

## Chapter 26

# Land Divisions, Parcel Combinations And Certified Survey Maps

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- 26.01 Authority. The Kewaunee County Board of Supervisors adopts the provisions of this ordinance pursuant to the authority granted in Sections 16.967, 59.07(6), and 59.88 of the Wisconsin Statutes.
- 26.02 Purpose. To establish a county-wide policy which will protect the citizens of Kewaunee County by insuring that future land divisions and parcel combinations comply with local ordinances, meet minimum surveying standards, and maintain or enhance the accuracy of Kewaunee County's land information system.
- 26.03 Prior Ordinances. This ordinance supersedes and repeals all prior land division, parcel combination and parcel map ordinances.
- 26.04 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, except as set forth in the "Prior Ordinances" paragraph. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.
- 26.05 Interpretation. The provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of this ordinance and Kewaunee County and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes.

26.06 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.

26.07 Definitions. Terms used in this ordinance mean as follows:

- (1) Certified Survey Map, CSM, or CSMs: A map of a division of land prepared in accordance with Chapter 236 of the Wisconsin Statutes.
- (2) Land Division: The act of creating two or more separately described parcels from a single parcel of land by the owner thereof or his agent.
- (3) Local Unit of Government: The village, city, town, or county in which zoning laws apply.
- (4) Lot: A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, yard, parking area, and other open space provisions of any applicable zoning code.
- (5) Parcel: A continuous acreage of land described in a single description in a deed or one of a number of lots or outlets on a plat, separately owned or capable of being separately conveyed.
- (6) Plat: A map of a division of land for the purpose of sale, lease, or building development.
- (7) Surveyor: A land surveyor duly registered in the State of Wisconsin.
- (8) Tract: See Parcel
- (9) Undeveloped Land: Land in parcels or tracts sufficiently large for future subdivisions which is presently in agriculture, woodland, or other non-intensive use.

26.08 Jurisdiction. Jurisdiction of these regulations shall include all lands and waters within the limits of Kewaunee County. 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, mortgages, or easements.
- (3) The sale or exchange of property between adjacent landowners if that property is attached to and incorporated into an existing tax parcel provided that the remnant parcel is not less than 1.5 acres in size. Wis. Stat. §236.45(2)(a)3.
- (4) Cemetery plats made under Wis. Stat. §157.07.
- (5) Assessor's plats made under Wis. Stat. §70.27. Assessor's plats shall comply with Wis. Stats. §§236.15(2)(a) to (g) and 236.20(1) and (2)(a) to (e).
- (6) Parcels that are split or combined as whole lots in a recorded subdivision plat or parcels that are split or combined as whole quarter/quarter sections

in the public land survey system provided the local zoning authority approves the exemption for the split or combination.

26.09 Compliance. No person shall divide any land located in Kewaunee County so that division results in a subdivision, land division, or replat; no such subdivision, land division, or replat shall be entitled to recording; and no street shall be laid out or improvements made to land without compliance with all requirements of this ordinance and the following:

- (1) Provisions of Chapter 236 of the Wisconsin Statutes.
- (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 sub-divider abuts on a state trunk highway or connecting street.
- (3) Any applicable zoning code and all other applicable local or county ordinances.
- (4) Combining and Dividing Parcels. In addition to state statutory requirements for certified survey maps, subdivision plats, replats, assessor's plats, condominium plats and other recordable documents, the following additional requirements shall be adhered to for the purposes of this ordinance:
  - (a) Parcel Splits: A certified survey map shall be prepared and recorded in the Register of Deeds office for all land divisions that create a new parcel. A CSM will not be required for the sale or exchange of property between adjacent landowners if that property is attached to and incorporated into an existing tax parcel unless it results in a remnant parcel that is less than 1.5 acres in size. Wis. Stat. §236.45(2)(a) 3.
  - (b) Parcel Combinations: A certified survey map shall be prepared and recorded in the Register of Deeds office for all parcel combinations unless the combination is required by the local assessor or the Kewaunee County Land Information Office for valuation purposes under Wis. Stat. §70.23(2).
  - (c) Present zoning shall remain on a subdivided or combined parcel until a zoning change is applied for by the applicant and granted by the governing body of jurisdiction.
- (5) Document Specifications; Certified Survey Maps.

- (a) A CSM being prepared and submitted for recording shall show on its face any adjacent recorded CSMs and their accompanying document, volume and page numbers, previous CSM number which is being replaced in part or whole by a new CSM, and section, town and range.
  - (b) Road dedication shall be the minimum width required by each local unit of government, or by state law.
  - (c) A CSM shall be accompanied by a certificate of the Surveyor, Local Unit of Government, and the Owner. The owner's certificate shall include the following statement: "All mortgagees associated with this property have been contacted and made aware of these property boundary changes."
- (6) Required Reviews.
- (a) CSM Reviews. All certified surveys submitted for recording in the Register of Deeds office shall have undergone a self-review by the surveyor. Evidence of this review will be in the form of a completed, County approved CSM review checklist. The CSM review checklist shall be filed in the Kewaunee County Land Information Office prior to the recording of the certified survey, and the LIO shall stamp the CSM to indicate that the required self-review was completed.
  - (b) Condominium Plat Reviews. All condominium plats shall be reviewed by a Registered Land Surveyor designated by Kewaunee County to insure that they meet basic surveying standards.
- (7) Zoning Certification. Each parcel that is split and partially combined with an adjacent parcel that is currently under different ownership, or will be under different ownership with the contemporaneous recording of a deed or other document of conveyance, shall be certified by the local zoning administrator and, if applicable, the Kewaunee County shoreland zoning administrator, to verify compliance with the governing zoning ordinance. The zoning certification must be filed in the Kewaunee County Land Information office at or prior to recording any documents of conveyance.

26.10 Effective Date. This ordinance shall be effective upon passage and publication.