

development, three (3) overlay zones are created. Notwithstanding other sections of this Subdivision Ordinance,

1.10 COMPLIANCE. Division of land located within the jurisdictional limits of these regulations which results in a land division, replat or condominium plat as defined herein shall not be entitled to recording and/or improvements to the land unless it is in compliance with all the requirements of this chapter and:

- (1) Duly approved County Zoning and Private Sewage System Ordinances.
- (2) County Access Control Ordinance.
- (3) Applicable local ordinances.
- (4) Provisions of Chapter 236, Wisconsin Statutes.
- (5) Provisions of the Winnebago County Land Records Ordinance as enumerated in Section 8.05 of the Winnebago County Code.

1.11 LAND SUITABILITY. No land shall be divided which is held unsuitable for any proposed use as recommended by the Town Planning Committee (hereinafter referred to as Committee) for approval by the Town Board (hereinafter referred to as Board) for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the community. In its recommendation to the Board, the Committee in applying the provisions of this chapter shall in writing, cite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the applicant an opportunity to present evidence regarding such suitability at a public hearing. Thereafter, the Committee may affirm, modify or withdraw its determination of unsuitability.

1.12 VARIANCES

- (1) In any particular case where it can be shown that by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of this chapter would cause practical difficulty by exceptional and undue hardship, the Committee may recommend to the Board to relax such requirement to the extent deemed just and proper so as to relieve such difficulty or hardship, provided such relief may be granted without detriment to the public good and without impairing the intent and purpose of this chapter or the desirable general development of the Town.
- (2) The Committee at its discretion, if it determines it necessary for the public good, may conduct a public hearing to permit parties of interest to comment on the variance request.

