

**SAWYER COUNTY SUBDIVISION CONTROL/CONDOMINIUM ORDINANCE**

Supersedes Sawyer County Subdivision Control Ordinance adopted March 26, 1971

**Adopted April 19, 2005**

Amended August 17, 2006, December 21, 2006, November 10, 2009, and June 20, 2013.

**SECTION 1.0 AUTHORIZATION, PURPOSE, AND INTERPRETATION**

To regulate the division of land within the unincorporated areas of Sawyer County for the purposes listed in Chapter 236, Wisconsin Statutes and to provide safe and orderly shoreland subdivision layouts pursuant to Sections 59.692; 281.31; 236.45 and 703 of the Wisconsin Statutes and Chapters AE-7, NR 115 and Comm 85 of the Wisconsin Administrative Codes. 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. Some towns have their own subdivision ordinance. Contact the town for their review process.

**SECTION 2.0 DEFINITIONS**

- A. **APPLICANT:** Any person or persons, firm or corporation or any agent thereof, dividing or proposing to divide land as defined by the terms of this ordinance.
- B. **ARTERIAL HIGHWAY:** A major, high capacity road designed to carry large volumes of traffic between various areas of the County.
- C. **BLOCK:** A parcel or tract of land bounded on at least one side by a public road and on the other sides by natural or man-made barriers or unplatted lands.
- D. **BUILDABLE AREA:** An area suitable for construction which does not include floodways, wetlands, slopes greater than or equal to 20%, easement areas and setbacks. A minimum of 5,000 contiguous square feet of buildable area is required for the construction of a single family dwelling without public sewer. A minimum of 2,500 contiguous square feet of buildable area is required for the construction of a single family dwelling with public sewer.
- E. **CERTIFIED SURVEY MAP: (CSM)** A map prepared by a Registered Land Surveyor of land division of up to four (4) lots. Such maps shall meet the requirements of Chapter 236.34, Wisconsin Statutes, NR115, Chapter AE-7 Wisconsin Administrative Code, Sawyer County Zoning Ordinance and this Ordinance.
- F. **CLUSTER DEVELOPMENT:** A form of residential development at least 5 acres in size that concentrates buildings or lots on a part of the site to allow the remaining land to be used for common open space, recreation, and preservation of environmentally sensitive features. The concentration of lots is facilitated by a reduction in lot size. A cluster development will consist of one or more cluster groups surrounded by common open space.

- G. **CLUSTER GROUP:** A group of single-family detached dwellings within a cluster development, surrounded by common open space that comprises at least 60 percent of the gross parcel area. The outer boundary of a cluster group shall be defined by the rear lot lines of the lots within the group.
- H. **CONDOMINIUM:** A form of ownership combining individual unit ownership with shared use and ownership of common property or facilities, established in accordance with the requirement of Chapter 703 of the Wisconsin Statutes. Common areas and facilities are owned by all members of the condominium association on a proportional, undivided basis. A condominium is a legal form of ownership and not a specific building type or building style. For the purpose of this Chapter, the requirements that apply to condominiums shall be the same as those which would apply to a physically identical development under a different form of ownership.
- I. **CONTIGUOUS:** Adjoining, touching, unbroken.
- J. **CUL-DE-SAC:** A road having one end open to traffic and the other permanently terminated by a vehicular turnaround.
- K. **EASEMENT:** Authorization by a property owner for the use by another for a specified purpose of any designated part of his or her property.
- L. **ENVIRONMENTAL IMPACT ANALYSIS:** A document drafted by the subdivider describing the impact of the environment in the general vicinity of the development.
- M. **FRONTAGE ROAD:** Roads parallel and adjacent to arterial roads, which provide access to abutting properties and separation from through traffic.
- N. **LOT:** A parcel of land occupied or capable of being occupied by structures and/or uses consistent with the provisions of this ordinance and the Sawyer County Zoning Ordinance.
- O. **LOT AREA OF:** The contiguous area, not separated by public roadway or a navigable waterway, of a lot between its front, rear, and side lot lines. Lot area must meet the minimum lot area requirements of Section 18.2 of the Sawyer County Zoning Ordinance.
- P. **LOT FRONT:** On shoreland lots, the front shall be the area from the shoreline landward. On non-shoreland lots, the front shall be the area from the road or road easement away from the road.
- Q. **LOT WIDTH:** The width measured perpendicular to a line to its depth at all points along its depth. Lot widths shall meet the minimum lot width requirements of Section 18.3 of the Sawyer County Zoning Ordinance.

- R. LOT DEPTH:** A horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.
- S. LOT LINES:** Any line dividing one lot from another.
- T. ORDINARY HIGH-WATER MARK:** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinct mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.
- U. OUTLOT:** A parcel of land other than a lot or block, intended for transfer of ownership or private right-of-way. An outlot may not be used as a building site unless it is in compliance with restrictions imposed under this ordinance with respect to building sites. An outlot may be a private road or alley, a non-buildable parcel having poor soils or topographic conditions or a remnant parcel. Outlots shall not be used to circumvent the intent of this ordinance.
- V. PARCEL:** See "Lot" definition
- W. PLAT:** A map of a subdivision, including county and state plats, prepared in the manner prescribed in Chapter 236, Wisconsin Statutes.
- X. PLANNED UNIT DEVELOPMENT (ZONE DISTRICT):** A district intended to provide for a combination of single and multi-family development as well as related commercial uses. See Sawyer County Zoning Ordinance.
- Y. PLANNED UNIT DEVELOPMENT (DEVELOPMENT TYPE):** See CLUSTER DEVELOPMENT
- Z. REGIONAL FLOOD:** A flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular lake, river or stream once in every 100 years.
- AA. REPLAT:** The process of changing the map or plat which changes the boundaries of a recorded plat or part thereof.
- BB. ROAD:** A public or private easement which affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but excepting driveways to buildings.
- CC. ROAD FRONTAGE:** The shortest horizontal straight line which can be established between the point where one side lot line intersects the right-of-way to the other side lot line.

**DD. SHORELINE MEASUREMENT:** The shortest straight line, which can be established between points on the side lot lines at the ordinary high water mark of a lot or parcel abutting a navigable lake or stream.

**EE. SLOPE:** Degree of deviation of a surface from horizontal, measured as a numerical ratio, as a percent, or in degrees. Expressed as a ratio, the first number is the horizontal distance (run) and the second number is the vertical distance (rise), as 2:1. Percent slope is calculated as rise divided by run. A 2:1 slope is a 50 percent slope. Expressed in degrees, the slope is the angle from the horizontal plane, with a 90 degree slope being vertical (maximum) and a 45 degree slope being a 1:1 slope.

**FF. 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.

**GG. SUBDIVISION:** A division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of transfer or building development. See Section 4.0. Mobile home parks are exempt from subdivision requirements.

**HH. SURETY BOND:** A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the applicant.

**II. TRACT:** A contiguous parcel of land under the same ownership.

**JJ. VARIANCE:** In specific cases, a deviation from the terms of this Ordinance that will not be contrary to the public interest and where owing to conditions peculiar to the lot or property in question, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, determined by the Sawyer County Board of Appeals.

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

**LL. ZONING COMMITTEE:** A committee created by the Sawyer County Board of Supervisors under the authorization of the Wisconsin Statutes to act in matters of land use.

### **SECTION 3.0 GENERAL REQUIREMENTS**

Those towns having adopted their own subdivision/land division ordinance shall review subdivision documents prior to the submission to the Sawyer County Zoning Administration. The County Zoning Committee or its duly appointed staff, in considering a proposed plan for the subdivision of land, shall be guided by the following considerations and standards:

- 3.1 The authority to review, approve, conditionally approve or reject certified survey maps shall be delegated to the County Zoning Administrator and the Deputy Zoning Administrator by the Sawyer County Zoning Committee. The time period for Zoning Department review shall be within 10 working days after the County Surveyors review of the map. If the map is returned to the surveyor for corrections, the Zoning Department review period of 10 days starts over. Some towns may also have a subdivision ordinance. Contact the town for their time period for review process. Appeals of the decision of the Zoning Administrator or Deputy Zoning Administrator shall be to the Sawyer County Board of Appeals within thirty (30) days of the decision.
- 3.2 This ordinance is intended to allow for the division of a quarter-quarter section into two equal parcels by aliquot description.
- 3.3 Subdivision is a division of a lot, parcel, or tract of land by the owner thereof or his agent for the purpose of sale or of building development. See Section 4.0.
- 3.4 A CSM shall be recorded for any proposed land division of 19 acres or less. Where lots are created but in insufficient numbers to require submission of a County or State plat under the requirements of the ordinance shall comply with sections 59.692 (3); 281.31(2); 281.31 (8) and 236.45 of the Wisconsin Statutes, Chapters AE-7 including filing USPIS monument records and Comm 85 of the Wisconsin Administrative Code, the Sawyer County Zoning Ordinance and the Sawyer County Private Sewage Ordinance. CSM's shall be approved by the County Zoning Administrator or Deputy Zoning Administrator in accordance with the procedure for submitting CSM's and subdivisions.
- 3.5 A CSM shall be required where the proposed division of land is within 1 ½ miles of incorporated cities or villages.
- 3.6 All separate land areas resulting from the act of subdividing a parcel shall be designated as lots (i.e., "remainders" must be outlots if less than the minimum size specified in the Zoning Ordinance).
- 3.7 No lot shall be created if the proposed division will result in a non-conforming structure. Non-conforming structures shall be razed or moved in such a way to correct the non-conformity prior to the sale of the surveyed lot as mandated by an owner's certificate on the map. A possible inspection of the site may be made to verify the removal of the structure.
- 3.8 Standards. No lot shall be created with more than one (1) existing habitable Structure that does not meet the lot size requirements of the zone district or the Lake Class Development Standards.

- 3.9 On shoreland lots, the front of the lot shall be the shoreline. On non-shoreland lots, the front shall be the road or road easement.
- 3.10 Outlots created on a CSM shall be accompanied with a statement of purpose or use of the outlot. Outlots shall not be used to circumvent the intent of this ordinance.
- 3.11 All CSM's and Subdivision Plats shall be recorded in the office of the Sawyer County Register of Deeds in the manner described in Chapter 59.51 and 236, Wisconsin Statutes. This recording shall be within 90 days of the approval of the CSM or the County Plat by the Sawyer County Zoning Committee.
- 3.12 Correction of errors on recorded CSM's shall be made by recording an affidavit of correction or a correction CSM. A statement shall be clearly placed on the face of the correction CSM indicating the volume and page, and document number of the CSM it is correcting.
- 3.13 This ordinance shall not apply to divisions exempt from platting controls under the provisions of Chapter 236.03 and 236.45 (2) of the Wisconsin Statutes.
- a. The transfer of land pursuant to a court order or will.
  - b. The sale or exchange of parcels between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum size required by the Sawyer County Zoning Ordinance or other applicable laws or ordinances. Parcels sold or exchanged must be combined with an existing parcel by Plat of Survey, CSM or by Deed to avoid creating an additional parcel.
  - c. Leases for a term not to exceed ten (10) years, mortgages or easements.
  - d. Cemetery plats, and assessor plats made under the provisions of 157.07 and 70.27, Wisconsin Statutes.
  - e. Sale and exchange of parcels of public utility or railroad right of way to adjoining property owners where approved by the city, village, town or county.
- 3.14 All CSM's shall be reviewed for requirements of Chapter 236 before recording. This includes surveys of existing parcels. A technical review fee will be charged in accordance with Section 11.0 FEES.
- 3.15 Subdivisions located either wholly or partially within the Shoreland Protection One District or Flood Plain District (see Zoning Ordinance) shall require the recording of a Certified Survey Map or Plat.
- 3.16 All subdivisions shall include lands lying within the right of way of existing public roads if that right of way is included in the existing property description. The right-of-way shall be shown as: (1) an existing

easement or, (2) dedicated fee simple to the public or, (3) shown as an outlet.

- 3.17 No lot(s) shall be created without a recorded access. The volume and page of the recorded access shall be shown on the map or an owner's certification.

#### **SECTION 4.0 CLASSIFICATIONS OF LAND DIVISION**

Any contiguous parcel or tract of land that is owned, controlled, or managed as a single entity shall be treated as a single parcel or tract of land for the purpose of this ordinance. Public road easements, private road easements, and streams do not divide said parcels for the purpose of this ordinance. A lot shall not be created if it extends across a navigable stream unless a portion of the lot on at least one side of the navigable stream meets the size requirements of the Zone District or Lakes Classifications Standards. The bed of navigable waters shall not be used in determining minimum lot area, lot width or lot depth. A CSM shall be required for each new parcel regardless of size if it is within the Shoreland District (1000 feet of a lake or 300 feet from a river or stream) except as provided in Section 3.13(a-e). Land divisions are classified under this section as either:

- 1) Minor Subdivisions (CSM). A minor subdivision shall include the creation of one (1) but not more than four (4) parcels or building sites which are 19 acres or less within the same tract of land and within a period of 5 years.
- 2) County Subdivision (County Plat). A subdivision shall include the creation of five (5) or more parcels or building sites which are 19 acres or less in size. This division shall require Town review and approval.
- 3) State Subdivision (State Plat). A land division meeting the definition of state subdivisions is subject to mandatory State review under Ch. 236, Wisconsin Statutes, as well as Town and County review.

#### **CERTIFIED SURVEY MAP (CSM)**

The CSM shall comply with the requirements of Chapter 236.34, Chapter AE-7 Wisconsin Administrative Code and the following requirements:

- 1) The map shall be of convenient scale.
- 2) Date of preparation
- 3) Name of the owner of the parcel to be divided or by the direction of
- 4) All visible structures shall be shown to scale on the face of the CSM.
- 5) Location of visible components of existing wells, drain field vents, septic, pump and holding tank risers. The approximate outline of the base of any mound or above grade drainfield.

- 6) Apparent easements or private right-of-ways which adjoin or cross the property.
- 7) Adjoining property information (Vol., Pg., Doc #, CSM #, Plat, etc).
- 8) In those cases where land has been vacated and the vacated parcel is to be included in the survey, the volume and page of the recorded vacation document shall be shown.
- 9) Contiguous square feet of lot area, acreage and lot dimensions shall be shown. The right of way of any public road or any portion of the bed of a navigable body of water shall not be used in determining the minimum lot area or minimum lot width. The right of way of an existing public road may be used in determining lot area and width when creating lots only in the A-1, A-2 and F-1 zone districts.
- 10) All lots abutting navigable waters except those lands zoned F-1, A-1 and A-2, shall meet the minimum Lake Class Development Standards.
- 11) Approximate location of wetland/marshy areas, all ponds, streams and creeks shall be shown on the map.
- 12) The location of the ordinary high water mark (OHWM) of lakes, flowages and rivers shall be shown.
- 13) For lots less than one (1) acre, the buildable area shall be shown.
- 14) The lot width shall be clearly indicated at the front of the lot and at the minimum lot depth required to create a conforming lot in accordance with the most restrictive requirements of either the Sawyer County Zoning Ordinance, Lake Class Development Standards or zone district standards. The lot width shall be measured perpendicular to a lot line.
- 15) Benchmark referenced to the datum that was used in establishing a known regional flood elevation.
- 16) A statement by the surveyor certifying that the requirements of this ordinance has been fully complied with.
- 17) Surveyor's seal and signature.
- 18) Required fee
- 19) Zoning approval certification area



The Zoning Administration reserves the right to add restrictions as provided in Section 236.293 of the Wisconsin Statutes.

## **SECTION 5.0 PROCEDURE FOR SUBMITTING COUNTY OR STATE SUBDIVISION PLAT**

A County Subdivision Plat shall be prepared and recorded for all land divisions resulting in the creation of five (5) or more lots with 19 acres or less, within 5 years. In those instances where a proposed development will be fronting on a State Highway, a driveway access permit shall be obtained from the Department of Transportation prior to the preliminary plat review. State Plats will be required for land divisions resulting in 5 or more lots with less than 1 1/2 acres within 5 years. For proposed subdivisions consisting of ten (10) lots or more, the Zoning Committee may require an environmental impact analysis. Such analysis shall be at the expense of the subdivider. The Zoning Committee shall determine the content of the analysis. A list of possible analysis requirements is available in the Zoning Department.

### **5.1 PRELIMINARY MEETING**

Before filing a preliminary plat, the subdivider shall consult with the Zoning Administrator, Deputy Zoning Administrator, County Surveyor, Land Records and the Register of Deeds for advice regarding general requirements affecting the proposed development.

- 5.1.1 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, proposed roads, and general lot layout including proposed dedication, physical features, slopes over 12%, bodies of water, ordinary high water mark, wetland areas, general soil conditions, utility easements, etc. Areas subject to periodic flooding, to include regional flood elevations (RFE) as indicated by contour line and elevation for each affected lot shall be indicated. RFE's shall be determined at the expense of the subdivider.
- 5.1.2 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 even though only a part of the area is proposed for immediate development.
- 5.1.3 The subdivider should also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. This consultation is intended to provide the subdivider with the purpose and objectives of this ordinance, to provide assistance in planning of the proposed land division, and to afford the opportunity for the subdivider of being informed of any changes, additions or corrections to the proposed land division to expedite formal review procedures.

5.1.4 Roads shall be named in accordance with the Sawyer County Property Address System Ordinance. Approved road names shall appear on the final plat.

5.2. **PRELIMINARY PLAT**

The subdivider shall submit to the County Zoning Administration, the County Surveyor, the Town Board and those agencies having the authority to object to the plat under the provisions of Chapter 236 of the Statutes, one copy each of the preliminary plat based upon an existing boundary survey by a Registered Land Surveyor.

5.2.1 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 12%, bodies of water, public access (minimum of 66 feet in width), wetland areas, areas subject to periodic flooding, and soil conditions, available community facilities, structures, utilities, easements, road locations and status (public, private) recorded covenants, lot widths, depths and lot area.

5.2.2 The proposed layout shall be shown on a topographic map at a scale of one (1) inch equals 100 feet having contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than 10%, and of not more than five (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 dedication of land) which the subdivider proposes to make and shall indicate when the improvements will be provided.

5.2.3 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 Zoning Administrator or Deputy Zoning Administrator may waive or modify the contour mapping requirement. Any proposed restrictive covenants for the land involved shall be stated.

5.2.4 The Zoning Administrator or Deputy Zoning Administrator and the town shall reject, approve or conditionally approve the preliminary plat within 90 (236.11) days as provided by Statute. After such zoning and town review and approval, the Zoning Administration will place the preliminary plat map on the agenda for the next available public hearing for preliminary review by the Zoning Committee. Plats submitted for Zoning Committee review may, at the discretion of the Zoning Committee, comply with all provisions for public notification and department fees as for an application for a conditional use.

5.2.5 The subdivider shall comply with Section 6.0 (Roads) before the final plat is approved by the Zoning Committee.

- 5.2.6 Where the Zoning Committee finds that additional information relative to a problem or concern posed by the proposed subdivision is needed, the Zoning Committee shall have the authority to request such information from the subdivider. Such additional information may include, but is not limited to soil borings conducted by a Certified Soil Tester, a storm water management plan under the provisions of NR 216; achieving the erosion control performance standards of NR 151 or Regional Flood Elevation.
- 5.2.7 Land which is deemed unsuitable for any proposed development by the Zoning Committee 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 for the provisions of this section, the Zoning Committee 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 this ordinance. Thereafter the Zoning Committee may affirm, modify, or withdraw its determination of unsuitability.

### 5.3 FINAL PLAT

Final plats shall be submitted to the Zoning Committee within 180 days of preliminary plat acceptance unless this requirement is waived in writing by the Zoning Committee.

- 5.3.1 Final plats shall be presented to the Zoning Administrator or Deputy at least ten (10) work days prior to the Zoning Committee meeting at which they are to be considered and shall be accepted, conditionally accepted or rejected by the Zoning Committee within 60 days of their submission.
- 5.3.2 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 first to those agencies having the authority to object to the plat as provided by Section 236.12 (2) of the Wisconsin Statutes.
- 5.3.3 The final plat shall be accompanied by a Town resolution approving the construction plans of all public roads. See Section 6.1.3(b) for additional information regarding the construction of roads.
- 5.3.4 Approved final plats shall be recorded in accordance with the statutory requirements, Section 236.25, 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.
- 5.3.5 Review fees are required. See the Sawyer County Zoning Administration Fee Schedule for the review fee.

## **SECTION 6.0 DESIGN STANDARDS**

### **6.1 ROADS**

- 6.1.1 The subdivider shall dedicate land for and improve roads as provided herein. Roads shall conform to any applicable official map ordinances in effect in the County. Roads shall be located with due regard for topographical conditions, natural features, existing and proposed roads, utilities, land uses, and public convenience and safety. These provisions shall apply to all public roads and streets within the jurisdiction of the ordinance. Some towns have a road ordinance and may be more restrictive than this ordinance. Contact the town for road construction information.
- 6.1.2 **NAMING ROADS:** Roads shall be named in accordance with the Sawyer County Property Address System Ordinance. Approved road names shall appear on the appropriate document (Plat)
- 6.1.3 **PUBLIC ROADS:** All roads in a County or State Subdivision Plat shall be public roads, unless the governing municipality chooses not to accept the roads.
- a) Right-of-way shall be at least 66 feet in width (public and private). Shall have a minimum traveled road width of 20 feet and shall have a minimum height clearance of 16 feet.
  - b) Before the final plat is approved by the Zoning Committee, the subdivider shall build all roads to Town specifications or shall file a performance bond with the Town Clerk ensuring that the roads will be built within 3 years from the date of final approval or before more than 50% of the lots are sold, whichever comes first. The amount of the bond shall be determined by the Town. A copy of the bond and a letter from the Town stating the bond has been properly filed and meets their requirements shall be submitted to the Zoning Administrator.
  - c) Before the final plat is approved by the Zoning Committee, the subdivider shall build all roads that are proposed to be County roads to specifications approved by the County Highway Commissioner.
  - d) The specifications for roads shall be approved by the Town or the County Highway Commissioner and the Zoning Committee prior to either acceptance of the road by the Town or release of the developer's bond. All improvements shall be inspected by the Town or the County Highway Commissioner and the Zoning Administrator and found to have been installed according to specifications.

1) For Town roads, the Town Board shall provide a letter stating that the Town roads have been built in accordance with the appropriate specifications and that the roads are acceptable for turn-over to the Town.

2) For County roads, the County Highway Commissioner shall provide a letter stating the County roads have been built in accordance with the specifications and are acceptable for turn-over to the County.

e) Owner's certificates of dedication shall be used on CSMs of minor subdivisions when public roads are created.

6.1.4 **PRIVATE DRIVEWAY EASEMENTS:** Private driveway easements shall be for the exclusive access to one parcel only.

a) An exception can be made for up to two parcels if no future division of parcels could be made under the terms of this ordinance.

b) Right of way shall be a minimum of 33' in width and shall have a minimum traveled road width of 20' and shall have a minimum height clearance of 16'.

6.1.5 **PRIVATE ROAD EASEMENTS:** These provisions shall apply to all private roads intended to provide access to newly created parcels.

a) Private roads are only allowed in minor subdivisions (by CSM) and shall meet the following requirements:

1) A minimum of 66' wide private road right of way shall provide access from a public road to no more than 4 lots.

2) A private road shall not exceed the greater of 1,320' in length or the length of a quarter-quarter section.

b) Shall have a height clearance of 16' and shall have a minimum traveled road width of 20'.

c) Private roads serving County and State Subdivisions are not allowed except as provided in 6.1.3.

d) All private dead end roads shall have sufficient side and overhead clearance to allow access for emergency, police, fire, utility and school bus usage. Dead-end roads over 600 feet shall have an improved turnaround/cul-de-sac at the end.

e) Private roads that are existing and owned by the subdivider at the time of the effective date of this ordinance that are proposed to provide access to newly created parcels, shall meet the requirements as specified in this section.

- f) Private roads from an existing public road to the newly created lot(s) shall be clearly labeled and the recorded access (volume and page) shall be shown on the map.

6.2 ARRANGEMENT

6.2.1 All roads shall be properly integrated with the existing and proposed system of roads and dedicated rights-of-way and future subdivisions.

6.2.2 All roads shall be properly designed to accommodate special traffic generators, such as industries, business districts, schools, churches, and shopping centers.

6.2.3 Minor roads 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 roads necessary to provide convenient and safe access to property.

6.2.4 The use of curvilinear roads, cul-de-sacs or U-shaped roads shall be encouraged where such use may result in a more desirable layout.

6.2.5 ACCESS TO MAJOR ROADS. The number of residential roads entering an arterial highway shall be kept to a minimum. Where a subdivision borders on or contains an existing or proposed major road, the Zoning Committee may require that access to such streets be limited by one (1) of the following means:

- a) A parallel road supplying frontage for lots backing onto the major road. Such lots to be provided with a screen planting contained in a non-access reservation along the major road.
- b) A series of cul-de-sacs, U-shaped roads, or short loops entered from land designed generally at right angles to such a parallel road, with the rear lines of their terminal lots backing onto the major road.
- c) A marginal frontage road or service drive, separated from the major road by a planting or grass strip and having access thereto at suitable points. The right-of-way shall be a minimum width of 33' in width and shall have a minimum traveled road width of 20' and a minimum height clearance of 16' when accessing no more than 4 lots. When accessing 5 or more lots, the minimum right-of-way width shall be 50'.

6.2.6 WIDTH OF ROADWAYS. Paving widths of all roadways shall be determined by the Town Board but shall not be less than that specified in Section 86.26, Wisconsin Statutes.

6.2.7 CUL-DE-SACS OR DEAD END ROADS

- a) The use of cul-de-sacs in road layouts shall be limited to portions of developments which, due to unusual shape, size, location, or topography, floodplain, wetland or other condition may better be served by cul-de-sacs than by continuous roads. A layout making unrestricted use of cul-de-sacs or courts will not be acceptable.
- b) A cul-de-sac shall be at least every 1,320 feet and at the end of a dead end road, measured on its centerline unless, by reason of topography or other circumstances beyond the control of the developer, the Zoning Committee, upon the recommendation of the administrator, find a greater length to be justifiable.
- c) The diameter of a permanent cul-de-sac shall be no less than one hundred twenty (120) feet. The roadway within the turn-around shall have the largest diameter practical. The roadway shall generally be within 10 feet of the right-of-way.
- d) Temporary cul-de-sacs or "T" turnarounds may be required where a roadway will not be immediately completed as a through road. The Committee may approve turnarounds of smaller diameter or different design on a case by case basis.

6.3 ROAD INTERSECTIONS

- a) Roads shall be laid out so as to intersect as nearly as possible at right angles but deflections of up to twenty (20) degrees from right angles will be acceptable. Not more than two (2) roads shall intersect at any one point unless specifically approved by the Committee.
- b) Proposed new intersections along one side of an existing road shall coincide with any existing intersections on the opposite side of such road.
- c) The Town Board or Zoning Committee may require the developer to dedicate or reserve land at intersections to the extent deemed necessary to provide adequate sight distances.

6.4 ALLEYS

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

## **6.5 UTILITY EASEMENTS**

The Zoning Committee may require easements for electric power and communication facilities, storm and sanitary sewer, roads, trees, gas, water or other utility lines. Where such easements are specifically located within the area being divided, they shall be placed so as not to interfere unreasonably with the uses and enjoyment of the property for residential or other purposes. All easements shall be noted on the final plat followed by reference to intended use. For underground utilities (electric, cable, fiber optic, etc) the easement shall be a minimum of ten (10) feet wide. For sewer and water utilities the minimum easement shall be thirty (30) feet. Building setbacks from these easements shall be a minimum of ten10 feet.

## **6.6 DRIVEWAY ACCESS**

Driveway access points shall be located and shown on the plat where the Zoning Committee deems necessary due to visibility, safety, and topography concerns.

## **6.7 LOTS AND BLOCKS**

Unless specifically waived by the Zoning Committee, a separate lot shall be provided for each structure intended for residential use.

### **6.7.1 MINIMUM LOT SIZE**

The minimum lot size for newly created lots shall be according to the area zone district or the Lakes Class Development Standards, which ever is more restrictive.

### **6.7.2 LOT**

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.

### **6.7.3 RESIDENTIAL LOTS**

Residential lots to be served by private sewage systems shall comply with the rules of the Department of Commerce and the Sawyer County Private Sewage Ordinance.

### **6.7.4 CORNER LOTS**

Corner lots for residential use shall have extra width to permit full building setbacks as required in the Zoning Ordinance.

### **6.7.5 COMMERCIAL LOTS**

Business 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 Zoning Ordinance.



**6.7.6 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. Drainage, runoff, erosion or the depositing of materials shall not occur onto properties not owned by the subdivider.

**6.8 BLOCKS**

A block is a parcel of land bounded on at least one side by a road and on the other side by natural or manmade barriers or unplatted land. The length, width and shape of blocks shall be determined by:

- a) Building site needs
- b) Lot size and dimensional requirements
- c) Needs for convenient access, circulation, control and safety of road traffic
- d) Limitations and opportunities of topography

6.8.1 Length, widths, and shapes of blocks shall be appropriate for the locality and type of development contemplated, but block lengths in residential areas should not, where practical, exceed one thousand, eight hundred (1,800) feet nor be less than four hundred (400) feet in depth. Where ever practical, blocks along arterial highways and collector streets shall be no less than one thousand, three hundred and twenty (1,320) feet in length.

6.8.2 Pedestrian walkways, not less than ten (10) feet wide, may be required by the Zoning Committee through the center of blocks more than nine hundred (900) feet long where deemed essential to provide adequate access and circulation to playgrounds, schools, shopping centers, transportation, or other community facilities.

6.8.3 Nonresidential Blocks. Blocks designed for business, green space, commercial or industrial uses shall be of such length and width as may be determined suitable by the Zoning Committee for the prospective use.

**SECTION 7.0 CLUSTER DEVELOPMENT**

**This section requires a Public Hearing. See Section 17.11 of the Zoning Ordinance for further information.**

7.1 Proposed cluster developments shall include a minimum of five (5) acres of land.

- 7.2 Shall be located in the PUD Zone District only and shall be developed as a unit for residential and/or commercial uses only.
- 7.3 The permitted number of lots in such developments shall be determined by dividing the total buildable area of the development, excluding roads, easements by the minimum permitted lot size of the zone district.
- 7.4 The minimum distance between principal structures shall be 20 feet.
- 7.5 Land not used for lots and roads 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, Town, or municipality. Lands dedicated to the public must be accepted by action of the governing bodies of the accepting unit of government.
- 7.6 If land is to be conveyed to owners of lots in the development, a home owners association or a similar legally constituted body shall be created to maintain the open space land.

#### **SECTION 8.0 RESERVATIONS**

The Zoning Committee 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 pine trees, marshes, and shorelines. Reservation of land for public acquisition shall be for a period not to exceed five (5) years if rejected by the municipality.

#### **SECTION 9.0 VARIANCES**

The Sawyer County Board of Appeals may grant variances from the provisions of this ordinance after holding a public hearing within ten (10) days notice in writing to owners of adjoining lands and upon finding that:

- 1) Because of the unique topographic or other condition of the lands involved, literal application of the ordinance would impose a hardship.
- 2) The variance will not violate the purpose of the ordinance or the provisions of Chapter 236 of the Wisconsin Statutes.
- 3) The requirement of filing and recording a plat for a subdivision or a CSM shall not be waived.

#### **SECTION 10.0 APPEALS**

Appeals of decisions made by the County Zoning Administrator or the Deputy Zoning Administrator shall be made in writing to the Zoning Office within 30 days after the decision has been made. The appeal shall be made on forms provided by the County Zoning Administrator. Appeals shall be heard by the Sawyer County Board of Appeals at the earliest feasible public hearing.

### **SECTION 11.0 FEES**

A review fee shall be paid to the Zoning Administration prior to the approval and recording of a Certified Survey Map or Plat. Such fees shall be established by the Sawyer County Zoning Committee, and made payable to the Sawyer County Zoning Administration. Applicants shall also pay the recording fee as determined by the Register of Deeds prior to recording a CSM, Plat or Condominium Plats.

### **SECTION 12.0 ENFORCEMENT AND PENALTIES**

The Zoning Administrator shall have the responsibility for enforcement of this ordinance. No Land Use Permit shall be issued for construction on any lot until the final plat for the subdivision has been duly recorded or the Certified Survey map recorded. Any person, firm, or corporation violating any provision of this ordinance, shall upon conviction thereof forfeit not less than \$100.00 nor more than \$5,000.00 and the cost of prosecution, corrective action, and in default of payment of such fine and costs shall be imprisoned in the Sawyer County jail until payment of such forfeiture and the costs of prosecution, but not exceeding 30 days for each violation shall constitute a separate offense. In any such action the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight, or dereliction of duty on the part of the Zoning Administrator constitute a defense. Each day which the violation exists may constitute a separate offence.

### **SECTION 13.0 CONDOMINIUMS AND MULTI-UNIT DEVELOPMENT**

#### **13.1 INTENT:**

It is the intent of this section to regulate multi-unit development and condominiums (5 or more lots or 5 or more units) as set forth in Wis. Statute 703. The establishment of a condominium plat shall meet the requirements of 703.11. Multi-unit developments shall meet the requirements set forth in the Sawyer County Zoning Ordinance.

#### **13.2 ZONING COMMITTEE REVIEW OF NEWLY CONSTRUCTED CONDOMINIUM/MULTI-UNIT DEVELOPMENTS**

In those instances where a Public Hearing has been held to create a new condominium/multi-unit development where conditions have been placed on the approval, the Condominium Plat/County Plat shall be reviewed by the Zoning Committee for compliance. A "Certificate of Compliance" shall be included on the map for the Zoning Committee Chairperson's signature.

#### **13.3 UNITS**

- a) Unlike subdivisions of lots and blocks, units are applied to condominium plats. Units shall be fully described as provided by section 703.12 of the Wisconsin Statutes.
- b) Units within multi-unit or multi-story structures shall be shown and described on the plat.

#### 13.4 CONVERSION OF CONDOMINIUMS

- a) Condominium Conversion: Allows for existing parcels with existing structures to be converted to a condominium form of ownership. The Zoning Administration encourages that the conversion plats be reviewed by the Zoning Administration prior to the recording of the plat.
- b) Standards for Condominium Conversion Plat:
  - 1) Nonconforming structures and density shall be shown on the plat or its plat amendments pursuant to 703.275 of Wisconsin Statutes.
  - 2) All proposed construction or structural alterations shall meet the Sawyer County Zoning Ordinance and be so noted on the Condominium Plat or plat addendums.
  - 3) Limited common elements/area boundaries shall not be considered property lines or limitations for the placement of private onsite wastewater treatment systems (POWTS) or other land use setback requirement.

#### **SECTION 14.0 SEPARABILITY**

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

#### **SECTION 15.0 EFFECTIVE DATE**

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