

Town of Green Valley
Land Division Ordinance #2000-3

Adopted: 09/13/2000

amended 5-11-05

1.01 PURPOSE

The purpose of this Ordinance is to promote the public health, safety and general welfare of the community. The regulations are designed to further the orderly layout and use of land; to facilitate adequate provision of water, sewerage, schools, and conservation areas; to minimize the public impact from division of large tracts into smaller parcels; to encourage the most appropriate use of land throughout the Town, and; to enforce the goals and policies set forth in the Town of Green Valley, Shawano County, Comprehensive Plan.

1.02 JURISDICTION

These regulations shall include all lands within the Town of Green Valley. The provisions of this Ordinance shall not apply to the following:

1. Transfers of interest in land by will or pursuant to court order
2. Leases for a term not more than 10 years, mortgages or easements.
3. The sale or exchange of land between owners of adjoining property if additional lots are not hereby created and if the lots resulting are not reduced below the minimum sizes and setbacks required by the applicable Zoning Ordinance.

1.03 AUTHORITY

These regulations are adopted under the general authority granted pursuant to st 60.22(3), ~~61.34~~ and 236.45 of the Wisconsin Statutes.

1.04 DISCLAIMER

- (1) Multiple Jurisdictions. The Town of Green Valley is only one of a number of governmental bodies that may have jurisdiction over proposed land divisions or development. The Town does not make any representations on behalf of any other government body. No land division may be made unless all required approvals have been given.
- (2) Binding Acts. No statement or actions by nay official, employee, agent, or Committee of the Town of Green Valley should be construed or taken as a binding act of the Town except a resolution, motion, or ordinance that has been adopted by the Town Board at a lawfully conducted Town Board meeting, or by the Town electorate at a duly constituted Annual or Special Meeting. This includes, but is not limited to, interpretation of this ordinance.
- (3) Compliance Assurance. The Town of Green Valley expressly states that it has no responsibility whatsoever for assuring that land and/or buildings sold in the Town of Green valley are in compliance with any ordinances, regulations or rules. The Town also assumes no responsibility of any property where land division has been approved by the Town Board.

1.05 **DEFINITIONS**

Certified Survey: any division of land whereby not more than four parcels of ten (10) acres or less in size are created, or the division of a block, lot or outlot within a recorded subdivision plat into not more than four parcels without changing the exterior boundaries of said block, lot or outlot. Such land divisions shall have a certified survey map prepared, approved by the Town of Green Valley Town Board of Supervisors and recorded as required by the ordinance, Shawano County and st 236.

Certified Survey Map: A map of a Certified Survey prepared in accordance with the terms of this ordinance, Shawano County, ~~Eastern Cluster Land Management Plan~~ Town of Green Valley Comprehensive Plan, and st 236.

Comprehensive Plan: The official guide recommending the future physical, social and economic growth and environmental preservation of the Town of Green Valley.

Land Division: A split, transfer or conveyance of land whereby two or more separately described parcels are created from a single lot, parcel, or tract of land by the owner thereof or his/her agent. Land divisions shall have a certified survey map or subdivision plat prepared and submitted to the Town of Green Valley for review and action.

Land Division Map: A map of a division of land prepared in accordance with this ordinance

Land Divider: Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a land division. The term land divider encompass the words sub divider and developer, and the words may be used interchangeably for the purpose of the standards set forth in this ordinance.

Land Management Plan: see ~~Eastern Cluster Land Management Plan~~ Comprehensive Plan

Lot: A part of a land division map having an assigned number through which it may be identified and meeting the requirements of this ordinance. A lot may also include the terms parcel, tract, or building site in determining the applicability of this ordinance to land divisions and cluster developments.

Parcel: A continuous acreage of land singularly described in a deed or one of a number of lots or outlots on a land division map capable of being separately conveyed.

Subdivision: the division of a lot or parcel of land by the owner thereof, or his/her agents, for the purpose of sale, lease or building development where:

- a) the act of division creates five or more parcels or building sites of ten acres or less in area; or
- b) five or more parcels or building site of ten acres each or less in area are created by successive divisions within a period of five years

Subdivision Plat: a map of a subdivision

Town/Town Board/Town Chairperson: terms used interchangeably to mean the approving authority of the local self-government, in this case, the Town of Green Valley.

Tract: See parcel

1.06 **COMPLIANCE**

Any person, partnership, corporation or legal entity of any sort when dividing any land located within the Town of Green Valley which results in a land division as defined in this Ordinance must meet full compliance with all requirements of this Ordinance and:

- 1) Chapter 236 of the Wisconsin statutes
- 2) Shawano County Zoning Ordinance #102, Subdivision Ordinance, Private Sewage System Ordinance #7-91, Shore land/Wetland Zoning Ordinance, Floodplain Zoning Ordinance and Health, Junk and Environmental Hazard Ordinance.

- 3) State of Wisconsin Department of Workforce Development (formerly DILHR) rules on septic systems, sewers, shore lands and wetlands.
- 4) State of Wisconsin Department of Natural Resources rules on pollution abatement
- 5) State of Wisconsin Department of Transportation and/or Shawano County Highway Department rules 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 land divider abuts on a state, federal or county truck highway or connecting road or street and;
- 6) All applicable master plans, zoning ordinances or official maps adopted under section 59.69, ~~62.23~~, and 66.0295 of the Wisconsin Statutes, and any other pertinent town or county ordinances and regulations.

Where provisions of this Ordinance impose greater restrictions than (1) – (6) above, it is intended that the provisions of this Ordinance apply.

1.07 **DIVISION BY CERTIFIED SURVEY/SUBDIVISION PLAT**

1. General: a land division map prepared by a land surveyor registered in the State of Wisconsin shall be required for all land divisions that create any lots ~~ten (10) acres~~ forty (40) acres or less in size. All required Land Division Maps shall comply in all respects with sec. 236.34 of the Wisconsin Statutes and state survey standards.

2. Information Required on the Map (face) Page: the map shall show correctly on its face, in addition to the information required by sec 236.34 or the Wisconsin Statutes, the following:

- a) all existing buildings, water courses, drainage ditches and swales, and other features pertinent to the property division, including the location of drain fields, wells, dry wells, pipes, and adjacent properties and their environmental, historical and unique features.
- b) the date of the map
- c) the graphic scale of the map

3. Information required on the Signature Page:

The map shall include in its certifications, in addition to the information required by st. 236.34, the following:

- a) a legal description of the parcel, the surveyor's name, address and signature, and a statement from the surveyor that he/she has fully complied with all the provisions of this Ordinance.
- b) the owner's name, address, parcel number(s), and volume and page of last deed recorded on each parcel
- c) signature and date lines for approval by the Town Chairperson

4. Recording:

The land divider shall record the Land Division Map with the Shawano County Register of Deeds after it has been approved by the Town and Shawano County Planning &

Development Department, and shall file a certified copy of the recorded map with the Town Clerk within ten (10) days after the map is recorded.

1.08 PROCEDURES FOR APPROVAL OF DIVISIONS OF LAND

Any land divider who shall divide land located in the Town of Green Valley, which creates a land division as defined in this ordinance, shall comply with the following procedure:

- 1) Application: Submit to the Town Clerk a preliminary Land Division Map (Subdivision Plat or Certified Survey Map) prepared by a registered land surveyor in the State of Wisconsin with the appropriate fee and the following required attachments:
 - a) Parcel location map with parcel number(s)
 - b) Aerial photo and site analysis
 - c) ~~Soil and slope analysis~~
 - d) ~~Site plan~~
- 2) Town Review: After reviewing the Land Division Map to ensure conformity with site plans approved by the Town Board, the ~~Eastern Cluster Land Management Plan~~ Comprehensive Plan and this ordinance, the Town Chairperson or his/her designee shall sign the Land Division Map constituting Town approval.
- 3) Other Permits: No Driveway Permit or Building Permit shall be issued for a parcel created by a land division which does not comply with the provisions of this Ordinance.
- 4) Findings of Approval: Approval shall in all cases establish conformity with regard to minimum lot sizes, setbacks, the location of on-site waste disposal, and the preservation of open spaces.
- 5) Fee: ~~A review fee in the amount of Fifty Dollars (\$50) will be charged for a Certified Survey Map and the amount of One Hundred Dollars (\$100) up to five (5) lots plus Fifty Dollars (\$50) for each additional lot will be charged for a Subdivision Plat.~~ A review fee will be charged, as well as a fee for each additional lot for a Subdivision Plat. Fees to be established by the Town Board of Supervisors of the Town of Green Valley by Resolution.

1.09 LAND SUITABILITY

- 1) Land shall be prohibited from being divided if the Town Board determines that it will ~~materially interfere with existing use of a viable agriculture operation or should be sewered rather than have on-site waste disposal system(s), or will conflict with other~~ goals and strategies as set forth in the ~~Eastern Cluster Land Management Plan~~ Town of Green Valley Comprehensive Plan.
- 2) Any land shall be prohibited from being divided if it is found unsuitable for the proposed use(s), ~~for reasons of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate septic or sewage disposal capabilities or any other feature or~~ any feature is likely to be harmful to the health, safety, or welfare of the future residents of the community.
- 3) The land divider shall be afforded an opportunity to present evidence regarding suitability of the proposed land division at a public Town meeting.

1.10 MINIMUM LOT SIZES

Land divisions in all areas of the Town of Green Valley shall have a minimum lot size of two (2) acres in unsewered areas and a minimum lot size of 20,000 square feet in sewerred areas.

1.11 PENALTIES

1) Any person, partnership, corporation or other legal entity who fails to comply with the provision of this Ordinance shall, upon conviction, be subject to penalties and forfeitures as provided in this ordinance or st 236.30, 236.31, 236.32, 236.335, and 236.35 of the Wisconsin Statutes. Each day that the violation continues to exist shall constitute a separate offense.

2) No person shall sell land in lots ~~ten acres~~ forty (40) acres or less in size unless the lots have been lawfully approved pursuant to the terms of this Ordinance or any predecessor procedure. The unlawful sale of lots is deemed to be a public nuisance, which may be enjoined by a court of record. The term sub divider, when incorporated by reference herein from Chapter 236 of the Wisconsin Statutes, shall mean land divider as defined in this Ordinance.

1.12 SEVERABILITY

~~If any provisions of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this Ordinance, which can be given effect without the invalid or unconstitutional provision or application.~~ Should any provisions of this Ordinance be found to be unconstitutional or invalid by a court of competent jurisdiction, or if the application of this Ordinance to any person or circumstance be found to be unconstitutional or invalid, the remainder of this ordinance shall not be affected.

1.13 EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

1) Town Board Approval: This Ordinance was adopted by the Town Board of the Town of Green Valley on this 13th day of September, 2000.

APPROVED BY:

ATTESTED BY:

Arl Rudie
Chairman

Mary L. Olson
Clerk

Gary Uelmen
Supervisor

Robert C. Rundquist
Supervisor

2) Public Notice

(a) Public Review. Copies of the final draft of the Land Division Ordinance were posted and on file with the Town Clerk for the two week period from Aug. 21, 2000 to Sept. 6, 2000 during which it was available for inspection.

(b) Posting. This Notice of Adoption of Land Division Ordinance was posted at Green Valley Town Hall, Green Valley Post Office & Bay Lakes Coop

- (c) Publication. A Notice of Adoption of Land Division Ordinance was published in the Shawano Leader newspaper, the publication of record for the Town of Green Valley on September 17, 2000.

Amendments made to this ordinance are effective on 5-11-05 as follows:

All references to the Eastern Cluster Land Management Plan are replaced with Town of Green Valley Comprehensive Plan throughout this ordinance.

All Wisconsin Statute numbers are verified and corrected: Sections 1.03, 1.06.

Section 1.03: reference to st. 61.34 is dropped – refers to Village rules

Section 1.04: reworded

Section 1.05: included Town of Green Valley Comprehensive Plan

Section 1.06: reference to st 62.23 is dropped – refers to city rules

Section 1.07: requirement for Certified Survey is changed from 10 acres to 40 acres

Section 1.08: #1 - deleted requirements c & d – these items are available at the county and also from NRCS office.

#5 – fee dollars replaced by reference to the Town of Green Valley Fee Schedule

Section 1.09: #1, reworded, eliminated reference to viable agriculture operation and added Comprehensive Plan.

#2, eliminated reasons list

Section 1.11: #2, changed from ten acres to 40 acres

Section 1.13: changed numbering to 1.12 and changed the wording on Severability.

Section 1.14: changed numbering to 1.13

Updated wording

Added 1.14: Amendment Effective Date

1.14 AMENDMENT EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the day after passage and public Effective Date: The provisions of this ordinance shall take effect 5-11-05

Passed on 5/11/05

Vote: for 3 Against 0


Posted in the following public places
within 30 days after board passage:

on 5-11-05


Post Office in Green Valley


Fire Station in Pulcifer

Community Center in Advance


Arl Rudie, Town Chairperson

Attested By:


Janajee Jenerou, Town Clerk


Gary Uelmen, Supervisor


Terry Tipton, Supervisor