

Buffalo County Ordinance



Drafted By:
Michael J. Owecke

County Department:
Zoning

Presented Month/Year:
May, 2021

Fiscal Impact: YES / NO

Involved Committees:
Land Use

CA Approved: YES / NO

ORDINANCE # 21 – 05 – 01

AN ORDINANCE TO ADOPT THE

‘BUFFALO COUNTY LAND DIVISION ORDINANCE’

WHEREAS, the Board of Supervisors of Buffalo County have demonstrated their support for completing the remonumentation of all seventeen towns in Buffalo County, thereby assuring that accurate and true property boundary lines can be established throughout the County, and;

WHEREAS, Buffalo County has demonstrated its dedication to creating and assuring accurate parcel mapping depicting accurate property boundary lines within its GIS parcel layer, a feature that is utilized and relied upon by countless property owners, realtors, surveyors, developers, etc, and;

WHEREAS, The Land Division Ordinance is drafted and adopted for the purpose of meeting the following express objectives:

1. Provide for the orderly development of Buffalo County and facilitate the orderly development of land by encouraging well designed land divisions.
2. Provide for an orderly, precise and consistent means of preparing descriptions in real estate conveyance records.
3. Ensure accurate legal descriptions of subdivided land and adequate records of land titles.
4. Ensure the proper monumenting of subdivided, combined or reconfigured parcels.

5. To provide accurate and uniform land records for inclusion in the Buffalo County Geographic Information System.
6. Ensure that future development is consistent with the Buffalo County Zoning Ordinance, Floodplain Ordinance, Shoreland Ordinance and other ordinances where applicable, and;

WHEREAS, The Land Use Committee in conjunction and cooperation with the; Zoning Department, GIS Department, Administration Department, County Surveyor and Register of Deeds, convened to review, discuss and draft the Land Division Ordinance on the following dates; July 10, August 21, September 18, October 16, November 13, and December 11, 2020, and;

WHEREAS, The Land Use Committee convened a public hearing on March 5, 2021 for the purpose of gathering testimony regarding the Land Division Ordinance and placed the Ordinance on file in the office of the County Clerk for two weeks prior to the March 5th public hearing, and;

WHEREAS, The final draft of the Ordinance was sent to all Town Clerks and Town Chairs of Buffalo County in December of 2020 for their review and an invitation to offer comment, and;

NOW, THEREFORE BE IT ORDAINED, that the Buffalo County Board of Supervisors hereby adopts the Buffalo County Land Division Ordinance, which will be kept permanently on file and open to public inspection in the Buffalo County Zoning Department.

Adopted at a duly called and noticed meeting of the Buffalo County Board of Supervisors on the 24th day of May 2021.



Roxann Halverson, County Clerk

ATTEST:



Dennis Bork, County Board Chair

BUFFALO COUNTY

LAND DIVISION ORDINANCE

Adopted by the Board of Supervisors of Buffalo County

Ordinance no. 21-05-01 May 24, 2021



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CHAPTER 1
TITLE, AUTHORITY, GENERAL PROVISIONS

The Board of Supervisors of Buffalo County, Wisconsin does so ordain as follows:

1. Title.

This ordinance shall be known, cited and referred to as the Buffalo County Land Division Ordinance.

2. Authority.

The provisions of this ordinance are adopted by the Buffalo County Board of Supervisors pursuant to the authority granted in Sections 16.967, 59.51(2), and 236.45 of the Wisconsin Statutes.

3. Purpose.

A. This ordinance is adopted for the purpose of implementing the declaration of legislative intent under section 236.45(1), Wis. Stats., and to meet the following, express objectives:

1. To promote the public health, safety and general welfare.
2. Provide for the orderly development of Buffalo County and facilitate the orderly development of land by encouraging well designed land divisions.
3. Provide for an orderly, precise and consistent means of preparing descriptions in real estate conveyance records.
4. Ensure accurate legal descriptions of subdivided land and adequate records of land titles.
5. Ensure the proper monumenting of subdivided, combined or reconfigured parcels.
6. To provide accurate and uniform land records for inclusion in the Buffalo County Geographic Information System.
7. Ensure that future development is consistent with the Buffalo County Zoning Ordinance, (where applicable), Floodplain Ordinance, Shoreland Ordinance and other ordinances, where applicable

4. Abrogation and Greater Restrictions.

It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, ordinances, or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater

restrictions, the provisions of this ordinance shall govern.

5. Interpretation.

The provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of this ordinance and Buffalo County and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes.

6. Severability.

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby. This ordinance shall not create liability on the part of, or cause action against, Buffalo County or any office or employee thereof for any damages that may result from reliance on this ordinance.

7. Effective Date.

This ordinance shall be effective upon adoption by the Buffalo County Board of Supervisors and shall take effect on the day of adoption.

CHAPTER 2 DEFINITIONS

1. Definitions.

A. For the purpose of this ordinance, the following definitions shall be used:

1. "Certified Survey Map" means a map of land division or combination prepared in accord with Section 236.34, Wis. Stats. In this ordinance it may be referred to as either a Certified Survey Map or a CSM.
2. "Land Division" means the act of creating at least one but not more than four separately described parcels of 20 acres or less in size, consisting of lots or outlots, either through a single division or successive divisions by either the same or subsequent owners within a five year period.
3. "Lot" means a parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use which shall meet all criteria of an applicable zoning code, including but not limited to minimum size, lot width, lot frontage, lot area, yard, parking area and other open space provisions.
4. "Municipality" means a village or city.
5. "Parcel" means an individual unit, division or portion of land, contained within a single legal description, set forth in a deed, CSM plat, including but not limited to lots and outlots in plats or CSMs, each capable of being separately owned and conveyed.
6. "Person" means any natural person, proprietorship, partnership, corporation or other

legal entity.

7. "Plat" means a map of a land division for the purpose of sale, lease, or building development.
8. "Remonumentation" means all land surveying activities have been achieved and verified in order to perpetuate a previously monumented original Public Land Survey corner and protracted Public Land Survey Corner.

Towns that have been 'remonumented' have all Tie Sheets, Section Data Sheets, and Town maps completed, verified, approved and submitted to the Buffalo County Surveyors office and to the respective Town.

An officially remonumented congressional Town shall be a Town for which final documentation is complete and the Land Use Committee has approved the County Surveyor's final re-monumentation report.

9. "Surveyor" means a land surveyor duly registered in the State of Wisconsin.
10. "Zoning Department" means that Department of Buffalo County which has administrative responsibilities for county zoning.

CHAPTER 3 JURISDICTION

1. Jurisdiction.

- A. Jurisdiction of this ordinance and these regulations shall include all areas of Buffalo County, outside the incorporated areas of municipalities, that have been completely remonumented.

The provisions of this ordinance shall not apply to:

1. Transfers of interest in land by will or pursuant to court order or operation of law.
2. Leases for a term not to exceed 10 years, mortgages or easements.
3. Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required and meet all applicable zoning or other regulations.
4. Cemetery plats made under Sec. 157.07, Wis. Stats.
5. Assessor's plats made under Sec. 70.27, Wis. Stats., but such assessor's plats shall

comply with Secs. 236.15(2)(a) to (g) and 236.20(1) and (2)(a) to (e), Wis. Stats.

6. Towns in Buffalo County where complete remonumentation has not been attained.
7. A parcel created by virtue of any exemption under this ordinance is not exempt from other applicable regulations. Any parcel that does not satisfy the standards of any regulation or law as to performance standards such as; parcel size or dimension, road frontage, standards governing waste disposal, or the like, shall not be eligible for relief from such standards by variance.

CHAPTER 4 APPLICABILITY

1. Applicability.

A. The combining or dividing of parcels of land within the unincorporated area of Buffalo County shall comply with the provisions of this ordinance, Ch.236, and including but not limited to the following:

1. All applicable provisions of Ch. 236, Wis. Stats.
2. Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street.
3. All applicable county ordinances.
4. In addition to complying with statutory requirements for Certified Survey Maps (CSM), a CSM shall be prepared and approved of for all land divisions creating parcels of twenty (20) acres or less in size, including street or highway rights-of-way. This shall include property transferred as a result of the resolution of property line disputes.
5. A CSM shall be required for the combining of two or more parcels into one to four parcels when the parcel(s) is less than twenty (20) acres in size.

B. The CSM requirement does not apply if the land division meets one or more of the following criteria:

1. Remonumentaion of the congressional Town, within which the parcel is located, has not been completed.
2. The parcels created are classified as a subdivision under Ch. 236, Wis. Stats. and the Buffalo County Subdivision Ordinance.

3. The land division is of an existing, undivided quarter/quarter section and the quarter/quarter section is divided in half.

C. Certified Survey Map Specifications:

1. Certified Survey Maps along with the applicable review fee shall be submitted to the Zoning Department. A CSM shall show clearly on its face the date the map was prepared.

2. A CSM shall evidence on its face any adjoining, previously recorded CSMs and their accompanying document number, CSM number, volume and page numbers, together with any previous CSMs which are being replaced in part or in whole by a new CSM, together with the Section, Town and Range in which the parcel or parcels of land subject to said CSM are located.

3. A CSM shall be printed on one side only of 8 1/2" x 14" durable white media with a nonfading black image. Paper media shall be acid free and a minimum of 24 lb. with 25% ragstock.

4. On all pages of the final CSM document an area in the upper right corner, at least 3 inches by 3 inches, shall be left blank for official recording purposes.

5. Street or highway dedications shall evidence the minimum right-of-way width required by each affected municipality or by the county or state.

6. For lots that are to be developed, with the exception of lots in those Towns not under the general zoning authority of Buffalo County, area and dimension of lots shall conform to the requirements of the Buffalo County Zoning Ordinance. Minimum lot size is exclusive of any right-of-way.

7. For lots that are to be developed, the applicant shall submit a permit or statement issued by the appropriate Town, County or State agency approving driveway access to the lot.

8. For lots that are to be developed, with the exception of lots in those Towns not under the general zoning authority of Buffalo County, a separate drawing at the same scale as the CSM shall be submitted designating portions of the lot that have slopes of 12% or greater.

9. For lots that are to be developed, the regulatory floodplain boundary and elevation shall be field delineated by the surveyor and shown on the CSM, along with the date of the field verification. The FEMA FIRM map number shall be identified on the CSM.

10. If approved, an approval certificate/stamp from the Zoning Department shall be included on the face of the CSM which reads as follows:

“This CSM complies with the Buffalo County Land Division Ordinance.”

Buffalo County Zoning Department

Date

11. If rejected, the applicant shall be notified in writing of the reasons for rejection.

12. All Certified Survey Maps shall be reviewed and approved by the County Surveyor, Register of Deeds, and the Zoning Department before being recorded in the Register of Deeds office. Once the Department has determined that the CSM meets statutory and ordinance requirements each CSM shall be recorded in the Register of Deeds office within six months of the date of approval. Failure to do so shall require that the CSM be resubmitted to the Zoning Department for review and approval.

13. Approved Certified Survey Maps shall be filed for recording with the Buffalo County Register of Deeds prior to transferring ownership of any parcels created by a land division or land combining, as provided in 236.34(2) Wis. Stats.

14. No map or survey purporting to create divisions of land or intending to clarify metes and bounds descriptions may be recorded except as provided by this ordinance.

15. Subdivision plats, replats, assessor’s plats and cemetery plats must be reviewed and approved by the Buffalo County Land Use Committee and the Buffalo County Board of Supervisors before being recorded in the Register of Deeds office.

2. Fees

A. Submittal of a CSM for review and approval shall be accompanied by a review fee and other fees as established by the County Board of Supervisors and as stated on the Zoning Department Fee Schedule.

CHAPTER 5 ADMINISTRATION

1. Administration.

A. The administration and enforcement of the provisions of this Ordinance shall be the

responsibility of the Buffalo County Zoning Department and, in the event of appeals, the Buffalo County Land Use Committee.

2. Appeals.

A. Any persons aggrieved by an objection or failure to approve a CSM may appeal therefrom in the following manner:

1. Decisions of the Zoning Department shall be appealed to the Land Use Committee. Such appeal shall be made within 30 days of the decision being appealed.
2. Where the Land Use Committee finds that undue hardship will result from the strict compliance with the terms of this Ordinance or better design will result, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such ordinance exception will not have the effect of nullifying the intent and purpose of this Ordinance.
3. A majority vote of the entire membership of the Land Use Committee shall be required to grant any ordinance exception to these regulations. Any ordinance exception thus granted shall be entered into the minutes of the Committee, setting forth the reasons which, in the judgement of the Committee, justified the ordinance exception.
2. Actions of the Land Use Committee shall be appealed as provided in 236.13(5) Wis. Stats.

CHAPTER 6 ENFORCEMENT, PROSECUTION, PENALTIES

1. Enforcement

It shall be the duty of Buffalo County Zoning Department to enforce the provisions of this Ordinance and investigate complaints and violations of said Ordinance.

2. Prosecution

Prosecution for violations of this Ordinance shall proceed as defined in the Buffalo County Zoning Ordinance, Chapter 5, Section 3.

3. Penalties

Any person who shall violate any provisions of this Ordinance shall be subject to penalty(s) as provided in the Buffalo County Zoning Ordinance, Chapter 5, Section 4.