

Chapter 16.04
SUBDIVISIONS*

Sections:

- 16.04.010 Applicability.
- 16.04.020 Statutory authority and purpose.
- 16.04.030 Definitions.
- 16.04.040 Compliance with chapter and state provisions.
- 16.04.050 Compliance with state vacation and alteration provisions.
- 16.04.055 Survey requirement.
- 16.04.060 Exclusions.
- 16.04.065 Violations and penalties.
- 16.04.070 Approval process – Consultation on sketch plan.
- 16.04.080 Approval process – Preliminary plat.
- 16.04.090 Approval process – Final plat.
- 16.04.100 Approval procedure – Replat – Requester's requirements.
- 16.04.110 Approval procedure – Replat – Hearing and notice.
- 16.04.115 Approval process – Minor subdivision (Certified Survey Map)
- 16.04.120 Suitability of land.
- 16.04.130 Layout relationship to streets, natural features and adjoining areas.
- 16.04.140 Dedication or reservation for public use – County power – Limit conformance.
- 16.04.150 Dedication or reservation for public use – Access to lakes and streams.
- 16.04.160 Dedication or reservation for public use – Term – Display on final plat.
- 16.04.170 Unplattable lands on water's edge.
- 16.04.180 Improvements – Completion or bond and agreement – Notice for inspection.
- 16.04.190 Streets – Basic requirement – General design and location.
- 16.04.200 Streets – Width.
- 16.04.210 Streets – Construction standards.
- 16.04.220 Parcels on private ways – Disclosure requirement for sale.
- 16.04.230 Water supply.
- 16.04.240 Survey monuments.
- 16.04.250 Storm drainage.
- 16.04.320 Lots not served by public sewers – Area minimum.
- 16.04.370 Cluster development – Purpose – Use of undeveloped area.
- 16.04.380 Cluster development – Review agencies – Considerations.
- 16.04.390 Cluster development – Configuration and dedications.
- 16.04.400 Cluster development – Water and sewers.
- 16.04.410 Modification of provisions.

* For definitions and other general provision, and administrative, permit appeal, amendment and violations provisions applicable to this chapter, see Chapter 17.04 and §§17.08.010 through 17.08.070 of this code; for nonconforming use provisions, see §17.08.540.

50 16.04.010 Applicability. The subdivision regulation provision contained in this
51 chapter shall apply throughout the unincorporated area of the county. (Ord. at v. 13
52 p. 257, 11-15-67 §2.13 (part)).
53

54 16.04.020 Statutory authority and purpose. In order to achieve the purposes
55 of Chapter 236 of the Wisconsin Statutes and Section 17.08.010, and to provide safe
56 and orderly shoreland subdivision layouts, the regulations set out in this chapter and
57 adopted pursuant to §§ 59.692, 281.31, and 236.45 of the Wisconsin Statutes. (Ord.
58 at v. 13 p. 257, 11-15-56 §16.1)
59

60 16.04.030 Definitions. For the purpose of these regulations the following
61 terms are defined:
62

- 63 A. "Certified Survey Map" means a map (meeting the requirements of §236.34,
64 Wis. Stats.) of a minor subdivision.
65
- 66 B. "Minor Subdivision" means the division of a lot, parcel or tract by the owner
67 thereof, or his agent, for the purpose of transfer of ownership or building
68 development where the act of division creates one to four lots of ten acres
69 each or less in area by successive divisions within a five-year period.
70
- 71 C. "Planning agency" means a county zoning committee authorized by §59.69(2)
72 of the Wisconsin Statutes.
73
- 74 D. "Plat" means the map of a subdivision.
75
- 76 E. "Replat" means the changing of the boundaries of a recorded subdivision plat
77 or part thereof.
78
- 79 F. "Subdivision" means the division of a lot, parcel or tract by the owner thereof,
80 or his agent, for the purpose of transfer of ownership or building development
81 where the act of division creates five or more parcels or building sites of ten
82 acres each or less in area or where the sites of ten acres each or less in area
83 by successive divisions within a five-year period. (Ord. at v. 13 p. 257, 11-15-
84 67 §16.2)
85

86 16.04.040 Compliance with chapter and state provisions. Any division of land
87 which results in a subdivision as defined in Section 16.04.030 (F) shall be in
88 compliance with the provisions of this chapter and those sections of Chapter 236 of
89 the Wisconsin Statutes regulating subdivision plats and platting including review
90 procedures by state agencies having authority to object to plats. A minor subdivision
91 as defined in Section 16.04.030 (B) shall only meet the requirements of Section
92 16.04.115 and the certified survey map requirements in §236.34, Wisconsin Statutes.
93

94 A. No person shall divide, convey, record or monument any land in
95 violation of this chapter or the Wisconsin Statutes; and no person shall be issued a
96 County Land Use Permit, or State or County Sanitary Permit authorizing building on
97 or improvement of any lot or part of the subdivision, certified survey or replat within
98 the jurisdiction of this chapter until the provisions and requirements of this chapter
have been fully met.

99

100 16.04.050 Compliance with state vacation and alteration provisions. When a
101 replat of a recorded subdivision or part thereof is proposed, the subdivision shall be
102 vacated or altered according to the provisions of § 236.36 through 236.445 of the
103 Wisconsin Statutes. (Ord. at v. 13 p. 257, 11-15-67 §16.31 (2)).
104

105 16.04.055 Survey requirement. A survey meeting the provisions of Chapter
106 236, Wis. Stats. and this chapter is required for any parcel or parcels resulting from a
107 land division that is 10 acres or less in size.
108

109 16.04.060 Exclusions. In no instance shall the provisions of this chapter
110 relating to subdivisions apply to:

- 111 A. Transfers of interest in land by will or pursuant to court order;
- 112
- 113 B. Leases for a term not to exceed ten years;
- 114
- 115 C. Mortgages;
- 116
- 117 D. Easements;
- 118
- 119 E. The sale or exchange of parcels of land between owners of adjoining property
120 if additional lots are not thereby created and the lots resulting are not reduced
121 below the minimum sizes required by this chapter, Chapter 17.08 or other
122 applicable laws or ordinances. (Ord. at v. 13 p. 257, 11-15-67 §16.32).
123

124 16.04.065 Violations and Penalties. Violations shall be identified and
125 reported as specified in §17.04.250 and §17.04.260, Clark County Ordinance and
126 penalties applied as specified in §17.04.270, Clark County Ordinance.
127

128 16.04.070 Approval process – Consultation on sketch plan.

- 129 A. Prior to the filing of an application for the approval of a preliminary plat, the
130 subdivider shall consult with the planning agency to present his proposed plat
131 for review.
132
- 133 B. As a part of this consultation the subdivider shall submit a sketch of sufficient
134 scale and reasonable accuracy indicating the following information:
 - 135 1. The boundaries of the property being considered for sale;
 - 136 2. Uses of land adjacent to the proposed subdivisions, proposed roads,
137 easements, public access to navigable water, dedications, community
138 facilities and utilities;
 - 139 3. General lot layout showing proposed lot widths and depths;
 - 140 4. General soil conditions derived from a representative sampling of soil
141 conditions on the property, seasonally wet areas, rock outcrops and
142 areas with slopes over fifteen percent;
 - 143 5. Proposed filling, grading, lagooning, dredging;
 - 144 6. Delineation of any areas periodically flooded, shorelines and high-water
145 lines; and

146 7. A description of all property owned or controlled by the subdivider
147 contiguous to the proposed plat even though only a part of the area is
148 proposed for immediate development.
149

150 C. At this review or within twenty days thereafter, the subdivider will be informed
151 of any additions, changes or corrections to his proposed plat necessary to
152 expedite the preliminary plat and final plat procedures. (Ord. at v. 13 p. 257,
153 11-15-67 §16.91).
154

155 16.04.080 Approval process – Preliminary plat.

156 A. Copies Required. The subdivider shall submit sufficient copies of the
157 preliminary plat to the planning agency so that two copies can be submitted by
158 the planning agency to the agencies having authority to approve and review
159 plats under the provisions of Secs. 236.10 and 236.12 of the Wisconsin
160 Statutes.
161

162 B. Basic Contents. The preliminary plat based upon an exterior boundary survey
163 by a registered land surveyor shall include:
164 1. Lot width and depths;
165 2. Existing and proposed streets, parks, public access, community
166 facilities utilities and easements;
167 3. Land characteristics including seasonally wet areas and slopes over
168 fifteen percent;
169 4. Proposed filling, grading, lagooning, dredging; and
170 5. Delineation of any areas periodically flooded, shorelines and high-water
171 lines.
172

173 C. Scale and Improvements Rendering. The proposed layout shall be shown on
174 a map at a scale of one inch equals one hundred feet and shall identify the
175 improvements, grading, paving, installation of facilities including, if applicable,
176 preplanned sites for water disposal facilities and dedications or reservations of
177 land which the sub-divider proposes to make and shall indicate when the
178 improvements will be provided.
179

180 D. Restrictive Covenants. Any proposed restrictive covenants for the land
181 involved shall be stated.
182

183 E. Action by Planning Agency. The planning agency shall approve, approve
184 conditionally, or reject the preliminary plat within forty days, as provided by
185 Sec. 236.11 of the Wisconsin Statutes. Failure of the planning agency to act
186 within forty days shall constitute an approval. (Ord. at v. 13 p. 257, 11-15-67
187 §16.92).
188

189 16.04.090 Approval process – Final plat.

190 A. Copies Submitted and Deadline. Sufficient copies shall be submitted to the
191 planning agency within six months of preliminary plat approval unless this
192 requirement is waived by the planning agency.
193

194 B. Conformance and Certification. The final plat shall conform to the preliminary
195 plat as approved and to the requirements of all applicable ordinances and
196 state laws and shall be submitted for certification of those agencies having the
197 authority to object to the plat as provided in Sec. 236.12 of the Wisconsin
198 Statutes. The final plat shall be accompanied by detailed construction plans of
199 all improvements to be provided by the subdivider.
200

201 C. Presentation and Action. Final plats shall be presented to the planning
202 agency at least ten workdays prior to the meeting at which they are to be
203 considered and shall be accepted or rejected by the planning agency within
204 sixty days of their submission.
205

206 D. Recording. Approved final plats shall be recorded in accordance with the
207 requirements of Sec. 236.25 of the Wisconsin Statutes before lots are sold.
208 (Ord. at v. 13 p. 257, 11-15-67 §16.93).
209

210 16.04.100 Approval procedure – Replat – Requester's requirements. When it
211 is proposed to replat a recorded subdivision or part thereof, so as to change the
212 boundaries of a recorded subdivision or part thereof, the subdivider or person wishing
213 to replat shall vacate or alter the recorded plat as provided in Secs. 236.40 through
214 236.44 of the Wisconsin Statutes. The subdivider or person wishing to replat shall
215 then proceed as specified in Sections 16.04.080 and 16.04.090. (Ord. at v. 13 p.
216 257, 11-15-67 §16.94 (part)).
217

218 16.04.110 Approval procedure – Replat – Hearing and notice. The clerk shall
219 schedule a public hearing before the planning agency when a preliminary plat of a
220 replat of lands within the county is filed, and shall cause notices of the proposed
221 replat and public hearing to be mailed to the owners of all properties within the limits
222 of the exterior boundaries of the proposed replat and to the owners of all properties
223 within two hundred feet of the exterior boundaries of the proposed replat. (Ord. at v.
224 13 p. 257, 11-15-67 §16.94 part)).
225

226 16.04.115 Approval process – Minor subdivision (Certified Survey Map). A
227 certified survey map (CSM) shall be submitted to the Clark County Planning and
228 Zoning Department for review and approval prior to recording by the Register of
229 Deeds. Failure to act by the department within 10 business days constitutes
230 approval.
231

232 16.04.120 Suitability of land.

233 A. No land shall be subdivided which is held unsuitable for the proposed use by
234 the planning agency for reasons of flooding, inadequate drainage, adverse soil
235 or rock formation, severe erosion potential, unfavorable topography,
236 inadequate water supply or sewage disposal capabilities, or any other feature
237 likely to be harmful to the health, safety or welfare of the future residents of the
238 proposed subdivision or of the community.
239

240 B. The planning agency, in applying the provisions of this section, shall, in
241 writing, recite the particular facts upon which it bases its conclusion that the
242 land is not suitable for the proposed use and afford the subdivider an

243 opportunity to present evidence regarding such suitability at a public hearing
244 as provided in Sections 17.04.190 and 17.04.200. Thereafter the planning
245 agency may affirm, modify or withdraw its determination of unsuitability. (Ord.
246 at v. 13 p. 257, 11-15-67 §16.4).

247
248 16.04.130 Layout relationship to streets, natural features and adjoining areas.

249 All subdivision layouts shall be developed in proper relation to existing and proposed
250 streets, the topography, surface water, vegetative cover, other natural features and
251 the most advantageous development of adjoining areas. (Ord. at v. 13 p. 257, 11-15-
252 67 §16.51 (part)).

253
254 16.04.140 Dedication or reservation for public use – County power – Limit –
255 Conformance.

256 A. The planning agency may recommend that suitable sites not to exceed ten
257 percent of the total area of the subdivision be dedicated or reserved for future
258 public use such as parks, playgrounds, public access and open spaces as
259 needed by the subdivision subject to acceptance thereof by the county or
260 town.

261
262 B. Any part of a street, drainageway or other public way which is indicated on a
263 comprehensive plan or plan component shall conform to the arrangement,
264 width and location indicated, and shall be offered for dedication to the county
265 or town. (Ord. at v. 13 p. 257, 11-15-67 §16.51 (part)).

266
267 16.04.150 Dedication or reservation for public use – Access to lakes and
268 streams. Subdivisions abutting on a navigable lake or stream shall, according to the
269 provisions of § 236.16 (3) of the Wisconsin Statutes, provide access at least sixty
270 feet wide to the high-water mark so that there will be public access which is
271 connected to existing public roads at least at one-half mile intervals, as measured
272 along the lake or stream shore, except where greater intervals and wider access is
273 agreed upon by the Wisconsin Department of Natural Resources and the Department
274 of Administration and excluding shore areas where public parks or open space
275 streets or roads on either side of a stream are provided. The planning agency may
276 require dedications of access points of greater width or at more frequent intervals at
277 points designated by them. (Ord. at v. 13 p. 257, 11-15-67 §16.52).

278
279 16.04.160 Dedication or reservation for public use – Term – Display on final
280 plat. Reservation of land for public acquisition shall be for a period not to exceed
281 three years. Land so dedicated or reserved must be shown on the final plat. (Ord. at
282 v. 13 p. 257, 11-15-67 §16.6).

283
284 16.04.170 Unplattable lands on water's edge. The lands lying between the
285 meander line, established in accordance with §236.20 (2)(g) of the Wisconsin
286 Statutes, and the water's edge, and any otherwise unplattable lands which lie
287 between a proposed subdivision and the water's edge, shall be included as part of
288 lots, outlots or public dedications in any plat abutting a lake or stream. This
289 requirement applies not only to lands proposed to be subdivided but also to all lands
290 under option to the subdivider or in which he holds any interest and which are
291 contiguous to the lands proposed to be subdivided and which abut a lake or stream

292 as provided in Sec. 236.16 (4) of the Wisconsin Statutes. (Ord. at v. 13 p. 257, 11-
293 15-67 §16.53).

294

295 16.04.180 Improvements – Completion or bond and agreement – Notice for
296 inspection.

297 A. Before final approval of any plat the subdivider may install required street an
298 utility improvements or, if such improvements are not installed at the time that
299 the final plat is submitted for approval, the subdivider shall, before recording
300 the plat, enter into a contract with the county, agreeing to install the required
301 improvements, and shall file with that contract a surety bond meeting the
302 approval of the district attorney as a guarantee that such improvements will be
303 completed by the subdivider or his subcontractors not later than one year from
304 the date of recording of the plat or later if specified.

305

306 B. One week prior to the time each improvement is to be installed and upon its
307 completion, the subdivider must notify the planning agency so that adequate
308 inspections can be made. (Ord. at v. 13 p. 257, 11-15-57 §16.7)

309

310 16.04.190 Streets – Basic requirement – General design and location.

311 A. The subdivider may be required to dedicate land for and improve public
312 streets.

313

314 B. Public streets shall be designed and located to take into account:

315

316 1. Existing and planned streets;
317 2. Topographic conditions, including the bearing capacity and erosion
318 potential of the soil;

318

319 3. Public convenience and safety, including facilitating fire protection,
320 snowplowing and pedestrian traffic;

320

321 4. The proposed uses of land to be served;

322

323 5. Anticipated traffic volumes; and
324 6. Further re-subdivision possibilities. (Ord. at v. 13 p. 257, 11-15-67

324

325 §16.71 (1)).

326

327 16.04.200 Streets – Width.
328 A. Public streets shall be of the right-of-way, roadway and surface width specified
329 by the highway commissioner and approved by the county board.

329

330 B. Town roads shall be at least three rods right-of-way width, twenty feet roadway
331 width and sixteen feet surface width except where Sec. 82.50 of the Wisconsin
332 Statutes requires larger minimum standards. (Ord. at v. 13 p. 257, 11-15-67
333 §16.71 (2)).

333

334 16.04.210 Streets – Construction standards. Construction shall be according
335 to local road standards. Where there are no local road standards, the minimum
336 standards of the Wisconsin Department of Transportation shall apply. The subdivider
337 shall grade the roadbeds in the roadway width to subgrade and shall surface all
338 roadways to the width prescribed by these regulations. (Ord. at v. 13 p. 257, 11-15-
339 67 § 16.71 (3)).

340

341 16.04.215 Frontage on a public road. All proposed lots are to be developed
342 with frontage to a dedicated public road; however, if an easement or private road is
343 proposed, the Planning Agency must approve it and the following will be required:

- 344 A. The easement or private road must be part of the plat or Certified Survey Map.
345
346 B. All easements or private roads must be a minimum of 3 rods in width.
347
348 C. All proposed easements that are to serve more than two lots must be
349 approved by the town board.
350

351 16.04.220 Parcels on private ways. – Disclosure requirement for sale. No
352 person shall sell any parcel of land of ten acres or less in size, located outside the
353 corporate limits of a municipality, if it abuts on a road which has not been accepted
354 as a public road unless the seller informs the purchaser in writing of the fact that the
355 road is not a public road and is not required to be maintained by the town or county.
356 (Ord. at v. 13 p. 257, 11-15-67 §16.71 (4)).
357

358 16.04.230 Water supply. Where there is an existing public water supply
359 system on or near the subdivision, the local municipality furnishing such service and
360 the planning agency shall determine the feasibility of service and the requirements to
361 be followed by the subdivider in connecting to the system. Where there is no existing
362 public water supply, individual water supply systems will be permitted in accordance
363 with the minimum standards and regulations of the Department of Natural Resources.
364 (Ord. at v. 13 p. 257, 11-15-67 §16.72).
365

366 16.04.240 Survey monuments. The subdivider shall install survey
367 monuments in accordance with the requirements of Sec. 236.15 of the Wisconsin
368 Statutes.

- 369 A. All iron pipes or bars, or durable metal or concrete monuments used in lieu of
370 iron pipes or bars, used for monumentation shall be a minimum of 24 inches in
371 length. (Ord. at v. 13 p. 257, 11-15-67 §16.73).
372

373 16.04.250 Storm drainage.

- 374 A. Storm drainage facilities, where needed, shall be designed to permit the
375 unimpeded flow of natural watercourses, ensure the drainage of all points
376 along the line of streets and provide positive drainage away from on-site
377 sewage disposal facilities. In designing storm drainage facilities, special
378 consideration shall be given to protection against shoreland erosion and
379 siltation of surface waters and preventing excess runoff on adjacent property.
380
381 B. The planning agency may require that easements or drainageways of widths
382 sufficient to accommodate anticipated stormwater runoff be provided. (Ord. at
383 v. 13 p. 257, 11-15-67 §16.74).
384

385 16.04.320 Lot area – Minimum. A minimum lot area of 1 acre is required by
386 this chapter except where the provisions of Chapters 17.08 or Chapter 17.24, Clark
387 County Ordinance apply, or where a more restrictive municipal ordinance applies.
388

389 16.04.360 Lots not serve by public sewers – Optional detailed soil tests. If a
390 subdivider chooses, he may carry out a detailed soil test on a proposed lot as
391 provided in Comm 85, Wisconsin Administrative Code. The location of the three
392 required soil borings or soil test pits over the site of the proposed infiltration
393 component shall be accurately recorded on the subdivision plat. An infiltration
394 component may be located on the site of the tested area without further tests unless
395 further tests are deemed necessary by the zoning administrator or planning agency
396 and if installation is within five years of the initial tests. (Ord. at v. 13 p. 257, 11-15-67
397 §16.75 (4)).
398

399 16.04.370 Cluster development – Purpose – Use of undeveloped area.
400 Grouping of residences in cluster subdivisions will permit individual minimum lot sizes
401 to be reduced; provided that overall density within the subdivision is maintained. The
402 remaining undeveloped area within the subdivision is to be used to provide common
403 open space and preserve the scenic qualities of the shoreland area. Grouping of
404 residences facilitates common water supply and sewage disposal systems. (Ord. at
405 v. 13 p. 257, 11-15-67 §16.81).
406

407 16.04.380 Cluster development – Review agencies – Considerations.

- 408 A. The preliminary plat for a proposed cluster subdivision shall be reviewed by
409 the Department of Administration and any regional planning commission of
410 which the county is a member in addition to the other required approving and
411 objecting authorities.
412
- 413 B. The planning agency and the Department of Administration shall consider the
414 effect of any proposed cluster development within the 1,000 foot setback of a
415 lake on the carrying capacity of the lake, the erosion potential of the shore, the
416 water-supply and waste-disposal potential of the soil and subsurface geology,
417 the scenic beauty of the lake, and other pertinent factors listed in Section
418 17.08.010. (Ord. at v. 13 p. 257, 11-15-67 §16.82).
419

420 16.04.390 Cluster development – Configuration and dedications.

- 421 A. **Development and Lot Size.** Proposed cluster developments shall include a
422 minimum of five acres and shall be platted according to the subdivision
423 regulation requirements of this chapter. The maximum permitted number of
424 lots on such development shall be determined by dividing the total area of the
425 subdivision, excluding streets, by the minimum lot sizes required by Section
426 16.04.040.
427
- 428 B. **Principal Structures Proximity.** The minimum distance between principal
429 structures shall be fifty feet.
430
- 431 C. **Open Space Dedication.** Excess land not used for lots and streets shall be
432 dedicated in perpetuity to remain in open space. This may be accomplished
433 by conveyance in common to each of the owners of lots in the development or
434 by dedication to the county, town or municipality.
- 435 1. Lands dedicated to the public must be accepted by action of the
436 governing body of the accepting unit of government.

- 437 2. If the land is to be conveyed to owners of lots in the development, a
438 homeowners' association of similar legally constituted body shall be
439 created to maintain the open space land.
440 3. Any restriction place on platted land by covenant, grant of easement
441 or any other manner which was required by a public body or which
442 names a public body as grantee, promisee or beneficiary shall vest
443 in law or in equity against anyone who has or acquires an interest in
444 the land subject to the restriction. (Ord. at v. 13 p. 257, 11-15-67
445 §16.83 (part)).
446

447 16.04.400 Cluster development – Water and sewer. Water supply and
448 sewage disposal shall meet the minimum standards of the Department of Health
449 Services, Department of Commerce, the Department of Administration, Chapters
450 14.04 and 16.08, Clark County Ordinance, and other applicable regulations.
451

452 16.04.410 Modification of provisions. The planning agency may permit
453 modifications from the subdivision provisions of this chapter, after holding a public
454 hearing as provided in Sections 17.04.190 and 17.04.200, under the following
455 conditions:

- 456 A. Because of the unique topographic of other conditions of the land involved,
457 literal application of the provisions of this chapter would impose undue
458 hardship.
459
460 B. Conditions are attached to plat approval that assure compliance with the
461 requirements of this chapter insofar as practical.
462
463 C. There is compliance with the provisions of Ch. 236 of the Wisconsin Statutes
464 and other relevant state laws.
465
466 D. The purposes and intent of this chapter are observed. (Ord. at v. 13 p. 257,
467 11-15-67 §16.95).