI State Statute [236.34\(1m\)\(f\)](#)). Submittal of a CSM constitutes a written receipt from the Land Information Office to said applicant. Any submission made after 3:00 p.m. will be considered filed at 8:00 a.m. on the next business day. Failure to provide the receipt of submission will void any claims by any subdivider or their agent of failure to act on the part of the Land Information Office.
  5. The approval or disapproval of a minor land division by the Land Information Officer is appealable to the Lafayette County Planning and Zoning Committee. Appeals shall be filed within thirty (30) days of the date of the written decision of the Administrator on forms available from the department.

**C. Application and Review of Proposed Subdivisions**

1. **Pre-Preliminary Plat Conference.** Where it is desired to create a subdivision it is recommended that the subdivider meet with the Administrator and appropriate town board(s) for a conference prior to preparation of the preliminary plat.

It is also recommended that the following information be prepared for 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 subdivider.
  - d. Existing and proposed zoning for the subdivision.
- 2. Preliminary Plat Submittal Requirements.** For all subdivisions, a preliminary plat conforming to Section 236.11 Wisconsin Statutes shall be prepared for review. Material and information to be submitted shall include the following:
- a. A preliminary plat map based upon a survey by a professional land surveyor registered in Wisconsin and a written application prepared on a form provided by the Department. The plat shall show correctly on the face the following information.
    - 1) A legal description of the exterior boundaries of the proposed land division and total area in acres or square feet to be divided.
    - 2) Ordinary High Water Mark or, where established, an OHW elevation based on USGS datum, and boundaries of wetlands within or contiguous to the subdivision, from the most recent DNR Wetlands Inventory Maps or as staked in the field by a wetland delineator as approved by the State.
    - 3) Any existing lake, river or stream access.
    - 4) The regional floodplain boundary if the boundary of the floodplain falls within the proposed plat.
  - b. Report on soil and site evaluations are required in [WI Administrative Code SPS 385 of the Department of Safety & Professional Services.](#)
- 3. The Department shall be notified** by the subdivider or soil tester at least two (2) work days prior to conducting soil tests for any proposed subdivision for the purpose of making a field appointment. Unless waived by the Administrator, he/she, or a department representative shall be on site for all soil testing.
- a. Where the Administrator finds that the county requires additional information on the preliminary plat or the accompanying documents, relative to a particular problem presented by the proposed subdivision, he/she shall have the authority to request in writing the additional information including, but not limited to, the following:
    - 1) Identification of surface drainage patterns, showing direction of flow, grading plan and indicating the manner and extent to which the drainage patterns will be altered by the subdivision and its development and an erosion control plan.
    - 2) Proposed or existing deed and/or plat restrictions.
    - 3) Identification of owners of record of abutting non-platted lands and a plan for future use and development of adjoining land owned by the subdivider.
  - b. 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 he has fully complied with this ordinance.

#### **4. Preliminary plat approval process**

- a. For all preliminary plats not served by a public sewerage system, the Department shall act as the agent for distribution of copies to all objecting and approving agencies and other agencies such as utility companies. The number of copies of each plat shall be determined by the "Zoning Administrator's Checklist for Distribution of Plats".
- b. The Committee, within sixty (60) days of the date of filing of a complete preliminary plat and application with the Administrator shall approve, approve conditionally or reject such plat unless the time is extended by mutual agreement with the subdivider. A letter setting forth the conditions of approval or the reasons for rejection shall be sent to the subdivider. One (1) copy of each of the plat and letter shall be placed in the Department's permanent file.
- c. Failure of the Committee to act within sixty (60) days, or the time as extended by agreement with the subdivider, shall constitute an approval. The sixty (60) day time period shall commence with the filing of the complete preliminary plat and application and not the preliminary conference.
- d. The Committee or approving authority shall not approve any preliminary plat which is subject of an objection of an objecting agency.
- e. The Administrator shall not place the preliminary plat on the Committee agenda for review unless there has been a complete submittal at least five (5) work days prior to the meeting.

#### **5. 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 professional land surveyor registered in Wisconsin. The plat shall comply with all applicable requirements of Chapter 236 Wisconsin Statutes.
- b. In addition to the requirement of Chapter 236 Wisconsin Statutes 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 out lots.
  - 2) Special restrictions required by the reviewing authorities.
  - 3) Final plats shall provide all certificates required by Section 236.21 Wisconsin Statutes, and in addition, the surveyor shall certify specific compliance with all provisions of this ordinance.
- c. The Administrator shall not place a final plat on the Committee agenda for review unless the plat or a true copy is submitted at least five (5) workdays prior to the meeting.
- d. The Committee, within ninety (90) days of the date of filing of a complete final plat with the Administrator, shall approve, approve conditionally, or reject such plat, unless the time is extended by mutual agreement with the subdivider. (See WI Statutes 236.11(1)(a) If approved, the certifications of the plat shall be completed. 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 rejections shall accompany the plat.
- e. Failure of the Committee to act within the ninety (90) days, or the time as extended by agreement with the subdivider, shall constitute an approval.
  - f. The Committee shall not choose to approve any final plat, which is the subject of an objection of any objecting agency.
  - g. Relationship between preliminary and final plat:
    - 1) Approval of a preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted and a guide to the preparation of the final plat which will be subject to further consideration by the Committee at the time of its submission.
    - 2) If the final plat conforms substantially to the preliminary plat 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 plat is not submitted within six (6) months of the last required approval of the preliminary plat, any approving authority may refuse to approve the final plan.
      - a) Partial platting. The final plat may constitute only that portion of the approved preliminary plat that the subdivider proposes to record at that time. Approval of a final plat for only a portion of the preliminary plat shall extend approval for the remaining portion of the preliminary plat for twelve (12) months from the date of such final plat approval unless extended by the committee.
      - b) Deed restrictions. The committee reserves the right to add or require further deed restrictions or covenants as provided in Section 236.293 Wisconsin Statutes, as a condition of final plat approval.

## **2.7 Suitability Standards applicable to minor Land Divisions and Subdivisions**

### **A. General**

1. Section 236.45 Wisconsin Statutes authorizes the County to prohibit the division of lands where such prohibition will carry out the purposes set forth in this ordinance. The county may also regulate the manner of land division in areas where divisions are permitted.
2. The suitability standards of this section are in addition to standards set forth in other regulatory ordinances.
3. These suitability standards shall be applied to all proposed land divisions under the authority stated herein.

## **B. General Suitability Standards**

1. No land shall be divided which is determined by the Administrator or committee to be unsuitable for its proposed use for reasons of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage capabilities, or any other features or circumstances likely to result in the imposition of unreasonable costs or to be harmful to the health, safety or general welfare of the future residents of the land division or of the community.
2. No land will be divided solely because the parcel is bisected by a road, right of way, stream or other natural feature on the land.

## **C. Zoning**

1. Divisions of lands under this ordinance shall be made in conformity with the provisions of the Lafayette County Zoning Ordinance if said zoning ordinance is applicable in the town in which the division is located.
2. No new access easement shall be recorded which reduces the lot size below the minimum buildable area as required for the zoning district in which the lot is located. Utility easements shall be excluded.

## **2.8 Land Division Design Standards**

- A. General:** Land division 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 streets, topography, surface water, vegetative cover and other natural features. Land divisions shall conform to any county development plan, local master plan or element thereof applicable to the lands included.

## **B. Surface Drainage and Erosion Control**

1. Land division 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 or streets or other rights-of-way or excessive infiltration into locations of on-site waste water disposal facilities. Dividers may request assistance and consultation from the department and Land Conservation Committee in meeting the above requirements.
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 such width or construction or both as will be 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.

## **C. Public Streets, Roads and Easements**

- 1. Streets: General Considerations.** Streets shall be designed and located in relation to existing and planned streets, 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 streets. These provisions shall apply to all streets, roads and highways within the jurisdiction of the ordinance.
  - a. All newly created roads and any widened right-of-way, whether a recorded or unrecorded road, shall be surveyed by a professional land surveyor as a right-of-way plat and approved by the town(s) in which it lies and the County Zoning Department.
  - b. Town road names are subject to approval by the County Land Information Department to ensure conformity with the Lafayette County Rural Addressing and Road Name Ordinance. Before any minor land division or subdivision can be approved for recording, all streets and town roads shall be named with the approval of the Lafayette County Land Information Officer and these names, as approved, shall appear on the document to be recorded.
- 2. Arrangement of streets.**
  - a. All streets shall be properly integrated with the existing and proposed system of streets, highways and dedicated rights-of-way.
  - b. All streets shall be properly designed to accommodate special traffic generators, such as industries, business districts, schools, churches and shopping centers.
  - c. Minor streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and sewer systems, and to require the minimum amount of streets necessary to provide convenient and safe access to property.
  - d. Proposed streets and/or right-of-way shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the committee such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
  - e. In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.
- 3. Access to Major Streets.** The number of residential streets entering a major street shall be kept to a minimum. Where a subdivision borders on or contains an existing or proposed major street, the Committee may require that access to such major streets be limited.
- 4. Width of Streets.** Right-of-way and paving widths of all streets shall be determined by the town board of the town in which the street is located but shall not be less than that specified in Section 86.26 Wisconsin Statutes.

**5. Cul-de-Sacs or Dead End Streets.**

- a. The use of cul-de-sacs in street layouts shall be limited to portions of developments which, due to unusual shape, size, location, topography, floodplain, wetland or other condition may better be served by cul-de-sacs than by continuous streets. A layout making unrestricted use of cul-de-sacs or courts will not be acceptable.
- b. A cul-de-sac shall not be longer than eight hundred fifty (850) feet, measured on its centerline unless, by reason of topography or other circumstances beyond the control of the developer, the committee, upon the recommendation of the Administrator, finds a greater length to be justifiable.
- c. The diameter of the right-of-way of a permanent cul-de-sac shall not be less than eight-five (85) feet. The improved roadway shall not be less than seventy-five (75) feet in diameter.
- d. Temporary cul-de-sac or "T" turnarounds may be required where a roadway will not be immediately completed as a through street. The committee may approve turnarounds of smaller diameter or different design on a case by case basis.

**6. Half Streets.** Half streets in new subdivisions shall not be permitted without Committee approval. Where a half street is adjacent to a new subdivision, the other half of the street shall be dedicated by the subdivider. Where a new subdivision abuts an existing street of inadequate right-of-way width, additional right-of way width shall be required to be dedicated and the subdivider shall meet the requirements of this ordinance.

**7. Street Intersection**

- a. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection to two new streets at an angle of less than seventy (70) degrees shall not be acceptable. Not more than two (2) streets shall intersect at any point unless specifically approved by the Committee.
- b. Proposed new intersections along one side of an existing street shall coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted. Where streets intersect major streets their alignment shall be continuous.
- c. The street grade at intersections may not exceed standards determined by the Lafayette County Highway Commissioner or the town board on a case by case basis.
- d. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer, at the direction of the town board, shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide adequate sight distance or vision triangle.

**8. Alleys**

- a. Alleys may be required by the committee where deemed necessary.
- b. The width of alleys shall not be less than twenty-four (24) feet.

- c. Dead end alleys are prohibited except under very unusual circumstances, and crooked and “T” alleys shall be discouraged. Where dead end alleys are unavoidable, they shall be provided with adequate turnaround facilities at the dead end.

**9. Easements**

- a. Utility easements shall be at least ten (10) feet wide.
- b. Roadway easements, if allowed, shall be at least sixty-six (66) feet wide.

- 10. Minimum lot frontage.** Every residential lot or parcel created under the terms of this Ordinance shall have a minimum of 33 feet of frontage directly on a public street. Where the terms of this section cannot be met, a modification as authorized by 7.03(2)(a) may be requested.

**D. Lots and Blocks**

**1. Residential blocks.**

- a. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated.
- b. Walkways, not less than ten (10) feet wide, may be required by the Committee through the center of blocks more than nine hundred (900) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

- 2. Nonresidential blocks.** Blocks designed for business, commercial, or industrial uses shall be of such length and width as may be determined suitable by the committee for the prospective use.

- 3. Lots.** In general, the size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lot dimensions shall conform to the requirements of applicable zoning regulations.

- a. All proposed lots are to be a minimum of 1.5 acres in size unless one of the following applies:
  - 1) Local Municipality has passed an ordinance that is more restrictive;
  - 2) Specific County Code of Ordinances or State Administrative Code allowing for lot sizes below the required 1.5 acres size;
  - 3) A variance is granted by the County’s Board of Adjustment by following the required public hearing procedure.

- b. All lots shall front a public road or approved easement;

- 4. Residential lots.** Residential lots to be served by private sewage systems shall comply with the rules of the Wisconsin Department of Commerce and the Lafayette County Sanitation Ordinance.

- 5. Business, commercial and industrial properties.** Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the applicable zoning regulations.

- 6. Corner lots.** Corner lots for residential use shall have extra width to permit full building setback as required in the appropriate zoning regulations.

- 7. Lot frontage.** Every lot shall front on or abut a roadway as required by town ordinance or 4.03 (10) of this ordinance.

8. **Drainage requirements.** Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
  9. **Lot lines.** Lot lines shall follow municipal boundary lines whenever practicable, rather than cross them.
  10. **Through lot and double frontage lot.** Through lots and double frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- E. Land Near Water's Edge:** The lands lying between the meander line, established in accordance with Section 236.20(2)(g) Wisconsin Statute and the water's edge and any otherwise unplattable lands, such as floodways, which lie between a proposed land division and the water's edge shall be included as part of lots, outlots or public dedications in any map or plat abutting a lake or stream. This requirement applies not only to lands proposed to be divided, but also to all lands under option to the subdivider or in which they hold an interest and which abut a lake or stream as provided in Section 236.16(4) Wisconsin Statutes. Lands located below the ordinary high water mark of any navigable water shall not be included in the total area of any lot or parcel created under the terms of this ordinance.
- F. Reservation of Land:** When applicable, reservation of land shall be required which is in conformance with any county development plan or parts thereof.
- G. Combination of Tax Parcels:** Tax parcels may be combined if one of the following provisions is met:
1. Pursuant to the recording of a subdivision plat, certified survey map, assessor plat, or the establishment of a condominium.
  2. Contiguous tax parcels that are within the same lot or outlot of a recorded subdivision plat, certified survey map, or assessor's plat will be combined to comply with §236.28, §236.34(3), and §70.27(3) if described together in a conveyance.
  3. Contiguous tax parcels that are not part of a recorded subdivision plat, certified survey map, assessor's plat, or condominium, but are described by a single metes and bounds on the same conveyance, per request of the landowner or discretion of the County Land Information Department. Full quarter-quarter and government lots are not to be combined under this provision. Self-deeding of multiple metes and bounds descriptions is prohibited for combining tax parcels.
  4. One or more tax parcels are considered substandard lots and the combination of such results in a standard lot or parcel as defined in this ordinance.
  5. Per assessor's directive per § 70.23(2) which reads in part: When two or more lots or tracts owned by the same person are deemed by the assessor so improved or occupied with buildings as to be practically incapable of separate valuation they may be entered as one parcel.
  6. As directed by court order.

**AND** provided that **ALL** of the following criteria are met:

1. The ownership on all the requested parcels is the same. A parcel owned by John Doe is not the same as a parcel owned by John and Jane Doe nor is the same as the John Doe Trust;
2. Title of all requested tax parcels is held in the same manor. For example, if a person owned one parcel by warranty deed and another by land contract, the combination would be denied;
3. There are no delinquent taxes due on any of the tax parcels in the requested combination;
4. All tax parcels being combined are within the same taxing jurisdiction;
5. The owner of the property completes and signs an official "Request to Combine Tax Parcels" obtained from the Lafayette County Land Information Department and returns said request to the County Real Property Lister.

Each request for combining parcels will be reviewed for individual merit. The Department reserves the right to accept or deny the request for tax parcel combination at his or her discretion. Combinations requested in the current tax year will appear on the following year's assessment roll and tax bill.

Once a parcel combination has been completed, it shall be considered a new parcel and future splits are subject to the regulations of this ordinance.

## **2.9 Dedications, Monuments and Improvements**

### **A. Dedications**

1. **Roads.** The subdivider shall be required to offer for dedication to the county or town, whichever is applicable, all streets, roads and other public ways which are proposed to be established within the subdivision. Private roads may be allowed only in planned unit developments and must be approved by the Committee and town board at the time of final plat approval.
2. **Terms of reservation.** Reservation of land for public acquisition shall be for a period specified by the committee not to exceed ten (10) years. Land so dedicated or reserved shall be shown on the final plat.
3. **Method of offering dedications.** Dedications shall be effected as provided in Section 236.29 Wisconsin Statutes. Dedications to the county shall require approval of the Lafayette County Board of Supervisors. Dedication to a town shall require approval of the town board.

**B. Survey Monuments:** All certified survey maps and plat of survey maps shall be monumented in the field by iron pipes or bars a minimum of eighteen (18) inches in length. The surveyor shall install all survey monuments in accordance with the requirements of Section 236.15 Wis. Statutes.

1. **USPLS Monumentation:** The corner monumentation shall be performed as follows:
  - a. A standard corner monument furnished by the County shall be set at the corner in accordance with the specifications set forth by the Lafayette County Land Information Office.
  - b. A minimum of 4 reference ties shall be made for each monumented corner.

- c. Documentation. Within 30 working days following the completion of the monumentation of an original government corner, the professional land surveyor shall document evidence of such corner and prepare and file a Public Land Survey Monument Record with the Lafayette County Land Information Department on standard forms provided on the County website. The Department shall file the monument record with the Lafayette County Surveyor and make available for public view.
  - d. All original government survey corners necessary to perform a particular survey shall be monumented in accordance with this policy.
  - e. Enforcement. Any professional land surveyor who does not comply with the Lafayette County Land Division Ordinance shall be referred by complaint to the Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors.
- 2. Ties to the County Coordinate System:** Any subdivision plat or CSM recorded in the Register of Deeds office or any plat of survey filed in the county surveyor's office shall be tied by lengths and bearings to the boundary line of a quarter section, private claim or federal reservation in which the subdivision lies; and description of monuments at ends of the line; and bearing and distance between those monuments. Boundary bearing references shall be the bearings established by the county in its county coordinate system. If no bearings have been established on any of the boundaries of the section being worked in, a reference to a magnetic, true or other identifiable direction may be used for reference to the boundary. When re-dividing an existing CSM or subdivision plat which is already connected to county bearings the re-division may be referenced to those bearings.
- 3. Commencement of Improvements and Construction:** No construction or installation of improvements shall commence in a proposed land division until the final plat has been approved by all reviewing authorities; provided, however, that construction or installation of improvements may commence following approval of a preliminary plat if the Committee's approval of the preliminary plat included explicit approval of such commencement.

## 2.10 Condominiums

- A. Intent:** Per [Chapter 703 of Wisconsin Statutes](#), this section of the ordinance is specifically made applicable to condominiums. It is the intent of this section to regulate condominiums as they relate to zoning and the division of land for the purpose of establishing any condominium plat.
- B. Zoning:** Land divided for the establishment of a condominium plat shall meet the requirements of the Lafayette County Zoning Ordinance or Town Zoning Ordinance in independently zoned towns.
- C. Condominium Plats:** A condominium plat shall be submitted to the Administrator or Designee for review and approval on the same basis as a subdivision. Condominium plats shall meet the requirements of Chapter 703.11 Wisconsin Statutes.
  - 1. Checklist.** A condominium review checklist, provided by the Department, shall be included with the submittal along with applicable review fees.

2. **Standards.** The provision of this code relating to Suitability Standards, Design Standards and Dedications and Improvements of this ordinance, shall apply to condominium plats, where appropriate.
3. **Units.**
  - a. Unlike subdivision of lots and blocks, units, as defined in Chapter 703 Wisconsin Statutes are applied to condominium plats. Units shall be fully described as provide by Section 703.12 Wisconsin Statutes.
  - b. Units within multi-unit or multi-story structures shall be shown and described on the plat.

**D. Review Process**

1. **Time Period for Review.** The Department’s review of a condominium plat shall be completed within ten (10) working days after submission. If a review has not been completed within such time period, the plat shall be deemed approved for recording. [\[See §703.115\(1\)\(a\)\]](#)
2. **Reasons for Rejection.** A condominium plat may be rejected only if it fails to comply with the applicable requirements of Sections 703.095, 703.11(2)(a), (c) and (d) and (3), 703.275 (5) and 703.28 (1m) Stats. or if the surveyor’s certificate under Section 703.11 (4) Stats. is not attached to or included in the condominium plat.

- E. Certification of Approval:** If a plat complies with the statutory provisions cited in 6.06 (2) of this ordinance, the Administrator or their representative performing the review shall certify approval of the plat in writing, accompanied by his or her signature and title.

**2.11 Administration and Enforcement**

- A. Zoning Committee:** The Zoning Committee as appointed by the Lafayette County Board, shall be empowered to conduct such hearings and meetings as necessary in accordance with this ordinance and to approve, conditionally approve or reject applications under the terms as set forth herein and set fees and adjust them from time to time as is deemed necessary.
- B. Administrator:** The Administrator shall be responsible for the administration and enforcement of this ordinance and may delegate duties within the Zoning and/or Land Information Departments.

**C. Fees, Enforcement, Penalties, Variances and Appeals**

**1. Fees**

**a. Application fees**

- 1) Subdivision. The applicant or subdivider shall pay the fees specified on the Lafayette County Planning and Zoning fee schedule. These fees are subject to change at the approval of the Planning and Zoning Committee.
- 2) Minor Land Divisions. The applicant or subdivider shall pay the fees specified on the Land Information Office fee schedule. These fees are subject to change at the approval of the Land Information Council.
- 3) Condominium. The applicant or subdivider shall pay the fees specified on the Lafayette County Planning and Zoning fee schedule. These fees are subject to change at the approval of the Planning and Zoning Committee.

- b. Legal and engineering fees:** Upon mutual agreement, the subdivider shall pay the county at times specified by the committee, a fee equal to the actual cost to

the county of any engineering or legal work incurred by the county in conjunction with the plat review. Engineering work shall include preparation of construction plans and specifications and inspections. Legal work shall include the drafting of contracts between the county and the subdivider and a review of covenants, easements and documents involved in dedications.

- c. **A double permit fee** will be charged for all after-the-fact permit applications to partially recover the cost of obtaining compliance.
- d. **Continual review:** Re-submittals of minor land divisions for the same geographic area may be subject to additional fees at the Department's discretion.

## **2. Variances and Appeals.**

a. **Variances:** Where, because of unique topographic or other conditions of the land involved, or because of other conditions predating adoption of this ordinance, or to achieve consistency with a city or village extraterritorial ordinance, it is inappropriate to apply literally the provisions of this ordinance and where such literal application would impose undue hardship, the committee may vary the requirements of this code. The committee may attach conditions to the granting of such variances to assure that the purpose and intent of the ordinance are observed and that compliance with state law is achieved.

b. **Appeals:** The Lafayette County Board of Adjustments shall hear and decide appeals where it is alleged that the Administrator erred in applying the provisions of this ordinance. Any person aggrieved by a failure to approve any land division or condominium plat may appeal therefrom to the courts as provided in the Wisconsin Statutes.

## **3. Replats, Vacations, or Alterations in Recorded Plats**

- a. Replats of all or part of a recorded land division shall occur pursuant to Sections 236.36 through 236.455 Wisconsin Statutes.
- 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 Sections 236.40 through 236.44 Wisconsin Statutes 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 three hundred (300) feet of the proposed replat.

4. **Surveying, Mapping, and Recording of Documents:** Any division of land which results in a subdivision, minor land division or condominium plat as defined in this ordinance, shall be surveyed, mapped or platted, and the map or plat shall be approved as provided herein. The approved map or plat shall be recorded with the Lafayette County Register of Deeds prior to conveying any lot, parcel or tract included within the proposed division. However, in the case of a subdivision which has been the subject of a preliminary plat approved by the committee, offers to purchase or contracts to convey parcels, lots, or tracts within the proposed land divisions may be entered into pending approval of the final plat if the offer to purchase or contract to convey states on its face that it is contingent upon recording of the final plat and shall be void if such plat is not recorded within a specified time.

**5. Successive Divisions:** Lots may be further divided, providing the parcels resulting from the further division meet all land division standards of this and other applicable ordinances. It shall be unlawful for any person to build upon, divide, convey, record or monument any land in violation of this ordinance or the Wisconsin Statutes.

**6. Enforcement & Penalties**

**a. Enforcement**

- 1) This ordinance shall be administered and enforced by the Zoning Administrator acting through the Corporation Counsel.
- 2) The Administrator or his/her designee may issue compliance orders, field directives, suspension orders or termination orders to enforce and assure compliance with the provisions of this ordinance.

**b. Imposition of forfeiture for violations**

- 1) Any person, partnership, corporation, limited liability company, trust, voluntary association or other legal entity who shall violate or fail or refuse to comply with any section of this ordinance or any agent of any of said entities who participates in a violation, failure or refusal to comply with any section of this ordinance shall forfeit to the County of Lafayette not less than \$100.00 nor more than \$3,000.00, together with the costs of prosecution and any applicable assessments. Each day that a violation is maintained or permitted to exist shall constitute a separate violation.
- 2) In the event such forfeiture, costs and assessments are not paid, any natural person adjudged liable for such forfeiture, whether the person committed the violation as a natural person or as an agent, officer, director or in some other representative capacity shall, upon order of the Circuit Court, be imprisoned in the Lafayette County jail until such forfeiture, costs and assessments are paid, but not to exceed 180 days.
- 3) Prosecution for a violation of this ordinance may be brought and maintained against any of the following violators: a natural person, any partner of a violation partnership, any officer or director of a violating corporation or other entity, any managing member of a violating limited liability company or any trustee of a violating trust.
- 4) Any agent or employee of another person or entity who as such agent or employee materially participates in a violation of this ordinance shall be subject to the forfeiture imposed under b) above.
- 5) The penalties of Sections 236.31 and 236.32 Wisconsin Statutes apply to this ordinance.
- 6) Assessor's plats made pursuant to Section 70.27 Wisconsin Statutes may be ordered by the county at the expense of the divider or the owners of record when a land division is created by successive divisions, not in compliance with this code.
- 7) The Planning and Zoning Department shall withhold permit(s) or approval(s) pursuant to this ordinance and also land use permits under the Lafayette County Zoning Ordinance, where the applicant, owner, or licensed contractor is in violation of this or any ordinance administered by the zoning department, and for any parcel(s) of land which has an outstanding violation(s) until the

violation(s) has been corrected. A request for waiver of these provisions may be made, to grant or deny a permit or approval on the merits of the application, to the zoning committee.

- 8) The Real Property Lister shall withhold listing parcels of land for assessment and taxation pursuant to this ordinance where the applicant, owner or subdivider is in violation of this land division ordinance. Lands will not be split for separate assessment until the violation has been corrected.

- c. Other remedies available:** In addition to the imposition of a forfeiture, the County may, in circumstances it deems appropriate, bring proceeding to enjoin any violation of this ordinance or of state law, either pursuant to Section 236.31 Wisconsin Statutes or pursuant to any other authority. Any such proceeding, if brought, shall not be deemed waived by the imposition of a forfeiture for the same violation, nor shall the pursuit of injunctive or other available remedies be deemed a waiver by the County of its right to seek a forfeiture for the same violation.

#### **D. Recording and Conveyance of Lot or Parcels Included within Land Division Requiring County Approval**

- 1. Recording.** Pursuant to Section 236.45(2) Wisconsin Statutes, the Lafayette County Register of Deeds is directed to accept for recording all plats and certified survey maps and accompanying documents which are required to be prepared and approved by this ordinance, and to keep and record same. No person shall attempt to record a plat or document purporting to create parcels of land for sale or development that is not in conformity with this ordinance. A completed land division checklist that has been signed by the administrator shall be presented at the time of recording. The Register of Deeds shall report all violations to the Administrator, and shall refuse recordation of said documents.
- 2. Conveyance.** Lands described in plats and maps recorded pursuant to subparagraph 1) shall be described by reference to the recorded plat or map and recording document number for all purposes, including those of assessment, taxation, devise, descent and conveyance as defined in Section 706.01(3) Wisconsin Statutes.

- E. Abrogation and Greater Restrictions:** It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern. In their interpretation and application, the provisions of this ordinance shall be liberally construed to favor Lafayette County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

#### **F. Waiver of Liability**

1. In carrying out any of the provisions of this ordinance or in exercising any power or authority granted to them thereby, there shall be no personal liability upon the department, its agents and employees.
2. In such matters, it is understood that the department, its agents and employees act as agents and representatives of the county.

3. Since there can be considerable variations in the ability of soil to absorb sewage effluent on the individual lots approved pursuant to this code, attention is directed to the necessity of conducting individual lot soil tests by a certified soil tester as specified in Wis. Admin. Code COMM 83. There shall be no personal liability upon the department, its agents and employees where, as a result of individual lot soil tests, a state approved private sewage system other than the type expected, must be used.
- G. Effective Date:** This ordinance shall be effective immediately upon its passage and publication.