

**ORDINANCE 1-75**  
**SUBDIVISION CONTROL ORDINANCE**

Adopted June 24, 1975

Amended November 15, 1994 - Resolution 5593

Amended June 20, 1995 - Resolution 5615

Amended November 15, 1983 – Resolution 4988

Amended April 18, 2006 – Resolution 22-06

Amended June 20, 2006 – Resolution 35-06

The Price County Board of Supervisors of Price County Wisconsin, duly assembled at its regular meeting at Phillips, Wisconsin, on the 24<sup>th</sup> day of June, 1975, do ordain that the Price County Subdivision Control Ordinance is comprehensively revised to read as follows:

To regulate the division of land within the unincorporated areas of Price County for the purposes listed in Chapter 236, Wisconsin Statutes, the Board of Supervisors of Price County do ordain the following Subdivision Control Regulations pursuant to Section 236.45, Wisconsin Statutes.

**SECTION I: GENERAL INTERPRETATION**

This ordinance shall not repeal, impair, or modify private easements or covenants governing the use of lands except that it shall be applicable to the extent that it imposes stricter regulations.

**SECTION II: GENERAL REQUIREMENTS**

The County Planning Agency or its duly authorized staff, in considering an application for the subdivision of land shall be guided by the following considerations and standards.

- A. The County Planning Agency or its duly authorized staff shall be responsible for administration of this ordinance.
- B. An application to divide land must be made to the County Planning Agency through the County Zoning Administrator when creating a subdivision. A subdivision is defined as follows: any division of a contiguous lot, parcel or tract of land by the owner or his agent for the purpose of sale or building development where the act of division creates one or more parcels or building sites less than 10 acres in size. Two adjoining parcels of common ownership are considered a contiguous parcel except where (Resolution #4988 amended November 15, 1983) a public road or navigable water divides said adjoining parcels, for the purpose of this ordinance.
- C. This ordinance shall not apply to divisions exempt from platting controls under the provisions of Sections 236.03 and 236.45(2), Wisconsin Statutes.
- D. Every parcel not served by a public sewer shall comply with Chapter H 65 of the Wisconsin Administrative Code, and such compliance shall be demonstrated by a Wisconsin Certified Soil Tester who will provide percolation rates and other information as required by H 65.
- E. Before the final plat is approved by the County Planning Agency, the subdivider shall install all improvements required by this ordinance, or by town or municipal units of government, or shall file a performance bond with the county clerk meeting the approval of the District Attorney insuring installation of such improvements.
- F. All divisions of land subject to this ordinance shall comply with all the requirements of Chapter 236, Wisconsin Statutes, and all subsequent amendments to Chapter 236. The intent of this ordinance is to define subdivision more strictly than Chapter 236 and to make the requirements of Chapter 236 apply to all land divisions covered by the definition of Subdivision in Section II B of this ordinance. The only exception to the

requirements of Chapter 236 are listed in Section X of this ordinance.

- G. The specifications for all improvements shall be approved by the County Highway Engineer or Commissioner, and County Zoning Administrator. Prior to either acceptance of the improvements by the County Planning Agency or release of the developers bond, all improvements shall be inspected by the County Highway Engineer or Commissioner and County Zoning Administrator and found to have been installed according to specifications.
- H. Land which is deemed unsuitable for any proposed development by the County Planning Agency for reason of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the community shall not be subdivided. In applying the provision of this section the County Planning Agency shall in writing recite the particular facts upon which it bases its conclusion that the proposed development is unsuitable and afford the subdivider an opportunity to present evidence regarding such suitability if he so desires at a public hearing as provided in the ordinance.
- I. Each newly created parcel under 10 acres in size, shall have at least 40 feet of frontage on a highway or on a 66 foot wide recorded easement leading to a public highway or greater frontage if necessary to meet driveway separation requirements of the Price County Zoning Ordinance. A 33 foot wide recorded easement leading to a public highway shall be sufficient when any newly created parcel is owned by either a municipality or a municipal public utility for the express purpose of serving as a municipal well with a recorded right of reversion to the original contiguous landowners(s) if and when such parcel no longer serves as a functioning municipal well.

(Amended June 20, 1995 - Resolution 5615)

(Amended April 18, 2006 – Resolution 22-06)

#### LOT SIZE AND REQUIREMENTS:

- 1. Size requirements are exclusive or right-of-way.
- 2. Length of any lot or parcel shall not exceed 4 times the width of that lot or parcel.
- 3. Minimum lot size is 1 acre, except:
  - a. Sanitary Districts—10,000 sq ft minimum
  - b. Shoreland Protection District—as defined in section 59.971 and 144.26(2)(e)(g) Wisconsin
    - 1. Lots abutting navigable water- 30,000 sq ft. minimum.
    - 2. Other lots in Shoreland Protection District—1 acre minimum
    - 3. A Sanitary District lot that lies in the Shoreland Protection District—20,000 sq ft minimum.
  - c. Lots located within ½ mile of an incorporated city or village—20,000 sq ft minimum
- 4. All lots outside of shoreland areas shall have a minimum average width of 100 ft.
  - a. Lots abutting navigable water and Sanitary District lots in the Shoreland Protection District shall have a minimum 150 ft width at normal high-water mark and at the building site; this distance shall be measured as the shortest horizontal distance between lot lines at the water line and at the building site.
- 5. All other lots shall have a minimum width of 100 ft at the building site, measured as the shortest horizontal distance between lot lines at the building site.

### **SECTION III: PROCEDURE FOR SUBMITTING SUBDIVISION APPLICATION**

(Amended June 20, 1995 - Resolution 5615)

#### **A. Preliminary Meeting:**

Before filing a preliminary plat application the subdivider is required to consult with the County Zoning Administrator's office for advice regarding general requirements affecting the proposed development. A sketch plan of the proposed subdivision drawn on a topographic survey map should be submitted. This sketch plan should identify the boundaries of the property being considered for subdivision, any publicly owned lands in the vicinity of the proposed subdivision, proposed roads and general lot layout including proposed dedications, physical features (slopes over 10%) bodies of water, wetland areas, rock out-crops, existing vegetative cover, areas subject to periodic floods, and general soil conditions, gas lines, power transmission lines and towers, and railroads. In addition, the sketch plan should indicate proposed filling, grading, lagooning, or dredging, and a description of any contiguous property owned or controlled by the subdivider. The subdivider should also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities.

#### **B. Preliminary Plat Application:**

The subdivider shall submit to the County Planning Agency and to those agencies having authority to object to plats under provision of Chapter 236 of the Statutes, sufficient legible copies (to be determined at the preliminary meetings) of a preliminary plat. The preliminary plat shall show clearly the existing conditions of the proposed subdivision and of the adjoining sites, including data on covenants, physical features (slopes over 20%) bodies of water, springs public access availability, wetland areas, rock out-crops, ravines or cliffs, existing vegetative cover (ie, wooded, brush, field, etc.), areas subject to periodic flooding, including the 100 year flood plain elevational contour, and soil conditions, available community facilities and utilities, recorded easements, street locations, and lot widths and depth. The proposed layout shall be shown on a topographic map at a scale of one inch equals 100 feet having contours at vertical intervals of not more than 2 feet where the slope of the ground surface is less than 10%, and of not more than 5 feet where the slope of the ground surface is 10% or more and shall identify the improvements (grading, tree planting, paving, installation of facilities, and dedications of land) which the subdivider proposes to make and shall indicate when the improvements will be provided. In those instances where contour maps are deemed unnecessary for the purpose of reviewing all or a portion of the land included in the proposed subdivision, the County Planning Agency may waive or modify the contour mapping requirements. Any proposed restrictive covenants for the land involved shall be stated. The County Planning Agency and the Town Board shall reject or approve conditionally the preliminary plat within 40 days, as provided by statute.

(Amending November 15, 1994 -III, C, Resolution 5593)

#### **C. Final Plat:**

The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Section 236.12(2), Wisconsin Statutes, and the Price County Surveyor and/or a contracted surveyor for purpose of a review of survey (see Section XIII). The final plat shall be accompanied by detailed construction plans of all improvements. Final plats shall be presented to the Planning Agency at least ten work days prior to the meeting at which they are to be considered and shall be accepted or rejected by

the County Planning Agency and the Town Board within 60 days of their submission. Approved final plats shall be recorded in accordance with the statutory requirements, Section 236.25, Wisconsin Statutes, prior to the time that lots are offered for sale, reference is made to the map for sale purposes, or use is made of lot and block numbers shown on the plat, except where the preliminary or final plat of subdivision has been filed for approval with the County Planning Agency. An offer or contract to convey may be made if that offer or contract states on its face that it is contingent upon approval of the final plat and shall be void if subdivision plat is not approved.

#### **SECTION IV: DESIGN STANDARDS**

##### **A. Streets**

1. The subdivider shall dedicate land for and improve streets as provided herein. Streets shall conform to any applicable official map ordinance in effect in the county. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities, land uses, and public convenience and safety.
2. All lots shall have access to a public street.
3. Street locations shall be consistent with any applicable street plan officially adopted by the county. All streets shall conform to Section 86.26, Wisconsin Statutes, except no street and/or easement right-of-way to be used by motor vehicles shall be less than 66 feet wide. This applies to public or private streets and easements.
4. Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit.
5. Minor streets shall be so laid so as to discourage their use by through traffic.
6. The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with the circulation needs and safety requirements.
7. Where a subdivision abuts or contains an existing or proposed County, State or Federal highway, the County Planning Agency shall require a frontage road, nonaccess reservation along the rear or front of the property contiguous to such highway or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.
8. Reserve strips controlling access to streets shall be prohibited.
9. A tangent at least 100 feet long shall be required between reverse curves on arterial and collector streets.
10. Streets shall afford maximum visibility and safety and shall intersect at right angles, where practicable.

11. Dedication of half-width streets shall be prohibited, except where it is essential for the reasonable development of the subdivision in conformity with the other requirements of this ordinance. Where a half street has been dedicated adjacent to a subdivision, the remaining half of the street shall be dedicated by the subdivider of the adjoining land.
12. Dead-end streets or cul-de-sacs within a platted subdivision shall have a minimum right-of-way width of 66 feet and terminate with a turn-around having an outside right-of-way diameter of at least 120 feet and each lot or parcel abutting on a cul-de-sac shall have a minimum of 40 feet of frontage on the cul-de-sac.
13. Where possible, lot lines shall be perpendicular to the street lines, and to the tangent at the lot corner on curved streets.
14. No street names shall be used which will duplicate or may be confused with the names of existing streets. Street names shall be subject to the approval of the County Planning Agency.
15. Alleys shall have a minimum right-of-way width of 30 feet.

**B. Block and Lot Design and Improvements**

1. A block is a parcel of land bounded on at least one side by a street and on the other sides by natural or man-made barriers or unplatted land. The lengths, widths, and shapes of blocks shall be determined by:
  - a. Building site needs.
  - b. County Zoning Ordinance lot size and dimensional requirements
  - c. Needs for convenient access, circulation, control, and safety of street traffic.
  - d. Limitations and opportunities of topography.
2. Block lengths shall normally not exceed fifteen hundred (1500) feet, or be less than four hundred (400) feet in length, except cul-de-sacs and permanent dead end streets.
3. To provide adequate access and circulation to playgrounds, schools, shopping centers or other community facilities, the County Planning Agency may require that walkways be provided either along streets or through the center of blocks.
4. Double frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome particular topographic and site disadvantages.
5. The County Planning Agency may require that natural features including trees be preserved and that appropriate landscaping be provided.
6. Sewer and water facilities, street paving and surface water drainage as required by the County Planning Agency shall be provided for each lot in accordance with specifications approved by the County Highway Engineer or Commissioner and

the County Zoning Administrator.

## **SECTION V: CLUSTER AND PLANNED UNIT DEVELOPMENT**

Proposed cluster and planned unit development shall include a minimum of five acres of land, and shall be developed as a unit for residential uses only. The permitted number of lots in such developments shall be determined by dividing the total area of the development, excluding streets, by the minimum distance between principal structures shall be 20 feet. Land not used for lots and streets shall be dedicated in perpetuity to remain in open space. This may be accomplished by conveyance in common to each of the owners of lots in the development or by dedication to the county or town or municipality. Lands dedicated to the public; must be accepted by action of the governing bodies of the accepting units of government. If land is to be conveyed to owners of lots in the development, a homeowners association or similar legally constituted body shall be created to maintain the open space land.

## **SECTION VI: LAND USE REGULATIONS AND CONDOMINIUMS**

(Amended June 20, 2006 – Resolution 35-06)

No land use permit shall be issued for construction of any lot until the land division application has been approved and/or the final plat for the subdivision has been duly recorded or a certified survey map recorded.

### **A. Purpose.**

- a. The Price County Board of Supervisors hereby finds that certain issues arise in condominium developments that require limited applicability of this Chapter to condominium developments. The State Legislature has, pursuant to Wis. Stats. §703.27(1), recognized that subdivision ordinances may apply to condominiums, but the application of subdivision ordinances to condominiums shall be reasonably related to the nature of condominium ownership.
- b. The factor that makes this Chapter applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate “parcels,” with each property entity having different ownership and management. The Price County Board of Supervisors hereby determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management, and control.
- c. Thus, the Price County Board of Supervisors hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:
  - i. Additional population density.
  - ii. Possibility of use of particular land in a manner unsuitable to the land's characteristics.
  - iii. Additional demands upon area parks, recreation areas, utility facilities and schools.
  - iv. Additional traffic and street use.

**B. Applicability.** This Ordinance is expressly applicable to condominium developments within the county's jurisdiction, pursuant to §703.27(1), Wis. Stats. For the purposes of this Ordinance, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision.

**C. Portions of Chapter Applicability to Condominium Development.** The following Sections of the Ordinance shall apply to condominium developments:

(1) Sections II and III relating to preliminary and final plat approval. The technical requirements for preliminary and final plats set forth in Section III shall not apply, since condominiums have separate technical standards set forth in Chapter 703, Wis. Stats.

(2) Section IV relating to design standards, as applicable.

(3) Section V relating to cluster and planned unit developments.

(4) Section VII relating to land use permits.

(5) Section VIII relating to easements.

(6) Section IX relating to reservations.

(7) Section XI relating to exceptions.

(8) Section XIII relating to fees.

(9) Section XIV relating to review of survey.

(10) Section XV relating to enforcement, violations and penalties.

(11) Section XVIII relating to amendments to Wisconsin Statutes and Wisconsin Administrative Codes.

In the application of these standards, condominium projects shall be subject to no more restrictive rules than non-condominium projects that are physically equivalent.

**D. Exceptions.** This Section shall not apply to the following condominiums:

a. Any condominium plat recorded prior to the effective date of this Section.

Any conversion of a structure or structures in existence on the effective date of this Chapter to a condominium after the effective date of this

## **SECTION VII: EASEMENTS**

The County Planning Agency shall require that recorded easements or drainage ways of widths sufficient to accommodate storm water runoff be provided where a subdivision includes a segment or segments of water courses, drainage ways, channels or streams.

## **SECTION VIII: RESERVATIONS**

The County Planning Agency may require that suitable sites be dedicated or reserved for future public uses such as parks, playgrounds, and open spaces. In locating such sites consideration shall be given to preserving scenic and historic sites, stands of fine trees, marshes, and shorelines. Reservation of land for public acquisition shall be for a period not to exceed three years.

### **SECTION IX: MODIFICATIONS**

- A. The County Planning Agency may grant modifications from the provisions of this ordinance after publishing a class two notice and holding a public hearing.
  - 1. The modifications will not violate the purpose of the ordinance or the provision of Chapter 236 of the Wisconsin Statutes.
  - 2. The requirements of filing and recording a plat for a subdivision or a certified survey map shall not be waived.

### **SECTION X: EXCEPTIONS**

(Amended June 20, 1995 - Resolution 5615)

- A. If a subdivision creates 4-5 or more parcels of 1 ½ acres or less each within a five year period, there are no exceptions.
- B. If a subdivision creates 4-5 or more parcels of less than ten acres but more than the 1½ acres each within a 5 year period, the following exceptions apply:
  - 1. The preliminary plat and final plat do not have to be submitted to state agencies, as otherwise required by this ordinance. They will only be submitted to the County Planning Agency and the town board.
  - 2. Streets do not have to be public as otherwise required by this ordinance. Lots may front on private streets. However, such private streets shall be improved to comply with Section IV A 3 of this ordinance
- C. If a subdivision creates 4 or less parcels under 10 acres each in a five year period and lies either wholly or partially within a Shoreland Protection or Floodplain Zoning District, it is granted the exceptions listed in B above and additional exceptions as follows:
  - 1. Final plats do not have to be recorded in accordance with Section 236.25, Wisconsin Statutes, as otherwise required by this ordinance. They need only be recorded in accordance with Section 236.34 (governing certified survey maps, a.k.a. CSM's) of the Wisconsin Statutes.
  - 2. The preliminary and final plats do not have to be submitted to the Town Board. They will only be submitted to the County Planning Agency.
  - 3. Streets do not have to be improved.
- D. If a subdivision creates 4 or less parcels under 5 acres each within a five year period and lies wholly outside a Shoreland Protection of Floodplain Zoning District, it is granted the exceptions listed in B and C above and the additional exception that no preliminary or final plat is required.
- E. If a subdivision creates 4 or less parcels 5 acres and over in size within a five year period, it is granted the exceptions listed in B, C, and D above and the additional

exception that the lots need not comply with ILHR85.

- F. These requirements shall not pertain to maps or lots on file with the County Surveyor or those recorded in the Register of Deeds Office, Price County, Wisconsin, as of the effective date of this subsection.

#### **SECTION XI: VACATING PLATS OR ROADS**

(Amended by Resolution 5593 – November 15, 1994)

- A. Any group, agency or individual applying to the circuit court to vacate a subdivision plat, roadway, or portion thereof, shall send notice of such intent to Price County Zoning in addition to the notification proceedings established in Section 236.41 of the State Statutes. The Price County Zoning agency may submit comments on the vacating request to the circuit court ruling upon such request.
- B. The petitioners requesting the vacating of a plat or road shall provide a legal description of; the perimeter of the plat, all lots that were previously sold from such plat, and all roads being vacated, this may require that a survey be performed to delineate boundaries, bearings and distances. The purpose for this is to avoid leaving parcels without property descriptions and to identify perimeters between properties to the county zoning office and the tax lister/mapper office in the Register of Deeds.

#### **SECTION XII : FEES (Amended by Resolution 6018, Oct. 15, 2002)**

(Amended by Resolution 5593 – November 15, (1994)

When applying to divide land, the applicant shall pay to Price County through the Zoning Administrator, as a fee for checking the land division a sum as Identified on the fee schedule established and modified periodically by the Price County Board of Supervisors.

#### **SECTION XIII: REVIEW OF SURVEY**

All subdivision plats and certified survey maps shall be submitted to the Price County Surveyor and/or a contracted surveyor prior to approval by the Zoning Agency for a Review of survey. Fees are subject to the fee schedule as established by the Price County Board of Supervisors.

#### **SECTION XIV: ENFORCEMENT, VIOLATIONS AND PENALTIES**

- A. ENFORCEMENT:

The County Planning Agency, through the County Zoning Administrator and his staff, shall enforce this Ordinance, investigate complaints and violations, give notice of violations to the landowner and report any violations not corrected within 30 days to the District Attorney.

The County Planning Agency, Zoning Administrator, District Attorney and their deputies shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary by them to ensure compliance with the Ordinance.

- B. VIOLATIONS

It shall be unlawful to construct, develop or use any structure, or to develop or use any structure, or to develop or use any land, water, or air in violation of any of the provisions of this Ordinance. The Zoning Administrator is authorized to refuse to issue a building permit for construction of any land divided contrary to this Ordinance.

In case of any violation, the County Planning Agency, the Zoning Administrator, District Attorney or any owner of real estate within the district affected who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Ordinance. In addition, any person, firm or corporation who fails to comply with the provisions of these regulations shall, upon conviction thereof, be subject to penalties and forfeitures as provided in this Ordinance and Sections 236.30, 236.31, 236.32, 236.335 and 236.35 of the Wisconsin Statutes.

#### C. PENALTIES

Any person, firm or corporation who violates any provision of this Ordinance, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code and other material which are incorporated by reference; shall upon conviction thereof forfeit not less than \$100 nor more than \$2000 and the costs of prosecution, and shall be imprisoned in the County Jail until payment of such forfeiture and costs of prosecution, but not exceeding ninety (90) days for each violation. The Court may allow up to sixty (60) days for payment of the forfeiture and costs of prosecution. Each day a violation exists or continues may constitute a separate offense.

#### **SECTION XV: SEPARABILITY**

Invalidation of any part of this Ordinance by a court shall not invalidate the rest of this Ordinance.

#### **SECTION XVI: EFFECTIVE DATE**

This Ordinance shall be in force from and after its passage, and publication according to law.

(Amended by Resolution 5593 – November 15, 1994)

#### **SECTION XVII: AMENDMENTS OF WISCONSIN STATUTES AND WISCONSIN ADMINISTRATIVE CODES**

Those provisions of this Ordinance which refer to provisions of the Wisconsin Statutes or the Wisconsin Administrative Code shall include all subsequent amendments and additions or deletions to the Wisconsin Statutes and the Wisconsin Administrative Code.

#### **SECTION XVIII: DEFINITIONS**

For the purpose of these regulations certain words or terms used herein are defined as follows:

- A. **Alley**- A narrow service way providing a secondary public means of access to abutting properties.
- B. **County Planning Agency** - A county zoning committee authorized by s.59.97 Wisconsin Statutes or any agency created by the county board of supervisors and

authorized by statute to plan land use.

- C. **Dead-end Street** - A street or portion thereof with only one vehicular outlet.
- D. **Easement** - Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
- E. **Minor or Local Street** - A street which serves or is intended to serve primarily as an access to abutting lots.
- F. **Navigable Water** - Any continuous stream or river and any named lake or pond or flowage shown on the "Detailed Zoning Maps of Price County." In the event of any conflict, reference shall be made to the United States Geological Survey Quadrangle maps of the affected water course or other body of water whereby continuous streams and named lakes shall be deemed navigable and intermittent streams and unnamed lakes as non-navigable.
- G. **Street** - Includes streets, roads, avenues, lanes or other ways.
- G. **Subdivider** - Any person, firm, corporation, partnership, or association who shall lay out, for the purpose of sale or building development, any subdivision or part thereof as defined herein.