

Vilas County

SUBDIVISION
CONTROL
ORDINANCE

Vilas County Code of Ordinances
Ordinance 81

Vilas County Zoning & Planning
330 Court Street
Eagle River, WI 54521

September 1, 2016

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SECTION 1.0: INTRODUCTION

1.1 Purpose and Intent.

The purpose of this Ordinance is to:

1. Regulate and control the division and subdivision of land within unincorporated areas of Vilas County.
2. Promote public health, safety, general welfare; and secure the most appropriate use of land throughout the unincorporated areas of Vilas County.
3. Implement the County's Comprehensive Land Use Plan.
4. Promote orderly growth and development to further the orderly division, layout and use of land; to prevent the overcrowding of land; to lessen congestion in the 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; and to promote proper monumenting of land subdivided and conveyancing by accurate legal description.

1.2 Statutory Authority.

Pursuant to the authority granted by Sections 59.69, 59.692, 281.31 and 236 Wisconsin Statutes, as amended from time to time.

1.3 Interpretation.

These regulations shall be liberally construed in their interpretation and application to provide for the orderly growth and development of unincorporated areas of Vilas County, and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes.

1.4 Severability Clause.

The several terms and provision of this Ordinance shall be deemed severable, and if any provisions of it or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the applications of such provisions to other persons and circumstances shall not be affected thereby.

1.5 Conflict of Ordinance, Effect or Partial Validity.

1. In any case where a provision of this ordinance is found in conflict with provisions of any county or local governing body zoning, building, fire safety or health ordinance existing on the effective date of this ordinance, the provisions that establish higher standards for protection of public health, safety and general welfare shall prevail.
2. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other county or local governing body ordinance existing on the effective date of this Ordinance which establishes a lower standard for the protection of the public health, safety and general welfare, the provisions of this ordinance shall prevail, and such other ordinances are hereby declared repealed to the extent that they may be found in conflict with this ordinance.

1.6 Title.

Ordinance 81 shall be known as, referred to, or cited as the Vilas County Subdivision Control Ordinance, Vilas County, Wisconsin.

1.7 Jurisdiction.

The jurisdiction of this Ordinance shall include all unincorporated lands in Vilas County exclusive of those lands held in public trust by the federal government or tribal owned lands located within the Lac du Flambeau Indian Reservation.

1.8 Repeal.

All other ordinances or parts of ordinances of Vilas County inconsistent or conflicting with this Ordinance, are hereby repealed.

1.9 Effective Date.

This Ordinance shall be effective after adoption by the County Board of Supervisors and publication or posting as provided by law.

SECTION 2.0: DEFINITIONS

The following definitions shall be applicable in this Ordinance:

2.1 Definitions.

1. **Access.** The description(s) which identify in writing physical locations of nonexclusive vehicular access rights to a public street shall be provided in a recorded document.
2. **Alley.** A public or private right-of-way which provides secondary access to abutting properties.
3. **Applicant.** Any person, firm or corporation, company or any agent thereof, dividing or proposing to divide property as defined by the terms of this Ordinance.
4. **Approving Authority.** Each governmental body having authority to approve or reject a preliminary or Final Plat.
5. **Assessors Plat. Wis. Stat. 70.27** Whenever any area of platted or unplatted land is owned by 2 or more persons in severalty, and when in the judgment of the governing body having jurisdiction, the description of one or more of the different parcels thereof cannot be made sufficiently certain and accurate for the purposes of assessment, taxation or tax title procedures without noting the correct metes and bounds of the same, or when such gross errors exist in lot measurements or locations that difficulty is encountered in locating new structures, public utilities or streets, such governing body may cause a plat to be made for such purposes. Such plat shall be called "assessor's plat," and shall plainly define the boundary of each parcel, and each street, alley, lane or roadway, or dedication to public or special use, as such is evidenced by the records of the Register of Deeds or a court of record.
6. **Average lot width.** The number computed by using distances between nonparallel side lot lines which are perpendicular to the line bisecting the angle formed by the side lot lines using the portion of the lot containing the minimum lot area. The average width between parallel lot lines is the perpendicular distance between them.
7. **Building.** Any structure which is built for the support, shelter, or enclosure of persons, animals, or property of any kind. Also see Structure.
8. **Board of Adjustment.** A County committee created under the authority of Sec. 59.694, Wis. Stats., to act in a quasi-judicial capacity to resolve land use issues.
9. **Buildable Lot Area.** The specified portion of a lot which meets lot width, lot area, yard and setback requirements of this Ordinance and all other applicable Ordinances and regulations. Minimum buildable lot area for new lots is 16,500 square feet of contiguous area.
10. **Certified Survey Map.** A map, prepared by a professional land surveyor in accordance with Section 236.34 of the Wisconsin Statutes and this Ordinance, for the purpose of dividing land into not more than four (4) parcels, inclusive of the parent parcel, or used to document for recording purposes survey and dedication data relating to single parcels.
11. **Cluster or Conservation Subdivision.** A residential development that concentrates structures or lots on parts of a site to allow remaining land to be used for open space, recreation, protection of environmental features, agriculture, or other purposes, where density regulations are applied to the project as a whole instead of its individual lots.

12. **Condominium.** A form of ownership combining individual unit ownership with shared use and ownership of common property or facilities, established in accordance with Chapter 703 of the Wisconsin Statutes. A condominium is a legal form of ownership, and not a specific building type or style.
13. **Condominium Association.** An association, whose members consist of owners of units in a condominium, which administers and maintains the common property and common elements of a condominium.
14. **Conservation Easement.** The grant of a property right or interest from property owner(s) to a unit of government or nonprofit conservation organization stipulating the described area will remain in its natural, scenic, open, agricultural, or wooded state precluding future or additional development.
15. **Contiguous.** Lots or parcels shall be considered contiguous if they share a common boundary. Land that is separated only by a navigable river, stream or creek, section line, public or private road, rail right-of-way, pipeline, transmission line, or other right-of-way or easement shall be considered contiguous. Lots or parcels that only meet at a single point are not considered contiguous.
16. **Community Water Supply System.** 10 or more units on one well is considered a community well and requires a 400 feet setback from Private on-site wastewater treatment system, (POWTS). Septic system.
17. **County.** The governmental unit responsible for regulation of private sewage systems as defined in Wis. Stat. 145.01 (12).
18. **County Comprehensive Land Use Plan.** Reference to County Comprehensive Land Use Plan shall mean the Vilas County Comprehensive Land Use Plan, the adopted long range plan for Vilas County as defined by Section 66.1001, Wis. Stats that sets forth, in words, maps, illustrations, and/or tables, the goals, policies and guidelines intended to direct present and future physical, social, and economic development that occurs within its planning jurisdiction.
19. **County Planning Agency.** The Vilas County Zoning & Planning Committee, referred to as the Zoning Committee.
20. **Covenant.** A restriction on the use of land, usually set forth in the deed and not enforceable by County Zoning.
21. **Cul-de-Sac Street.** A road having one end open to traffic and the other permanently terminated by a vehicular turnaround with a turning radius for emergency vehicles.
22. **Days.** Shall refer to business days, unless specifically stated otherwise.
23. **Deed Restriction.** A restriction on the use of a property described in the deed associated with the property and not enforceable by County Zoning.
24. **Dedication.** The deliberate appropriation of land by an owner for any general and public use, reserving to the owner no other rights than are compatible with the full exercise and enjoyment of public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner upon presentation for filing of a final plat or Certified Survey Map showing the dedication thereon, and acceptance by the public shall be evidenced by the approval by appropriate governmental unit of such plat for filing.

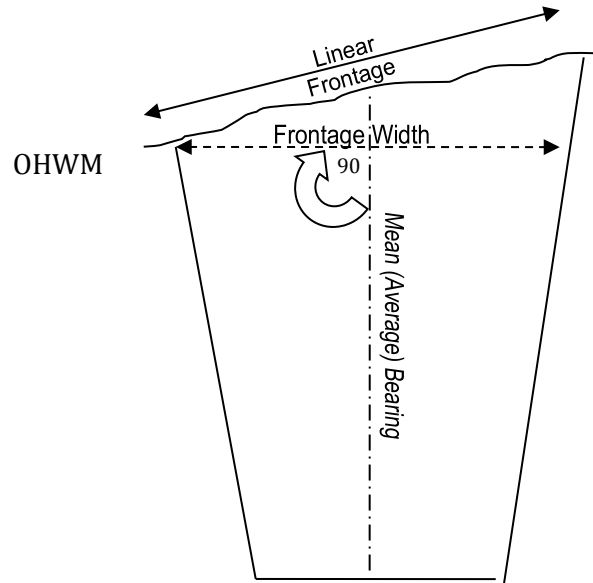
25. **Density.** The number of buildings/structures located within a specific land area, expressed as the number of units per acre(s) or square feet. For the purpose of this Ordinance, minimum density required or maximum density allowed is calculated based on gross acreage of parcel(s). Existing buildings/structures within the parcel are included in the calculation.
26. **Development.** Any artificial change to improved or unimproved real estate, including, but not limited to, construction of buildings, structures or accessory structures; construction of additions or substantial improvements to buildings, structures, or accessory structures; placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; and storage, deposition, or extraction of materials.
27. **Easement (Private).** The legal authorization by a property owner providing for use by another of a designated portion of his/her property for a specified purpose.
 - a. Any easement or combination of adjacent easements which are greater than twenty (20) feet wide shall not be considered in determining minimum lot area.
 - b. Waterfront Access Easements.
 - i. Except as specifically authorized by Wis. Stats. 30.131, no easements may be conveyed to a non-riparian landowner to allow access to water bodies or for any other purpose.
 - ii. Existing easements are authorized to the extent allowed by law.
28. **Existing Lots.** Existing lots are defined as follows:
 - a. All lots recorded or filed with the Vilas County Register of Deeds office prior to enactment of this Ordinance and the Vilas County General Zoning Ordinance.
 - b. All lots created prior to this Ordinance and the Vilas County General Zoning Ordinance on file in the Vilas County Surveyor's Office.
 - c. All single lots and splits created where Vilas County Zoning & Planning approval was not required, but the lots met minimum standards set forth in the Vilas County Subdivision Ordinance at the date on which they were created, and a map is filed in the Vilas County Surveyor's Office.
29. **Extraterritorial Plat Approval Jurisdiction.** The unincorporated area within one and one-half (1 ½) miles of a fourth-class city or village and within three (3) miles of all other cities over which cities and villages may exercise Plat approval provided they have enacted an Official Map Ordinance or Subdivision Control Ordinance in accordance with Section 236.10, Wisconsin Statutes.
30. **Flag Lot.** Description of the shape of a property, where access to a road is provided along the long, narrow "flag pole" and the usable land itself is the rectangular flag at the end of the pole.
31. **Floodplains.** Those lands, including the floodplains, floodways, and channels, subject to inundation by the one hundred (100)-year recurrence interval flood; or where such data are not available, the maximum flood of record.
32. **Impervious Surface Area.** An area that releases as runoff all or majority of precipitation that falls on it.
33. **Land Division.** A generic term that includes subdivisions.
34. **Legal Description.** The description and/or descriptions which identify in writing the physical location of land interest conveyed as it exists on a recorded deed and/or deeds of area to be platted.

35. **Lot.** A parcel, piece or portion of land, defined by metes and bounds, certified survey, recorded land subdivision plat or other means separated from other lots, parcels or similar units by such description, and where applicable having its principal frontage upon a street, road or waterway.
 - a. A parcel of land under common ownership.
 - i. Except for lots and out lots established by Certified Survey Map or plat approved pursuant to this Ordinance,
 - b. Contiguous lands under common ownership shall constitute a single lot for purposes of this Ordinance
 - c. Land under common ownership but separated by a river, stream, non-fee title public road, private road or easement shall constitute a single lot for purposes of this Ordinance.
 - d. Lands under common ownership separated by fee title public road, state or federal highway or public lake bed shall not constitute a single lot.
36. **Lot Area.** The horizontal projection of a lot, exclusive of any portion of public right of way or any portion of a lot thirty (30) feet or less in width. Measurements are to be made by standard surveying methods.
37. **Lot, Average Width.** The number computed by using distances between nonparallel side lot lines which are perpendicular to the line bisecting the angle formed by the side lot lines using the portion of the lot containing the minimum lot area. The average width between parallel lot lines is the perpendicular distance between them.
38. **Lot, Through.** A lot which has a pair of opposite lot lines along two (2) substantially parallel streets, and which is not a corner lot. On a “through lot” both street lines shall be deemed front lot lines.
39. **Lot, Width.** The horizontal distance between side lot lines measured at right angles to lot depth line at a point midway between the front and rear property lines. If the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the depth line or the lot at a distance midway from the front and rear property lines.
40. **Minimum Lot Area.** The area specified in the Vilas County General Zoning Districts, this Ordinance or other applicable laws, Ordinances of Vilas County or the State of Wisconsin, as the minimum area for a given situation.
41. **Minimum Lot Width.** Shall pertain to the portion of the lot containing the buildable lot area.
42. **Mound System.** A soil absorption system complying with the requirements of Wis. Adm. Code DSPS 383 Subchapter IV — Design and Installation and referenced Mound Component Manual.
43. **Objecting Authority.** An authority empowered to object to a subdivision plat pursuant to Chapter 236 of the Wisconsin Statutes. The County may not approve any plat upon which an objection has been certified until the objection has been satisfied. The objecting authorities include the Wisconsin Department of Administration, the Wisconsin Department of Natural Resources, and the Wisconsin Department of Transportation.
44. **Out lot.** A parcel of land not suitable for or not intended for development and designated an out lot on a Certified Survey Map or plat approved pursuant to this Ordinance. No out lot may be improved with a building or other structure unless a Conditional Use Permit has been issued.

- 45. **Parent Parcel.** The existing, legal lot of record, from which other parcels are divided.
- 46. **Preliminary Map or Plat.** A map showing the relevant features of a proposed land division to an approving authority for purposes of preliminary consideration.
- 47. **Plat.** A map of subdivisions, prepared in the manner prescribed in Ch. 236, Wis. Stats.
- 48. **Replat.** The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or out lot within a recorded subdivision plat without changing exterior boundaries of said block, lot or out lot is not a replat.
- 49. **Reserve Strip.** Any land which would prohibit or interfere with the orderly extension of streets, bicycle or pedestrian ways, sanitary sewer, water mains, storm water facilities or other utilities, or improvements between two (2) abutting properties. Reserve strips controlling access shall be prohibited.
- 50. **Road Frontage Width.** 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 line.
- 51. **Service Road.** Streets parallel and adjacent to arterial roads which provide access to abutting properties and separation from through traffic.

52. **Shoreline Frontage Width.**

Frontage Width: The frontage width shall be measured perpendicular to the mean (average) bearing of the side lot lines. This measurement shall start at the point where the side lot line intersects the OHWM and then measured on the perpendicular mean (average) to intersect the opposing side lot line. (See Diagram) →



- 53. **Street.** Any public way, road, avenue, highway or part thereof used for public conveyance.
- 54. **Structure.** Anything constructed or erected the use of which requires a permanent or temporary location on the ground,
- 55. **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.
- 56. **Subdivision.** The division of a lot, parcel or tract of land for the purpose of transfer of ownership or for development.
 - a. State Plat
 - i. Where the act of division creates five (5) or more parcels or building sites of 1½ acres each or less in area, no parcel shall have a depth greater than 655 feet in length for the express purpose of gaining over the 1½ acres in area or,

- ii. Where the act of division creates five (5) or more parcels or building sites of 1½ acres or less in area by successive division within a five (5) year period.
 - iii. (a.) and (b.) above shall require a recorded subdivision plat approved by the State of Wisconsin Plat Review under the provisions of Chapter 236, Wisconsin Statutes along with local review and approval(s).
- b. County Subdivision
- i. A land division where two (2) or more parcels of less than five (5) acres each in area will be created within a five (5) year period that is not a subdivision pursuant to Chapter 236.02 (12) Wisconsin Statutes, shall be reviewed by the County Zoning & Planning Committee pursuant to the specifications enumerated Appendix A. A County Subdivision may be recorded as a County Plat, as a Certified Survey(s) or as a subdivision survey map filed in the County Surveyor's Office that includes the signature of the surveyor and Zoning Administrator, signifying the plat has been approved by Vilas County Zoning & Planning.
57. **System.** A POWTS soil absorption system as defined in Wis. Adm. Code DSPS 381 or in the Vilas County Private Sewage System Ordinance.
58. **Tax Parcel.** An existing tract of land as defined by the governing jurisdictional body for taxation purposes.
59. **Tie Sheet.** Represents recorded information used to establish the true location of section corners, quarter corners, and sixteenth corners. It also can reflect any notes taken by the surveyor concerning the survey.
60. **Town.** Reference to Town shall mean any Town of the County including the Town Board, Town Clerk, or any other designated Town Official.
61. **Utility Easement.** An easement to place, replace, or move utility facilities, such as telephone or electric lines, water or sewer mains, gas pipelines, and fiber optic cables.
62. **Variance.** In specific cases, a deviation from the terms of the Ordinance as 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 this Ordinance will result in unnecessary hardship.
63. **Wetland.** An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, and where the soils are indicative of wet conditions.
64. **Zoning & Planning Committee.** The Vilas County Zoning & Planning Committee is created by the County Board of Supervisors under the authorization of the Wisconsin Statutes to act in matters of land use.
65. **Zoning & Planning Administrator.** The Vilas County Zoning & Planning Administrator.
66. **Zoning & Planning Department.** The Vilas County Zoning & Planning Department.

SECTION 3.0: GENERAL PROVISIONS

3.1 Administration.

The administration and enforcement of this Ordinance shall reside with the Zoning & Planning Committee of the Vilas County Board of Supervisors and its duly authorized staff.

3.2 Applicability.

1. State Plat: Any division of land within the unincorporated lands of the County that results in a State Plat as defined in Section 2.0, 56., a. shall be surveyed and a Plat thereof approved and recorded.
2. County Subdivision: Any division of land within the unincorporated lands of the County which results in a County Subdivision as defined in Section 2.0, 56., b, may be, surveyed and recorded as a County Plat, as a Certified Survey(s) or as a subdivision survey map filed in the County Surveyor's Office. They require the signature of the Surveyor and County Zoning Administrator signifying the plat has been approved by Vilas County Zoning & Planning.
3. In no instance will the provisions of this Section relating to subdivisions apply to:
 - a. Transfers of interests in land by will or pursuant to court order.
 - b. Leases for a term of not to exceed 10 years.
 - c. The sale, exchange or combination of parcels of land between owners of adjoining property. With the following exceptions:
 - i. Additional lots are not thereby created and;
 - ii. the lots resulting are not reduced below the size(s) required by this Ordinance, or other applicable laws or Ordinances.
 - (a) If a portion of land is divided which does not conform to the minimum requirements it must be combined with the property owned by the grantee through the recording of a certified survey, or recording of a new deed describing one contiguous parcel.
 - (b) Sale, exchange or combination of parcels require a new Deed to be recorded with a new legal description defining the exterior boundary of the whole parcel. Also included on the Deed shall be a statement that parcels are intended to be combined to create one parcel. Said parcels shall not be conveyed separately in the future without complying with Vilas County Zoning & Subdivision Ordinances.
4. Cemetery plats and assessor plats made under the provisions of Sections 157.07 and 70.27, Wis. Stat.
5. 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. Provided, however, parcels excluded from provisions of this Ordinance under this section are not excluded from dimensional requirements of General Zoning.

3.3 Compliance.

1. No person, firm, company, organization, club, agent or corporation shall divide land for purposes of sale, transfer, or development that creates two (2) or more lots of less than five (5) acres, without obtaining approval of the Zoning & Planning Committee and without complying with provisions of this Ordinance Vilas County General Zoning and all other pertinent Ordinances.

2. Where applicable, the subdivider shall also comply with the provisions of Ch. 236, Wis. Stat.; the Administrative Code of the Wisconsin Department of Safety and Professional Services as they relate to private sewage systems; the Administrative Code of the Wisconsin Department of Transportation as they relate to safety of access and preservation of public interest concerns; and all other laws, regulations or requirements having appropriate authority.
4. No zoning permit shall be issued, nor shall any construction activity commence on any lot requiring approval under this Ordinance, until final lot division approval has been granted.

3.4 Land Suitability.

No land shall be subdivided which is held unsuitable for any proposed use by the Zoning & Planning Administrator and/or Zoning & Planning Committee for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, 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 future residents of the proposed subdivision or of the community. The Zoning & Planning Office in applying provisions of this Ordinance will explain in writing why the subdivision is denied/land is not suitable for the proposed use. Section 3.6 allows for an Appeal to the Board of Adjustment and will provide the subdivider an opportunity to present evidence regarding suitability at a public hearing. Thereafter, the Zoning & Planning Committee may affirm, modify, or withdraw its determination of unsuitability. In addition:

1. Floodplains: Lots 1½ acres or greater shall have fifty percent (50%) of the minimum lot area located outside of the Special Flood Hazard Area inundated by the one hundred (100)-year flood as shown on the latest Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) unless proven to be above the one hundred (100)-year flood elevation through a flood elevation study prepared by a licensed engineer and/or Professional Land Surveyor. Lots 1½ acres or less shall have ninety percent (90%) of the minimum lot area located outside of the Special Flood Hazard Area inundated by the one hundred (100)-year flood as shown on the latest Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) unless proven to be above the one hundred (100)-year flood elevation through a flood elevation study prepared by a licensed engineer and/or Professional Land Surveyor.
2. Wetlands. Lots 1½ acres or greater shall have fifty percent (50%) of the minimum lot area located outside of a wetland as depicted on the most precise Wisconsin Department of Natural Resources mapping or a wetland delineation completed by a qualified professional Wetland Delineator unless waived by Vilas County Zoning Office and/or Committee. Lots less than 1½ acres shall have ninety percent (90%) of the minimum lot area located outside of a wetland as depicted on the most precise Wisconsin Department of Natural Resources mapping or a wetland delineation completed by a qualified professional Wetland Delineator unless waived by Vilas County Zoning Office and/or Committee.

3.5 Dedication and Reservations of Land.

1. Whenever a Tract of Land proposed to be a subdivision, or condominium development embraces all or any part of a street, drainage way, or other public way which has been designated in the adopted County Comprehensive Land Use Plans, or adopted plan components, said public way shall be made a part of the Plat or Certified Survey Map and dedicated by the subdivider in locations and dimensions indicated on said plan. For existing and planned streets within the tract to be divided, the subdivider shall dedicate the right-of-way specified below:

a. Street Design Standards

The Minimum Right-of-Way of all proposed streets shall be as specified on any applicable street plan officially adopted by the County; or, if no width is specified, the minimum right-of-way width shall be as follows:

- i. Arterial Streets: 120 feet
- ii. Collector Streets: 80 feet
- iii. Minor Streets: 66 feet
- iv. Frontage Streets: 66 feet

b. Minimum roadway width and surface width of all new subdivision roads shall comply with the town road standards contained in Section 82.50 of the Wisconsin Statutes unless locally adopted Town Road Standards require a different width and cross-section design.

c. Cul-de-Sac Streets shall be limited to portions of development which due to unusual shape, size, location or topography, floodplain, wetland, or other condition may be better served by cul-de-sacs rather than continuous streets. A layout making unrestricted use of cul-de-sacs is prohibited. Such streets shall terminate in a circular turn around having a minimum right-of-way radius of sixty (60) feet and a minimum roadway radius of fifty (50) feet.

- 2. Whenever a proposed Park, Playground, Public Access Open Space Site, or other public land, other than streets or drainage ways, designated in the adopted County Comprehensive Land Use Plans, or adopted plan components are embraced, all or in part, such proposed public lands shall be made a part of the Plat or Certified Survey Map and shall either be dedicated to the public or shall be reserved for acquisition at the undeveloped land costs, for a period not to exceed three (3) years from the date of recordation unless extended by mutual agreement between the subdivider and the public agency having jurisdiction. If the reserved land is not acquired by said public agency within the above time limit, the land shall be released to the owner.
- 3. All Public Access to the low watermark of navigable lakes and streams required by Section 236.16(3), Wisconsin Statutes shall be at least one hundred (100) feet wide to provide sufficient areas for turning movements and parking with topographical features acceptable to the Zoning & Planning Committee.
- 4. The Lands Lying Between the Meander Line established in accordance with Section 236.20(2)(g), Wisconsin Statutes, and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision, or condominium development and the water's edge shall be included as part of lots, or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided, but also to all lands under option to the subdivider or in which any person(s) holds an interest, which are contiguous to the lands proposed to be subdivided, and which abut a lake or stream as provided in Section 236.16(4), Wisconsin Statutes.

3.6 Variances and Appeals.

The County Board of Adjustment shall hear and decide all variance applications using the procedures established in Article X of the Vilas County General Zoning Ordinance using the following criteria:

- 1. The conditions upon which the request is based are unique to the property for which the variance is sought and not applicable generally to other property.
- 2. Because of the physical surroundings, shape or topographical conditions of the property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of these regulations is carried out.

3. Loss of profit or financial hardship is not in and of itself grounds for a variance. The fact that developing in compliance with ordinance requirements may cost considerably more does not constitute a hardship.
4. The variance will not in any manner vary the provision of other County ordinances and is consistent with the County and local Comprehensive Land Use Plans. Granting of a variance must neither harm the public interest nor undermine the purposes of this Ordinance. In granting a variance, the Board may attach special conditions to ensure that the public welfare will not be damaged. Such conditions must relate reasonably to the purpose and intent of the Ordinance. Any variance granted should provide only the minimum relief necessary to allow reasonable use of the property.

3.7 Violations and Penalties.

1. Any violation of the terms of this Ordinance not corrected on the written order of the Zoning Department within the time specified, shall be referred to the Zoning & Planning Committee who shall determine the further action to be taken.
2. The violation of any condition attached by the Zoning & Planning Committee to a land division approval shall constitute a violation of this Ordinance.
3. Penalties:
 - a. Penalty: Any person, firm or corporation, including those doing work for others, who violates any of the provisions of this Ordinance shall be subject to a forfeiture of \$100.00 for the first violation, \$250.00 for the second violation, and \$500.00 for all subsequent violations of this Ordinance, plus the cost of prosecution. Each day a violation exists shall constitute a distinct and separate violation of this Ordinance and as such, forfeitures shall apply accordingly. The Zoning Administrator shall refer violations to the Corporation Counsel who shall prosecute violations.
 - b. Injunction: As a substitute for or in addition to forfeiture actions, the Corporation Counsel may, on behalf of the County, seek enforcement of any or all parts of this Ordinance by a court action seeking injunctive relief.

3.8 Right to Access.

The Zoning & Planning Committee and its duly authorized staff shall be granted access, with the consent of the property owner or their agent to any premise during regular business hours for the purpose of performing inspections necessary to assure compliance.

3.9 Fees.

- a. The applicant shall pay the fee specified in the Vilas County Zoning Fee Schedule.
- b. The applicant shall also record and pay the recording fee as determined by the Register of Deeds to the Register of Deeds Office for recording of a certified survey or plat.
- c. Surveys will be filed with the Vilas County Surveyor in the Vilas County Survey Office.

3.10 Disclaimer of Liability.

This Ordinance shall not be construed as assuming any liability on the part of Vilas County, or any officer or employee thereof, for any problems or damages which may occur as a result of reliance upon and conformance with, this Ordinance.

SECTION 4.0: PRELIMINARY PLAT APPROVAL

4.1 Preliminary Plat/Land Division, Review (Consultation)

1. Preliminary Consultation
 - a. Before filing an application for approval of a Preliminary Plat or land division, the subdivider should consult the Zoning & Planning Administrator for advice and assistance. This step is strongly recommended, and a sketch plan of the proposed subdivision should be provided for preliminary consultation.
 - b. The intent of the preliminary consultation is to allow the subdivider to become familiar with submittal requirements of this Ordinance, County Comprehensive Land Use Plan, or adopted plan components, and duly adopted plan implementation ordinances of the County and to assist the subdivider in planning his development.
 - c. The subdivider should consult with the Municipality where the subdivision is to be located, to inquire about applicable Municipal Ordinances.
 - d. A sketch plan of the proposed subdivision or land division and contiguous land of the proposed borders should be submitted. The sketch plan should identify property boundaries, proposed roads, total acreage of plat, number of proposed lots general lot layout , structures and existing or proposed private onsite waste disposal treatment system(s), (POWTS), showing proposed lot widths and depths in accordance with relative zoning regulations; any proposed dedications or easements; slopes exceeding twenty percent (20%); general conditions, including wetlands, floodplains, erosion hazard areas, drainage ways, rock outcroppings, and vegetation; proposed filling, grading, lagooning, or dredging, existing and proposed zoning; and a sketch of all contiguous property owned or controlled by the subdivider.
If a preliminary consultation sketch plan is not submitted, the above requirements must be on the preliminary submittal.
 - e. Following the submittal of a complete sketch plan, the Zoning & Planning Administrator shall provide written comments informing the subdivider of any, concerns and/or suggestions regarding the plan. The comments provided by Zoning & Planning Administrator shall not be binding upon the subdivider except for items related to requirements of this Ordinance and other applicable laws.

4.2 Preliminary Plat/Land Division Requirements.

A Preliminary Plat is required for all subdivisions, based upon a survey by a professional land surveyor, and the Plat prepared on reproducible material at a scale of not more than one hundred (100) feet to per inch and show correctly on its face the following information:

1. The words "**Preliminary Plat**" clearly marked.
2. Title under which the proposed subdivision is to be recorded.
3. Legal Description and General location of proposed subdivision and relative location to a nearby municipality.
4. Date, Scale and North Arrow.
5. Names and Addresses of the owner, subdivider and land surveyor preparing the plat.

6. Small Scale Drawing of the section or region in which the subdivision lies with the location of the subdivision indicated thereon.
7. Entire Area contiguous to the proposed plat owned or controlled by the subdivider even if only a portion of said area is proposed for immediate development. The Zoning & Planning Administrator may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and undue hardship would result from strict application thereof.
8. Description of the boundary of the proposed land division shown by the previously recorded deed.
9. Approximate Length and Bearing of the exterior boundaries of the proposed subdivision and the total acreage encompassed thereby.
10. Topographic Features including contours:
 - a. Vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten percent (10%) and of not more than five (5) feet where the slope of the ground surface is twenty percent (20%) or more or;
 - b. Areas with slopes greater than twenty percent (20%) shall be noted. Elevations shall be marked on such contours based on mean sea level datum or where, in the judgment of the Zoning & Planning Committee, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
11. Locations of all lakes, ponds, rivers, streams, watercourses and drainage ditches at the date of the survey, and approximate high and low water elevation, all referred to the same datum used for the contours.
12. Location, Right-of-Way Width and Names of all existing and proposed streets, alleys or other public ways, easements, railroad and utility rights-of-way.
13. All section and quarter section lines within the exterior boundaries of the plat.
14. Location and Names of Any Adjacent Subdivisions, parks, schools and cemeteries, and owners of record of abutting unplatted lands.
15. Type and Width of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline.
16. Location of existing sanitary or storm sewers, and location and size of existing water mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract.
17. Location of Proposed power, sewer and water improvement and easements. Existing water well locations and associated well setback areas shall be shown on the map.
18. Existing Zoning and Proposed Use on and adjacent to the proposed subdivision.
19. Corporate Limits Lines within one hundred (100) feet of the exterior boundaries of the plat.

20. Locations of All Existing Property Boundary Lines, structures, drives, paved areas, pathways, wells, existing onsite sewage treatment or disposal facilities, wetlands, floodplains, seasonally wet areas, rock outcrops, railroad tracks and other similar significant features within the plat or immediately adjacent thereto.
21. Approximate Dimensions and Area of All Lots together with proposed lot and block numbers.
22. Location, Approximate Dimensions, and Area of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, or other public use, or which are to be used for multi-family housing, shopping centers, church sites, or other nonpublic uses not requiring plotting.
23. Location, Approximate Dimensions, and Area of any proposed common area or facilities.
24. Approximate Radii of all curves.
25. Any Proposed Lake and Stream Access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
26. Any Proposed Lake and Stream Improvement or relocation, and proposed filling, grading, lagooning and dredging and attach copy of notice of application for Division of Resource Development, Department of Natural Resources approval when applicable for the file.
27. Description of Permanent Storm Water Management and construction erosion control measures prepared in conformance with NR 115.
28. Any Additional Information as requested by the Zoning & Planning Administrator or the Zoning & Planning and Committee.
29. Phasing Plan, if land division is to be developed in phases, preliminary plat shall outline such phases. Such identification of phases shall not preclude the subdivider from modifying the phases following preliminary land division approval pursuant to the procedures set forth in this Ordinance.

4.3 Soil Testing.

In order to determine the suitability of specific areas for the construction of Private onsite waste treatment systems, (POWTS), or sewage and disposal systems, Vilas County requires a boring be made on each lot showing (24) twenty-four inches of suitable soil above a limiting factor. A limiting factor may be bedrock or a depth to ground water table. Where the subdivision will not be served by public sanitary sewer service, it shall be in compliance with the provisions of this Ordinance and Chapters SPS 383 and 385, Wisconsin Administrative Code and the Sanitary Ordinance; and the appropriate data shall be submitted with the Preliminary Plat.

4.4 Covenants.

The Zoning & Planning Committee may require submission of a draft of homeowner or condominium owner declarations or protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development. Vilas County does not enforce protective covenants.

4.5 Affidavit.

The surveyor preparing the Preliminary Plat shall certify on the face of the Plat it is a correct representation of all existing land divisions and features, and the Plat has fully complied with provisions of this Ordinance.

4.6 Subdivision/Land Division Zoning Requirements.

1. The subdivision/land division check list is found in Appendix A. A copy shall be filled out and attached to the preliminary plat when submitted to the Vilas County Zoning Office. Preliminary Plat/Land Division Review
2. Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat in accordance with Section 4.2 of this Ordinance. The subdivider files the number of Preliminary Plat copies required below, a letter explaining where and what the land division entails at least 15 days' prior for a County Subdivision and at least forty-five (45) days prior for all State Plats to the Zoning & Planning Committee for the meeting at which an action is desired.
 - a. The subdivider or their agent shall provide six (6) copies of the plat/land division to the Zoning & Planning Office, (approving authority). Upon approval Zoning & Planning will forward copies to:
 - i. One (1) copy to Vilas County Zoning file.
 - ii. One (1) copy to the applicable Town Clerk.
 - iii. One (1) copy to the clerk of an adjoining city or village (objecting authority) if the subdivision lies within the extra-territorial plat approval jurisdiction of the city or village if applicable.
 - iv. One (1) copy to the Register of Deeds
 - v. One (1) copy to the owner/agent.
 - vi. One (1) copy to the surveyor.

4.7 Preliminary Plat/Land Division, Review/Approval

1. Zoning & Planning Office will mail a copy of the Zoning Committee Agenda to the applicable Town Clerk, County Board Supervisor for the affected area, Surveyor and property owner in advance of the Zoning & Planning Committee meeting at which the Plat, land division, subdivision will be reviewed.
2. The Zoning & Planning Committee at its next scheduled meeting shall review the Plat, land division, subdivision for conformance with this Ordinance and all other ordinances, rules, regulations and adopted County Comprehensive Land Use Plans or adopted plan components which affect the Plat.
3. The Zoning & Planning Committee shall approve, approve conditionally, or reject such Plat, land division, subdivision unless the time is extended by agreement with the subdivider. If approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejections will accompany the Plat, land division, subdivision to all of the recipients listed in 4.6, 2. a. above.
4. Approval or Conditional Approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within thirty-six (36) months of Preliminary Plat Approval and conforms substantially to the Preliminary Plat layout as indicated in Section 236.11(1)(b), Wisconsin Statutes, the Final Plat shall be entitled to approval with respect to such layout.

SECTION 5.0: DESIGN STANDARDS

5.1 Lots.

1. The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and contemplated use. The lots should be designed to provide an aesthetically pleasing structure(s) site and a proper architectural setting for the potential structure(s).
2. Side Lot Lines should be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
3. Access. For access servicing a County Subdivision or State Plat every lot shall front or abut on a public road or easement road for a distance of at least thirty-three (33) feet, except lots located on a curved street or cul-de-sac which shall front or abut on a road for a distance of at least thirty (30) feet. Each lot shall have legal nonexclusive vehicular access to a public street.
 - a. A road is required to be named, in accordance with Chapter 280 of Vilas County General Code, (Uniform Addressing System), and a road sign posted at a road intersection that identifies the road name or road names. A road sign erected at the creation of the third principal structure or where three lots or more are created.
4. Area and Dimensions shall conform to the requirements of the Vilas County General Zoning Ordinance. Lots shall contain sufficient area to permit compliance with all required setbacks, including those set forth in the Vilas General County Zoning Ordinance and those that may be required to meet the requirements of Chapter Trans 233 of the Wisconsin Administrative Code. Buildable lots not served by a public sanitary sewerage system shall be of sufficient size to permit use of a P.O.W.T.S. designed in accordance with Chapters SPS 383 and 385, Wisconsin Administrative Code.
5. Minimum lot size, shall be based on:
Minimum lot depth shall be no less than 2.5 times the minimum width of the lot.
6. Width of Lots shall conform to the requirements of the Vilas County General Zoning Ordinance.
7. Corner Lots shall be designed with extra width to permit adequate structure setback from both streets.
8. The Shape of Lots shall be approximately rectangular, with the exception of lots located on a curved street or cul-de-sac.
9. Lands Lying Between the Meander Line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, out lots or public dedications in any plat abutting a lake or stream.

5.2 Structure Setback Lines.

A note stating that structure setback lines shall conform to requirements established in the Vilas County General Zoning Ordinance is required on the face of the Plat or Certified Survey Map.

5.3 Easements.

1. **Drainage Easements.** Where a subdivision is traversed by a watercourse, drainage way, or stream, an adequate drainage way or easement may be required to handle storm water runoff. The location, width, alignment and improvement of such drainage way or easement shall be approved by the Zoning & Planning Committee.
2. **Utility Easements.** All utility lines for electric power and telephone service shall be placed underground on mid-block easements along rear lot lines. All other utility easements shall be located along rear or side lot lines whenever possible.
3. **Access Easements.** Must be defined on the Certified Survey Map and by accompanied Deed or by a separate recorded document.

5.4 New Private Road Easement(s).

County Minimum Requirements. (Check for municipal requirements.)

1. New private road easement(s) serving only one (1) or two (2) parcels crossing only one (1) or two (2) other parcels must have a minimum easement width of 20 feet, a cleared width of 20 feet and a height clearance of 20 feet. The maintenance of this type of easement road is the responsibility of the affected landowner(s). An agreement providing for the repair and maintenance of such private and/or easement road shall be recorded, and a copy shall be provided to the Vilas County Zoning Office. Neither Vilas County nor the Town shall be responsible for any maintenance of such private/easement road.
2. New private road easement(s) serving three (3) to eight (8) parcels must have a minimum easement width of 33 feet, a cleared width of 24 feet and a height clearance 20 feet. with an 18 feet wide roadbed and a minimum of 4 inches of compacted gravel. The maintenance of this type of easement road is the responsibility of the affected landowner(s). An agreement providing for the repair and maintenance of such private and/or easement road shall be recorded, and a copy shall be provided to the Vilas County Zoning Office. Neither Vilas County nor the Town shall be responsible for any maintenance of such private/easement road”
3. New private road easement(s) serving more than eight (8) parcels must have a minimum easement width of 66 feet, a cleared width of 30 feet, a height clearance 20 feet, a 20 feet wide roadbed and a minimum of 4 inches of compacted gravel. The maintenance of this type of easement road is the responsibility of the affected landowner(s). An agreement providing for the repair and maintenance of such private and/or easement road shall be recorded, and a copy shall be provided to the Vilas County Zoning Office. Neither Vilas County nor the Town shall be responsible for any maintenance of such private/easement road.
4. Subdivisions on existing easement road(s) may be allowed provided legal documentation is included verifying the use is for the existing parcels and any newly created parcels. Evidence will need to be presented showing the easement will not become over burdened by newly created parcels.

5.5 Natural Resource Protection.

Where natural drainage channels, floodplains, wetlands, or other environmentally sensitive areas are encompassed in whole or in part within a proposed land division or condominium, the Zoning & Planning Committee may require that such areas be dedicated or that a restriction be placed on the Plat or Certified Survey Map to protect such resources. The Zoning & Planning Committee may further require that such areas be included in out lots designated on the Plat or Certified Survey Map and restricted from development.

SECTION 6.0: CERTIFIED SURVEY MAP OR COUNTY SUBDIVISION MAP

6.1 General Requirements.

Certified Survey Map(s) prepared by a professional land surveyor may be recorded for a County Subdivision. It shall comply in all respects with the requirements of Section 236.34, Wisconsin Statutes. A County Subdivision map may be filed in the County Surveyor's Office for a County Subdivision. It shall comply in all respects with Chapter A-E 7 of the Wisconsin Administrative Code. In addition to the information required in Section 236.34, Wisconsin Statutes or Chapter A-E 7, the Map shall show correctly on its face, the following:

1. Date, Scale, and North Arrow.
2. Name and Address of the owner, subdivider and the surveyor, including his registration number.
3. Size of the parcels being created in square feet.
4. Floodplain, shoreland, or wetland boundaries.
5. All Existing Structures, watercourses, easements, and other similar significant features pertinent to proper land division.
6. Setbacks or Structure Lines from public rights-of-way or shorelines as provided in the Zoning Ordinance or the following plat note shall be depicted on the Certified Survey Map, "For structure setbacks, contact the Vilas County Zoning & Planning Office."
7. All Land Reserved for dedication or future acquisition including dimensions and areas.
8. Location and Names of any adjoining streets, highways, subdivision, parks, cemeteries, public lands, and watercourses.
9. Exact Right-of-Way Width along the line of any diagonally intersecting street unless the right-of-way varies.
10. Notations or Any Restrictions required by the Zoning & Planning Administrator or Zoning & Planning Committee or other approving or objecting authority relative to access control along any public ways within or adjacent to the proposed Certified Survey Map; or provisions for the protection of any environmentally significant lands within the boundaries of the proposed Certified Survey Map.
11. The purpose of an out lot must be defined on the Certified Survey Map, as defined in Sec. 2.1(44).
12. Access easements must be defined on the Certified Survey Map and by accompanied Deed or by a separate recorded document.
13. When a Remnant Parcel is intended to be combined with an adjoining parcel it shall be combined in the manner out lined in Section 3.2, 3. c.
14. Surveyor's Certificate prepared in conformance with Section 236 of the Wisconsin Statutes or Chapter A-E 7 of the Wisconsin Administrative Code.
15. Signature & Date block for the Zoning & Planning Administrator.

16. Signature block for the Chair of the local municipality if applicable and statement as follows. "This final land division conforms to all applicable Town land use controls."
17. Any Additional Information as requested by the Zoning & Planning Administrator or Zoning & Planning Committee.

6.2 Lots Not Served by Approved Public Sanitary Sewer Systems.

If the lots being created will not be served by an approved Public sanitary sewer system, one soil boring evaluation per lot shall be required to be submitted for approval by a Vilas County Zoning & Planning Department CSTs, (POWTS) Inspector. The soil evaluations shall be performed in accordance with Chapters SPS 383 and 385 of the Wisconsin Administrative Code and shall meet the requirements of the Sanitary Ordinance.

6.3 Coordinate System.

Where the Certified Survey Map is located within a quarter section, the corners of which have been relocated, monumented and coordinated, the Certified Survey Map shall be tied directly to two (2) of the public land survey system (PLSS) corners so located, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material of the monument marking the PLSS corner to which the Plat is tied shall be indicated on the Certified Survey Map. Use of the Vilas County Coordinate System is encouraged. If the Plat provides County monument coordinates, then these shall be shown to two (2) decimal places.

6.4 Certificates.

The surveyor shall certify on the face of the Map or Certificate that it has fully complied with all provisions of this Ordinance.

1. Dedication of streets and other public areas shall require the owner's and mortgagee's certificate in substantially the same form as required by Section 236.21(2) and 236.34(1m) (e) Wisconsin Statutes and the approval of the Town Board.

6.5 Recordation.

The Certified Survey Map shall be recorded with the Register of Deeds only after all required certificates are placed on the face of the Map.

SECTION 7.0: FINAL COUNTY PLAT

7.1 General Requirements.

A Final Plat prepared by a professional land surveyor may be recorded for all subdivisions. The Final Plat review is performed by the Zoning & Planning Administrator. If the Final Plat has amended any conditions required by the Zoning & Planning Committee, it shall comply in all respects with the requirements of Section 236.20 and 236.11(1)(b) Wisconsin Statutes with the exception of monumenting standards to comply with Section 236.34 of the Wisconsin Statutes. In addition, the Final Plat shall show correctly on its face, the following:

1. Exact street width along the line of any obliquely intersecting street.
2. Setbacks or building/structure lines when deemed necessary by the Zoning & Planning Committee or a plat note stating, "For structure setback information contact the Vilas County Zoning & Planning Office."
3. Floodway and floodplain boundaries where applicable.
4. All land reserved for future public acquisition or reserved for the common use of property owners within the Plat. If common property is located within the Plat, then provisions for its use and maintenance must also be provided with the Plat.
5. Special restrictions required by any approving or objecting agency relating to access control along public ways or to the provision of planting strips.
6. Owner's Certificate, prepared in conformance with Section 236.21 of the Wisconsin Statutes.
7. Dedications of land to the public or to the lot owners shall be clearly indicated on the face of the final plat for drainage ways, road right-of-ways, fire protection facilities, recreation and open space areas, and school sites.
8. Signature block for the Chair of the local municipality and if applicable and a statement as follows, "This final land division conforms to all applicable Town land use controls.
9. Signature block for the agency of legal jurisdiction verifying that all new improvements have been constructed in conformance with plans and specifications approved by the legal jurisdiction, if the land division includes any lands dedicated for public use.
10. Signature & Date block for the Zoning Administrator.
11. Signature block for the County Treasurer and the following statement; "All taxes and special assessments for which the land within the land division may be liable have been duly paid."
12. Any additional information as requested by the Zoning & Planning Committee.

7.2 Deed Restrictions.

Any deed restrictions attached to the subdivision shall be filed with or placed on the face of the Final Plat.

7.3 Surveying and Monumenting.

All Final Plats shall meet all surveying and monumenting requirements of Section 236.34, Wisconsin Statutes.

7.4 Coordinate System.

Where the Plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated, the Plat shall be tied directly to two (2) of the PLSS corners so located, monumented and coordinated. The grid bearing and distance of such tie shall be determined by field measurements, and the material of the monument marking the PLSS corner to which the Plat is tied shall be indicated on the Plat. Use of the Vilas County Coordinate System is encouraged. If the Plat provides county monument coordinates, then these shall be shown to two (2) decimal places.

7.5 Certificates.

All Final Plats shall provide all the certificates required by Section 236.21, Wisconsin Statutes; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this Ordinance.

7.6 Replat.

When a replat of a recorded subdivision and/or part(s) and boundaries thereof are proposed to be changed, and/or areas to be dedicated to the public are to be altered, the subdivider shall initiate action to vacate or alter the recorded plat as provided by Wis. Stat. 236.36 through 236.44. Both the title of the replat and the title of the original plat shall appear in the surveyor's certification. The subdivider, or person desiring to replat, shall proceed as specified in Sections 4.1 through 4.4 of this Ordinance.

7.7 Survey and Recording Requirements.

1. Prior to the final approval of land divisions, the owner of the land shall have the parcels surveyed by a professional land surveyor. The surveyor may create a Certified Survey Map or plat, in the manner prescribed in Ch. 236 Wis. Stats.; unless exempt or unless waived in writing by the Zoning & Planning Committee.
2. After the Final Plat has been approved by the Zoning & Planning Administrator, the Town Board and any other approving agencies, the subdivider shall record the Plat with the Register of Deeds in accordance with Section 236.25 of the Wisconsin Statutes. If the subdivider fails to record the final plat within twelve (12) months of final approval and thirty-six (36) months of preliminary approval, the Zoning & Planning Committee's approval will lapse, in which case the final plat approval process must be repeated prior to recording of the final plat.
3. All Certified Survey Maps and subdivision plats shall be recorded at the office of the Vilas County Register of Deeds, in the manner described in Chapters 59.51 and 236, Wis. Stats.
4. A Certified Survey Map shall be prepared and recorded or an approved survey map filed with the county surveyor for all land divisions resulting in the creation of 2, or 3, or 4 lots of five (5) acres or less.
5. Subdivisions created under Ch. 236.03, Wis. Stats., shall be subject to all applicable provisions of this Ordinance C.S.M. Appendix A, Checklists.

SECTION 8.0: CONDOMINIUM PLATS.

8.1 Condominium Plat General.

A Condominium Plat prepared by a State of Wisconsin Professional Land Surveyor is required for all Condominium Plats or any addendums or expansions. Such plat shall comply in all respects with the requirements of Section 703.11 of the Wisconsin Statutes. Condominium plats shall be submitted to the Zoning & Planning Administrator to ensure compliance with all Vilas County Zoning Ordinances.

1. Condominium: It is the express intent of this Ordinance and the Vilas County General Zoning Ordinance to regulate condominiums. In no case shall the maximum number of units in a condominium exceed the maximum number of lots the same parcel could have accommodated under the County General Zoning Ordinance, Article V, if the parcel had been conventionally divided. See Exceptions in the Vilas County General Zoning Ordinance Article V for existing Resorts.
2. Land divided/platted for the establishment of a condominium plat shall meet the requirements of the Vilas County General Zoning Ordinance and/or the applicable Town Zoning Ordinance in independently zoned towns. A condominium plat shall be submitted to the Vilas County Zoning & Planning Administrator for review and approval pursuant to Section 703.115 of the Wisconsin Statutes.
3. Addendums to Existing Condominium Plats
 - a. Before submitting a Final Addendum to an existing Condominium Plat for approval, a land surveyor shall prepare a Preliminary Condominium Plat Addendum for review by the Zoning & Planning Administrator, using the Condominium check list provided in Appendix A of this Ordinance.
 - b. The Surveyor shall file (6) six copies of the Preliminary Condominium Plat Addendum as described in 4.6, 2. a. above and a letter of application, (explaining where and what the Condominium changes entails), for the Zoning & Planning Administrator. Attach the Condominium Check list with submittal.
 - c. Following the submittal of a complete sketch plan, the Zoning & Planning Administrator will review. and approve, conditionally approve or reject the plan. A letter setting forth the conditions of approval or reason(s) for rejection will accompany the Plat. A revised Declaration or a recordable statement addressing no changes were necessary shall accompany the Preliminary Condominium Plat.
 - d. If no changes are required, the Zoning Administrator has the authority to approve the addendum to the Preexisting Condominium Plat.
4. Preliminary Condominium Plat Submittal
 - a. Before submitting a Final Condominium Plat for approval, the land surveyor shall prepare a Preliminary Condominium Plat for review by the Zoning & Planning Administrator and the Vilas County Zoning & Planning Committee. Using the Condominium check list provided in Appendix A of this Ordinance.
 - b. The Surveyor shall file (6) six copies of the Preliminary Plat as described in 4.6, 2. a. above and a letter of application, explaining where and what the Condominium Plat entails, with the Zoning & Planning Administrator at least 15 days prior to the meeting of the Zoning & Planning Committee at which an action is desired.

- c. Following the submittal of a complete sketch plan and a letter of application, (explaining where and what the Condominium Plat entails), the Zoning & Planning Administrator will review and provide written comments informing the land surveyor of any, concerns and/or suggestions regarding the plan prior to the meeting. A Declaration shall accompany the Preliminary Condominium Plat for review.
- d. The Zoning & Planning Committee shall approve, approve conditionally, or reject the Preliminary Condominium Plat. If approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejections will accompany the Plat.

8.2 Preliminary Condominium Plat.

A Preliminary Condominium Plat shall be required for all Condominiums and shall be based upon a survey by a professional land surveyor, and the Plat shall be prepared on reproducible material at a scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information:

1. The words "**Preliminary Plat**" clearly marked on the face of the plat.
2. The name of the condominium and County (The name of the condominium must be unique in the county which it is located.)
3. Legal Description and General location of proposed condominium and relative location to a nearby municipality.
4. Date, Scale and North Arrow.
5. Names and Addresses of the owner(s), developer(s) and land surveyor preparing the plat.
6. Entire Area contiguous to the proposed plat owned or controlled by the owner(s)/ developer(s) included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. The Zoning & Planning Administrator may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and undue hardship would result from strict application thereof.
7. Description of the boundary of the proposed condominium.
8. Approximate Length and Bearing of the exterior boundaries of the proposed condominium and the total acreage encompassed thereby. The total of impervious surface areas.
9. Topographic Features including contours:
 - a. Vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten percent (10%) and of not more than five (5) feet where the slope of the ground surface is twenty percent (20%) or more or;
 - b. Areas with slopes greater than twenty percent (20%) shall be noted.
 - c. Elevations shall be marked on such contours based on mean sea level datum or where, in the judgment of the Zoning & Planning Committee, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.

10. Water Locations and names of all lakes, ponds, rivers, streams, watercourses and drainage ditches on the date of the survey, and approximate high and low water elevation, all referred to the same datum used for the contours.
11. Location, Right-of-Way Width and Names of all existing and proposed streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior and boundaries of the plat or immediately adjacent thereto.
12. Location and Names of Any Adjacent Subdivisions, Condominiums, parks, schools and cemeteries, and owners of record of abutting unplatted lands.
13. Type and Width of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline.
14. Location of any existing sanitary or storm sewers, and location and size of any existing water mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size and invert elevations.
15. Location of Proposed power, sewer and water improvement and easements. Existing water well locations and associated well setback areas shall be shown on the map.
16. Existing Zoning and Proposed Use on and adjacent to the proposed subdivision.
17. Corporate Limits Lines within one hundred (100) feet of the exterior boundaries of the plat.
18. Locations of All Existing Property Boundary Lines, structures, drives, paved areas, pathways, wells, existing onsite sewage treatment or disposal facilities, wetlands, floodplains, seasonally wet areas, rock outcrops, railroad tracks and other similar significant features within the plat or immediately adjacent thereto.
19. Plans that show the location of each structure or structure to be located on the property and, if there are units in a structure, show the perimeter dimensions, square footage and location of each unit. Vacant unit space shall be shown to units with an addition(s) being added.
20. Approximate Dimensions and Area of All Lots together with proposed lot and block numbers.
21. Location, Approximate Dimensions, and Area of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, or other public use, or which are to be used for multi-family housing, shopping centers, church sites, or other nonpublic uses not requiring plotting.
22. Location, Approximate Dimensions, and Area of any proposed common area or facilities.
23. Approximate Radii of all curves.
24. Any Proposed Lake and Stream Access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
25. Any Proposed Lake and Stream Improvement or relocation, and proposed filling, grading, lagooning and dredging and notice of application for Division of Resource Development, Department of Natural Resources approval when applicable.

26. Description of Permanent Stormwater Management and construction erosion control measures prepared in conformance with NR 115.
27. Any Additional Information as requested by the Zoning & Planning Administrator or the Zoning & Planning and Committee.
28. Phasing Plan, if the land division is to be developed in phases, the preliminary plat shall generally outline such phases. Such identification of phases shall not preclude the subdivider from modifying the phases following preliminary land division approval pursuant to the procedures set forth in this Ordinance.

8.3 Declaration.

This document declares the owner's intent to subject property to the condominium form of ownership. The statutory requirements for a condominium declaration are set forth in section 703.09, and concern such matters as the name of the condominium, its legal description, voting requirements, and use restrictions. It is required to be submitted for recording at the same time as the Condominium Plat.

8.4 Soil Testing.

In order to determine the suitability of specific areas for the construction of Private onsite waste treatment systems, (POWTS), or sewage and disposal systems, Vilas County requires that a boring be made on each lot showing (24) twenty-four inches of suitable soil above a limiting factor. A limiting factor may be bedrock or a depth to ground water table. Where the subdivision will not be served by public sanitary sewer service, it shall be in compliance with the provisions of this Ordinance and Chapters SPS 383 and 385, Wisconsin Administrative Code and the Vilas County Private Sewage System Ordinance; and the appropriate data shall be submitted with the Preliminary Plat.

8.5 Affidavit.

The surveyor preparing the Preliminary Plat shall certify on the face of the Plat that it is a correct representation of all existing land divisions and features, and that the Plat fully complies with all provisions of this Ordinance.

8.6 Condominium Final Plat Review.

Final Condominium plat shall be submitted to the Vilas County Zoning & Planning Administrator for review and approval pursuant to Section 703.115 of the Wisconsin Statutes.

1. Approval. As a condition of approval of a condominium plat, the County shall consider all provisions outlined in Section 703 prior to granting approval for the recording of the instruments specified. The County shall have ten (10) working days after submission for its review. If the review is not completed within ten (10) working days, the instrument is approved for recording.
2. This also applies to Addendums to Existing Condominium Plats.

8.7 Recording.

A Final Condominium Plat Shall be approved by the Zoning & Planning Administrator, and any other approving agencies. In order to create a condominium, a condominium plat must be filed for record under section 703.11, in addition to the condominium declaration, and must be presented together with the condominium declaration to the Register of Deeds for recording Wis. Stats. 703.07(1).

8.8 Condominium Termination/ Removal Document.

Termination of a condominium/removal instruments shall conform with Wis. Stat.

SECTION 9.0: Cluster or Conservation Subdivisions

9.1 Purpose.

Grouping of residences in cluster or conservation subdivisions permit individual minimum lot sizes to be reduced provided overall density within the subdivision is maintained. The remaining undeveloped area within the subdivision is to be used to protect natural resources, to provide common open space and to preserve scenic qualities of the County. Grouping of residences facilitates common water supply and sewage disposal systems, and the potential for shorter road lengths and other infrastructure efficiencies.

9.2 Requirements.

Cluster or Conservation Subdivisions shall be submitted for review and shall follow the provisions of this Ordinance in the same manner as any other subdivision. In addition the following also applies:

1. Proposed Cluster or Conservation Developments shall include a minimum of five (5) acres and shall be platted according to the requirements of this Ordinance.
2. The Maximum permitted number of lots in such development shall be determined by dividing the total area of the subdivision, excluding streets, by the minimum lot sizes required by the Vilas County General Zoning Ordinance. In condominiums and similar developments, under which no new lots are created, the term "maximum permitted number of dwelling units" shall substitute for the term "maximum permitted number of lots" in the preceding statement.
3. Lots shall be located so that:
 - a. They are grouped together to form clusters and are surrounded by open space.
 - b. Negative impacts to natural resources and environmentally sensitive areas, including wetlands, floodplains, drainage ways, woodlands, and slopes over twenty percent (20%), are minimized.
 - c. Negative impacts to historic and cultural resources are minimized.
 - d. Negative impacts to prime agricultural land, large tracts of productive farmland and shoreland are minimized. The location of lots should avoid interference with normal agricultural practices.
 - e. Views of open space and natural resources are maximized. Lots should be hidden behind woodlands, hedgerows, and topography when possible. Lots should not be located in prominent, visible places like hilltops and ridgelines.
4. Open Space shall:
 - a. Surround clusters of residential lots and provide a buffer between cluster groups.
 - b. Be interconnected to other open space both within the plat and beyond. Open space should not be isolated and disconnected.
 - c. Include natural resources, environmentally sensitive areas, and productive agricultural land, when the intent is to preserve the agricultural use to the greatest extent possible.
 - d. Include all excess land not used for lots and streets.

- 9.3 Ownership of Open Space.** Open space shall be dedicated and restricted as such on the Plat and conveyed in common to each of the owners of lots in the development or dedicated to the County or Town. The County or Town shall not be required to accept dedication. Lands dedicated to the public must be accepted by appropriate action of the governing body of the accepting unit of government. If the land is to be conveyed to owners of lots in the development, a home owner’s association or similar legally constituted body shall be created to maintain the open space land.
- 9.4 Maintenance and Operation of Common Open Space and Facilities.** A plan and narrative for the use, maintenance, and insurance of all common facilities, including provisions for funding, provided to and approved by the Town Board prior to Final Plat or Condominium Plat approval.
- 9.5 Water supply and sewage disposal shall meet the minimum standards of Chapter SPS 383 and 385 of the Wisconsin Administrative Code, the Sanitary Ordinance and other applicable regulations.**

SECTION 10.0: Construction

10.1 Commencement.

No construction or installation of improvements shall commence in a proposed land division or condominium development until the Certified Survey Map, Final Plat or Condominium Plat has been approved by the Zoning & Planning Committee and recorded with the Vilas County Registrar of Deeds.

10.2 Zoning Permits.

No Zoning Permit shall be issued for erection of a structure on any lot not of record until all the requirements of this Ordinance have been met.

10.3 Plans.

The following plans and accompanying construction specifications may be required before authorization of construction or installation of improvements:

1. Sanitary Sewer Plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
2. Storm Sewer or Drainage Plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
3. Water Main Plans showing the locations of required facilities.
4. Grading Plans showing existing and proposed topographic contours, proposed top of structure foundation and finished yard grade elevations.
5. Erosion and Sedimentation Control Plans showing those structures necessary to retard the rate of runoff water and those measures and practices that will minimize erosion and sedimentation.
6. Planting Plans showing the locations, size and species of any required street trees, other proposed or required planting, vegetation to be removed, and vegetation to be preserved.
7. Additional Special Plans or information as required.

10.4 Earth Moving.

Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channeling, clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to minimize erosion and sedimentation and disturbance of the natural fauna, flora, watercourse, water regimen, and topography.

10.5 Preservation of Existing Vegetation.

The subdivider shall make every effort to protect and to retain all existing desirable trees, shrubs, grasses, and groundcover not actually lying in public roadways, drainage ways, structure foundation sites, private driveways, soil absorption waste disposal areas, and bicycle and pedestrian ways. Trees shall be protected and preserved during construction in accordance with the approved landscaping plan and with sound conservation practices, including the preservation of trees by well islands or retaining walls, whenever abutting grades are altered.

APPENDIX A

SURVEY AND RECORDING REQUIREMENTS CHECK LIST

s.236.34(1) CERTIFIED SURVEY MAP OF NOT MORE THAN 4 PARCELS OF LAND

- 1.____ Total number of parcels, including lots and out lots, cannot exceed 4.
(Public dedications such as right-of-ways and parks do not count as parcels.)

s.236.34(1m) (a) THE SURVEY

- 2.____ Survey performed and map prepared by WI Professional Land Surveyor.
(Each sheet (single-sided) must be signed, sealed and dated by the Surveyor.)
- 3.____ Ratio or error in latitude and departure closure may not exceed 1’/3000’.

s.236.34(1m) (b) MONUMENTS (cross-referenced to s.236.15 Wis. Stats. Shown below)

- 4.____ (b) All corners shall be monumented in accordance with s.236.15 (1), (ac) (c), (d), & (g).
- 5.____ (ac) All of the monuments required in pars. (ag) to (h) shall be placed flush with the ground if practicable. Whenever placement of a monument under this subsection is required at a corner or point that falls within a street or proposed future street, the monument shall be placed in the side line of the street if practicable.
- 6.____ (c) All lot, out lot, park and public access corners and the corners of land dedicated to the public shall be monumented by iron pipes at least 18” long and 1” outside diameter, weighing not less than 1.13 pounds per Title 14, Chapter 1, Article C Land Divisions Title 14-Chapter 1-Article C-Page 2 lineal foot, or by round or square iron bars at least 18” long and weighing not less than 1.13 pounds per lineal foot.
- 7.____ (d) The lines that extend to lakes or streams shall be monumented. These shall be at the point of intersection of the lake or stream lot line with a meander line established not less than 20 feet back from the ordinary high water mark of the lake or from the bank of the stream.
- 8.____ (g) In cases where strict compliance with this subsection would be unduly difficult or would not provide adequate monuments, the county surveyor may make other reasonable requirements. (Existing accepted and archival monuments should not be removed or reset. They should be noted as existing or found and described by type, material, diameter, and shape.)

s.236.34(1m) (c) PREPARATION (cross-referenced to s.236.20 Wis. Stats. Shown below)

- 9.____ The map shall be prepared in accordance with ss.236.16(4) and ss.236.20 (2) (a), (b), (c), (e), (f), (g), (h), (i), (j), (k), and (L) and (3)(b), (d), and (e) and must be clearly legible. (Additional features may be shown such as wetland, structure and driveways, environmental corridors, and floodplain boundaries.)
- 10.____ At a graphic scale of not more than 500 feet to an inch, which shall be shown on each sheet showing layout features.
- 10.____ Binding margin 1.5” wide and a 0.5-inch margin on all other sides on durable white media paper 8 ½” wide by 14” long.
- 11.____ It must be created on survey map sheets (30 to 36 pound such as white Byron Weston Record linen ledger).

- 12.____ When more than one sheet is used for any map, each sheet number shall be labeled as (**Sheet 1 of 3 sheets, etc.**).
- 13.____ **“VILAS COUNTY CERTIFIED SURVEY MAP”** shall be printed on the map in prominent letters with the location of the land by government lot, recorded private claim, quarter-quarter section, section, township, range and county noted on all sheets.
- 14.____ Seals or signatures reproduced on images complying with this paragraph shall be given the force and effect of original signatures and seals.
- 15.____ (a) The exterior boundaries of the land surveyed and divided must be clearly shown by solid heavy line.
- 16.____ (b) All monuments erected, corners, and other points established in the field in their proper places.
- 17.____ The material of which the monuments, corners, or other points are made shall be noted at the representation thereof, or by Legend.
- 18.____ The Legend for monuments shall indicate the type, outside diameter, length and weight per lineal foot of the monuments.
- 19.____ (c) The length and bearing of the exterior boundaries, the boundary lines of all blocks, public grounds, streets and alleys, and all lot lines. When the lines in any tier of lots are parallel, the bearings of the outer lines on one tier may be sufficient.
- 20.____ Easements not parallel to a boundary or lot line shall be shown by centerline distance, bearing and width or by easement boundary bearings and distances.
- 21.____ Where easement lines are parallel to boundary or lot lines, the boundary or lot line distances and bearings are controlling.
- 22.____ Where the exterior boundary lines shown bearings or lengths which vary from those recorded in abutting plats or certified surveys, “recorded as” bearings and distances shall be shown.
- 23.____ (e) All lots and out lots must be consecutively numbered.
- 24.____ (f) The exact width of all easements, streets and alleys.
- 25.____ (g) The distances and bearings along all meander lines, and the distance to the ordinary high water mark from the meander line corner on each lot line (must be greater than 20’).
- 26.____ (h) The centerline of all streets.
- 27.____ (I) North referenced to a magnetic, true or other identifiable direction. Related to a boundary line of a quarter section, recorded private claim or federal reservation in which the subdivision is located. Include a north arrow on each sheet with details.
- 28.____ (j) The area in square feet and acres of each lot and out lot, excluding public (but not private) road right-of-ways and navigable water.

- 29.____ (k) When a street is on a circular curve, the main chords of the right-of-way lines shall be drawn as dotted or dashed lines in their proper places.
- 30.____ Curves shall show the radius, central angle, chord bearing, the chord length and arc length for each segment.
- 31.____ The tangent bearing shall be shown for each end of the main curve.
- 32.____ When a circular curve of 30-foot radius or less is used to round off the intersection between two straight lines, it shall be tangent to both straight lines. It is sufficient to shown on the plat the radius of the curve and the tangent distances.
- 33.____ (L) When strict compliance with a provision of this section will entail undue or unnecessary difficulty or tend to render the Certified Survey Map more difficult to read, and when the information on the Certified Survey Map is sufficient for the exact retracement of the measurements and bearings or other necessary dimensions, the department may waive such strict compliance.

236.20(3) NAME, LOCATION AND POSITION

- 34.____ (b) The location of the CSM shall be indicated by bearing and distance from a boundary line of a quarter section, recorded private claim or federal reservation in which the subdivision is located.
- 35.____ The monuments at the ends of the boundary line shall be described and the bearing and distance between them shown and have recorded tie sheets on file. If the tie sheets are not on file or changes have occurred, new tie sheets must be submitted with the proposed CSM.
- 36.____ (d) The names of adjoining streets, state highways and subdivisions shown in their proper location underscored by a dotted or dashed line.
- 37.____ (e) Abutting street and state highway lines of adjoining plats shown in their proper location by dotted or dashed lines. The width of these streets and highways shall be given also.

Note: **236.34(1m) (d) SURVEYOR'S CERTIFICATE OF COMPLIANCE** The map shall include a certificate of the surveyor who surveyed, divided and mapped the land which has the same force and effect as an affidavit and which gives all of the following information:

- 38.____ (1) State who directed the surveyor to make the survey, division and map of the land described on the CSM.
- 39.____ (2) A clear and concise description of the land surveyed by government lot, recorded private claim, quarter-quarter section, Section Township, Range and County, and by metes and bounds.
- 40.____ Commencing with a monument at a section or quarter section corner of the quarter section that is not the center of a section, or commencing with a monument at the end of a boundary line of a recorded private claim or federal reservation in which the land is located.
- 41.____ If the land is located in a **recorded subdivision** or **recorded addition to a recorded subdivision**, then by the number or other description of the lot, block or subdivision, which has previously been tied to a corner marked and established by the U.S. public land survey.
- 42.____ (3) A statement that the map is a correct representation of all of the exterior boundaries of the land surveyed and the division of that land.

- 43.____ (4) A statement that the surveyor has fully complied with the provisions of s.236.34 (1m) (d) in surveying, dividing the land.
 - 44.____ Is the shoreline measurement shown on the drawing as defined by Vilas County Subdivision Control 2.1, 52. Shoreline Frontage Width?
 - 45.____ Check math and add all parts to be sure totals are correct.
 - 46.____ Are names of adjoiners or a parcel number shown?
 - 47.____ Has U.S. Public Land Survey Monument Record been filed for section corners shown on survey map, if so are the reference objects in good condition?
 - 48.____ Access for lots to public or private road shown and described by metes and bounds?
 - 49.____ P.O.B., (Point of Beginning), shown?
 - 50.____ Leave a mandatory 3x3 blank recording space in upper right hand corner of Page 1 of CSM and corner tie sheets.
 - 51.____ Leave a space for Zoning & Planning Administrator's signature (a signature line).
 - 52.____ It shall be the responsibility of the Owner/Agent to provide a street name compatible with the Vilas County Street Sign and Emergency Number Ordinance, when a public or private road serves 3 or more parcels.
 - 53.____ If the survey map contains a resurvey of a pre-existing non-conforming parcel the following note must appear on one of the sheets (see note below).
- Note: This is a resurvey of a pre-existing non-conforming parcel created on and described in Vol. ____
Page __ _.

For Your Information:

This check list is subject to change and is intended to be a checklist of the current 236.34 platting statute.

