

CHAPTER 4  
SUBCHAPTER 1  
PART 1

LAND USE MANAGEMENT AND ZONING, ENVIRONMENTAL  
MANAGEMENT AND BOARD OF ADJUSTMENT

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## CHAPTER 4

### LAND USE MANAGEMENT AND ZONING, ENVIRONMENTAL MANAGEMENT AND BOARD OF ADJUSTMENT

#### **Subchapter 1 – Land Use Management**

#### **Part 1 – Land Division and Management**

#### **Subpart 1: Introduction**

#### **4.101 Authority**

This Ordinance is adopted by the Rock County Board of Supervisors pursuant to Sections 59.69 (4), 236.45, 281.31, and 703.115, Wisconsin Statutes.

#### **4.102 Title and Effective Date**

This Ordinance shall hereafter be known, cited, and referred to as the Rock County Land Use, Zoning and Environmental Management Ordinance and shall be effective after adoption by the Rock County Board of Supervisors and publication as provided by law.

[*Note:* This Ordinance has been amended on April 14, 1994, December 14, 2000, April 28, 2005, and August 28, 2008 with said amendments incorporated herein.]

#### **4.103 Intent and Purpose**

The intent and purpose of this Ordinance is to identify the process and requirements for regulation of all land division and other development activity in unincorporated areas of Rock County so as to maintain and advance the public health, safety, and general welfare of the County, its communities, and its residents, including the administration of certain Town land division, other development, and related activity standards and regulations in accordance with Memorandums of Agreement (“MOAs”) between Rock County and said Town(s), all as defined in 4.107 of this Ordinance, by ensuring the following:

- (1) Orderly, economical, efficient, equitable, and environmentally-sound layout and use of land, including siting and construction of buildings, accessory buildings, and improvements, and other earth-disturbing activities, protection and preservation of Environmentally Sensitive Areas (“ESA”), cultural resources, productive agricultural soils, woodlands, and open space, promotion of a regional land use and community planning and development vision, and enhancement of community character;
- (2) Prevention and minimization of hazards to life or property, including but not limited to those related to overcrowding of land, congestion, pollution, fire, flood, disease,

noise, soil, bedrock formation, topography, drainage, steep slope, erosion, sewage treatment and disposal, water supply, and all other utilities;

- (3) Adequate public improvements and associated services, including but not limited to those related to transportation, sewage treatment and disposal, water supply, all other utilities, drainage, and outdoor recreation;
- (4) Adequate and safe lot ingress and egress;
- (5) Uniform, consistent, and accurate monumenting, mapping, and legal description of lots;
- (6) Consistency with the most current versions of the *Rock County Comprehensive Plan*, *Rock County Farmland Preservation Plan*, or any similar successive and other relevant County plan or document, Town, City, and Village comprehensive plans, Town, City, Village, and County zoning ordinances, and Sections 236 and 703, Wisconsin Statutes;

#### **4.104 Compliance with other Ordinances, Statutes, Regulations, and Plans**

Any land division or other development activity, including any activity stipulated in a Memorandum of Agreement (“MOA”) and subject to this Ordinance, in accordance with 4.108 herein, shall also be subject to and consistent with the following:

- (1) Chapters 236 and 703, Wisconsin Statutes and Chapters COMM. 83 and 85, TRANS. 233, and N.R. 115, 116, and 121, Wisconsin Administrative Code;
- (2) All other applicable Rock County ordinances and regulations, and the most current versions of the *Rock County Comprehensive Plan*, *Rock County Farmland Preservation Plan*, or any similar successive and other relevant County plan or document;
- (3) All applicable Town, City, or Village ordinances, regulations, and plans;
- (4) All other applicable ordinances, rules, regulations, standards, statutes, or other provisions of law;

#### **4.105 Interpretation, Abrogation and Greater Restrictions, Severability, and Repeal**

- (1) Interpretation. The provisions of this Ordinance shall be interpreted to be minimum requirements and shall be liberally construed in favor of Rock County and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes.
- (2) Abrogation and greater restrictions. This Ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, standard, statute, or other provision of law. Where any provision of this Ordinance imposes a restriction similar to

those imposed by any other provision of this Ordinance or any other ordinance, rule, regulation, standard, statute, or other provision of law, whichever is more restrictive or imposes higher standards shall control.

(3) Severability. Each Article, Section, Sub-section, paragraph, sentence, clause, word, and provision of this Ordinance is severable. If any of the aforementioned components of this Ordinance are held unconstitutional or invalid for any reason, such decision shall not affect the remainder of said Ordinance.

(4) Repeal. All other ordinances or parts of ordinances of Rock County inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

#### **4.106 Revision and Amendment**

This Ordinance may be revised and amended by the Rock County Board of Supervisors. The Rock County Planning & Development Committee (“Committee”) shall hold a public hearing on all proposed revisions and amendments to this Ordinance, in accordance with Sections 59.02 and 236.45, Wisconsin Statutes, to review and provide recommendation on said revisions and amendments to the Rock County Board of Supervisors. After this public hearing, the Rock County Board of Supervisors shall also hold a public hearing to adopt any Ordinance revisions or amendments recommended by the Committee.

Any land division or other development activity, including any activity stipulated in a Memorandum of Agreement (“MOA”) and subject to this Ordinance, in accordance with 4.108 herein, shall be reviewed for compliance with this Ordinance in the manner it exists at the time of submission to the Administrator of the application for preliminary land division, other development activity, or an activity stipulated in a MOA.

#### **4.107 Definitions**

The following terms shall, for the purpose of this Ordinance, have the definition stated in this Sec. Any other term contained in this Ordinance not defined in this Sec. but vital to the interpretation of this Ordinance shall be construed to have a legal definition:

**Accessory building** – Any structure affixed to the land and built for support, shelter, or enclosure of persons, animals, chattel, or other movable property, not requiring either a connection to a public sanitary sewer system or installation of a private onsite wastewater treatment system (“POWTS”)

**Adjacent Land Sale or Transfer** – The act or process of conveyance by a landowner of a portion of an existing lot to an adjacent landowner/lot in which no new, additional lots are created and the modified lots are not reduced below the minimum size and dimension required by law

**Administrator** – Staff of the Rock County Planning, Economic & Community Development Agency (“Agency”) designated by the Rock County Planning & Development Committee (“Committee”) to administer and enforce this Ordinance

**Agency** – The Rock County Planning, Economic & Community Development Agency, authorized by the Rock County Board of Supervisors, in accordance with Sec. 59.69 (2) Wisconsin Statutes, to develop and implement policies and procedures related to specific aspects of community planning and development in Rock County, with oversight provided by the Rock County Planning & Development Committee (“Committee”)

**Alley** – A public or private right-of-way primarily serving or designated to serve as a secondary vehicular access to a lot

**Applicant** – A landowner requesting review of and action on an application for land division, other development activity, or land division and development activity stipulated in a Memorandum of Agreement (“MOA”), or agent of said landowner(s) having gained legal consent of the landowner(s) on which the aforementioned activity will take place

**Arterial street** – A public right-of-way, including but not limited to Federal and State highways, primarily serving or designated to serve the rapid movement of concentrated volumes of vehicular traffic over relatively long distances and providing for movement between, rather than within, activity areas

**Block** – A group of lots within well-defined and fixed boundaries, including but not limited to those boundaries provided by streets, public parks, cemeteries, rail lines, shorelines, or general purpose districts, and having a designation through which it may be identified

**Board** – The Rock County Board of Adjustment, authorized by the Rock County Board of Supervisors, in accordance with Sec. 59.694, Wisconsin Statutes, to hear and take action on requests by an applicant for variances to and appeals of administration and enforcement of this Ordinance

**Building** – Any structure affixed to the land and built for support, shelter, or enclosure of persons, animals, chattel, or other movable property, requiring either a connection to a public sanitary sewer system or installation of a private onsite wastewater treatment system (“POWTS”)

**Building envelope** – The area of a lot in which building and accessory building sites are allowed

**Building setback line** – A line located at the front, rear, and on all sides of a lot between which lines and the lot lines, building and accessory building sites are prohibited

**Building Site Permit (“BSP”)** – A document issued by the Administrator specifying the allowance of a building or accessory building site on a lot, so classified in this Ordinance as either a Rock County Building Site Permit or a Town Building Site Permit

**Building site plan** – A document prepared and submitted by an applicant if a building or accessory building site is proposed for construction or location on a lot, so classified in this Ordinance as either a Rock County building site plan or a Town building site plan

**Centerline** – A line parallel to the boundary lines of a street or right-of-way, bisecting said street or right-of-way into equal parts and separating vehicular or other traffic moving in opposite directions

**Certified Survey Map (“CSM”)** – A map of a minor land division, or identifying lands subject to a lot combination or an adjacent land sale or transfer, prepared by a land surveyor in accordance with Sec. 236.34, Wisconsin Statutes and submitted by an applicant in both a preliminary and final form

**Cluster development** – A planned development and minor land division consisting of lots of reduced size and specifying building and accessory building sites so as to provide for protection and preservation of Environmentally Sensitive Areas (“ESA”), cultural resources, productive agricultural soils, woodlands, and/or open space

**Collector street** – A public right-of-way primarily serving or designated to serve moderate amounts of vehicular traffic between local and arterial streets, providing access to lots and for movement within, rather than between, activity areas

**Committee** – The Rock County Planning & Development Committee, authorized by the Rock County Board of Supervisors in accordance with Sec. 59.69 (2), Wisconsin Statutes, to administer and enforce this Ordinance

**Condominium** – A building(s), accessory building(s), and the associated grounds in which units of property, such as apartments, are owned by individuals and common parts of property, such as the building(s) and grounds, are owned jointly by all unit owners

**Condominium instrument** – The declaration, plats, and plans of a condominium together with any attached exhibits or schedules, prepared and submitted by an applicant

**Condominium plat** – A map of condominium units on a lot, prepared by a land surveyor in accordance with Sec. 703.11, Wisconsin Statutes, and submitted by the applicant as a component of a condominium instrument

**Conservation development** – A planned development and major land division (sub-division) consisting of lots of reduced size and specifying building and accessory building sites so as to provide for protection and preservation of Environmentally Sensitive Areas (“ESA”), cultural resources, productive agricultural soils, woodlands, and/or open space

**Conservation easement** – A document, in accordance with Sec. 700.40, Wisconsin Statutes, prohibiting building and accessory building sites, and earth-disturbing activity detrimental to the intent and purpose of the document, in Environmentally Sensitive Areas (“ESA”), cultural resources, productive agricultural soils, woodlands, and/or open space

**Corner lot** – A lot abutting two or more streets at their intersection, provided the corner of such intersection has an angle of one hundred and thirty five (135) degrees or less measured on the lot side

**Cul-de-sac** – A local street with a singular vehicular outlet containing an appropriate terminal for the safe and convenient reversal of traffic movement

**Cultural resources** – Any building or structure, archaeological or cultural site, or historical marker in the State of Wisconsin Historical Society’s Architecture and History Program, Archaeological Sites Inventory Program, or Historical Markers Program, or any building, structure, site, or marker so identified as a cultural resource in any Rock County cultural resources inventory, plan, or program

**Double frontage lot** – A lot whose front yard and rear yard both abut a street

**Drainageway** – A naturally-occurring or constructed channel designated to collect and disperse stormwater runoff so as to minimize potential occurrences of flooding, sedimentation, and erosion

**Driveway** – A public or private right-of-way primarily serving or designated to serve as a vehicular access to a lot from a public street

**Easement** – A non-fee simple interest in land either allowing use of the land by an individual or party other than the landowner and/or restricting use of the land by the landowner

**Environmentally Sensitive Areas (“ESA”)** – Natural resource features listed in accordance with 4.109 (3) of this Ordinance (Certain said features were previously termed in all relevant Rock County plans, documents, and regulations as Environmentally Significant Open Space Areas (ESOSA).)

**Extra-Territorial Plat Approval Jurisdiction (“ETJ”) area** – Any lands within one and one half (1 ½) miles of the boundary of a village or fourth-class city, or within three (3) miles of the boundary of a first, second, or third-class city, in accordance with Sec. 62.05 (1) and 236.02 (5), Wisconsin Statutes, in which said cities and villages may review and approve or object to land divisions, provided each have enacted an official map or sub-division control ordinance



**Flag lot** – A lot whose width at the building site far exceeds its street frontage, containing both a “pole”, a long, narrow strip of land utilized solely to provide vehicular access to the building site, and a “flag”, containing the building site

**Foundation survey** – A map prepared by a land surveyor and submitted by an applicant as a component of the building site plan, identifying lot lines, building setback lines, a building and/or accessory building foundation or footings, and the distance from the lot lines to the foundation or footings, and floodplain

**Frontage** – The length of the front lot line of a lot abutting a street and/or the length of the rear lot line of a lot abutting a surface water feature

**Front yard** – The area of a lot between the building setback line at the front of the lot and the adjacent boundary of the street upon which the lot abuts, in which building and accessory building sites are prohibited (A corner lot shall have two (2) front yards.)

**Full width** – The distance between the parallel boundaries of a street or right-of-way, measured perpendicular from said boundaries

**General planned development** – A planned development consisting of lots of reduced size and specifying building and accessory building sites so as to provide for protection and preservation of Environmentally Sensitive Areas (“ESA”), cultural resources, productive agricultural soils, woodlands, and/or open space

**General purpose district** – A unit of government, including Counties, Towns, Cities, and Villages, providing a wide array of vital services to residents living within their borders

**Grade** – The slope of a street specified in percent

**Half width** – One-half (1/2) of a street or right-of-way measured perpendicular from the street or right-of-way boundary to its centerline

**Household** – A building capable of serving as a residence, and occupied or otherwise inhabited

**Improvements** – Any building, accessory building, or construction activity or product on a lot intended to increase the value of the lot

**Land division** – The act or process of dividing an existing lot into two (2) or more lots normally for the purpose of ownership transfer or building construction or location, so classified in this Ordinance as either minor or major (sub-division), or the land area thereof

**Landowner** – Any individual or party having legal title to land subject to a land division or other development activity, including any activity stipulated in a Memorandum of Agreement (“MOA”)

**Landscape plan** – A document prepared and submitted by an applicant as a component of a final land division, at the applicant’s option and for a major land division (sub-division) only, detailing preservation, establishment, and maintenance of vegetation on the land division, including trees, shrubs, grasses, and other groundcover

**Land surveyor** – A person registered and licensed in the State of Wisconsin to perform land surveys

**Local street** – A public right-of-way of limited continuity primarily serving or designated to serve vehicular traffic over relatively short distances, providing access to abutting properties within neighborhoods and to collector streets

**Lot** – A land area created by a land division or otherwise permitted by law to be sold or used as a building site and containing adequate size and dimension to meet all Rock County, Town, State, and any other applicable standards and regulations

**Lot area** – The total square footage or acreage of a lot, excluding any public or private right-of-way or surface water feature

**Lot combination** – The act or process of consolidating two (2) or more lots into a single lot, with the lots subject to consolidation contiguous at more than a corner and under identical ownership in accordance with Rock County Tax Records

**Lot lines** – The boundary lines of a lot

**Major land division (Sub-division)** – A land division requiring a Sub-division Plat, creating five (5) or more new, additional lots of any size concurrently or by successive land division within five (5) years of the recordation date of the first lot created (A parent lot subject to a major land division and not included in a Sub-division Plat shall require a Plat of Survey (“POS”) or Certified Survey Map (“CSM”), in accordance with the definition of parent lot as stated in this Sec.)

**Memorandum of Agreement (“MOA”)** – A voluntary agreement executed by a Town and Rock County providing for the County to administer and enforce standards and regulations for specified land division, other development, and related activities within the Town, as set forth in the MOA

**Minor land division** – A land division requiring either a Plat of Survey (“POS”) or a Certified Survey Map (“CSM”), creating any of the following:

(1) One (1) to four (4) new, additional lots with each lot larger than thirty five (35) acres, created concurrently or by successive land division within five (5) years of the recordation date of the first lot created – POS required.

(2) One (1) to four (4) new, additional lots with each lot thirty five (35) acres or smaller, created concurrently or by successive land division within five (5) years of the recordation date of the first lot created – CSM required.

(3) A public dedication or reservation

(A parent lot subject to a minor land division shall require a POS or CSM in accordance with the definition of parent lot as stated in this Sec.)

**Municipality** – A general purpose district having incorporated status, including a City or Village

**Neighborhood development** – A planned development and major land division (sub-division) consisting of lots of reduced size, increased building densities, and mixed land uses (residential, commercial/business, governmental/quasi-governmental, and outdoor recreation/open space) in close proximity, so as to provide for protection and preservation of Environmentally Sensitive Areas (“ESA”), cultural resources, productive agricultural soils, woodlands, and/or open space

**Open space** – A land area largely devoid of buildings, accessory buildings, or other visible, intensive construction activities or products, intended to provide outdoor recreation opportunities and/or maintain and enhance ecosystem health

**Other development activity** – An act or process that alters the natural landscape through a construction activity or product, or changes the dimensions or ownership interests of a lot

**Outlot** – A land area, other than a lot or block, not to be utilized as a building or accessory building site and so designated on a Plat of Survey (“POS”), Certified Survey Map (“CSM”), or Sub-division Plat

**Parent lot** – An existing lot from which a new, additional lot is created through a land division, not to include the new, additional lot and requiring either a Plat of Survey (“POS”) or Certified Survey Map (“CSM”) in accordance with the following:

(1) Parent lot larger than thirty five (35) acres – CSM or POS not required;

(2) Parent lot thirty five (35) acres or smaller and not included in a Sub-division plat – CSM required;

(3) Parent lot larger than thirty five (35) acres that may require a re-zone, in accordance with a Town zoning ordinance, as a result of the land division – POS required;

**Pedestrian way** – A public or private right-of-way whose primary purpose is conveyance of foot traffic

**Planned development** – A major land division (sub-division) entailing a minimum of five (5) acres in which building and improvement sites and construction are planned and undertaken as a single project, incorporating a variety of land uses and not subject to standard development design requirements

**Plat of Survey (“POS”)** – A map of a minor land division, or identifying lands subject to an adjacent land sale or transfer, prepared by a land surveyor and submitted by an applicant in both a preliminary and final form

**Private onsite wastewater treatment system (“POWTS”)** – A sanitary sewer treatment and disposal system consisting of a septic tank and soil absorption field, or similar improvements or infrastructure, serving a building(s) and located either on the same or a different lot than said building(s), and not owned by a general purpose district

**Productive agricultural soils** – Soils so identified in the *Rock County Farmland Preservation Plan: 2011 Update* or any similar successive Rock County plan or document

**Public dedication or reservation** – The act or process by which a landowner conveys land to a general or special purpose district for uses, including but not limited to streets, parks, and outdoor recreation, or the act or process by which said districts retain land for said uses

**Public improvement** – Any building, accessory building, or construction activity or product on a lot intended to increase the value of the lot and which a general purpose or special purpose district may ultimately assume operation and maintenance responsibility

**Public improvement plan** – A document prepared by an applicant and submitted as a component of a final land division, detailing design, construction, and maintenance of all public improvements on the land division, with all costs of construction to be borne by the applicant, so classified in this Ordinance as either a Rock County public improvement plan or a Town public improvement plan

**Public sanitary sewer system** – Sanitary sewer treatment and disposal infrastructure constructed and maintained by a general or special purpose district to serve the sewage treatment and disposal needs of residents living within their boundaries

**Public water supply system** – Water supply infrastructure constructed and maintained by a general or special purpose district to serve the clean water supply needs of residents living within their boundaries

**Public way** – A right-of-way owned by a general or special purpose district, including but not limited to a street or pedestrian way, primarily serving or designated to serve the conveyance of vehicular, bi-pedal, foot, or other traffic

**Rear yard** – The area of a lot opposite the front yard and between the building setback line at the rear of the lot and its rear lot line, in which building and accessory building sites are prohibited (A corner lot shall have its rear yard opposite the street from which the driveway providing access to the building is located.)

**Right-of-way** – A public or private land area primarily serving or designated to serve as the location of a street, pedestrian way, rail line, or utility line

**Roadway** – The portion of a street under pavement or other surface

**Rock County Comprehensive Plan** – A document developed in accordance with Sec. 66.1001, Wisconsin Statutes and adopted by the Rock County Board of Supervisors to guide specified aspects of community planning and development in the County

**Sewer service area** – A land area in which a general or special purpose district is able to provide public sanitary sewer system service given existing infrastructure and capacity, as delineated in either an Areawide Water Quality Management Plan (per Sec. NR 121, Wisconsin Administrative Code) general purpose district comprehensive plan, or special purpose district plan or document

**Side yard** – The area of a lot between the building setback line on all sides of the lot and the adjacent side lot line(s), in which building and accessory building sites are prohibited

**Special purpose district** – A unit of government providing a single or few focused services to residents living within its borders

**Street (Road)** – A public or private right-of-way, not including driveways, primarily serving or designated to serve vehicular traffic and provide access within and/or between activity areas

**Stormwater management and erosion control plan** – A document prepared by an applicant and submitted as a component of a final land division, detailing measures to be taken by the applicant on the land division to ensure adequate stormwater management and minimization of erosion during and after improvement construction and associated earth-disturbing activity, in accordance with *Article II – Stormwater Management* and *Article III – Construction Site Erosion Control, Chapter 16 – Environment, Code of Ordinances, Rock County* (Administered by the Rock County Land Conservation Department)

**Sub-division Plat** – A map of a major land division (sub-division) prepared by a land surveyor in accordance with Sections 236.11 and 236.20, Wisconsin Statutes and submitted by an applicant in both a preliminary and final form

**Surface water feature** – A river, lake, stream, or any other navigable water body, in accordance with Sec. 30.10, Wisconsin Statutes

**Town** – Any of the twenty (20) Towns located in Rock County, including the Town Board, Town Clerk, or any other designated Town Committee

**Town zoning ordinance** – The current zoning ordinance of any of the twenty (20) Towns located in Rock County, adopted by said Town Board

**Unit** – A part of a condominium, such as an apartment, owned by an individual and not jointly by all other condominium owners

**Utility easement** – A public or private right-of-way reserved for the location of utility lines and other utility infrastructure

**Woodlands** – Lands comprising five (5) acres or more of contiguous deciduous and/or coniferous vegetation, as delineated by the Agency

## **Subpart 2: General Provisions**

### **4.108 Applicability**

- (1) Jurisdiction. This Ordinance shall apply only to land division and other development activity, including any activity stipulated in a Memorandum of Agreement (“MOA”), in unincorporated areas of Rock County. In those Towns where a duly adopted Town land division and development ordinance exists and is more restrictive than this Ordinance, the Town’s greater restrictions shall apply. The Committee may review, and approve or object to, any Sub-division Plat located in a municipality if said plat conflicts with parks, parkways, expressways, major highways, airports, drainageways, schools or other planned public development, in accordance with Sec. 236.12 (2) (b), Wisconsin Statutes.
- (2) Activities regulated. This Ordinance shall apply to all of the following:
  - (a) Land division creating a lot of any size;
  - (b) Rock County Building Site Permit (“Rock County BSP”) issuance;
  - (c) Public dedication or reservation;
  - (d) Adjacent land sale or transfer, lot combination, public improvement design, construction, and maintenance, Environmentally Sensitive Areas (“ESA”), cultural resources, productive agricultural soils, woodlands, and/or open space protection and preservation, Town Building Site Permit (“Town BSP”) issuance, and any other related activity, all only if stipulated in an MOA;

- (3) Activities not regulated. This Ordinance shall not apply to any of the following:
  - (a) Transfers of interest in land by will or pursuant to court order;
  - (b) Mortgages, easements, or leases for a term not to exceed ten (10) years;
  - (c) Cemetery plats or assessor's plats created under Sec. 70.27, Wisconsin Statutes;
  - (d) The re-survey of an existing lot which does not result in a land division;

#### **4.109 Suitability**

- (1) Hazards and conditions. Land division or other development activity, including any activity stipulated in a MOA, shall not occur on lands the Committee deems uninhabitable due to hazards of life or property, including but not limited to those related to fire, flood, disease, noise, soil, bedrock formation, topography, erosion, drainage, steep slope, sewage treatment and disposal, water supply, and all other utilities, or on lands possessing any other conditions rendering them uninhabitable, unless the hazards and conditions have been eliminated or adequate methods to correct said hazards and conditions are developed by the applicant to the satisfaction of the Committee.
- (2) Non-conformance. Land division or other development activity, including any activity stipulated in a MOA, shall not occur in a manner the Committee deems would increase an existing instance of non-conformance of a building, accessory building, construction activity or product, lot, or land use with this Ordinance or any other applicable ordinance, rule, regulation, standard, statute, or other provision of law, nor shall land division or other development activity, including any activity stipulated in a MOA, be allowed in a manner the Committee deems would create a new instance of non-conformance of a building, accessory building, construction activity or product, lot, or land use.
- (3) Environmentally Sensitive Areas. The Committee shall encourage land division or other development activity, including any activity stipulated in a MOA, to occur in a manner which the Committee deems will not significantly degrade or deplete, or compromise the function or integrity, of any Environmentally Sensitive Areas (“ESA”). The location of ESA shall reflect the most current and best data and information available to the Agency at the time of administration and enforcement of this Ordinance. ESA shall include all of the following:
  - (a) Floodplain – Lands identified as floodplain by the Federal Emergency Management Agency (FEMA), as delineated in accordance with the most current FEMA floodplain maps adopted by the Rock County Board of Supervisors;

- (b) Groundwater protection areas – Lands identified as groundwater protection areas, as delineated by the Agency;
  - (c) Hydric soils – Lands with soils identified as hydric, as delineated by the Agency;
  - (d) Kettles and depressional topography – Lands identified as kettles and/or depressional topography, as delineated by the Agency;
  - (e) Natural areas – Lands with scores of five (5) or higher, in accordance with the *Rock County Natural Areas Survey – 2001*;
  - (f) Shallow bedrock – Lands identified with bedrock within twenty (20) inches of the surface, as delineated by the Agency;
  - (g) Shorelands – Lands identified within seventy-five (75) feet of the ordinary high water mark of a surface water feature;
  - (h) Steep slopes – Lands identified with slopes sixteen percent (16%) and greater, as delineated by the Agency;
  - (i) Wetland – Lands identified as wetland, as delineated by the Wisconsin Department of Natural Resources or another qualified entity;
  - (j) Wetland buffers – Lands identified within fifty (50) feet of wetlands, as delineated by the Agency;
- (4) Cultural resources, productive agricultural soils, and woodlands. The Committee shall encourage land division or other development activity, including any activity stipulated in a MOA, to occur in a manner which the Committee deems will not significantly degrade or deplete, or compromise the function or integrity, of any cultural resources, productive agricultural soils, or woodlands. The location of cultural resources, productive agricultural soils, and woodlands shall reflect the most current and best data and information available to the Agency at the time of administration and enforcement of this Ordinance.
- (5) Determination of suitability. If the Committee prohibits a land division or other development activity, including any activity stipulated in a MOA, in accordance with (1), (2), (3), or (4) of this Sec., the Committee shall state this determination of land suitability at a public meeting, through an action of denial with findings of an application for preliminary land division, or other development activity, and forward this action in writing to the applicant within five (5) business days of said action.



### **Subpart 3: Land Division Procedure**

#### **4.110 Overview**

- (1) Classification. Land divisions are classified in this Ordinance as follows:
  - (a) Minor land division – A land division requiring either a Plat of Survey (“POS”) or a Certified Survey Map (“CSM”), creating any of the following:
    1. One (1) to four (4) new, additional lots with each lot larger than thirty five (35) acres, created concurrently or by successive land division within five (5) years of the recordation date of the first lot created – POS required;
    2. One (1) to four (4) new, additional lots with each lot thirty five (35) acres or smaller, created concurrently or by successive land division within five (5) years of the recordation date of the first lot created – CSM required;
    3. A public dedication or reservation in accordance with Sec. 38-18. of this Ordinance – CSM required.
  - (b) Major land division (sub-division) – A land division requiring a Sub-division Plat, creating five (5) or more new, additional lots of any size concurrently or by successive land division within five (5) years of the recordation date of the first lot created;
  - (c) A parent lot subject to a major or minor land division (sub-division) and not included in a Sub-division Plat shall require a POS or CSM in accordance with the following:
    1. Parent lot larger than thirty five (35) acres – CSM or POS not required;
    2. Parent lot thirty five (35) acres or smaller – CSM required;
    3. Parent lot larger than thirty five (35) acres that may require a re-zone, in accordance with a Town zoning ordinance, as a result of the land division – POS required;
- (2) Process. Land divisions shall be processed by the Administrator at the direction of the Committee. The procedure for a minor land division requires submittal of an application for preliminary land division and a final land division, and recordation and alteration and modification (if applicable). The process for a major land division (sub-division) requires all those components as listed previously for a minor land division, in addition to a consultation in accordance with 4.111 of this Ordinance.

#### **4.111 Consultation**

Prior to submission of an application for preliminary land division, the applicant shall schedule and attend a consultation with the Administrator, Town, and City/Village (if land division is within City/Village Extra-Territorial Plat Approval Jurisdiction (“ETJ”) area) for all major land divisions (sub-division) to ensure the applicant has an adequate understanding of all Rock County, Town, City/Village (if applicable), State, and Federal standards and requirements.

At the consultation, the applicant shall provide a map at 24”x36” or larger, at a convenient scale not to exceed one hundred (100) feet to the inch, and containing all of the following:

- (1) Two (2) foot contour intervals on the land division (if required by Administrator), approximate location and dimension of all property owned by the applicant on and adjacent to the land division, approximate location, dimension (if applicable), and name (if applicable) of all existing and/or proposed utilities within three hundred (300) feet, and all existing and/or proposed public or quasi-public buildings, land ownership, government boundaries, streets, alleys, public ways, rail lines, easements, vegetative land cover types, ESA, cultural resources, productive agricultural soils, woodlands, and surface water features within one thousand (1,000) feet, of any lot line of the land division;
- (2) A title containing the proposed major land division name, landowner and/or applicant’s last name and the text “DEVELOPMENT MAP – MAJOR LAND DIVISION”;
- (3) A scale, north arrow, and date of creation;
- (4) The name, address, and telephone number of the landowner and applicant;

#### **4.112 Preliminary Land Division**

- (1) Application submission requirements. The applicant shall submit to the Administrator an application for preliminary land division. Application information and forms are available at the office of the Administrator and on the Rock County website. The application shall include:
  - (a) A POS or CSM clearly marked “PRELIMINARY CSM or POS” for a minor land division or a Sub-division Plat clearly marked “PRELIMINARY PLAT” for a major land division (sub-division), displaying the land division at a convenient scale not to exceed five hundred (500) feet to the inch for a POS or CSM and one hundred (100) feet to the inch for a Sub-division Plat, with the POS, CSM, or Sub-division Plat pages numbered in sequence if more than one (1) page is required, and total number of POS, CSM, or Sub-Division Plat pages identified on each page. A copy of said POS, CSM, or Sub-division Plat shall also be

provided in electronic format in a manner compatible with the Agency's Geographic Information System (GIS). The POS, CSM, or Sub-division Plat shall contain all of the following:

1. The location of the land division by section, township, and range, approximate location and dimension of all property lines on and adjacent to the land division, to include ownership, and existing and proposed County, Town, and City/Village (if applicable) zoning designations on the land division;
  2. The approximate location and dimension of all existing and/or proposed lots, outlots, units, and blocks numbered for reference, and indication of lot, outlot, unit, or block use if other than single-family residential, on the land division;
  3. The approximate location, dimension (if applicable), and name (if applicable) of all existing and/or proposed buildings, accessory buildings, streets, alleys, public ways, rail lines, private water wells or public water supply systems, POWTS or public sanitary sewer systems, any other utilities, easements, vegetative land cover types, ESA, cultural resources, productive agricultural soils, woodlands, surface water features, drainageways, detention or retention areas, cemeteries, bridges/culverts, and rock outcroppings on the land division, and any other information required by the Administrator;
  4. The approximate location, dimension, and name (if applicable) of all proposed dedicated public parks or outdoor recreation lands, or other public or private dedication or reservation, with designation of the purpose thereof and any conditions of the dedication or reservation, as well as the location of proposed utility, drainageway, and pedestrian way easements, on the land division;
  5. A preliminary concept for connection with an existing public sanitary sewer and water supply system or an alternative means of providing treatment and disposal of sewage and water supply, on the land division;
  6. A preliminary concept for collecting and discharging stormwater on the land division;
  7. Topography with two (2) foot contour interval on the land division (Sub-division Plats only);
  8. A scale, north arrow, and date of creation;
  9. Any other information as required in accordance with Sec. 236.34 and 236.11, Wisconsin Statutes;
- (b) A proposed timeline for submission of a Rock County public improvement plan (if applicable);

- (c) An application form to include the name, address, and telephone number of the landowner, applicant, and land surveyor/developer, proposed name of the land division (major land division (sub-division) only), and signature of the applicant. The proposed name of a major land division (sub-division) shall not duplicate or too closely approximate phonetically the name of any other major land division (sub-division) in Rock County and if the Committee determines this is the case, the Committee shall have final authority to designate the name of any major land division (sub-division), to be determined when the application for preliminary land division is approved by the Committee, in accordance with (7) of this Sec.;
  - (d) An application fee;
- (2) Application submission requirements: Optional landscape plan. The applicant may submit a landscape plan to the Administrator as a component of an application for preliminary land division. The plan shall be submitted at the option of the applicant and for major land divisions (sub-divisions) only, with said plan providing for preservation, establishment, and maintenance of vegetation on the land division, including trees, shrubs, grasses, and other groundcover, to minimize soil erosion, screen and buffer differing land uses, and stabilize and enhance ecosystem health and community character.

The landscape plan shall encourage and promote landscaping that maintains and/or establishes large, contiguous areas of native vegetation that preserve, establish, or enhance scenic viewsheds and are located adjacent to stormwater and retention ponds, at the periphery of exterior lots, and in areas where differing land uses interface.

Each lot subject to the landscape plan shall require a minimum of one hundred (100) landscape points for each one thousand (1,000) square feet of impervious surface on the lot, to include any land under buildings, accessory buildings, and paved surfaces. In calculating required landscape points, all areas and distances on which calculations are based shall be rounded up to the nearest whole number. Landscape points are dependent on a vegetation category/type's typical growth rate, mature height, and classification as deciduous or conifer. Vegetation shall be of a minimum dimension at installation in order to be eligible for landscape points. Existing vegetation may be eligible for landscape points if said vegetation is non-invasive, a desirable species as determined by the Administrator, and will be preserved during construction activity. **Figure I** identifies Vegetation Category, Landscape Points, Minimum Installation Dimension, and Vegetation Type specifications for a landscape plan. The Administrator is authorized to award landscape points for any vegetation type identified in a landscape plan and not listed in **Figure I** if said vegetation type provides a landscape function similar to those vegetation types identified in **Figure I**.

**Figure I: Landscape Plan –  
Vegetation Category, Landscape Points, Minimum Installation Dimension, and Vegetation Type**

<b>Vegetation Category</b>	<b>Landscape Points</b>	<b>Minimum Installation Dimension</b>	<b>Vegetation Type</b>
Climax tree	75	2 inch caliper	
			Sugar Maple
			Ginkgo
			Oak: Red, White, and Pin
Tall deciduous tree	30	1 inch caliper	
			Maple: Red, Silver, and Norway
			Honeylocust
			Bigtooth Aspen
			Linden: Basswood and Littleleaf
Medium deciduous tree	15	6 feet tall	
			Birch: River and Paper
			Cherry: Choke and Pin
			Willow
Low deciduous tree	10	4 feet tall	
			Serviceberry
			Hawthorn: Cockspur and Downy
			Crabapple
Tall conifer tree	40	5 feet tall	
			White Fir
			Pine: Red, White, and Scots
			Canada Hemlock
Medium conifer tree	20	4 feet tall	
			American Arborvitae
Short conifer tree	12	3 feet tall	
			Juniper: Mounbatten and Red Cedar
			Arborvitae: Pyramidal and Techny
Tall deciduous shrub	5	3 feet tall	
			Dogwood: Grey and Pagoda

			Lilac: Chinese and Hyacinth
			Viburnum: Arrowwood and Wayfaringtree
Medium deciduous shrub	3	2 feet tall	
			American Filbert and Hazelnut Americana
			Cotoneaster
			Forsythia: Border, Early, and Weeping
			Rose: Virginia and Rugosa

**Figure I: Landscape Plan –  
Vegetation Category, Landscape Points, Minimum Installation Dimension, and Vegetation Type**

<b>Vegetation Category</b>	<b>Landscape Points</b>	<b>Minimum Installation Dimension</b>	<b>Vegetation Type</b>
Short deciduous shrub	1	1 ½ foot tall	
			Shrubby St. Johnswort
			Spirea: Froebel and Snowmound
Medium conifer shrub	5	1 ½ foot tall/wide	
			Pfitzer Juniper:
			Japanese Yew
Short conifer shrub	3	1 foot tall/wide	
			Juniper: Sargent, Creeping, and Andorra

The landscape plan shall contain all of the following:

- (a) A map at 24"x36" or larger, prepared by the applicant or a qualified landscape professional at a convenient scale not to exceed one hundred (100) feet to the inch and containing all of the following:
  1. Approximate location and dimension of all lots in the land division;
  2. Approximate location, dimension, and vegetation category/type (if applicable) of existing woodlands and other vegetative land cover types (to include designation of Preservation or Removal), ESA, productive agricultural soils, cultural resources, and surface water features or other water bodies within one thousand (1,000) feet of any lot line of the land division;
  3. Approximate location and quantity of any deciduous trees greater than three (3) inch caliper and conifer trees ten (10) feet high or greater in the land division;

4. Approximate location, dimension, quantity, and vegetation category/type of all proposed vegetation on the land division, including trees, shrubs, grasses, and other groundcover, and schedule for installation within one (1) year of the date of issuance of an occupancy permit for any building on the lot(s);
  5. A landscape point total, per **Figure I**, of not less than one hundred (100) points for each 1,000 square feet on a lot, for each lot in the land division, identifying the landscape points for each existing/proposed vegetation species/types;
  6. An estimate of landscape plan implementation costs, to include both vegetation installation and replacement for a two (2) year period, with all of said costs to be borne by the applicant;
  7. A statement to the effect that two (2) years after the initial vegetation installation date, maintenance and replacement of all vegetation on the lot(s) as identified in the landscape plan shall be the responsibility of the lot owner and maintenance and replacement requirements shall run with the lot and be binding upon all future lot owners;
  8. A scale, north arrow, date of creation, and major land division (sub-division) name;
  9. The name, address, and telephone number of the landowner and applicant;
- (3) Incomplete or inaccurate application. Failure by the applicant to submit a complete application for preliminary land division or submittal of an inaccurate application, both in accordance with (1), and (2) if applicable, of this Sec. shall be cause for the application to be returned by the Administrator to the applicant, with the application not subject to any further review or action until the applicant has submitted a complete and accurate application.
- (4) Other reviewing parties. The Administrator shall provide the application for preliminary land division to other reviewing parties for comment, to include:
- (a) Rock County Public Works, Health, Land Conservation, and Land Records Departments, and the Rock County Surveyor;
  - (b) Town Board and Planning and Zoning Committee/Commission;
  - (c) City and/or Village if land division is within said City and/or Village ETJ area;
  - (d) Any applicable utility entity;
  - (e) Wisconsin Department of Transportation if land division is adjacent to a State road;

Any comments by other reviewing parties shall be provided to the Administrator within ten (10) business days of receipt of the application by the party from the Administrator. Failure by any other reviewing party to provide comments to the Administrator within the aforementioned timeline shall indicate said party(s) has no comment.

- (5) Administrator review. The Administrator shall review the application for preliminary land division for compliance with this Ordinance, as well as the comments from all other reviewing parties. To facilitate timely review of the application, field inspection and staking along the center-line of all proposed streets in the land division by the Administrator may be required at the discretion of the Committee. After review, the Administrator shall provide an application recommendation, either approval, approval with conditions, or denial with findings, to other reviewing parties as stated in (4) (a), (b), (c), (d) and (e) of this Sec. within ten (10) business days of receipt of the application by the Administrator.
- (6) Town and City/Village review and action. The application for preliminary land division, comments of all other reviewing parties, the Administrator's recommendation, and any other relevant information shall be provided by the Administrator to the Town and the City/Village (only if the land division is to take place within the ETJ of said City/Village) for their respective review at a public meeting. The Town and City/Village (if applicable), at their discretion, shall take action and approve, approve with conditions, or deny the application.
- (7) Committee review and action. The Committee shall review the application for preliminary land division, comments of all other reviewing parties, the Administrator's recommendation, Town review and action, City/Village review and action (if applicable), and any other relevant information at a public meeting. The Committee shall take action only after (1) – (6) of this Sec. have been completed and shall approve, approve with conditions, or deny with findings the application within ninety (90) days of receipt of the application by the Administrator, unless this timeline is extended by mutual agreement between the Committee and the applicant, with the exception that if Town and City/Village (if applicable) action is not expected to occur prior to said ninety (90) day timeline, the Committee shall take action on said application. One (1) copy of the application review form, containing the Committee action, either approval, approval with conditions, or denial with findings, and the action date shall be provided to the applicant within five (5) business days of said action. If the Committee fails to take action on the application within the aforementioned ninety (90) day timeline, and unless this timeline is extended by mutual agreement between the applicant and all required parties, said application shall be deemed approved by the Committee.
  - (a) If the application for a preliminary land division is a minor land division requiring a POS, in accordance with 4.110 (1) of this Ordinance, said application shall not require Committee review and action as stated in (7) of this Sec. and the



Administrator shall review and take action on this application in the manner described in (7) of this Sec.;

- (8) Effectiveness of Administrator or Committee approval or approval with conditions. An application for a preliminary land division approved or approved with conditions by the Committee or Administrator in accordance with (7) of this Sec. shall be effective for twelve (12) months for a POS or CSM, and thirty six (36) months for a Sub-division Plat, from the Committee or Administrator action date, at the end of which approval of a final land division, in accordance with 4.113 of this Ordinance, must be obtained by the applicant from the Administrator. Any application not receiving Administrator approval as a final land division within the aforementioned timeline shall be null and void and the applicant shall be required to submit a new application if wishing to proceed with the land division. Extension of the aforementioned timeline may be applied for by the applicant prior to expiration of effectiveness and granted by the Committee at their discretion upon findings that delays are beyond the control of the applicant and that no material change in the land division, as stated in the application, has occurred or is reasonably expected to occur.

#### **4.113 Final Land Division**

- (1) Submission requirements. Following the approval or approval with conditions of the application for preliminary land division by the Committee or Administrator, the applicant shall submit the final land division to the Administrator for approval. The final land division shall conform with the application for preliminary land division, application conditions of approval as required by the Administrator, Committee, Town, and City/Village (if applicable), and State and Federal standards and regulations, and contain all of the following:
- (a) A POS or CSM for a minor land division and a Sub-division Plat for a major land division (sub-division) displaying the land division at a convenient scale not to exceed five hundred (500) feet to the inch for a POS or CSM and one hundred (100) feet to the inch for a Sub-division Plat, with the POS, CSM, or Sub-division Plat pages numbered in sequence if more than one (1) page is required, and total number of POS, CSM, or Sub-division Plat pages identified on each page. A copy of the POS, CSM, or Sub-division Plat shall also be provided in electronic format in a manner compatible with the Agency's GIS. The POS, CSM or Sub-division Plat shall contain all of the following:
1. All information specified in accordance with Sections 236.20, 236.21, and 236.34, Wisconsin Statutes, including but not limited to:
    - a. A notarized certificate by the landowner in substantially the form found in Sec. 236.21 (2) (a), Wisconsin Statutes indicating the landowner has caused the land to be mapped, surveyed, divided, and/or dedicated;

- b. The location of the land division in accordance with Sec. 236.20 (3), Wisconsin Statutes;
  - 2. A note identifying restrictions or limitations on specified lots if the lots have physical characteristics that may limit or restrict the opportunity for building, accessory building, or POWTS sites, as required by the Committee or Administrator;
  - 3. Public way access control restrictions as required by the Committee and/or in accordance with *Article V – Trunk Highway Access Control, Chapter 42 – Traffic and Vehicles, Code of Ordinances, Rock County*, and other covenants and restrictions previously reviewed and approved by the Administrator;
- (b) A Rock County public improvement plan with any and all maps contained in the plan at 24”x36” and at a scale not to exceed fifty (50) feet to the inch, illustrating a functional scheme for public improvement design, construction, and maintenance;
  - (c) Results of a soil and site evaluation for all lots designed to contain a POWTS, in accordance with COMM. 85, Wisconsin Administrative Code;
  - (d) A stormwater management and erosion control plan submitted in accordance with *Article II – Stormwater Management, Chapter 16 – Environment* and *Article III – Construction Site Erosion Control, Chapter 16 – Environment, Code of Ordinances, Rock County*;
  - (e) A landscape plan, if submitted by the applicant as a component of the application for preliminary land division and in accordance with 4.112 (2) of this Ordinance;
  - (f) Written assurance and documentation from all applicable utility entities that all necessary utilities are installed and paid for, with said entities also guaranteeing restoration of lots to pre-installation condition, as required at the discretion of the Administrator;
  - (g) Applicable covenants and/or restrictions if the applicant intends to create a homeowners association in conjunction with the land division, to be submitted a minimum of fourteen (14) days before the date of action on the final land division by the Administrator, in accordance with (5) of this Sec.;
- (2) Administrator review. The Administrator shall review the final land division to ensure compliance with this Ordinance and the application for preliminary land division, including all conditions of approval. This review shall include the Rock County public improvement, stormwater management and erosion control, and landscape plans (if applicable), and the Administrator shall either approve the plans or provide the applicant with required modifications, with the exception of the Rock County public improvement plan which is reviewed for illustrative purposes only to ensure a functional scheme for public improvement. This review may also include a

field inspection by the Administrator to ensure all erosion measures, improvements, dedications, easements, and landscaping are provided for as indicated in said plans. The Committee may direct the Rock County Surveyor to field check the land division according to State standards for survey accuracy, monumenting, legality and completeness of maps, to verify consistency between the POS, CSM or Sub-division Plat with those contained in the application for preliminary land division, or to review the POS, CSM or Sub-division Plat for compliance with this Ordinance and Sec. 236.15, Wisconsin Statutes.

- (3) Objecting agency review. The Administrator or applicant shall provide the final land division, not to include any final land division requiring a POS, to all of the following objecting agencies, in accordance with Sec. 236.12, Wisconsin Statutes, within two (2) days of receipt of the final land division by the Administrator from the applicant:
  - (a) Wisconsin Department of Administration for any major land division (sub-division);
  - (b) Wisconsin Department of Transportation for any land division abutting or adjoining a State road or connecting road;
  - (c) Wisconsin Department of Safety and Professional Services for any land division lacking access to a connection to a public sanitary sewer system, or any local official designated by said department to act as their agent in accordance with Sec. 236.12 (2) (a), Wisconsin Statutes;

Objecting agencies shall review the final land division and provide to the Administrator or applicant any objections, stated on the face of the CSM or Sub-division Plat, within twenty (20) business days of receipt of the final land division from the Administrator or applicant. Failure by any objecting agency to provide objections to the Administrator or applicant within the aforementioned timeline shall indicate said agencies have no objections.

- (4) Town and City/Village review and action. The final land division shall be provided by the applicant to the Town and City/Village (only if the land division is located within the ETJ area of said City/Village) for their respective review and action at a public meeting. The Town and City/Village (if applicable), at their discretion, shall take action and approve or deny the final land division.
- (5) Administrator action. The Administrator shall take action and approve or deny with findings the final land division only after Town and City/Village review and action, in accordance with (4) of this Sec., and shall provide written notice of action to the applicant within sixty (60) days of receipt of the final land division, with said timeline to commence only after Town and City/Village have completed said review and the Administrator is in receipt of the final land division. The Administrator shall approve a final land division if all objections by objecting agencies have been

cleared and if the final land division complies and conforms substantially to the Committee-approved application for preliminary land division and conditions of approval for said application. If the Administrator fails to provide notice of approval or denial action to the applicant within the aforementioned timeline, and an agreement between the Administrator and applicant has not extended this timeline, and if all objections filed by objecting agencies have been cleared, the final land division shall be deemed approved by the Administrator.

- (6) Statement of payment of property taxes. The applicant shall provide to the Rock County Treasurer the final land division approved by the Administrator along with the following text:

Rock County Treasurer,  
I hereby certify that the property taxes on the parent lot are current and have been paid as of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Rock County Treasurer;

#### **4.114 Recordation**

The final land division approved by the Administrator shall be recorded by the applicant with the Rock County Register of Deeds within twenty four (24) months of Committee approval of the application for preliminary land division and within six (6) months of Administrator approval of the final land division for a CSM, or within thirty six (36) months of Committee approval of the application for preliminary land division and within twelve (12) months of Administrator approval of the final land division for a Sub-division plat, all in accordance with Sections 236.34 and 236.25, Wisconsin Statutes. A final land division approved by the Administrator shall be filed by the applicant with the Rock County Surveyor within twenty four (24) months of Administrator approval of the application for preliminary land division and within six (6) months of Administrator approval of the final land division for a POS.

Title may not be transferred for a lot created under this Ordinance without recordation of the land division with the Rock County Register of Deeds or filing of the land division with the Rock County Surveyor, nor without approval by the Committee or Administrator of the application for preliminary land division and approval by the Administrator of the final land division.

#### **4.115 Alteration or Modification**

- (1) Procedure. Alteration or modification of a land division recorded with the Rock County Register of Deeds may be undertaken only if such alteration or modification does not affect any area of the land division dedicated or reserved to the public and said alteration or modification shall be subject to applicable provisions of this Ordinance and Sections 236.36 through 236.445, Wisconsin Statutes.

- (2) Recordation. After Administrator approval of the final land division in accordance with this Ordinance, the altered or modified final land division shall be re-recorded in the Rock County Register of Deeds Office in accordance with 4.114 of this Ordinance, along with a copy of the original unmodified and unaltered land division indicating the area of the original land division so modified or altered.

#### **Subpart 4: Land Division Development Design and Public Dedication and Reservation Requirements**

##### **4.116 Standard Development Design**

- (1) Design. All land divisions shall be designed to achieve the intent and purpose of this Ordinance, as stated in 4.103 herein, and shall be appropriately coordinated with and related to existing land uses, future land uses as delineated in applicable comprehensive plans and official maps, the natural landscape, and County, Town, and City/Village (if applicable) zoning ordinances.
- (2) Lots. Lot size, dimension, configuration, orientation, and building setback lines shall be appropriate for the location of the land division and the land use proposed. Lots shall generally be proportionate in length and width and the use of flag lots shall be discouraged. If flag lots are utilized, they shall be in accordance with (e) of this Sub-sec. Minimum lot size shall be appropriately increased to provide for a building envelope consistent with County, Town, and City/Village (if applicable) zoning ordinances.
  - (a) Residential lots without access to a connection to a public sanitary sewer system shall have a minimum size of forty thousand (40,000) square feet for a single family residential building and fifty five thousand (55,000) square feet for a two (2) family residential building. Each residential building shall utilize a POWTS and water well, and the lot shall contain an adequate POWTS area, to include a primary area and replacement area. Each lot shall contain a building envelope of two thousand (2,000) square feet excluding front, rear, and side yards in accordance with applicable building setback lines, ESA, and cultural resources, with said building envelope not to be located closer than ten (10) feet from any part of the POWTS area. Each lot shall also contain useable open space of not less than seventy percent (70%) of the gross area of the lot, entailing the gross square footage of the lot, less three thousand (3,000) square feet for potential building, driveway, or parking use, less fifty percent (50%) of the POWTS area. The minimum lot width at the front yard building setback line for these lots, in accordance with applicable Town and County building setback lines, or (g) of this Sub-sec., shall be one hundred (100) feet.
  - (b) Residential lots with access to a connection to a public sanitary sewer system shall have a minimum size of six thousand (6,000) square feet except in the Rock County Shoreland Overlay Zoning District, in accordance with *Chapter 44 – Zoning, Code of Ordinances, Rock County*, where the minimum size shall be

fifteen thousand (15,000) square feet. The minimum lot width at the front yard building setback line for these lots, in accordance with applicable Town and County building setback lines, or (g) of this Sub-sec., shall be fifty (50) feet.

- (c) Commercial, industrial, and other non-residential lots shall be of adequate size, dimension, configuration, and orientation to provide for off-street parking and loading facilities required for the type of proposed use.
- (d) Lot configuration shall recognize topography and other natural landscape conditions. Lot lines shall abut at right angles or radial to streets, when feasible. Lot frontage on a public street shall be at least one hundred (100) feet for all lots without access to a connection to a public sanitary sewer system and at least fifty (50) feet for all lots with access to a connection to said system or fronting a cul-de-sac. Double frontage lots shall be avoided except for corner lots where they may be required to separate residential land uses from arterial streets or in order to overcome topography, other landscape conditions, or orientation disadvantages. Dimensions of corner lots shall adhere to front yard building setback lines, in accordance with Town building setback lines or (g) of this Sub-sec., from both streets that bound the lot.
- (e) Flag lots shall be allowed only in special circumstances when various factors render creation of a more proportionate lot, in length and width, unachievable. The “pole” of a flag lot shall not exceed two hundred fifty (250) feet in length unless additional length is needed to either avoid significant degradation or depletion of ESA, cultural resources, productive agricultural soils, and/or woodlands, or disruption of efficient agricultural operations. The “pole” shall be used exclusively for vehicular access with specified improvements including landscaping, fencing, utilities, mailboxes, and signs also permitted on the “pole”. The “pole” shall maintain a minimum width of one hundred (100) feet for all lots without access to a connection to a public sanitary sewer system, and fifty (50) feet for all lots with access to a connection to said system, for the entire length of the “pole”. No “pole” shall be located within two hundred (200) feet of another on the same side of the street unless said “poles” utilize a joint driveway.
- (f) Lot orientation shall be in a manner so as to obtain maximum solar access and energy conservation, with the lot length being north to south and block length being east to west when feasible.
- (g) Front yard building setback lines as stated in this paragraph (g) shall be applicable only on those lots adjacent to a Rock County road and not within the Rock County Shoreland Overlay Zoning District. Front yard building setback lines from arterial and collector streets shall be one hundred and fifteen (115) feet from the street centerline or seventy five (75) feet from the right-of-way, whichever is greater. Front yard building setback lines from local streets shall be fifty (50) feet from the right-of-way for those lots without access to a connection to a public sanitary sewer system and twenty five (25) feet from the right-of-way

for those lots with access to a connection to said system. Building setback lines less than those stated in the aforementioned may be permitted by the Administrator in cases of unusual topography or landscape conditions, existing patterns of lesser building setback lines on nearby properties, varying alignment of streets, or in accordance with Town zoning ordinances.

- (3) Driveways. Driveways shall access lots from a public street, and if in close proximity to an intersection, with a minimum distance to the intersection in the manner delineated in **Figure II**:

**Figure II: Driveway Distance to Intersection**

Intersection	Driveway Distance to
Local Street – Local Street (Both with posted speeds 25 m.p.h. or less)	25 feet
Local Street – Local Street (Any with posted speeds 25 m.p.h. or greater)	75 feet
Local, Collector, or Arterial Street – Collector or Arterial Street	100 feet

Driveways shall access double frontage or corner lots via the street having the lowest functional classification. All driveways shall be spaced from another in accordance with the *County Trunk Highway Access Control, Chapter 42 – Traffic and Vehicles, Rock County, Code of Ordinances* and *Rock County Driveway Access Policy* or any similar successive County ordinance, regulation, policy, plan, or document.

- (4) Utilities. The applicant shall ensure all necessary utilities other than a POWTS are available to all lots in a land division.
  - (a) An easement, entailing a minimum of eight (8) feet on each side of all rear lot lines or side lot lines, running across lots or along front lot lines where necessary, shall be required for the installation of utility facilities. If required, such easements shall be noted as "Utility Easement" on the CSM or Sub-division Plat. Prior to the Administrator’s approval of the final land division, the Administrator shall provide the land division to the applicable utility entity for review and comment on the location and width of the Utility Easement. The utility entity shall have ten (10) business days from receipt of the application from the Administrator in which to review said land division. Failure by any utility entity to provide comments to the Administrator within the aforementioned timeline shall indicate said agency has no comments.
  - (b) Underground installation of utilities, including but not limited to telephone lines, electric lines under 15,000 volts, and cable television lines, shall be required within the Utility Easement. Underground installation of said utilities shall not be required if any of the following conditions apply:

1. Location, topography, soil conditions, trees, or other circumstances would render excessive cost for underground installation;
  2. Temporary overhead utility facilities are necessary to serve a construction site or due to severe weather conditions, with such overhead facilities to be removed within a reasonable time period after installation of permanent underground utility facilities;
  3. Associated above-ground utility facilities are necessary for the proper operation and maintenance of underground utilities, said above-ground facilities including but not limited to substations, pad-mounted transformers, and pedestal mounted terminal boxes;
  4. Utilities are located in non-residential zoning districts;
- (c) Written assurance and documentation from all applicable utility entities that all necessary utilities are installed and paid for, with said entities also guaranteeing restoration of lots to pre-installation condition, shall be required at the discretion of the Administrator.
- (5) Sanitary sewer facilities. All lots shall have either the capacity for a POWTS, or access to a connection to a public sanitary sewer system, to adequately provide for treatment and disposal of sewage generated on said lots.
- (a) If the lot has access to a connection to a public sanitary sewer system, the applicant shall connect the lot with said system and provide sewers accessible to each lot. If the lot does not have access to said system and the lot is within the boundary of a sewer service area, the lot may utilize a POWTS.
  - (b) Public sanitary sewer facilities shall connect with the public sanitary sewer system, installed by the applicant to serve each lot, to grades and sizes required by relevant agencies. Individual or group POWTS or treatment plants shall be permitted when found to be in compliance with COMM. 83 and 85, Wisconsin Administrative Codes, and assurances are provided to the Administrator by the applicant that said POWTS or treatment plant will be maintained into perpetuity.
- (6) Stormwater management and erosion control. All lots shall be designed so as to ensure stormwater runoff occurring as a result of the land division, and any construction and earth-disturbing activities on the land division, shall be adequately diverted and accommodated in the downstream area and erosion and sedimentation will not increase in comparison to conditions prior to the land division, in accordance with *Article II – Stormwater Management* and *Article III – Construction Site Erosion Control, Chapter 16 – Environment, Code of Ordinances, Rock County*.



- (7) Landscaping. All major land divisions (sub-divisions) may be subject to a landscape plan, at the option of the applicant and in accordance with 4.112 (2) of this Ordinance, that promotes and encourages landscaping that maintains and/or establishes large contiguous areas of native trees and vegetation that preserve, establish, or enhance scenic viewsheds, located adjacent to stormwater and retention ponds, at the periphery of exterior lots, and in areas where differing land uses interface.
- (8) Monuments. The applicant shall place survey monuments on the land division as required by the Committee and in accordance with Sec. 236.15, Wisconsin Statutes.

#### **4.117 Planned Development Design**

To provide for greater flexibility and efficiency in meeting the intent and purpose of this Ordinance as stated in 4.103 herein, the provisions of 4.116 of this Ordinance may be waived by the Committee for planned developments provided said developments appropriately coordinate with and relate to existing land uses, future land uses as delineated in applicable comprehensive plans and official maps, and the natural landscape, and are not in conflict with this Ordinance's intent and purpose nor any other applicable standard or regulation. All planned developments shall be consistent with and adhere to all other applicable provisions of this Ordinance, County, Town, and City/Village (if applicable) comprehensive plans and zoning ordinances, and any State or Federal standard or regulation. Planned developments are classified in this Ordinance as a general planned development, cluster development, conservation development, and neighborhood development.

- (1) General planned development. A general planned development allows for creation of five (5) or more lots from a lot five (5) acres or greater. A conditional use permit shall be obtained from the Town by an applicant wishing to undertake a general planned development.

The new, additional lots shall be located in accordance with 4.109 of this Ordinance, with at least one (1) of the lot lines of said lots contiguous with the same of another and with a minimum of two (2) of said lots having two (2) lot lines contiguous with another (Streets for the purposes of 4.117 only shall not interrupt contiguity.).

- (2) Cluster development. A cluster development allows for creation of one (1) to four (4) lots from a lot forty (40) acres or greater. A conditional use permit shall be obtained from the Town by an applicant wishing to undertake a cluster development.

Cluster developments shall require designation of a Development Area and a Conservation Area. The Development Area shall consist of the new, additional lots designated for residential use. The Conservation Area shall consist of the parent lot, possessing ESA, cultural resources, productive agricultural soils, woodlands, and/or open space, and shall be restricted from further land division, and specified building and accessory building construction or location, by a Natural Resources and Open

Space, Cultural Resources, or Agricultural Resources Conservation Easement in accordance with (6) of this Sec.

The new, additional lots shall be located in the Development Area in accordance with 4.109 of this Ordinance, with at least one (1) of the lot lines of said lots contiguous with the same of another and with a minimum of two (2) of said lots having two (2) lot lines contiguous with another (Streets for the purposes of 4.117 only shall not interrupt contiguity). Residential unit density in a cluster development, to include both the Development Area and the Conservation Area, shall not exceed one (1) residential unit per twenty (20) acres. Residential acreage ratio in a cluster development, to include both the Development Area and the Conservation Area, shall not exceed one (1) residential acre for every twenty (20) of agricultural or open space acreage. All acreage in the Development Area shall be considered residential acreage whereas no acreage in the Conservation Area shall be considered residential acreage.

- (3) Conservation development. A conservation development allows for creation of five (5) or more lots from a lot with a residential or planned unit development, or similar, zoning designation in accordance with Town zoning ordinances. A conditional use permit shall be obtained from the Town by an applicant wishing to undertake a conservation development.

Conservation developments shall require designation of a Development Area and a Conservation Area. The Development Area shall consist of the new, additional lots, designated for residential use and shall not exceed sixty percent (60%) of the total acreage of the conservation development. The Conservation Area shall consist of the parent lot, possessing ESA, cultural resources, productive agricultural soils, woodlands, and/or open space and shall be restricted from further land division, and specified building and/or accessory building construction or location, by a Natural Resources and Open Space, Cultural Resources, and/or Agricultural Resources Conservation Easement in accordance with (6) of this Sec., or shall be dedicated to the public as outdoor recreation or open space land in accordance with 4.118 (2) of this Ordinance (Said easement shall also restrict further land division in the Development Area.).

The new, additional lots shall be located in the Development Area in accordance with 4.109 of this Ordinance, with at least one (1) of the lot lines of said lots contiguous with the same of another and with a minimum of two (2) of said lots having two (2) lot lines contiguous with another (Streets for the purposes of 4.117 only shall not interrupt contiguity). Residential unit density in a conservation development, to include only the Development Area, shall not exceed two (2) residential units per one (1) acre in areas in which public sanitary sewer service and facilities are not readily available and shall not exceed eight (8) residential units per one (1) acre in areas in which public sanitary sewer service and facilities are readily available.

- (4) Neighborhood development. A neighborhood development allows for the creation of lots from a lot twenty (20) acres or greater in an area in which public sanitary sewer

service and facilities are readily available, with traditional neighborhood development, planned unit development, or a similar, zoning designation in accordance with Town zoning ordinances. A conditional use permit shall be obtained from the Town by an applicant wishing to undertake a neighborhood development.

Neighborhood developments shall require designation of a Development Area, to include Residential, Commercial and Business, Public, and Mixed Use Sectors, and an Outdoor Recreation and Open Space Area. The Outdoor Recreation and Open Space Area shall consist exclusively of outdoor recreation, open space, and associated land uses. Within the Development Area, the Residential Sector shall consist exclusively of residential and associated land uses, the Commercial and Business Sector shall consist exclusively of commercial, business, and associated land uses, the Public Sector shall consist exclusively of governmental, quasi-governmental, and associated land uses, and the Mixed Use Sector shall consist of a mixture of the aforementioned land uses.

The Development Area shall not exceed ninety percent (90%) of the total acreage of the neighborhood development. Block length within a Development Area shall not exceed six hundred (600) feet nor be less than four hundred (400) feet. Lots within the Residential Sector shall not be less than six thousand (6,000) square feet or more than ten thousand (10,000) square feet each nor collectively exceed fifty percent (50%) of the total acreage of the Development Area. Eighty percent (80%) of lots within the Residential Sector shall be within one-quarter (1/4) mile of a Commercial and Business, Public, or Mixed Use Sector. A Commercial and Business Sector shall be within one-quarter (1/4) mile of a Public or Mixed Use Sector, and all lots within the Commercial and Business Sector shall not exceed ten percent (10%) of the total acreage of the Development Area. A Public Sector shall be within one-quarter (1/4) mile of a Commercial and Business or Mixed Use Sector, and all lots within the Public Sector shall not exceed five percent (5%) of the total acreage of the Development Area. A Mixed Use Sector shall be within one-quarter (1/4) mile of a Commercial and Business or Public Sector, and all lots within the Mixed Use Sector shall not exceed ten percent (10%) of the total acreage of the Development Area. The lots shall be located in the Development Area in accordance with 4.109 of this Ordinance. Street right-of-ways within a Development Area shall not exceed twenty five percent (25%) of the total acreage of the Development Area.

Neighborhood developments shall also require designation of an Outdoor Recreation and Open Space Area, consisting of lands possessing ESA, cultural resources, woodlands, and/or open space, and contain a minimum of ten percent (10%) of the total acreage of the neighborhood development dedicated to the public as outdoor recreation or open space land, in accordance with 4.118 (2) of this Ordinance.

- (5) Cluster development CSM and general planned, conservation, and neighborhood development Sub-division Plat. A cluster development shall require a CSM and a general planned, conservation, and neighborhood development shall require a Sub-division Plat, in accordance with 4.110. (1) of this Ordinance. Said CSM or Sub-

division Plat shall require all information in accordance with 4.112 (1) (a) and 4.113 (1) (a) of this Ordinance in addition to the following:

- (a) Identification and approximate location and dimension of Development Areas (and Residential, Commercial and Business, Public, and Mixed Use Sectors if applicable) and either Conservation Areas or Outdoor Recreation and Open Space Areas;
  - (b) Notice of restriction of further land division and specified building and accessory building construction or location in the Cluster and Conservation Development - Conservation Areas, and further land division in the Conservation Development - Development Area, and reference to a conservation easement on the Conservation Areas;
- (6) Natural Resources and Open Space, Cultural Resources, and Agricultural Resources Conservation Easement. A cluster development and a conservation development shall both require a Natural Resources and Open Space, Cultural Resources, or Agricultural Resources Conservation Easement as prepared by the Administrator in accordance with Sec. 700.40, Wisconsin Statutes, and recorded with the Rock County Register of Deeds as a component of a final land division, in accordance with 4.114 of this Ordinance. Where applicable, said easement shall:
- (a) Restrict further land division of any lots in the Conservation Development - Development Area;
  - (b) Restrict further land division and specified building and accessory building construction or location in any Conservation Area;
  - (c) Allow for access to the Conservation Development – Conservation Area and use by any member of the conservation development landowners or similar association;
  - (d) Stipulate easement grantor can continue in the current or a similar conforming use of the Conservation Area but any land within said area cannot be divided, nor be subject to residential building and accessory building construction or location, for a twenty (20) year period for all cluster developments and into perpetuity for all conservation developments, unless, for cluster developments only, said land is annexed by a municipality in which case the easement will become null and void;

#### **4.118 Public Dedication and Reservation**

- (1) Offers. All offers of public dedication and reservation by the applicant shall be irrevocable and offer title free and clear of all liens and encumbrances.
- (2) Outdoor recreation, open space and other public lands. If a land division contains all or part of lands designated in a County, Town, or City/Village comprehensive plan or official map as a future park, outdoor recreation area, school, or other public area

other than streets or drainageways, said lands shall be made part of the final land division and either dedicated to the public or reserved for acquisition by an appropriate general purpose or special purpose district at undeveloped land costs for two (2) years from the date of Administrator action of approval of the final land division. If said land is not acquired by such district within the aforementioned timeline, the land shall be released to the applicant.

Any major land division (sub-division) with at least five hundred (500) feet of frontage on a surface water feature that the Committee determines has a serious lack of public access facilities may require dedication of lands for a public access facility at a continuous width of at least seventy (70) feet from the ordinary median high-water mark to the nearest public street. This provision shall not apply to water bodies not designated as a surface water feature, in accordance with this Ordinance, or to water bodies created in conjunction with the land division and located entirely within the land division.

- (3) Easements. The Committee may require public dedication of easements for utilities, drainageways, pedestrian ways, preservation of scenic viewsheds, and other public purposes on property owned by a general purpose or special purpose district, or a landowners association. The applicant shall dedicate a natural drainageway when said drainageway traverses the land division or construct a drainageway, if the stormwater management and erosion control plan indicates a need thereof, to specifications contained in said plan. The Committee at its discretion may determine whether the natural or constructed drainageway is to be dedicated as a drainageway easement or as outdoor recreation or open space land in accordance with (2) of this Sec.

## **Subpart 5: Other Development Activity Procedure**

### **4.119 Condominium Instrument**

- (1) Application submission requirements. An applicant shall submit an application for condominium instrument to the Administrator. Application information and forms are available at the office of the Administrator and on the Rock County website. The application shall require an application form and fee, and a condominium plat prepared in accordance with Sec. 703.11 Wisconsin Statutes. All condominium instruments, to include the condominium plat, shall be submitted by the applicant to the Administrator for review in accordance with Sec. 703.11, Wisconsin Statutes.
- (2) Review and action. The application for condominium instrument shall be reviewed in accordance with Sec. 703.115, Wisconsin Statutes and applicable components of 4.112 (3), (4), (5), and (6) of this Ordinance. The Administrator shall then take action and approve or deny the application, in accordance with Sec. 703.115, Wisconsin Statutes, within ten (10) business days of receipt of the application by the Administrator, and the Administrator shall notify the applicant of same within the aforementioned time period. If the applicant is not notified by the

Administrator within the aforementioned time period, the application shall be deemed approved by the Administrator.

- (3) Recordation. The condominium instrument shall be recorded by the applicant with the Rock County Register of Deeds within twelve (12) months of the action of approval of the application for condominium instrument by the Administrator and in accordance with Sections 703.07 and 703.095, Wisconsin Statutes.
- (4) Land division. If a land division, as defined in 4.107 of this Ordinance, is a component of a condominium instrument, the condominium instrument shall be subject to all applicable provisions of the Ordinance.

#### **4.120 Rock County Building Site Permit**

- (1) Application submission requirements. An applicant shall submit an application for a Rock County Building Site Permit (“Rock County BSP”) to the Administrator if a building or accessory building is being proposed for construction or location on a lot adjacent to a County road or within the Rock County Floodplain, Shoreland Overlay, or Airport Overlay Zoning Districts, in accordance with *Chapter 44 – Zoning, Code of Ordinances, Rock County*. Application information and forms are available at the office of the Administrator and on the Rock County website. The application shall require an application form and fee, and a Rock County building site plan. The Rock County building site plan shall identify all of the following (if applicable): construction activities and products, approximate location and dimension of lot lines, building setback lines, building/accessory building, driveway, and bounding streets, building/accessory building use, bounding streets name and type, approximate location of Environmentally Sensitive Areas (“ESA”), cultural resources, productive agricultural soils, and woodlands, and a building envelope not to include any front, rear, or side yards, ESA, cultural resources, and required POWTS area and open space in accordance with 4.107 (2) (a) of this Ordinance.
- (2) Administrator review. The Administrator shall review the application for a Rock County BSP for compliance with this Ordinance. The review shall be undertaken in accordance with 4.112 (3) of this Ordinance and completed by the Administrator within ten (10) business days of receipt of the application by the Administrator.
- (3) Administrator action. After review, the Administrator shall take action and approve or deny with findings the application for a Rock County BSP within ten (10) business days of receipt of the application by the Administrator and shall notify the applicant of same within the aforementioned time period. If the applicant is not notified by the Administrator within the aforementioned time period, the application shall be deemed approved by the Administrator.
- (4) Approval and issuance. If the Administrator approves the application for a Rock County BSP, a Rock County BSP shall be issued to the applicant within ten (10) business days of receipt of an application by the Administrator. Said Rock County

BSP shall contain the Rock County building site plan, with all construction activities and products completed to specifications identified therein within twelve (12) months of issuance of the Rock County BSP to the applicant by the Administrator. Approval and issuance of a Rock County BSP shall be subject to the following conditions:

- (a) Building and accessory building sites shall adhere to the front yard building setback line in accordance with 4.116 (2) (g) of this Ordinance and any other applicable building setback line;
  - (b) Building and accessory building sites, if on a lot located within the Rock County Floodplain, Shoreland Overlay, or Airport Overlay Zoning Districts in accordance with *Chapter 44 – Zoning, Code of Ordinances, Rock County*, shall adhere to all requirements of said zoning districts;
  - (c) Erosion control measures are in place on the lot in accordance with a stormwater management and erosion control plan;
  - (d) The Rock County Health Department has issued a sanitary permit for the lot or a connection to a public sanitary sewer system has been approved for the lot;
  - (e) The Rock County Public Works Department or Town has issued a driveway/access control permit for the lot;
  - (f) The lot has been reviewed and approved by the Committee and Administrator in accordance with this Ordinance, or is otherwise permitted by law to be sold or used as a building site, containing adequate size and dimension to meet all Rock County, Town, State, and any other applicable standards and regulations;
  - (g) Building and accessory building sites, as identified on the Rock County building site plan, less than ten (10) feet from the front yard building setback line on lots adjacent to a County road, or less than ten (10) feet from the front, rear, or side yard building setback line on lots within the Rock County Floodplain or Shoreland Zoning Overlay Districts, shall require a foundation survey provided by the applicant to the Administrator. The foundation survey shall identify the lot lines, building setback lines, and building and/or accessory building's foundation or footings, and the distance from the lot lines to said foundation or footings, and floodplain. The foundation survey shall be submitted to the Administrator within thirty (30) days of construction of the foundation or footings. This timeline may be extended in cases of extenuating circumstances at the discretion of the Administrator and upon submittal of a written extension request from the applicant to the Administrator.
- (5) Completion. The applicant's Rock County BSP obligations shall be fulfilled only if all of the following conditions have been met within twelve (12) months of issuance of the Rock County BSP:

- (a) Construction of the building and/or accessory building is substantially completed;
  - (b) All stormwater management and erosion control, landscaping, and final grading activities over which Rock County has review authority, in accordance with this Ordinance and any other applicable ordinances, statutes, regulations, and plans, are completed;
- (6) Extension. If (5) (a) and (b) of this Sec. are not completed within twelve (12) months of issuance of the Rock County BSP to the applicant by the Administrator, a Rock County BSP extension shall be required if the applicant wishes to complete (5) (a) and (b). The applicant shall request a Rock County BSP extension from the Administrator and the Administrator shall issue said extension only if all of the following conditions have been met:
- (a) Applicant requests the Rock County BSP extension prior to twelve (12) months from the date the BSP was issued;
  - (b) Applicant provides to the Administrator reasonable information regarding the need for the Rock County BSP extension, demonstrating that events leading to the extension request are beyond the control of the applicant and that no material change in the Rock County building site plan has or is reasonably expected to occur during the duration of the extension;
  - (c) The Committee reviews the information per (b) of this Sub-sec., finds the information sufficient, and approves the Rock County BSP extension at a public meeting;

A Rock County BSP extension may not exceed twelve (12) months unless the Committee approves an additional extension on a month-to-month basis for no longer than six (6) months, at the request of the applicant.

## **Subpart 6: Memorandums of Agreement With Towns – Land Division and Other Development Activity Procedure and Requirements**

### **4.121 Overview**

The Agency, at the direction and with the approval of the Committee, shall enter into Memorandums of Agreement (“MOA”) with Towns to achieve the intent and purpose of this Ordinance as stated in 4.103 herein. A MOA shall be entered into voluntarily by both the Agency and the Town and shall be executed by the Town and the Committee. The MOA shall stipulate the Agency administer and enforce standards and regulations for any or all of the following land division, other development, or related activities:



- (1) Adjacent land sale or transfer;
- (2) Lot combination;
- (3) Public improvement design, construction, and maintenance;
- (4) Environmentally Sensitive Areas (“ESA”), cultural resources, productive agricultural soils, and woodlands protection and preservation;
- (5) Town Building Site Permit (“Town BSP”) issuance;
- (6) Any other land division, other development, or related activity so desired by the Town and the Agency, not to include stormwater management and erosion control activities which shall remain subject to *Article II – Stormwater Management* and *Article III – Construction Site Erosion Control, Chapter 16 – Environment, Code of Ordinances, Rock County*;

The Agency shall administer and enforce standards and regulations for land division, other development, and related activities identified in (1) – (6) of this Sec. in accordance with 4.122., 4.123, 4.124, 4.125, and 4.126 of this Ordinance or as stipulated in a MOA.

#### **4.122 Adjacent Land Sale or Transfer**

- (1) Application submission requirements. An applicant shall submit an application for preliminary adjacent land sale or transfer to the Administrator. Application information and forms are available at the offices of the Town and Administrator and on the Town and Rock County websites. The application shall require an application form and fee, and a preliminary adjacent land sale or transfer CSM prepared and submitted in accordance with this Ordinance and Sec. 236.34 Wisconsin Statutes. The CSM shall be required for the purpose of verifying that additional lots are not thereby created and the lots resulting there from are not reduced below the minimum size and dimension required by law. The Administrator may waive the requirement for a CSM if all of the following conditions are met:
  - (a) The new lot line has been staked by a land surveyor;
  - (b) A POS, containing a deed restriction, is filed with the applicable deed in the Rock County Register of Deeds Office with said restriction permanently prohibiting the grantee and all successors in interest from conveying the sold or transferred land separately from the adjacent lot owned by the grantee;
  - (c) The applicant provides to the Rock County Treasurer a POS approved by the Administrator, along with the following text:

Rock County Treasurer,  
I hereby certify that the property taxes on the parent lot are current and have been paid as \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Rock County Treasurer;

- (2) Review and action. The application for preliminary adjacent land sale or transfer shall be reviewed, with actions taken, in accordance with 4.112 (3), (4), (5), and (6) of this Ordinance. The Administrator shall then take action and approve, or deny with findings, the application. If the application is denied, the applicant shall be notified in accordance with 4.112 (7) of this Ordinance. If the application is approved, a final adjacent land sale or transfer POS or CSM shall be prepared and submitted by the applicant to the Administrator in accordance with this Ordinance and Sec. 236.34 Wisconsin Statutes, if applicable. The final adjacent land sale or transfer shall be reviewed, with actions taken, in accordance with applicable components of 4.113 (2), (4), and (5) of this Ordinance.
- (3) Recordation. The final adjacent land sale or transfer CSM approved by the Administrator shall be recorded by the applicant with the Rock County Register of Deeds within six (6) months of Administrator approval, or a final adjacent land sale or transfer POS approved by the Administrator shall be filed with the Rock County Surveyor within the aforementioned time period.

#### **4.123 Lot Combination**

- (1) Application submission requirements. An applicant shall submit an application for preliminary lot combination to the Administrator. Application information and forms are available at the offices of the Town and Administrator and on the Town and Rock County websites. The application shall require an application form and fee, and a preliminary lot combination CSM prepared and submitted in accordance with this Ordinance and Sec. 236.34 Wisconsin Statutes. The lots subject to combination shall be contiguous at more than a corner and under identical ownership in accordance with Rock County Tax Records.
- (2) Review and action. The application for preliminary lot combination shall be reviewed, with actions taken, in accordance with 4.112 (3), (4), (5), and (6) of this Ordinance. The Administrator shall then take action and approve, or deny with findings, the application. If the application is denied, the applicant shall be notified in accordance with 4.112 (7) of this Ordinance. If the application is approved, a final lot combination CSM shall be prepared and submitted by the applicant to the Administrator in accordance with this Ordinance and Sec. 236.34 Wisconsin Statutes, if applicable. The final lot combination shall be reviewed, with actions taken, in accordance with applicable components of 4.113 (2), (4), and (5) of this Ordinance.

- (3) Recordation. The lot combination final CSM shall be recorded by the applicant with the Rock County Register of Deeds within six (6) months of the action of Administrator approval and in accordance with Sec. 236.34 (2) Wisconsin Statutes.

#### **4.124 Public Improvement Design, Construction, and Maintenance**

- (1) Blocks. Block length shall not exceed one thousand five hundred (1,500) feet nor be less than four hundred (400) feet, except as the Town deems necessary to secure the efficient use of land or desired features of street layout. Block width shall be wide enough to allow two tiers of lots of sufficient depth to provide an adequate building envelope on each lot. The Town may approve block widths consisting of a single tier of lots when said lots front a major street or when topography or size prevents two tiers. If a single tier block is approved by the Town, an adequate area to screen and buffer differing land uses shall be provided and vehicular access from an abutting major street prohibited.

A pedestrian way may be required by the Town near the center of a block, and entirely across those blocks which exceed nine hundred (900) feet in length, to connect dead-end streets or to provide access to parks, schools, shopping areas, or other similar facilities. If a pedestrian way is required, a minimum ten (10) foot right-of-way shall be set aside with an eight (8) foot pavement (or other cover type as approved by the Town) width, at a grade not steeper than fifteen percent (15%), unless steps of adequate design are approved by the Town. A note shall be placed on the Sub-division Plat stating by whom such pedestrian way shall be maintained.

- (2) Streets. All streets shall meet applicable jurisdictional construction standards and regulations. All streets shall be designed to appropriately coordinate with and relate to existing land uses, future land uses as delineated in applicable comprehensive plans and official maps, the natural landscape, street systems, dedicated rights-of-way, population densities, special vehicular traffic generators such as commercial, business, and industrial districts, institutional facilities, and other social gathering areas. In areas to be utilized predominately for non-residential uses, streets shall be planned in coordination with building groupings, rail facilities, alleys, and truck loading and maneuvering areas, and pedestrian ways and parking areas shall be adequately provided and located so as to minimize conflict between various types of traffic. Streets shall normally intersect, as nearly as possible, at right angles and shall avoid a combination of steep grades and curves. Streets shall be arranged to provide access to lots and building and accessory building sites at or above street grade. Street design in a major land division (sub-division) shall provide for the continuation of existing streets in adjacent areas at the same or greater width as said existing streets, unless the Town deems such continuation undesirable for reasons of topography or design.

All streets shall be public unless the Town, prior to approval of the application for preliminary land division, agrees to the use of private streets. Private streets will be considered by the Town only in those instances where an association or other legal

entity is established by covenant with capability and responsibility for maintenance of said streets.

- (a) Street width shall be as delineated in **Figure III**:

**Figure III: Street Width**

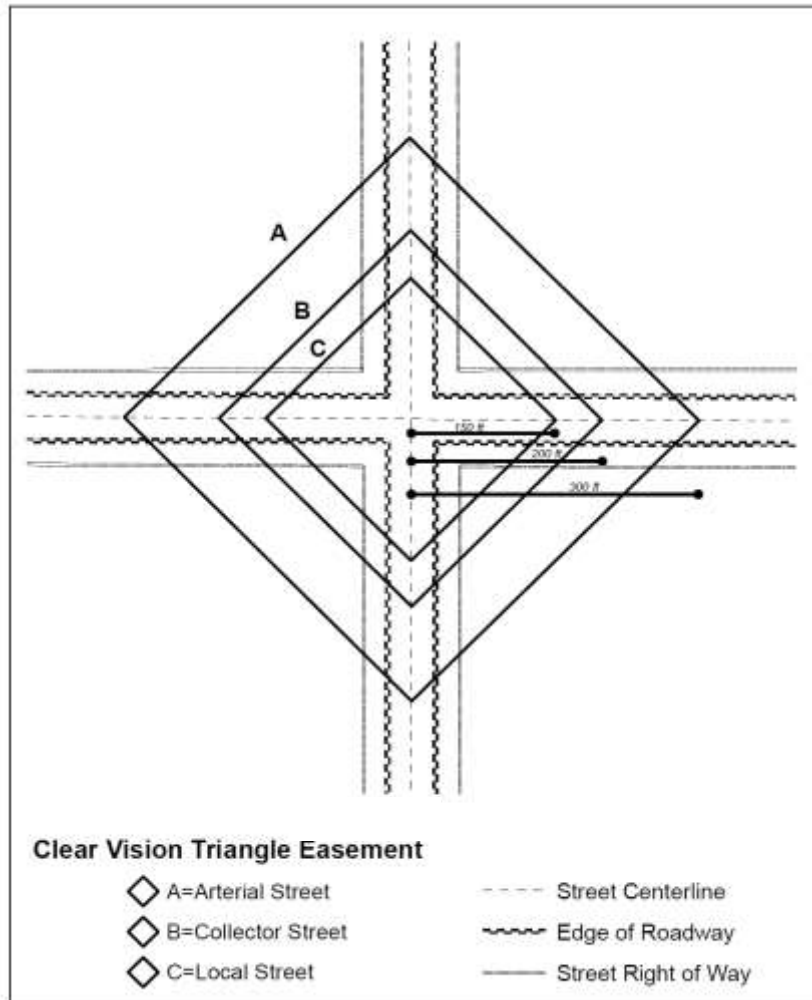
	<b>Arterial Street</b>	<b>Collector Street</b>	<b>Local Street</b>
<b>Full Width</b>	100 feet	80 feet	66 feet
<b>Half Width</b>	50 feet	40 feet	33 feet

- (b) Street gradient shall not exceed nine percent (9%), nor eleven percent (11%), with approval of the Town, in areas of extreme topography. Gradient shall not exceed one point four percent (1.4%) for a minimum distance of fifty (50) feet from the intersection of street centerlines. Streets may be constructed diagonally across contours in areas of extreme topography and shall traverse the slope with minimum street grade, driveway grade, and earth movement.
- (c) Cul-de-sac use shall not be encouraged, and if utilized, cul-de-sacs shall not be longer than six hundred (600) feet unless approved by the Town and shall terminate in a circular open space having a diameter at the outside of the right-of-way of at least one hundred forty (140) feet. Temporary cul-de-sacs may be permitted by the Town, to be constructed to the lot line and provided with a temporary circular or "T" shaped turn-around.
- (d) Frontage or access streets shall be required in those instances where a major land division (sub-division) abuts or contains an existing or proposed arterial street on which traffic volume and vehicular speeds warrant special safety precautions to ensure no lots front arterial streets.
- (e) A street approximately parallel to a rail line, expressway, freeway, or parkway right-of-way shall be required if the land division adjoins such facility for a considerable distance, with consideration given to the distance required for approach grades to future grade separations.
- (f) A clear vision triangle ("triangle"), in each quadrant of every public street or rail line intersection, shall be maintained, bounded by the street centerlines and a line connecting points on said centerlines at a specified distance from their point of intersection, in the manner illustrated in **Figure IV** as contained herein, with the exception that a triangle shall be maintained for twenty five (25) feet from the right-of-way for any intersection in a Sub-division Plat. The triangle shall be cleared of all vegetation less than six (6) inches in diameter. Vegetation greater than six (6) inches in diameter may remain in the triangle at the

discretion of the Town. Any vegetation remaining in the triangle shall require trimming up to eight (8) feet above the ground.

- (g) Grading, base course, surface course, marking and signing, landscaping, and stormwater management shall be in accordance with *Article II – Stormwater Management, Chapter 16 – Environment, Code of Ordinances, Rock County* and all other applicable Rock County ordinances, with all costs related to these activities borne by the applicant. The applicant shall come to terms with the Town on a method of financing to assure surface course is applied to the street. Surface course is to be applied approximately twelve (12) months after the base course is constructed. Financing and timing for application of surface course shall be a condition of approval of the application for preliminary land division.
- (h) Bridges of primary benefit to the applicant shall be constructed at the expense of the applicant without reimbursement from the Town. Cost sharing for construction of bridges not of primary benefit to the applicant can be fixed by special agreement between the State, Rock County or Town and the applicant as a condition of approval of the application for preliminary land division. Said costs shall be charged by Rock County or Town to the applicant pro-rata as the acreage of the land developed so served.

**Figure IV: Clear Vision Triangle**



- (3) Town public improvement plan. All public improvements shall be designed, constructed, and maintained by the applicant in accordance with (1) and (2) of this Sec. and a Town public improvement plan. The Town public improvement plan shall be submitted by the applicant to the Administrator in accordance with 4.113 (1) (b) of this Ordinance. The Administrator shall review the plan and either approve the plan or provide the applicant with required modifications. The plan shall contain all of the following:
- (a) Elevation profiles of the centerline of all existing and proposed streets;
  - (b) Elevation profile of the centerline of all existing streets that intersect with a proposed street, within six hundred (600) feet of said intersection;
  - (c) Approximate radii of all curves, lengths of tangents, and central angles on all existing streets;

- (d) Cross-sections of all proposed streets at one hundred (100) foot stations superimposed on existing topography (the Town may require cross-sections every fifty (50) feet in areas in excess of nine percent (9%) slope), and the location and cross-section of street pavements including drainageway easements, right-of-ways, and street signs;
- (e) Location, dimension, and invert elevations of existing and proposed sanitary sewers, stormwater drainageways, drainage control facilities, and fire hydrants, identification of connections to any existing or proposed utility, and the location and size of all water, gas, or other underground utilities or structures;
- (f) Location, dimension, and name (if applicable) of all streets and improvements designated for public dedication, and all necessary utilities;
- (g) Any other special requirements deemed necessary by the Town to ensure the land division is in compliance with the Town comprehensive plan, *Rock County Comprehensive Plan*, or any similar successive and other relevant plan or document, and any applicable construction standard and regulation;
- (h) Notation of approval on the cover page as follows:

Landowner	Date
Administrator	Date

- (4) Financial guarantee. A written financial guarantee in a sum sufficient to pay the cost of construction of all public improvements shall be provided by the applicant to the Town, for all improvements as stated in the Town public improvement plan not constructed at the time of Administrator approval of the final land division, complying with all conditions of approval of the application for preliminary land division and assuring the construction and performance of all necessary improvements. Said financial guarantee shall take one of the following forms:
  - (a) An insurance contract from a bonding agency;
  - (b) An irrevocable letter of credit from a recognized financial institution;
  - (c) An escrow account in a recognized financial institution;

The monetary amount of said guarantee shall be limited to the cost of the current phase of improvement construction, in accordance with Sec. 236.13 (2) (a), Wisconsin Statutes.

- (5) Inspection. The Administrator shall provide for inspection of public improvements during construction to ensure completion satisfactory to the Town. If the

Administrator finds the improvements have not been constructed in accordance with the Town public improvement plan, the applicant shall be responsible for taking corrective measures to ensure said improvements are constructed to the satisfaction of the Administrator or Town and in accordance with said plan.

- (6) Maintenance. The applicant shall be required to maintain all public improvements and services associated with ensuring the adequate performance of all said improvements until acceptance of improvements by the applicable general or special purpose district, or homeowners association, including but not limited to snow removal on streets. The applicable special or general purpose district may on notice plow streets or affect emergency repairs and charge same to applicant. Utility entities shall be responsible for accurate replacement of all lot corners and monuments destroyed while installing utilities, within a reasonable time period after installation.
- (7) Timeline. Public improvements shall be constructed by the applicant within twelve (12) months of the action of Administrator approval of the final land division, in accordance with 4.113 (5) of this Ordinance. Extensions to the aforementioned timeline may be applied for by the applicant prior to expiration of said timeline and granted by the Town upon findings that delays are beyond the control of the applicant and that no material change in standards or conditions of the final land division has occurred or is reasonably expected to occur.

#### **4.125 Environmentally Sensitive Areas, Cultural Resources, Productive Agricultural Soils, and Woodlands Protection and Preservation**

Environmentally Sensitive Areas (“ESA”), cultural resources, productive agricultural soils and woodlands (collectively “Resources”) shall be protected and preserved throughout the land division and development process, and land division and development shall not occur in a manner which significantly degrades or depletes any Resources, nor compromises their function or integrity, in accordance with 4.109 (3) and (4) of this Ordinance, Town comprehensive plans and zoning ordinances, *Chapter 44 – Zoning, Code of Ordinances, Rock County*, the *Rock County Comprehensive Plan*, or any similar successive ordinances, plans, or documents. Protection and preservation of Resources throughout the land division and development process shall be ensured utilizing any or all of the mechanisms identified in (1), (2), (3), and (4) of this Sec.

- (1) Town building site plan. Any lot subject to a land division, or on which a building or accessory building is proposed for construction or location, shall require a Town building site plan identifying all of the following (if applicable): construction activities and products, approximate location and dimension of lot lines, building setback lines, building/accessory building, driveway, and bounding streets, building/accessory building use, bounding streets name and type, identification and approximate location of Environmentally Sensitive Areas (“ESA”), cultural resources, productive agricultural soils, and woodlands, and a building envelope not to include any front, rear, or side yards, ESA, cultural resources, and required



POWTS area and open space in accordance with 4.116 (2) (a) of this Ordinance. The plan shall be required either as a condition of approval of an application for preliminary land division, or at the time of Town building permit or Town Building Site Permit (“Town BSP”) application, in accordance with Sec. 4.126 of this Ordinance.

Building setback lines as identified on a Town building site plan shall be in accordance with the following:

- (a) Front yard building setback lines from arterial and collector streets shall be one hundred and fifteen (115) feet from the street centerline or seventy five (75) feet from the right-of-way, whichever is greater, for all lots. Front yard building setback lines from local streets shall be fifty (50) feet from the right-of-way for those lots without access to a connection to a public sanitary sewer system and twenty five (25) feet from the right-of-way for those lots with access to a connection to said system.
- (b) Rear yard building setback lines shall be twenty five (25) feet from the rear lot line on all lots not abutting a surface water feature. Rear yard building setback lines on all lots abutting a surface water feature shall be seventy five (75) feet from the ordinary median high-water mark of said feature.
- (c) Side yard building setback lines shall be fifteen (15) feet from the side lot line on lots without access to a connection to a public sanitary sewer system and eight (8) feet from the side lot line, with a minimum of twenty (20) feet between buildings, on lots with access to a connection to said system.
- (d) Building setback lines less than those stated in (a), (b), and (c) of this Sec. may be permitted by the Town in cases of unusual topography or landscape conditions, existing patterns of lesser building setback lines on nearby properties, varying alignment of streets, or in accordance with Town zoning ordinances.
- (e) Building setback lines, as stated in (b), (c), and (d) of this Sec. shall apply to all flag lots, applied exclusively on the “flag” of the lot. Front yard building setback lines shall apply to flag lots in the following manner. Front yard building setback lines from arterial and collector streets shall be one hundred and fifteen (115) feet from the street centerline or seventy five (75) feet from the right-of-way, whichever is greater, and twenty-five (25) feet from the front lot line of the “flag”, for all flag lots. Front yard building setback lines from local streets shall be fifty (50) feet from the right-of-way and twenty five (25) from the front lot line of the “flag” for flag lots without access to a connection to a public sanitary sewer system, and twenty five (25) feet from the right-of-way and twenty five (25) feet from the front lot line of the “flag” for flag lots with access to a connection to said system.

- (2) Note on final land division or deed restriction. Any lot subject to a land division, or on which a building or accessory building is proposed for construction or location, thirty five (35) acres or smaller and containing specified Resources, shall require either a note on the final land division POS, CSM, or Sub-division Plat, or a deed restriction, identifying specified Resources and prohibiting building and accessory building sites, and earth-disturbing activity that would significantly degrade or deplete or compromise the function or integrity of said Resources as identified therein. The note shall be required as a condition of approval of an application for preliminary land division, or the deed restriction shall be filed with the applicable deed in the Rock County Register of Deeds Office with said restriction required at the time of Town building permit or Town BSP issuance, in accordance with 4.126 of this Ordinance.
  
- (3) Conservation easement. Any lot subject to a land division, or on which a building or accessory building is proposed for construction or location, thirty five (35) acres or smaller and containing specified Resources, shall require a conservation easement. The conservation easement shall be required either as a condition of approval of an application for preliminary land division, or at the time of Town building permit or Town BSP issuance, in accordance with 4.126 of this Ordinance, and shall be recorded with the Rock County Register of Deeds. Said easement shall:
  - (a) Identify the land area subject to the easement and prohibit building and accessory building sites, and earth-disturbing activity detrimental to the intent and purpose of the easement, in/on any specified Resources as identified therein;
  - (b) Designate the owner of the lot subject to the easement as grantor therein and either Rock County, the Town, or some combination thereof, as grantee therein;
  - (c) Contain any additional information deemed appropriate by the Town, Agency, or Rock County Corporation Counsel;
  
- (2) Utilization or modification of 4.125 (1) (2) (3) of this Ordinance in a MOA. Any provision of 4.125 (1) (2) or (3) of this Ordinance may be utilized in conjunction with any other provision of said Sec. in a MOA, and any of said provisions may be modified in any manner so as to ensure protection and preservation of Resources throughout the land division and development process.

**4.126 Town Building Site Permit**

- (1) Application submission requirements. A Town Building Site Permit (“Town BSP”) shall be required if a building or accessory building is proposed for construction or location on a lot. Application information and forms are available at the offices of the Town and Administrator, and on the Town and Rock County websites. The application shall require an application form and fee and a Town Building Site Plan prepared in accordance with 4.125 (1) of this Ordinance.

- (2) Administrator review. The Administrator shall review an application for a Town BSP for compliance with this Ordinance. The review shall be undertaken in accordance with 4.112 (3) of this Ordinance and completed by the Administrator within ten (10) business days of receipt of the application by the Administrator.
- (3) Administrator action. After review, the Administrator shall take action and approve or deny with findings the application for a Town BSP within ten (10) business days of receipt of the application by the Administrator and shall notify the applicant of same within the aforementioned time period. If the applicant is not notified by the Administrator within the aforementioned time period, the application shall be deemed approved by the Administrator.
- (4) Approval and issuance. If the Administrator approves the application for a Town BSP, a Town BSP shall be issued to the applicant within ten (10) business days of receipt of an application by the Administrator. Said Town BSP shall contain the Town building site plan in accordance with 4.125 (1) of this Ordinance, with all construction activities and products to be completed to specifications contained therein within twelve (12) months of issuance of the Town BSP to the applicant by the Administrator. Approval and issuance of a Town BSP shall be subject to the following conditions:
  - (a) Building, accessory building, and earth-disturbing activity sites as identified in the Town building site plan shall not be in/on any specified Resources and either a deed restriction in accordance with 4.125 (2) of this Ordinance, or a conservation easement in accordance with 4.125 (3) of this Ordinance, shall be placed on the lot;
  - (b) Erosion control measures are in place on the lot in accordance with a stormwater management and erosion control plan;
  - (c) The Rock County Health Department has issued a sanitary permit for the lot or a connection to a public sanitary sewer system has been approved for the lot;
  - (d) The Rock County Public Works Department or applicable Town has issued a driveway/access control permit for the lot;
  - (e) The lot has been reviewed and approved by the Town and Administrator in accordance with this Ordinance, or is otherwise permitted by law to be sold or used as a building site and containing adequate size and dimension to meet all Rock County, Town, State, and any other applicable standards and regulations;
  - (f) Building and accessory building sites, as identified in the Town building site plan, less than ten (10) feet from any building setback line, in accordance with 4.125 (2) (a), (b), (c), (d), and (e) of this Ordinance, shall require a foundation survey, provided by the applicant to the Administrator. The foundation survey shall identify lot lines, building setback lines, and a building and/or accessory

building's existing foundation or footings, and the distance from the lot lines to said foundation or footings, and floodplain. The foundation survey shall be submitted to the Administrator within thirty (30) days of construction of the foundation or footings. This aforementioned timeline may be extended in cases of extenuating circumstances at the discretion of the Administrator and upon submittal of a written extension request from the applicant to the Administrator;

(5) Completion. The applicant's Town BSP obligations shall be fulfilled only if all of the following conditions have been met within twelve (12) months of issuance of the Town BSP:

(a) Construction of the building and/or accessory building is substantially completed;

(b) All stormwater management, erosion control, landscaping, and final grading activities over which the Town and Rock County have review authority, in accordance with any applicable ordinances, statutes, regulations, and plans, are completed;

(6) Extension. If (5) (a) and (b) of this Sec. are not completed within twelve (12) months of issuance of the Town BSP to the applicant by the Administrator, a Town BSP extension shall be required if the applicant wishes to complete (5) (a) and (b). The applicant shall request a Town BSP extension from the Town and the Town shall issue said extension only if all of the following conditions have been met:

(a) Applicant requests the Town BSP extension prior to twelve (12) months from the date the Town BSP was issued;

(b) Applicant provides to the Town reasonable information regarding the need for the Town BSP extension, demonstrating that events leading to the extension request are beyond the control of the applicant and that no material change in the Town building site plan has or is reasonably expected to occur during the duration of the extension;

(c) The Town reviews the information per (b) of this Sub-sec., finds the information sufficient, and approves the Town BSP extension at a public meeting;

A Town BSP extension may not exceed twelve (12) months, unless the Town approves an additional extension on a month-to-month basis, at the request of the applicant.

## **Subpart 7: Administration and Enforcement**

### **4.127 Rock County Planning and Development Committee and Administrator**

The Rock County Board of Supervisors, in accordance with Sec. 59.69 (2), Wisconsin Statutes, delegates the authority to administer and enforce this Ordinance to the Rock County Planning and Development Committee (“Committee”). In administering and enforcing this Ordinance, the Committee shall have the following powers and responsibilities without limitation by reason of enumeration:

- (1) Require submission of a complete and accurate application for preliminary land division and final land division, and any additional information necessary to make a reasonable evaluation of said application and final land division;
- (2) Attach conditions of approval on an application for preliminary land division for improvements, development design, public dedication and reservation, and use restrictions, and inspect land division and improvements;
- (3) Approve, approve with conditions, or deny with findings applications for preliminary land division and final land divisions;
- (4) Require submission of a complete and accurate application for condominium instrument and Rock County BSP, and any additional information necessary to make a reasonable evaluation of said applications;
- (5) Approve or deny with findings applications for condominium instruments and Rock County BSP;
- (6) Maintain records of land division and other development activity approvals, conditions of approval, denials with findings, inspections, and all other official actions;
- (7) Execute MOA’s with Towns for Agency administration of standards and regulations for land division, other development, and related activities as stipulated in said MOA’s;
- (8) Ensure that all land divisions or other development activity, including any activity stipulated in a MOA, maintain and advance the intent and purpose of this Ordinance as stated in 4.103. herein;
- (9) Delegate the responsibilities of administration and enforcement of this Ordinance to the Administrator;

### **4.128 Rock County Board of Adjustment and Variance and Appeal**

The Rock County Board of Supervisors, in accordance with Sec. 59.694, Wisconsin Statutes, delegates the authority to hear and render action on any variance to or appeal of

any provision of this Ordinance by any individual or party aggrieved by administration and enforcement thereof, to the Rock County Board of Adjustment (“Board”).

- (1) Application for variance or appeal. Any individual or party aggrieved by administration and enforcement of this Ordinance may submit an application for a variance or appeal to the Board within thirty (30) days of the Committee and/or Administrator action causing the grievance.
- (2) Board action. The Board shall take action on the application for variance or appeal at a public hearing, in accordance with Sec. 59.694, Wisconsin Statutes. The Board may approve an application if all findings have been made by the Board in accordance with 4.1209 (4) of the *Rock County Board of Adjustment Rules and Procedures*.
- (3) Approval conditions. In approving an application for variance or appeal, the Board may require conditions which will, in its judgment, substantially secure the intent and purpose of this Ordinance, as stated in 4.103 herein.

#### **4.129 Violations and Penalties**

- (1) Liable parties. Landowners or property owners, occupiers of land or premises, and agents of owners or occupiers, including but not limited to, building contractors, surveyors, engineers, architects, planners, plumbers, installers, soil technicians, road builders, grading and excavating contractors and their agents, lending institutions and their agents, and insurers and their agents, are responsible for compliance with this Ordinance which bear upon their area of competency and responsibility.
- (2) Violations. All of the following shall be a violation of this Ordinance and any individual or party who violates this Ordinance or aids or abets in any of the following shall be liable to prosecution or remedial actions:
  - (a) Undertaking a land division or other development activity, including any activity stipulated in a MOA, not in compliance with this Ordinance or any other applicable ordinance, rule, regulation, standard, statute, or other provision of law, or with any condition placed upon an approval, variance, or appeal granted in due course under this Ordinance;
  - (b) Undertaking a land division or an offer or contract to convey a land division or any lot within a land division without first having the land division reviewed by the Committee and Administrator, approved by the Committee and/or Administrator, and recorded with the Rock County Register of Deeds or filed with the Rock County Surveyor, except that an offer or contract to convey may be made or entered into if said offer or contract states on its face that it is contingent upon Committee and Administrator approval of all land divisions necessary to effect the transaction and that the offer or contract shall be void if such approval is not granted;

- (c) Recordation of a CSM or Sub-division or Condominium Plat with the Rock County Register of Deeds without having said CSM or plats reviewed by the Committee and/or Administrator, and approved by the Committee and/or Administrator, or filing of a POS, subject to this Ordinance, with the Rock County Surveyor without having said POS reviewed and approved by the Administrator;
  - (d) Failure, by the landowner, to place monuments or construct land division improvements as prescribed in the POS, CSM, or Sub-division or Condominium Plat as approved by the Committee and/or Administrator;
- (3) Notification of violation. The Administrator is responsible for inspecting and investigating compliance of land divisions or other development activity, including any activity stipulated in a MOA, with this Ordinance. If, upon such inspection or investigation, the Administrator becomes aware of a condition which he or she concludes is or is likely to become a violation as defined in (2) of this Sec. the Administrator shall immediately provide notification of violation to the individual or party to the situation deemed to be responsible and potentially liable of the detected violation. Such notification shall consist of a written enforcement demand to said individual or party that the condition that is alleged to constitute the present or potential violation be halted, prevented from occurring, or remedied.
- (4) Complaint and demand for prosecution. If a written enforcement demand is issued to the responsible individual or party, in accordance with (3) of this Sec., and is not complied with by said individual or party, and unless an administrative appeal has commenced and a stay order has been issued by the Rock County Circuit Court, the Rock County Corporation Counsel shall forthwith issue to the individual or party a complaint and demand for prosecution. Such complaint and demand shall consist of a written enforcement statement that a complaint on the condition and demand for prosecution has been or will be transmitted to the Rock County District Attorney's Office, enforcement officials, and State agencies.
- (5) Injunction. If a written enforcement statement is issued to the responsible individual or party in accordance with (4) of this Sec., and is not complied with by said individual or party, an injunction restraining the individual or party from continuance of the violating condition shall be requested by the Rock County Corporation Counsel or the Rock County District Attorney's Office from the Rock County Circuit Court.
- (6) Citation. The Administrator is authorized to issue an Ordinance citation, in accordance with *Article VII - Citations, Chapter 2 - Administration, Code of Ordinances, Rock County*, to any individual or party engaging in activities that are in violation of this Ordinance, in accordance with (2) of this Sec. Each day of violation, and each Ordinance section violated, shall be considered a separate offense and subject to additional enforcement action, including but not limited to, the issuance of additional Ordinance citations. Issuing a citation shall not release the individual or

party from full compliance with this Ordinance nor from prosecution for Ordinance violation.

- (7) Conviction. Any individual or party who violates this Ordinance shall, upon conviction, thereof forfeit those amounts as established by reference in Rock County Resolution 08-8A-054 and any subsequent amendments thereto.

#### **4.130 Fees**

- (1) Fees for land division and other development activity, including any activity stipulated in a Memorandum of Agreement (“MOA”), are determined by the Rock County Board of Supervisors to ensure adequate resources to administer and enforce this Ordinance and shall be paid in full by the applicant to the Agency. The effective land division and other development activity fee schedule is available at the office of the Administrator and on the Rock County website. The following activities shall be subject to fees:
  - (a) Review of application for preliminary land division;
  - (b) Review of final land division;
  - (c) Review of applications for condominium instruments and Rock County BSP;
  - (d) Review of application for variance to and appeal of this Ordinance;
  - (e) Review of application for adjoining land sale or transfer and lot combination, public improvement design, construction, and maintenance, Environmentally Sensitive Areas (“ESA”), cultural resources, productive agricultural soils, and woodlands protection and preservation, and Town BSP issuance and extension, if said activities are identified in an MOA;
  - (f) Any other land division and other development activity, as agreed upon by the Agency and the Town and identified in a MOA;