

**Ordinance No. 400.02**

# **Iowa County Subdivision and Land Division Ordinance**

**Available at the Iowa County Office of Planning and Development  
222 North Iowa Street  
Dodgeville, WI 53533  
(608) 935-0398 or fax: (608) 930-1205  
[scott.godfrey@iowacounty.org](mailto:scott.godfrey@iowacounty.org)**

## TABLE OF CONTENTS

1.00	Authority
1.10	Purpose and Intent
1.20	Severability
1.30	Repeal
1.40	Title
1.50	Effective Date
1.60	Definitions
2.00	General Provisions
2.10	Jurisdiction
2.20	Applicability and Compliance
2.30	Compliance with Ordinances, Statutes, Regulations and Plans
2.40	Access
2.50	Dedication of Lands for Streets and Public Ways
2.60	Land Suitability
2.70	Exceptions
2.80	Abrogation and Greater Restrictions
2.90	Interpretation
3.00	Procedure
3.10	Pre-application Procedure
3.20	Initial Application
3.21	Review of Initial Application
3.30	Preliminary Subdivision Plat
4.00	Preliminary Plat Procedure
5.00	Final Plat Procedure
5.10	Final Plat Requirements
6.00	Replat for Subdivision
7.00	Land Division by Certified Survey Map Procedure
8.00	Conservation Subdivision Plat Design and Improvements
8.10	Development Yield
8.20	Performance Standards
8.30	Financial Guarantee
8.40	Ownership and Maintenance of Open Space and Common Facilities
8.41	Alternatives
8.42	Homeowner's Association
8.43	Condominium Associations
8.44	Nonprofit Conservation Organization
8.45	Public Dedication or Open Space and Streets
8.46	Individual Ownership
8.50	Maintenance Plan
9.00	Variances, Planned Developments and Fees
9.10	Variances
9.20	Fees
10.0	Violations and Penalties

- 1.00 Authority.** These regulations are adopted under the authority granted by § 236.45 of the Wisconsin Statutes, and pursuant to §§ 59.69, 281.31 and 281.33 of the Wisconsin Statutes.
- 1.10 Purpose and Intent.** The purpose of this ordinance is to promote the public health, safety and general welfare of the County, and to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision for transportation, water, sewerage, energy and communications facilities, surface drainage, schools, parks, playgrounds and other public requirements; to facilitate the further re-subdivision of larger parcels into smaller parcels of land.
- 1.20 Severability.** If any section, provision or portion of this ordinance is adjudged invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- 1.30 Repeal.** All other ordinances or parts of ordinances of Iowa County inconsistent or in conflict with this ordinance, to the extent of inconsistency or conflict only, are hereby repealed.
- 1.40 Title.** This ordinance shall be entitled the “*Iowa County Subdivision and Land Division Ordinance*”.
- 1.50 Effective Date.** This ordinance shall be effective upon passage and publication.
- 1.60 Definitions.** For the purposes of this ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word “shall” is mandatory and not directory.

**Agency:** The Iowa County Office of Planning and Development.

**Certified Survey Map:** A map of land division, not a subdivision, prepared in accordance with § 236.34 Stats., and in full compliance with the applicable provisions of this ordinance. A certified survey map has the same legal force and effect as a subdivision plat.

**Committee:** Iowa County Planning and Zoning Committee.

**Common Open Space:** Undeveloped land within a conservation subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual residential lots. It shall be substantially free of structures, but may contain historic structures and archaeological sites and/or such recreational facilities for residents as indicated on the approved development plan.

**Comprehensive Plan:** A community plan which has been developed and adopted in accordance with Chapter 59.69(2) or (3); 60.22(3); 62.23(2) or (3); or 66.1001 Wis., Stats.

**Condominium:** A community association combining individual unit ownership with shared use or ownership of common property or facilities, established in accordance with the requirements of the Condominium Ownership Act, Chapter 703 WI Statutes. A condominium is a legal form of ownership of real estate and not a specific building type or style.

**Conservation Easement:** The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open or wooded state, precluding future or additional development.

**Conservation Subdivision:** A housing development in a rural setting that is characterized by compact lots and common open space, and where the natural features of the land are maintained to the greatest extent possible.

**Contiguous:** For the purposes of this ordinance, this shall refer to property that is adjoined by a minimum of 50 feet of shared boundary.

**Development:** Any manmade improvements to a property that may require a permit, such as the construction of a driveway, building, structure, pond, grading/filling or modifications to any such existing improvements, including a land division.

**Development Envelope:** An area within which grading, lawns, pavement and buildings will be located.

**Development Plan:** A general site analysis for a land division or subdivision and its environs identifying and analyzing the natural and cultural features of the area.

**Extraterritorial Plat Approval Jurisdiction:** The unincorporated area within three (3) miles of the city limits of a city of the first, second or third class, if said city has a subdivision ordinance or official map, or within one and one-half (1½) miles of the corporate limits of a city of the fourth class or a village, if said city or village has a subdivision ordinance or official map.

**Homeowners Association:** A community association incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property or facilities.

**Land Division:** Any division of a parcel of land where the act of division creates a lot, parcel or building site of less than 40 contiguous acres.

**Lot:** A parcel of land occupied by or designed to provide space necessary for one main building and its accessory buildings or uses that abuts by ownership or legal easement a publicly dedicated street. A lot shall be created by a subdivision plat, or

certified survey map, or a parcel described in a conveyance recorded with the Iowa County Register of Deeds, which complies with the minimum size requirements pursuant to the applicable zoning district designation in effect at the time of the land division or recording of the conveyance. A tax parcel shall not be considered a lot. No land included in any street, highway, or railroad right-of-way shall be included when computing the area for minimum lot sizes where said right-of-way has been deeded to a separate identity. Unless previously deeded or dedicated, no street, highway, easement, railroad right-of-way, river, stream or water body shall constitute a break in contiguity.

**Master Plan:** A plan for guiding and shaping the growth or development of Iowa County or of a community or area in Iowa County which has been adopted by a governmental unit of Iowa County, and whose preparation is authorized by the Wisconsin Statutes.

**Navigable Waters:** Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state.

**Nonprofit Conservation Organization:** Any charitable corporation, charitable association or charitable trust (such as a land trust), the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property.

**Official Map:** A map indicating the location, width, extent of existing and proposed streets, highways, parks and playgrounds adopted by a municipality in Iowa County in accordance with § 62.23 Stats.

**Outlot:** That portion of land included within a plat or certified survey map not numbered or otherwise identified as a lot.

**Parcel:** see Lot.

**Parent Parcel:** The existing parcel of record, as described on a deed of ownership so recorded with the Register of Deeds. The parent parcel shall include all individual tax parcels as described in said deed, provided they are contiguous.

**Planned Unit Development.** One or more lots or parcels of land to be developed as a single entity, the plan for which may propose intensity increases, mixing of land uses, open space conservation, or any combination thereof, but which still corresponds to the applicable zoning district's use requirements. The applicable zoning district's lot sizes and setbacks may be modified as provided for in this ordinance.

**Plat:** A map of a subdivision.

**Replat:** The changing of the boundaries of a recorded subdivision plat or any part thereof.

**Shoreland Area:** All lands lying within one thousand (1,000) feet of the normal, high water elevation of navigable lakes, ponds, or flowages, or within one thousand (1,000) feet of the high water mark of glacial potholes; all lands lying within three hundred (300) feet of the normal, high water mark of navigable streams, or within the flood plain thereof, whichever distance is greater. For the purposes of this ordinance, the term “navigable waters” applies to all nonintermittent streams and bodies of water indicated on the 7.5 minute series of the United States Geological Survey Quadrangles, and any other rivers, streams, lakes, ponds or flowages designated as navigable by the Wisconsin Department of Natural Resources.

**Street:** A public way or right-of-way for vehicular or pedestrian and vehicular traffic.

- (a) Arterial Streets and Highways. Streets which provide for rapid movement of concentrated volumes of traffic over relatively long distances between activity areas. This includes all Federal highways other than the interstate highway, all state and county highways, and designated township roads.
- (b) Local Streets. Streets designed for low speeds and volumes, which provide access from low traffic generating areas to collector and arterial streets.

**Subdivider:** A person, firm, corporation and/or their designated agent initiating the creation of a land division or subdivision.

**Subdivision:** The division of a lot, parcel or tract by the owner thereof, or his agent, for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of five (5) acres each or less in area or where the act of division creates five (5) or more parcels or building sites of five (5) acres each or less in area by successive division within a five-year period.

## **2.00 General Provisions.**

### **2.10 Jurisdiction**

- a. Unincorporated Areas. The provisions of this ordinance shall apply in all unincorporated areas of Iowa County Wisconsin.
- b. Jurisdiction in Incorporated Areas. The provisions of this ordinance shall apply in all incorporated areas, which have, under Section 66.30 of the Wisconsin Statutes, entered into agreement with Iowa County for the cooperative exercise of the authority to approve plats of subdivisions.

**2.20 Applicability and Compliance.** The subdivision and conservation subdivision standards apply to all divisions of a parent parcel by a subdivider where the division creates a subdivision. The conservation subdivision design may be required by the county due to the physical characteristics of the subject property or where such a design best serves the intent and purpose of any comprehensive plan having jurisdiction.

- 2.30 Compliance With Ordinances, Statutes, Regulations and Plans.** Any person, firm or corporation dividing land which results in a subdivision or a land division shall prepare a subdivision plat, certified survey map, or plat of survey in accordance with the requirements of this ordinance and applicable state statutes. Preliminary plats, or final plats if no preliminary plat is required, must comply with the ordinance in effect at the time the plat is submitted. If the ordinance is revised while a plat is moving through the review process, the provisions of the revised ordinance cannot be applied to the plat.
- 2.40 Access.** No lot, land division or parcel shall be created or sold unless it is accessible to a street. Every lot within a subdivision shall front on a publicly dedicated and improved street for a distance of at least the minimum lot width for the proposed zoning district. Every lot, parcel or tract not located within a subdivision shall front on a publicly dedicated street for at least the minimum lot width of the proposed zoning district. An irrevocable recorded access of a minimum 66 feet in width to a public right-of-way from an otherwise isolated single lot may be provided in lieu of owned abutment.
- 2.50 Dedication of Lands for Streets and Public Ways.** Whenever a parcel of land to be divided or sold as a subdivision or as a land division contains all or in part, a street, drainage way, or other public way, which has been designated in a master plan defined in this ordinance, or an official map adopted under Section 62.23 of the Wisconsin Statutes, said street or public way may be required to be platted and dedicated in the location and width indicated unless otherwise provided herein. Any street created for the purposes of this Section shall be made a part of a plat or certified survey, and dedicated to the public for street purposes. However, the dedication of street right-of-way shall not create a commitment on the part of any public agency to construct, improve or maintain any roadbed placed upon said right-of-way. Acceptance of any street, road or highway for maintenance purposes shall require compliance with the design and construction standards of this ordinance and those of the applicable highway maintenance authority. The width of any dedicated street shall be sixty-six (66) feet, unless a wider right-of-way is requested by the appropriate highway authority, in which case, the wider right-of-way shall be dedicated. Rights-of-way less than sixty-six (66) feet wide are prohibited.

**2.60 Land Suitability.** No land shall be developed which is held to be unsuitable for any proposed use if identified as being environmentally sensitive. Areas determined to be environmentally sensitive may be included as common open space in a conservation subdivision but shall not be included in the development yield analysis in Section 8.1 of this ordinance. These lands shall be identified as an outlot or other designation that indicates the land is not available for development.

Areas identified as being environmentally sensitive include, but are not limited to:

1. All areas mapped as Floodplain by the Federal Emergency Management Agency (FEMA), WI Department of Natural Resources.
2. All wetlands as defined in NR 103.02(5) of the WI Administrative Code, including a seventy five foot buffer.

3. All areas within seventy five feet of the ordinary high water mark of navigable streams and lakes, as identified by the Agency.
4. All areas having slopes greater than twelve (12) percent.
5. Areas that are known to provide habitat for rare, threatened or endangered species.
6. Burial sites and Indian mounds.
7. Drainage ways that contain running water during spring runoff, during storm events or when it rains. A twenty-five (25) foot vegetative buffer from the edge of the drainage way shall be maintained.
8. Areas that are designated as unsuitable for development in any comprehensive plan having jurisdiction.

**2.70 Exceptions.** The provisions of this ordinance shall not apply to transfer of interests in land by will or pursuant to court order; leases for a term not to exceed ten (10) years, mortgages or easements; or the sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this ordinance, the county zoning ordinance or other applicable laws or ordinances. The creation or realignment of a public right-of-way by a public agency shall be exempt from the provisions of this Ordinance.

**2.80 Abrogation and Greater Restrictions:**

1. **Public Provisions.** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provisions of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

2. **Private Provisions.** These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement impose duties and obligations more restrictive than these regulations, and the private provisions are not inconsistent with these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations.

**2.90 Interpretation.** In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly in favor of the county to promote the purposes for which they are adopted.



**3.00 Subdivision Procedure.**

**3.10 Pre-Application Procedure.** Prior to filing an application for approval of a subdivision plat, the subdivider and/or his agent shall consult with the staff of the Agency for advice and assistance for the purpose of reviewing the procedures and requirements of this ordinance and other ordinances, and any plans or data which may affect the proposed development. If rezoning the affected property will be required in association with the proposed plat, the rezoning process shall be required to be completed prior to the consideration of a preliminary plat.

**3.20 Initial Application.** After the consultation with the Agency, the subdivider shall submit a series of maps and descriptive information to the Agency according to the following. Mapping for the initial application can be done in any combination of features as long as individual map components can be distinguished and the relationship between map components can be determined.

1. Inventory and mapping of existing resources including the following mapped at a scale of no less than one inch equals 100 feet:

- a. Topographic contours at 2-foot intervals.
- b. U.S. Department of Agriculture, Natural Resource Conservation Service soil type locations and identification of soil type characteristics such as agricultural capability, depth to bedrock and water table, and suitability for wastewater disposal systems. Type and stability of bedrock should also be noted, particularly in karst areas and areas with high potential from groundwater contamination due to fractured bedrock or the presence of arsenic and mercury.
- c. Hydrologic characteristics, including surface water bodies, floodplains, groundwater recharge and discharge areas, wetlands, shorelands, natural swales, drainage ways, and slopes in excess of ten (10) percent.
- d. Land cover on the site, according to general cover type (pasture, woodland, etc.).
- e. Current and past land use, all buildings and structures on the land, cultivated areas, brownfields, waste sites, and history of waste disposal practices, paved areas, and all encumbrances, such as easement or covenants.
- f. Known critical habitat areas for rare, threatened or endangered species.
- g. Views of the site, including views onto the site from surrounding roads, public areas and elevated areas, including photographs with a map indicating the location where the photographs were taken.
- h. Unique geological resources, such as rock outcrops, caves, etc.
- i. Cultural resources: brief description of historic character of buildings and structures, historically important landscapes, and archeological features. This includes a review of the existing inventories, including those the State Historical Society of Wisconsin maintains for historic, archaeological sites and burial sites.

2. Development yield analysis: The subdivider shall submit a table showing the maximum number of dwelling units that would be permitted under the county zoning ordinance, consistent with the minimum lot size, lot widths, setbacks, and other provisions of the proposed zoning district and compare it to the number of dwelling units proposed. This analysis shall also include any minimum lot size and density standard established by town ordinance or comprehensive plan. Land that cannot be developed because of other laws and ordinances that prohibit development in certain areas (floodplains, wetlands, steep slopes, drainage ways, etc.) shall be excluded for the development yield analysis.

3. Site analysis and concept plan: Using the inventory provided in Section 3.20(2) and applying the design standards specified in Section 4.00(4) of this ordinance, the subdivider shall submit a concept plan including at least the following information at a scale of no less than one inch equals 100 feet:

- a. Open space areas indicating which areas are to remain undeveloped and trail location.
- b. Boundaries of areas to be developed and proposed general street and lot layout.
- c. Number and type (single-family, multi-family) of housing units proposed.
- d. Proposed methods for and location of water supply, stormwater management (best management practices) and sewage treatment.
- e. Inventory of preserved and disturbed natural features and prominent views.
- f. Preliminary development envelopes showing areas for lawns, pavement, buildings and grading.
- g. Proposed methods for ownership and management of open space.

4. General location map: The subdivider shall submit a map showing the general outlines of existing buildings, land uses and natural features such as water bodies or wooded areas, roads and property boundaries within 500 feet of the tract. This information may be presented on an aerial photograph at a scale of no less than one inch equals four hundred feet.

**3.21 Review of Initial Application.** Within thirty (30) days following the filing of a complete initial application, the Agency shall arrange to meet with the subdivider to review the initial application. Staff from appropriate state agencies and local jurisdictions with review authority may also be requested by the Agency to review the application. The Agency shall make the determination of whether the initial application is complete. The Agency may also schedule a visit to the site with the subdivider to review the existing features of the site and the concept plan. The visit shall occur prior to or as part of the meeting. The Agency shall also solicit comment from any town wherein the affected land lies as part of its review. Within thirty (30) days following the meeting, the Agency shall provide a written report

informing the subdivider of any additions, changes or corrections to the concept plan submitted as part of the initial application.

**3.30 Preliminary Subdivision Plat.** Following the review and comment of the initial application, the subdivider shall file an application for review and approval of a preliminary plat with the Agency.

1. A preliminary plat shall be required for all subdivisions. Proposal of a preliminary plat shall require a public hearing before the Committee for review and action. No final plat shall be approved prior to the approval of required preliminary plat. The application for approval of a preliminary plat shall include all data required by this ordinance accompanied by one (1) reproducible and five (5) copies of the proposed preliminary plat.
2. The preliminary plat shall include the entire contiguous area owned or controlled by the subdivider unless a development plan has been filed, in which case, only that portion of the area designated for development in the development plan need be included.
3. The Agency shall forward copies of each preliminary plat submitted to all units of general-purpose local government within one-quarter (1/4) mile of the area shown in the preliminary plat. A municipality may not deny approval of a plat on the basis of the proposed use of land within the extraterritorial plat approval jurisdiction of the municipality, unless the denial is based on a plan or regulations, or amendments thereto, adopted by the governing body of the municipality under s.62.23(7a)(c) WI Stats.
4. Once deemed complete for review, the preliminary plat shall be considered at a public hearing before the Committee. The Committee shall act to approve, approve with condition or deny the preliminary plat within 90 days from when accepted as complete for review. Any conditions of approval or reasons for denial shall be stated in writing with the decision. The 90-day timeframe can be extended upon agreement of the subdivider. Failure of the Committee to act within this timeframe, or extension thereof, constitutes an approval of the preliminary plat. The Committee may impose conditions to the approval of the preliminary plat provided they are reasonable to the intent and goals of the underlying zoning or comprehensive plan and/or are supported by logical, rational data. Any such conditions are binding and shall be required to be reflected on the Final Plat.
5. The effect of approval of the preliminary plat shall be valid for six (6) months from the date of approval by the Committee. Approval or conditional approval of a preliminary plan shall not constitute automatic approval of the final plat. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat, which will be subject to further consideration by the Committee and Agency at

the time of its submission. If it so chooses, the Committee may designate review and approval of the final plat to the Agency alone, provided this was part of the approval action of the preliminary plat.

6. If the subdivider desires to amend the preliminary plat as approved, the subdivider may resubmit the amended plat, which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the Committee, of such scope as to constitute a new plat, in which case it shall be filed as a new proposal.

**4.00 Preliminary Plat Procedure.** The preliminary plat shall be based upon a survey by a registered land surveyor or engineer and shall be drawn at a scale of one hundred (100) feet to one (1) inch, and shall show correctly on its face:

1. Name of the proposed subdivision. The proposed name of the plat shall not duplicate or be alike in pronunciation of the name of any plat previously recorded in the county.
2. Project ownership and development information.
  - a. Name, address and telephone number of the legal owner and, if applicable, agent of the property.
  - b. Name, address and telephone number of the professional person(s) responsible for subdivision design, for the design of public improvements and for surveys.
  - c. Date of preparation.
  - d. A draft of any proposed covenants or deed restrictions.
3. Existing site conditions.
  - a. Boundary line of the proposed site and all property to be subdivided. Include all contiguous land owned or controlled by the subdivider.
  - b. Location, width and names of all existing platted streets and rights-of-way to a distance of 100 feet beyond the site.
  - c. Show the type, width and condition of street improvements; railroad or major utility rights-of-way; parks and other public open spaces; location and widths of existing recreation trails; and permanent buildings and structures to a distance of 100 feet beyond the site, if any.
  - d. Location, widths and names of all existing public and private easements to a distance of 100 feet beyond the site, if any.
  - e. Identify by name and ownership boundary lines of all adjoining lands within 100 feet of the proposed plat.

- f. Topographic data including contours at vertical intervals of not more than two feet. Elevation values shall be based on the National Geodetic Vertical Datum of 1929 (NGVD 29) or the North American Datum of 1988 (NAVD 88) or future adjustments to NAVD 88 as defined by the National Geodetic Survey and should also be so noted on the plat.
  - g. Significant natural resource features on the site, such as wetlands, floodplains, watercourses, existing wooded areas, steep slopes, drainage ways; rare, threatened and endangered species; and other natural resource features, views and other prominent visual features.
  - h. Burial sites categorized under Section 157.70 of the WI Statutes, Indian mounds, national and state register listed properties, and locally designated historic properties.
  - i. Legal description of the property.
  - j. Existing zoning classifications for land in and abutting the subdivision.
  - k. Total acreage of the proposed site.
  - l. Provide graphic scale, north arrow and date.
4. Subdivision design features.
- a. Layout of proposed streets according to Section 8.20(5) of this ordinance, showing right-of-way widths, types of improvements, street surface widths and proposed street names. All proposed street names shall be approved by the county in accord with the Iowa County Address and Street Name Ordinance.
  - b. Locations and type of proposed public easements (drainage, utility, pedestrian, public access to waterways, etc.); and all conservation easements.
  - c. Layout of proposed blocks and lots within the plat.
  - d. Basic data regarding proposed and existing (if applicable) lots and blocks, including numbers, dimensions and area.
  - e. Minimum front, side and rear yard building setback lines for all lots.
  - f. Indication of the use of all lots.
  - g. Location and size of all proposed and existing sanitary sewer lines and water mains, proposed community sewer and water system, or individual on-site septic systems and potable water sources. All lots proposed to be served by a private on-site septic system shall require

a soil test to be performed and filed with the Agency prior to acceptance of the preliminary plat application being considered complete.

- h. Location and size of all proposed and existing storm sewers (lines, drain inlets, manholes), culverts, retention ponds, swales, infiltration practices and areas and other stormwater facilities within the plat and to a distance of 100 feet beyond the site.
  - i. Development envelopes showing areas for grading, lawns, pavement and buildings.
  - j. Open space areas, other than pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres. Provide information on the conditions, if any, of the dedication or reservation.
  - k. Management plan for restoration and long-term management of the open space areas.
  - l. Drainage way Easements: Where a subdivision is traversed by a water course, Drainage way, channel or stream, there shall be provided an adequate Drainage way easement as required by the Committee. The location, width, alignment and grading of such easements shall be of such a width and design to accommodate the anticipated discharge from the property being subdivided and also the anticipated runoff that will occur when property at a higher elevation in the drainage basin is developed.
  - m. Additional width may be required on corner lots to permit adequate building setbacks from side streets.
  - n. The use of long, narrow strips of land to provide access to buildable lot areas shall be avoided.
  - o. Existing and proposed impervious areas that are within seventy five feet of the ordinary high water mark of a navigable waterway, as determined by the Agency, shall be calculated in square feet and shown as a percentage of each affected lot.
5. Preliminary construction plans. Provide information on one or more sheets.
- a. Plan and profile: Proposed street centerline profile grades, showing the existing and proposed profile grade lines.
  - b. Grading and erosion control plan: A plan showing existing and proposed grades, drainage patterns and stormwater facilities. The plan shall show the location and extent of grading activities in and adjacent to the plat, overall area of the site in acres, total impervious

surface area of project, total previous area, stockpile locations, erosion and sediment control facilities and a schedule for erosion and sediment control practices including site specific requirements to prevent erosion at the source.

- c. Provisions for sewage disposal, water supply, stormwater management and flood control.

**5.00 Final Plat Procedure.** If the final plat conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to local plans and ordinances adopted as authorized by law, it is entitled to approval. The final plat may, if permitted by the Committee, constitute only that portion of the approved preliminary plat that the subdivider proposes to record at that time.

A final subdivision plat shall be filed in accordance with the following:

1. **Final Plat:** The subdivider shall prepare a final plat and a letter of application in accordance with this ordinance and shall file ten copies of the plat and the application with the Agency. The owner or subdivider shall file the final plat not later than six months after the date of approval of the preliminary plat; otherwise, the preliminary plat and final plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the Committee. The subdivider or subdivider's agent shall also submit at this time a current certified abstract of title or such other evidence as the Agency may require showing ownership or control of the applicant.
2. **Objecting Agencies:** The subdivider or the subdivider's agent shall submit the original plat to the Plat Review Section, WI Department of Administration, which shall forward to copies to each of the agencies authorized to object under Section 236.12(2) of the WI Statutes. The department shall have the required number of copies made at the subdivider's expense.
3. **Final Construction Plans:** Simultaneously with the filing of the final plat, the owner shall file with the Agency four copies of the final construction plans and specifications of public improvements required by the county.
4. **Installation, Protection and Maintenance Plans:** The subdivider shall also submit plans for areas to be protected and/or introduced native vegetation.
5. **Referral of Final Plat:** The Agency shall provide copies of the final plat to county department heads and to the appropriate utilities for their review and comment. The county staff and utility comments will be forwarded to the Committee for their consideration during the review process.

6. The Agency shall provide the Committee with its conclusions as to whether the final plat conforms substantially to the preliminary plat and shall provide its recommendation on approval of the final plat.
7. Committee Review: The Committee shall examine the final plat as to its conformance with the preliminary plat; any conditions of approval of the preliminary plat; this ordinance; and all applicable ordinances, rules, regulations, and comprehensive plan elements that may affect it. The Committee shall approve, approve conditionally or deny within sixty days of the date of filing of the final plat with the Agency, unless a time extension agreed upon by the subdivider. If the plat is denied, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. The Committee may not inscribe its approval on the final plat unless the Agency certifies on the face of the plat that the copies were forwarded to objecting agencies as required in this ordinance, the date thereof and that no objections have been filed within twenty days or, if filed, have been met.
  - a. The Committee shall, when it determines to approve a final plat, give at least ten day's prior written notice of its intention to the municipal clerk of any municipality within 1000 feet of the final plat.
  - b. If the Committee fails to act within sixty days, without a time extension and no unsatisfied objections having been filed, the plat shall be deemed approved.
  - c. Recordation: After the final plat has been approved by the Committee and required improvements either installed or a contract and sureties ensuring their installation is filed, the Agency shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the county register of deeds along with all conservation easements and deed restrictions. The register of deeds cannot record the plat unless it is offered within six months from the date of last approval.
  - d. Copies: The subdivider shall file ten copies of the final plat with the Agency for distribution to the approving agencies, affected sanitary districts and other affected agencies for their files.

**5.10 Final Plat Requirements.** A final plat prepared by a registered land surveyor shall be required for all subdivisions and must be submitted within 36 months following preliminary plat approval. It shall comply with the requirements of Chapter 236 of the WI Statutes and this ordinance. Additional Information: The final plat shall show correctly on its face, in addition to the information required by Section 4.0 of this Ordinance and Section 236.20 of the WI Statutes, the following:

- a. Exact length and bearing of the centerline of all streets.



- b. Exact street width along the line of any obliquely intersecting street.
- c. Exact location and description of utility and drainage easements.
- d. Railroad rights-of-way within and abutting the plat.
- e. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat, including public access to waterways.
- f. Restrictions relating to access control along public ways.
- g. Setback or building envelope lines.
- h. Outlots shall be identified as unbuildable on the plat.
- i. Final restrictive covenants, deed restrictions, conservation easements for the proposed subdivision shall be submitted with the final plat.
- j. The legal instruments detailing the ownership of any common open space, as required in section 8.4 of this ordinance, which shall be submitted with the final plat.
- k. All final plats shall meet all the surveying and monumenting requirements of Section 236.15 of WI Statutes.
- l. State plane coordinate system: Where the plat is located within a quarter section, the corners of which have been relocated, monumented, and coordinated by the county, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements and the material and state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat.
- m. Certificates: All final plats shall provide all the certificates required by Section 236.21 of the WI Statutes. In addition, the surveyor shall certify that the surveyor has fully complied with all sections of this ordinance.
- n. Recording: The final plat shall be recorded with the Register of Deeds within 12 months after the last approval and 36 months from the first approval unless a time extension is granted by the Committee.

**6.00 Replat for Subdivision.** When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided by Sections 236.40 through 236.44, Wisconsin Statutes. A public hearing shall be scheduled before the Committee with notices of said hearing sent by regular mail to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within two hundred (200) feet of the exterior boundaries of the proposed replat.

1. Any proposed replat involving up to four lots only may present a proposed Certified Survey Map prepared by a surveyor meeting the requirements of chapter 236 of Wisconsin Statutes and Section 7.0 of this Ordinance.
2. Any proposed replat involving more than four lots shall follow the platting process described in Sections 3.30 and 3.40 of this ordinance.

**7.00 Land Division by Certified Survey Map.** No person, firm or corporation shall divide any land located within unincorporated Iowa County which shall result in a land division, as defined under Section 1.6 of this ordinance without first filing for approval by the Agency and subsequently filing with the Iowa County Register of Deeds a certified survey map which complies fully with Wis. Stat. Chapter 236.34 and with all applicable requirements contained within this ordinance.

A certified survey map is not required when a land division is proposed that will involve the subsequent lot or lots being acquired by an adjacent property owner, provided the subsequent lot or lots are added into the adjacent property owner's existing property by deed and result in a total of 40 or more contiguous acres.

A quarter quarter section so described (ex. NW1/4 of the SE1/4) shall, for the purposes of this ordinance, be considered 40 acres and not subject the Certified Survey Map requirement.

A development review prior to the submission of a certified survey map may be required at the Agency's discretion for the purposes of determining any associated zoning or other issues.

**7.10 Certified Survey Map Requirements.** Any certified survey map submitted for review under the provisions of this ordinance must comply with the following:

1. The proposed certified survey map shall be submitted to the Agency for review on forms provided.
2. All proposed certified survey maps shall include the following minimal information:
  - a. The name and address of the individual dividing the lands
  - b. The exterior boundaries of the land surveyed and divided
  - c. The date of the survey
  - d. A certified survey map shall include all lots, parcels or building sites created by the land division and all remnants of the original parcel that are less than forty (40) acres in size.
  - e. The exact location of any proposed or existing easement must be clearly shown on the face of the map. An existing easement must include a reference to the document number as recorded with the Register of Deeds.

- f. The exact width of all easements, streets and alleys
- g. Utility easements and access restrictions, where applicable
- h. All lake or stream shore meander lines
- i. The center line of all streets
- j. The area in square feet and acres of each lot and outlot
- k. Any outlot shall be designated as unbuildable on the face of the map
- l. North arrow
- m. A scale of not more than 400 feet to one inch
- n. All monuments erected, corners, and other points established in the field in their proper places
- o. The location to scale of all existing buildings and structures on each lot
- p. The location to scale of any existing well or private septic system.
- q. All other information as required by Chapter 236.34 WI Statutes

**7.20 Certified Survey Map Review Process.** The Agency shall, within forty (40) calendar days, approve, approve conditionally, or reject the certified survey map, based on a determination of conformance with the provisions of this ordinance, the Iowa County Zoning, Floodplain, Shoreland, Sanitation, and other pertinent ordinances. Authority to approve certified survey maps is hereby delegated by the Committee to the Agency Director. The decision of the Agency Director may be appealed to the Committee, in which case, the forty (40) calendar day approval period shall be extended. The Agency Director shall forward a copy of the proposed certified survey map to the Clerk of any town board having jurisdiction over the land involved for review against any Town regulation. The town shall have a maximum of fourteen (14) calendar days from the day the copy of the certified survey map was mailed to comment to the Agency. Failure to comment shall be considered non-objection by the town. All town comments must be in writing to the Agency and include a citation of all applicable town ordinances. The Agency Director shall review all comments made by the town agency within said forty (40) day period. A denial by the Agency Director shall be in writing and cite any options that may reverse said denial. A denied certified survey map shall not be recorded with the Iowa County Register of Deeds nor shall the proposed land division be so recorded.

The Agency shall forward a copy of the proposed certified survey map to the Clerk of any municipality whose incorporated boundaries or extraterritorial boundaries encompass all or part of the land area included within the proposed certified survey map as an objecting authority. Said municipality may not object to the proposed

certified survey map on the basis of the proposed use of land unless based on a plan or regulations, or amendments thereto, adopted by the governing body of the municipality under s. 62.23(7a)(c) WI Stats.

When a land division is being proposed that requires a land use change (rezoning), it is recommended that the application is made for said land use change hearing prior to the creation of a Certified Survey Map. This determination will likely be made upon review of a development plan. The land use change process will, at a minimum, require a metes and bounds legal description of the proposed lot that, if approved, will subsequently need to be converted to a Certified Survey Map prior to the final County Board action on the land use change request. The intent of this process is to avert the cost of a Certified Survey Map prior to the public hearing on a land use change petition. No Certified Survey Map shall be approved by the Agency Director unless it complies with the underlying zoning regulations.

**8.00 Subdivision Plat Design and Improvements.** All subdivision plats shall comply with the performance standards of Section 8.20 of this ordinance. All conservation subdivision plats shall be proposed as a planned unit development as defined by this ordinance.

**8.10 Development Yield.** The number of residential units for a proposed conservation subdivision plat shall be determined in accordance with the following:

1. The development yield analysis in Section 3.20(2) of this ordinance shall establish the base development yield for the parcel.
2. The base development yield may be increased if the development:
  - a. Proposes a density that complies with the standards listed in Section 8.2 of this ordinance in a manner that complies with any comprehensive plan having jurisdiction;
  - b. Proposes a portion of the development to be dedicated to the public for recreational or other open space;
  - c. Provides for access by general public to trails, parks or other recreational facilities, excluding golf courses. Access must be provided at minimal or no cost.
  - d. Reuses historical buildings and structures, including those sites inventoried by the State Historical Society of Wisconsin. The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall apply.

## **8.20 Performance Standards**

### **1. General Considerations**

- a. Conservation subdivisions shall identify a conservation theme or themes. This theme shall be identified at the time of the initial application. Conservation themes may include, but are not limited to, forest stewardship, water quality preservation, farmland preservation, natural habitat restoration, viewshed preservation, or archaeological and historic properties preservation. The Committee shall have the ability to specify which areas shall be preserved.
  - b. The residential lot shall be large enough to accommodate a house, two car garage and any required private well and septic system.
2. Residential Lot Requirements for Conservation Subdivision Plats
  - a. Minimum lot size
    - Onsite septic system: 1 acre
    - Offsite septic system: 1/4 acre
  - b. Maximum lot size: 5 acres for any proposed residential lot
  - c. Lots shall be configured to minimize the amount of impervious surfaces. Maximum lot coverage: 35% (includes buildings and other impervious surfaces)
  - d. Most lots shall take access from interior local streets. Existing farmsteads to be preserved may have a driveway as part of the historic landscape that does not access a local street but should be preserved.
  - e. Lots shall be configured to minimize the amount of road length required for the subdivision.
  - f. Development envelopes shall be configured to minimize loss of woodlands.
  - g. If agricultural uses are being maintained, lots shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and/or structures and residential structures.
  - h. All lots within a neighborhood shall abut open space on at least one side. A local street may separate lots from the open space.
  - i. Lots shall be oriented around one or both of the following:
    - A central green or square.
    - A physical amenity, such as a meadow, a stand of trees or some other natural or restored feature.
  - j. Development envelopes should not be located on ridges, hilltops, along peripheral public roads or in other visually prominent areas.
  - k. Residential structures shall be oriented to maximize solar gain in the winter months.

- l.** A thirty foot native vegetation buffer shall be maintained around open water areas, unless a specific common beach or grassed area is identified. Shoreland zoning standards, if more restrictive, shall control.
  - m.** Stormwater management (best management practices) prepared by a Wisconsin licensed civil engineer
    - Minimize the use of curb and gutter and maximize the use of open swales.
    - Roof down spouts should drain to porous surfaces.
    - Peak discharges during the 2 and 10 year storm events shall be no more than predeveloped conditions.
    - The development should capture 80% of the sediments/pollutants from the annual storm event.
    - Landscape plantings should be used to increase infiltration and decrease runoff. When at all possible, native plant species should be used.
    - Natural open drainage systems shall be preserved.
- 3. Residential Cluster Siting Standards for a Conservation Subdivision Plat**
- a.** All residential lots and dwellings shall be grouped into clusters. Each cluster shall contain no more than eight dwelling units and no less than three units.
  - b.** Residential clusters shall be located to minimize negative impacts on the natural, scenic and cultural resources of the site and conflicts between incompatible uses.
  - c.** Residential clusters shall avoid encroaching on rare plant communities, high quality sites, or endangered species identified by the WI Department of Natural Resources.
  - d.** Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and local or regional recreational trails.
  - e.** Residential clusters should be sited to achieve the following goals, to the extent practicable.
    - Minimize impacts to prime farmland soils and large tracts of land in agricultural use and avoid interference with normal agricultural practices.
    - Minimize disturbance to woodlands, wetlands, grasslands and mature trees.
    - Prevent downstream impacts due to runoff through adequate onsite storm water management practices.
    - Protect scenic views of open land from adjacent roads. Visual impacts should be minimized through use of landscaping or other features.

- Protect archeological sites and existing historic buildings or incorporate them through adaptive reuse.
- f. Landscaping around the cluster may be necessary to reduce off site views of residences.

#### 4. Open Space Design for a Conservation Subdivision Plat

- a. **Common Open Space:** The minimum open space required shall be owned and maintained under one of the alternatives listed in Section 8.41, as approved by the county. The uses within the open space shall be accessible to the residents of the development. These uses may also be available to the general public providing the proper approvals are received. The required open space shall be undivided and restricted in perpetuity from future development, as specified in Section 9.0.
- b. Open space shall be designated as part of the development. The minimum required open space is 60% of the gross acreage.
- c. **Open Space Conservation Ranking (in order of significance):** The areas to be preserved shall be identified on a case-by-case basis in an effort to conserve and provide the best opportunities to restore and enlarge the best quality natural features of each particular site.
  - First priority will be given to intact natural communities, rare and endangered species, environmental corridors, natural and restored prairies, significant historic and archaeological properties, and steep slopes.
  - Second priority will be given to areas that have high capability for producing agricultural crops common to the area.
  - Third priority will be given to areas providing some plant and wildlife habitat and open space values.
  - Fourth priority will be given to areas providing little habitat but providing viewshed, recreation, or a sense of open space.
- d. The following areas or structures may be located within the open space area and shall be counted toward the overall open space percentage required:
  - parking areas for access to and use of the open space developed at a scale limited to the potential users of the open space.
  - privately-held buildings or structures provided they are accessory to the use of the open space.
  - shared septic systems and shared potable water systems.
- e. Road rights of way shall not be counted towards the required minimum open space.

- f. No more than 50% of the required open space may consist of water bodies, ponds, floodplain, or wetlands.
  - g. That portion of open space designed to provide plant and animal habitat shall be kept as intact as possible. Trails shall be designed to avoid fragmenting these areas.
  - h. Accessible open space in upland areas shall be available for recreational uses such as trails, play fields, or community gardens but should be designed in a manner that avoids adversely impacting archeological sites.
  - i. A pathway system connecting open space areas accessible to neighborhood residents, and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels shall be identified in the plan.
5. Street Standards for all Plats. All plats shall include with the preliminary plat a street layout with a written statement from the affected town or towns that it complies with imposed standards. The affected town or towns are encouraged to consider the following standards in addition to those that are established by town ordinance:
- a. Neighborhood streets may take the form of a two-way street, a pair of one-way streets on either side of a landscaped median or a one-way loop street around a small neighborhood green. Streets shall be developed according to the following standards that promote road safety, assure adequate access for fire and rescue vehicles and promote adequate vehicular circulation:
  - b. The applicant must demonstrate that access to the development has the capacity to handle traffic generated by the proposed project, and will not endanger the safety of the general public.
  - c. Streets shall have the following design standards:
    - Right-of-way widths: The right-of-way width for each road shall be wide enough to provide for all public services, including roadway drainage, sidewalks, trails and walkways, utilities and snow storage. The minimum right-of-way shall be provided in accordance with the following: (ADT means expected average daily traffic – one residence equals 10 ADT)

<u>Right-of-Way</u>	<u>ADT &lt; 250</u>	<u>ADT &gt; 250</u>
One-way road	20 feet	30 feet
Two-way road	40 feet	50 feet

- Travel lane widths for local roads shall be determined by the expected average daily traffic (ADT) and shall be within the following ranges:

<u>Travel lanes</u>	<u>ADT &lt; 100</u>	<u>100-250</u>	<u>ADT &gt;250</u>	<u>ADT</u>
Two-way road	18'-24'	20'-26'	22'-28'	



One-way road	11'-13'	11'-13'	11'-14'
Curbed sections	13'	13'	13'
Shoulder or gutter			
Pan width	2'-4'	2'-4'	2'-4'

**d. Additional standards:**

- Design speed: maximum 25 miles per hour
  - Vertical curves: minimum 50 feet (when grade difference less than 1%, no curve is needed)
  - Horizontal curves: minimum radius of 125 feet
  - Road grades: maximum grade 10%
  - Pavement strength: 7 ton minimum
  - Clear zones: shoulder sections – 10 feet from edge of travel lane; curbed sections – 2 feet from face of curb
  - Bridges: width shall be traveled way, plus two feet each side. Design loading for structural capacity HS-20, plus five foot sidewalk necessary to maintain pedestrian crossing.
  - Cul-de-sacs should be designed as semi-circular and circular loop roads. Minimum 30 foot outside radius around a landscaped island with a minimum 10 foot radius. Open space internal to these road features can be counted toward the open space requirements.
  - Sidewalks, trails and other walkways: minimum 5 feet in width.
- e.** If determined necessary by the Committee, shade trees shall be planted on both sides of the streets.
- f.** Street connections to adjacent parcels shall be provided in logical locations to avoid creating landlocked parcels and provide for connecting street patterns.
- g.** Streets that serve as collectors, interconnecting subdivisions and other major traffic generators, shall be designed according to the highway jurisdiction's standards for collector roads.
- h.** Where streets will connect with streets having differing standards, the street dimensions shall be the same as those of the connecting street. All street widenings shall occur at the nearest intersection.
- i.** The developed area should have sidewalks on at least one side of the street.

## 6. Sewage and Water Facilities

- a. Water for all subdivision plats may be provided by individual onsite wells or by one or more community wells meeting the permit requirements of the State of Wisconsin and the county. The use of shared or community wells is encouraged. Plans for shared or community wells should include a wellhead protection plan with separation distances for the zone of influence and sources of pollution.
- b. All subdivision plats may be provided with adequate sewage treatment facilities meeting the standards of the county and the permit requirements of the WI Department of Commerce and WI Department of Natural Resources. Where sewage treatment is not provided by a publicly owned wastewater treatment facility, a common sewage treatment and disposal unit located on the common open space lands is encouraged.
- c. Public water and sewer connection is preferred over private facilities whenever technically feasible. Costs of such connection shall not be a sole determinant of feasibility.

**8.30 Financial Guarantee.** Evidence of a financial guarantee ensuring the construction and completion of the common open space shall be provided to the Agency. Evidence of a financial guarantee ensuring the completion of any required public improvements shall be provided to the Agency when the county is acting as an agent of the affected town to oversee the public improvements.

### 8.40 Ownership and Maintenance of Open Space and Common Facilities

**8.41 Alternatives.** The designated common open space and common facilities may be owned and managed by one or a combination of the following:

1. A homeowner's association.
2. A condominium association established in accordance with the Condominium Ownership Act, Chapter 703 of the WI Statutes.
3. A nonprofit conservation organization.
4. The county or another governmental body empowered to hold an interest in real property.
5. An individual who will use the land for open space purposes provided by a conservation easement.

**8.42 Homeowner's Association.** A homeowner's association shall be established if the common open space and other common facilities, and the declaration of covenants, conditions and restrictions of the homeowner's association shall be submitted for approval to the Committee as part of the information required for the preliminary plat. The homeowner's association bylaws or the declaration of covenants, conditions and restrictions of the homeowner's association shall contain the following information:

1. the legal description of the common land;
2. a description of common facilities;
3. the restrictions placed upon the use and enjoyment of the lands or facilities;
4. persons or entities entitled to enforce the restrictions;
5. a mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums;
6. a mechanism for resolving disputes among the owners or association members;
7. the conditions and time of the transfer of ownership and control of land facilities to the association;
8. any other matter the developer deems appropriate.

The homeowners association shall be governed according to the following:

- a) The applicant shall provide the Agency a description of the organization , including its bylaws and all documents governing maintenance requirements and use restrictions for common facilities.
- b) The organization shall be established by the owner or applicant and shall be operating (with financial subsidy by the applicant, if necessary) prior to the sale of any lots in the development.
- c) Membership in the organization shall be mandatory for all purchasers of lots therein and their successors and assigns.
- d) The organization shall be responsible for maintenance and insurance of common facilities.
- e) The members of the organization shall share equitably the costs of maintaining, insuring and operating common facilities.
- f) The organization shall have or hire adequate personnel to administer, maintain and operate the common facility.
- g) The applicant for any tract proposed to contain common facilities shall arrange with the Town Assessor a method of assessment of the common facilities which will allocate to each tax parcel in the development a share of the total tax assessment for such common facilities. Real estate taxes shall be paid by the individual lot owner directly to the Town.
- h) Written notice of the proposed transfer of common facilities by the homeowners association or the assumption of maintenance of common facilities must be given at all members of the organization and to the town and county at least thirty (30) days prior to such event.

**8.43 Condominium Associations.** If the common open space and facilities is to be held under the Condominium Ownership Act, Chapter 703 of the WI Statutes, the condominium instruments shall identify the restrictions placed upon the use and enjoyment of the common open space. All common space shall be held as a “common element” as defined in Section 703.01(2) of the WI Statutes.

**8.44 Nonprofit Conservation Organization.** If the common open space is to be held by a nonprofit conservation organization, the organization must be acceptable to the Committee. The conveyance to the nonprofit conservation organization must contain appropriate provisions for reversion in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.

**8.45 Public Dedication of Open Space and Streets**

1. The county, or other public entity approved by the Committee, may accept the dedication of fee title or dedication of a conservation easement to the common open space. The county may accept the common open space provided:
  - a. The common open space is accessible to the residents of the county.
  - b. The county agrees to and has access to maintain the common open space.
  - c. There shall be no cost of acquisition (other than costs incidental to the transfer of ownership, such as title insurance).
  - d. The county or public entity shall maintain such facilities.
  - e. In the case of fee title transfer, the residents of the development shall hold a conservation easement on the land and facilities so dedicated, protecting the common open space from development in perpetuity.
2. Streets and other public ways which have been designated on a duly adopted official map or element of the town or county comprehensive plan shall be dedicated or reserved by the subdivider to the town or county. The street or public way shall be made a part of the plat in the locations and dimensions indicated in the comprehensive plan and as set forth in this ordinance.

**8.46 Individual Ownership.** An individual may hold fee title to the land while a nonprofit or other qualified organization holds a conservation easement restricting the uses for the common open space. Such a provision shall require:

- a. The Committee must approve of the organization as a bona fide conservation organization.
- b. The conveyance must contain appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
- c. There must be a maintenance agreement that is acceptable to the Committee between the owner and organization.

**Maintenance Plan.** Every conservation subdivision must include a plan that provides evidence of a means to properly manage the common open space in perpetuity and evidence of the long-term means to properly manage and maintain all common facilities, including any storm water facilities. The plan shall be approved by the Committee prior to final plat approval.

1. The plan shall do the following:

- a. Designate the ownership of the open space and common facilities in accordance with section 8.4 of this ordinance.
- b. Establish necessary regular and periodic operation and maintenance responsibilities.
- c. Include a land stewardship plan specifically focusing on long-term management of common open space lands. The land stewardship plan shall include a narrative, based on the site analysis required in Section 3.20 of this ordinance, describing:
  - Existing conditions including all natural, cultural, historic and scenic elements in the landscape.
  - The proposed end state for each common open space area; and the measures proposed for achieving the end state.
  - Proposed restoration measures including: measures for correcting increasingly destructive conditions, such as erosion; and measures for restoring historic features.
  - The operations needed for maintaining the stability of the resources, including: mowing schedules; weed control; planting schedules; clearing and cleanup; at the county's discretion, the applicant may be required to place in escrow sufficient funds for the maintenance and operation costs of common facilities for a maximum of one year.

2. In the event that the organization established to own and maintain the open space and common facilities, or any successor organization, fails to maintain all or any portion of the common facilities in reasonable order and condition, notice shall be provided to the residents and owners of the open space and common facilities setting forth the manner in which the organization has failed to maintain the common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation this Ordinance, in which case the bond, if any, may be forfeited, and any permits may be revoked or suspended. The county may enter the premises and take corrective action.

- a. The costs of corrective action by the county shall be assessed in accordance with tax assessments, against properties that have the right of enjoyment of

the common facilities and shall become a lien on said properties. The county at the time of entering upon such common facilities for the purpose of maintenance shall file a notice of such lien in the office of the county register of deeds upon the properties affected by such lien.

3. Management plans can be amended by the owner identified under Section 8.5 with the approval of the Committee.

## **9.00 Variances, Planned Developments and Fees.**

### **9.10 Variances.**

1. Where the Iowa County Board of Adjustment finds that unnecessary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done; provided that public interest is secured and that such variation will not have the effect of nullifying the intent and purpose of these regulations. The process shall follow the public hearing process as outlined in Section 10.0 of the Iowa County Zoning Ordinance.

- 9.20 Fees.** The applicant shall pay such fees in association with this ordinance as shall be established by the Iowa County Board of Supervisors.

## **10.0 Violations and Penalties.**

It shall be unlawful to build upon, divide, convey, record, or monument any land in violation of this ordinance or state law, and no person shall be issued a permit by the county authorizing the building on or improvement of any subdivision within the jurisdiction of this ordinance not of record as of the effective date of this ordinance until the requirements of this ordinance have been fully met. The county may institute appropriate action or proceedings to enjoin violations of this ordinance or applicable state law.

Penalties for violation of this ordinance shall be as follows:

1. Any person, firm or corporation who fails to comply with the provisions of these regulations shall, upon conviction thereof, be subject to penalties and forfeitures as provided in §§ 236.30, 236.31, 236.32, 236.335 and 236.35 Wis. Stats.
2. Recordation improperly made has penalties provided in Section 236.30 of the WI Statutes.
3. Conveyance of lots in unrecorded plats has penalties provided for in Section 236.31 of the WI Statutes.
4. Monuments disturbed or not placed have penalties as provided for in Section 236.32 of the WI Statutes.

5. Assessor's plat made under Section 70.27 of the WI Statutes may be ordered by the city, village, town or county as a remedy at the expense of the subdivider when a subdivision is created by successive divisions.

Appeals may be made by any person aggrieved by an objection to a plat or a failure to approve a plat under this ordinance as provided in Sections 236.13(5) and 59.694 of the WI Statutes, within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a part to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable, or discriminatory.