

Subdivision Ordinance

Town of Green Valley

Ordinance # 2005-03

Adopted
9/14/05

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SECTION 1 - TITLE

The Title of this Ordinance is the Town of Green Valley Subdivision Ordinance.

SECTION 2 - PURPOSE

The purpose of this Ordinance is to regulate and control the division of land within the limits of the Town of Green Valley, Shawano County, Wisconsin, in order to accomplish all of the following purposes:

- A. Promote the general public health, safety, and general welfare
- B. Supplement County, State, and Federal land division controls to implement the Town Comprehensive Plan and enforce the goals and policies set forth in the Town of Green Valley Comprehensive Plan.
- C. Ensure the design of any proposed street system will not have a negative long-term effect on neighborhood quality, traffic flow, and safety in the Town of Green Valley.
- D. Promote the planned and orderly layout and use of the land in the Town of Green Valley.
- E. Encourage the most appropriate use of the land throughout the Town of Green Valley.
- F. Minimize the public impact resulting from the division of large tracts into smaller parcels of land in the Town of Green Valley.
- G. Facilitate the adequate provision of transportation, water, sewage, health, education, recreation, and other public requirements in the Town of Green Valley.
- H. Provide the best possible environment for human habitation in the Town of Green Valley.
- I. Realize goals, objectives, policies, and development standards set forth in plans, codes, and ordinances adopted by the Town of Green Valley.
- J. Avoid inefficient and uneconomical extension of governmental services in the Town of Green Valley.
- K. Provide for the conservation of the agriculturally important lands in the Town of Green Valley by minimizing conflicting land uses.
- L. Promote the rural and agricultural character, scenic vistas, and natural beauty of the Town of Green Valley.
- M. Regulate the development of condominium and other land use projects.
- N. Insure accurate legal descriptions.
- O. Provide for the administration and enforcement of this Ordinance by the Town Board.

SECTION 3 - AUTHORIZATION

Pursuant to the statutory authority granted under the Village Powers of the Town of Green Valley, to ss. 60.10 (2) (c), 60.22 (3), 61.34 (1), 236.03, and 236.45, Wisconsin Statutes, the Town of Green Valley Town Board of Supervisors adopts this Ordinance after receipt of a formal written recommendation from the Town of Green Valley Plan Commission under ss. 236.45 (4), Wis. Stats.

SECTION 4 - APPLICATION

This Ordinance applies to all lands in the Town of Green Valley, except as noted under Exceptions Section.

SECTION 5 - DEFINITIONS

In this Ordinance, the following definitions shall apply:

Agricultural Use (as provided in s. 91.01 (1), Wis. Stats.): beekeeping; commercial feed lots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint, and seed crops; raising of fruits, nuts, and berries; sod farming 'placing land in federal programs in return for payments in kind' owning land, at least thirty five (35) acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk conservation reserve program under 7 USC 1446(d); and vegetable raising.

Alley: A public or private right-of-way, which provides secondary access to abutting properties

Arterial Street: A street used, or intended to be used, primarily for fast or heavy through traffic. Arterial Street shall include freeways and expressway as well as standard arterial streets, highways, and parkways.

Block: A group of lots existing within well defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers, and having an assigned number, letter or other name through which it may be identified.

Building: Any structure built for the support, shelter, or enclosure or persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land.

Building setback line: A line parallel to the street line or water line defined by the Town of Green Valley or Shawano County Zoning Ordinance, beyond which buildings may not be erected.

Certified survey: a survey done by a qualified and registered land surveyor with the map of a land division of less than forty (40) acres prepared in accordance with sec. 236.34, Wis. Stats., and in full compliance with the applicable provisions of this Ordinance.

Certified Survey Map: A map or plan or record of a minor subdivision, prepared in accordance with the terms of this ordinance, Shawano County Ordinances, and Chapter 236 of Wisconsin Statutes. A Certified Survey Map has the same legal force and effect as a land division plat. All land divisions of less than forty (40) acres require a Certified Survey Map by a registered land surveyor. Certified Survey Maps for land divisions within the Town of Green Valley must show preliminary approval of the Town Chairperson as directed by the Town Board of Supervisors.

Cluster development: development from a land division in which dwellings and other buildings are grouped densely on only a portion of a development parcel, in contrast to conventional practice, which distributes development evenly across the entirety of a parcel, in order to accomplish any of the following:

1. Preserve by deed restriction, including conservation easement, restrictive covenant and development rights transfers the majority of the land division parcel for present or future agricultural use or conservation; and
2. Create, maintain, or expand protective barriers contiguous with lakes, wetlands, and other natural resources in the Town of Green Valley.

Collector Street: A street used or intended to be used, to carry traffic from minor streets to the major system of arterial streets including principal entrance streets to residential developments.

Condominium: a building or a group of buildings in which units are owned individually and all owners on a proportional undivided basis own the building common areas and facilities. A condominium is a legal form of ownership and not a specific building type or style.

Conservation Easement: (as provided in s. 700.40, Wis. Stats.): a holder's non-possessory interest in real property imposing any limitation or affirmative obligation the purpose of which includes retaining or protecting natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, preserving a burial site, as

defined in s. 157.70 (1) (b), Wis. Stats., or preserving the historical, architectural, archaeological or cultural aspects of real property.

Conservation Subdivision: a housing development from land division in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained by the greatest extent possible.

Cul-de-sac Streets: A minor street with only one outlet and having a turn around for the safe and convenient reversal of traffic.

Deed restriction: a restriction on the use of a property set forth in a deed or other instrument of conveyance, including, but not limited to, a restrictive covenant, conservation easement, transfer of development rights, or any restriction placed on undeveloped land as a condition for the division or development of the undeveloped land.

Developer's Agreement: an agreement by which the Town of Green Valley, and the sub divider, and possibly Shawano County agree in reasonable detail to all of those matters which the provisions of these regulations permit to be covered by the developers agreement. The developer's agreement shall not take effect unless and until an irrevocable Letter of Credit or other appropriate surety has been issued to the Town of Green Valley and/or Shawano County.

Easement: The area of land set aside or over or through which a liberty, privilege, or advantage in land, distinct from ownership of land, is granted to the public of some particular person or part of the public.

Extraterritorial Plat Approval Jurisdiction: The unincorporated area within 1-1/2 miles of a fourth class city or village and within 3 miles of all other cities over which cities and villages may exercise Plat approval provided they have enacted an Official Map ordinance or subdivision Control Ordinance in accordance with Statute #236.10, Wis. Statutes.

Final Plat: a map prepared in accordance with requirements of Chapter 236 of the Wisconsin State Statutes and this Ordinance for the purpose of precisely dividing larger parcels into lots and used in conveying these lots.

Frontage Street: A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

Grade: The slope of a road, street, or other public way, specified in percent.

Improvement, Public: Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip, off-street parking area, or other facility for which the county, the Town, or a sanitary district may ultimately assume the responsibility for maintenance and operation.

Land divider: any person, partnership, corporation, or other legal entity or agent thereof, that has an ownership or other legal interest in the subject land that the land is being divided or is proposed to be divided, 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 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 Use Plan: the Town of Green Valley Land Use Plan, concerning issues of land use in the Town, adopted by the Town of Green Valley, including any subsequent amendment, but does not include any Town Comprehensive Plan adopted under s. 66.1001, Wis. stats.

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; may include a parcel of not less than two (2) acres or greater, but less than 10 acres, which is created by a land division, with the designated parcel, tract, or area of land established by land division plat, Certified Survey Map, or as otherwise permitted by law to be conveyed, used, developed, or built upon as a unit. 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.

Master plan: the comprehensive plan, concerning issues of land in the town, adopted pursuant to s. 62.23, or s. 66.1001 Wis. stats., or its amendments or revisions.

Minor Land Division: any division of land, other than a statutory subdivision as defined herein of less than 10 acres in size. Any residual parcel resulting from any division of land shall be included in the minor land division if said parcel is less than 10 acres in size. The minimum land division under this Ordinance shall comply with the standard design and improvement requirements in Section 13 and the Certified Survey requirements in Section 12. Lot sizes within a sanitary district are permitted to be 20,000 sq ft., if connecting to a sanitary district; OR, *any division of land not defined as a "subdivision"*. Minor land divisions include the division of land by the owner or subdivider resulting in the creation of, one (1), but not more than four (4), parcels or building sites of ten (10) acres each or less in area or the division of a block, lot or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the exterior boundaries of said block, lot or outlot.

Minor Street: A street used, or intended to be used, primarily for access to abutting properties.

Natural resource: air, land, water, groundwater, drinking water supplies, wildlife, fish, biota, and other such resources, belonging to, managed by, appertaining to, or otherwise controlled by the United States, State of Wisconsin, or the Town of Green Valley.

Navigable Waters: any body of water, which is navigable under the laws of the State.

Outlot: a parcel of land other than a lot or block so designated on a land division plat or Certified Survey Map; OR, *a remnant parcel of land not to be used for building purposes so designated on the plat.*

Parcel: contiguous lands under the control of a land divider not separated by streets, highways, navigable rivers, or railroad rights-of-way; singularly described in a deed or one of a number of lots or outlots on a land division map capable of being separately conveyed.

Preliminary Plat: A map showing the salient features of a proposed subdivision submitted to the County Planning, Development & Zoning Committee for purposes of preliminary consideration

Public Way: Any public road, street, highway, walkway, drainage-way, or part thereof.

Replat: the process of changing, or the map or plat which changes the boundaries of a recorded Statutory Subdivision Plat, Minor Land Division, Certified Survey Map, or other land division or part thereof. The division of a large block, lot, or outlot within a recorded subdivision plat or certified survey which changes the exterior boundaries of said lot, block, or outlot is a replat.

Restrictive Covenant: a deed restriction on the use of the land usually set forth in the deed. A restrictive covenant runs with the land and is binding upon subsequent owners of the property.

Sketch Plan: a conceptual layout of a proposed development on a topographic map, which is submitted for formal review.

Statutory Subdivision: the division of a lot, as defined by §236.02(12) Wis. Stats therein, by the owner, sub-divider, or his successor in title, for the purpose of transfer of ownership or building development where the division creates more than four (4) lots less than 2 acres in five (5) years or where the land division creates more than five (5) parcels or building sites of any size within five (5) years.

Subdivider: any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor land division (Certified Survey Map) or replat, responsible for preparing and recording the plats of the subdivision and for complying with these requirements. The term subdivider encompasses the word "Developer" and the two words may be used interchangeably for the purpose of the standards set forth in this ordinance.

Subdivision: The division of a lot, parcel or tract of land by the owner thereof, or their agents, for the purpose of transfer of ownership or building development where: (a) the act of division creates five (5) or more parcels or building sites of ten (10) acres each or less in area; or (b) where the act of division creates five (5) or more parcels or building sites of ten (10) acres each or less in area by successive division within a period of five (5) years.

Subdivision Plat: A map of a subdivision.

Tentative Approval: approval with or without recommended alterations given to the preliminary plat or preliminary certified survey by the Town Chairperson. This shall constitute the necessary authority to proceed with the preparation and presentation of the final plat or final certified survey map for the consideration of the Town of Green Valley Town Board of Supervisors.

Town: the Town of Green Valley, Shawano County, Wisconsin.

Town Board: the Town Board of Supervisors for the Town of Green Valley, Shawano County, Wisconsin and includes designees of the board authorized to act for the board.

Town Chairperson/Chairman: Chairman of the Town of Green Valley Town Board of Supervisors; term interchangeable with Chairperson; leader of the Town Board of Supervisors, as set forth by State Statutes.

Town Clerk: the clerk of the Town of Green Valley, Shawano County, as set forth by State Statutes..

Town Comprehensive Plan: a Comprehensive Plan adopted by the Town Board of Supervisors of the Town of Green Valley under §66.1001 Wis. Stats.

Town Plan Commission: the Town of Green Valley Plan Commission appointed by the Town Chairperson of the Town of Green Valley, Shawano County, Wisconsin.

Town Plan Commission Secretary: Secretary of the Town of Green Valley Plan Commission as appointed by the Plan Commission.

Wetland: an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and that has soils indicative of wet conditions.

Wis. Stats.: the Wisconsin Statutes, including successor provisions to cited statutes.

SECTION 6 - MINIMUM LOT SIZE

Minimum lot size for the Town of Green Valley shall be set at 2 acres, unless within the unincorporated communities or able to connect to one of the sanitary districts, or as approved by the Town of Green Valley Town Board or their designee.

SECTION 7 - DISCLAIMER

Multiple Jurisdiction: 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 governmental body. No land division may be made unless all required approvals have been given.

Binding Acts: No statement or actions by any official, employee, agent or Committee of the Town of Green Valley should be construed or taken as a binding act of the Town except by a resolution, motion, or ordinance that has been adopted by the Town of Green Valley Town

Board of Supervisors at a lawfully conducted Town Board meeting, or by the Town electorate at a duly constituted Annual or Special Town Meeting. This includes, but is not limited to, interpretation of this ordinance.

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 of Green Valley also assumes no responsibility for the suitability of any property where the Town of Green Valley Town Board of Supervisors has approved the land division.

SECTION 8 - PROCEDURE

Because the Town of Green Valley is under county zoning, it is required that, before filing for an application for approval of a preliminary plat, the applicant **MUST** hold a **preliminary consultation** with the Shawano County Zoning Office. All requirements of the Shawano County Zoning and Town Ordinances in force at the time of application must be complied with.

It is required that the applicant applies to the Town of Green Valley Plan Commission for their recommendation to the Town of Green Valley Town Board of Supervisors on the proposed land division. This requires attendance at a Town of Green Valley Plan Commission meeting to present the proposed project to the commission. This preliminary application must include all pertinent information regarding the planned land division, purpose of the land division, Preliminary Plat, and letter of application for the land division. [The Town Board of Supervisors for the Town of Green Valley must approve all Certified Survey Maps that are the result of a land division within the Town of Green Valley.]

The written recommendation of the Town of Green Valley Plan Commission and Town Board of Supervisors will be forwarded to Shawano County Zoning Office by the Town of Green Valley Plan Commission Secretary for Shawano County to include with their agenda items for the County Planning, Development and Zoning Committee. Attendance at the County meetings is encouraged for the applicant. It is suggested that someone from the Town Plan Commission or Town Board also attempt to attend the county meeting covering the proposed land division.

For all necessary Public Hearings, the procedures and time elements in the Town of Green Valley Posting/Publishing of Public Hearings Resolution shall be complied with.

SECTION 9 - PRELIMINARY PLAT

A Preliminary Plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on reproducible material at a scale and shall show correctly the names, legal description and location of proposed subdivision, as well as dimensions, area, date, scale, north arrow, and contiguous area to the proposed plat. Any proposed restrictive covenants shall be presented to the Plan Commission at the initial request.

It is not the intent of the Town of Green Valley to cause undue hardship to the applicant in the requirements and some of these may be waived for cause.

SECTION 10 – GREEN and OPEN SPACE

A green space requirement was included in the Town of Green Valley Comprehensive Plan 2004 for all subdivisions. On all developments of 5 or more lots, a minimum of 10% of total acreage must be set aside for a park or green space before being approved. Maintenance on this green space set aside area to be by the property owner, homeowners association or developer, unless otherwise approved by the Town of Green Valley.

SECTION 11 - UTILITIES & ROADWAYS

The applicant is responsible for the installation of utilities in any proposed sub-division. The Town of Green Valley is not liable for the refusal of any utility company to provide services in the proposed sub-division.

Applicant is responsible for the installation of all necessary highways and roadways. The Town of Green Valley is not required to accept any highway or roadway that is not up to Town specifications or requirements. The Town of Green Valley is not liable for failure of the subdivider to bring the roadways to Town specifications. The Town's refusal to accept a roadway that does not meet Town specifications also creates no liability for the Town of Green Valley.

The Town of Green Valley is not under any obligation to maintain highways or roadways that do not belong to the Town.

SECTION 12 - EXCEPTIONS

- A. The provisions of this Ordinance, as it applies to land divisions of tracts of land in the Town of Green Valley into less than 5 parcels, shall not apply to any of the following:
1. Transfers in interest in land by will or pursuant to court order.
 2. Leases for a term of 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 thereby created and if the lots resulting are not reduced below the minimum size of two (2) acres.
 4. If all setbacks are adhered to as required in the applicable zoning ordinances.
- B. All of the following specific uses and activities are exempt from this ordinance:
1. Cemetery plats made under s. 157.07, Wis. stats.
 2. Assessor's plats made under s. 70.27, Wis. stats.
 3. Any of the following land divisions:

SECTION 13 – COMPLIANCE

No person, unless exempt under this Ordinance, shall divide or create a land division of any land in the Town of Green Valley subject to the requirements of this Ordinance and no land division, including any Cluster Development, Conservation Subdivision, a Statutory Subdivision, a Certified Survey Map, Condominium Plat, Replat or Minor Land Division, shall be entitled to be recorded in the Office of the Register of Deeds for Shawano County unless the final land division, plat, or map as approved by the Town Board or its designee is in full compliance and consistent with all of the following:

1. All requirements of this Ordinance; when provisions of this Ordinance impose greater restrictions than paragraphs 2 through 9 below, it is intended that the provisions of this Ordinance shall apply.
2. Chapter 236, Wis. stats.
3. The Town of Green Valley Comprehensive Plan adopted August 11, 2004, under s. 66.1001, Wis. stats., or any component thereof.
4. The applicable Town of Green Valley, Shawano County zoning regulations, building code, sanitary code, erosion control regulations, and other land division regulations.
5. State Department of Natural Resources administrative rules on wetlands, shorelands, sewers, septic systems, and pollution abatement.
6. All applicable State and local sanitary codes.
7. All State Department of Transportation and/or Shawano County Highway Department Administrative rules relating to safety of access and the preservation of the public interest and investment in the highway system, if the land owned and controlled by the land divider abuts on a state or county trunk highway or connecting road or street.
8. All applicable extraterritorial, comprehensive, and master plans, extraterritorial zoning or plat review ordinances, or official maps adopted pursuant to sec. 62.23, stats., and any other applicable Wisconsin Statutes, Town of Green Valley, Shawano County, or extraterritorial authority ordinances and regulations.

SECTION 14 – SPECIFIC COMPLIANCE PROVISIONS

- A. All parcels, lots, or outlots that will be proposed to be divided for land division purposes under this Ordinance that are bisected or divided by a public road, public street, or public trail, or shall be divided along these natural or constructed features.
 - B. No land shall be issued land division approval, if the Town Board of the Town of Green Valley determines that the proposed land division plat, or Certified Survey Map will conflict with the goals, objective, and policies as set forth in the Town Comprehensive Plan, master plan, or other land use plan in force at the time. In addition, the Town Board must determine the land division is consistent with the Town Comprehensive Plan. The Town Board must also decide if any other land division plats approval or Certified Survey Map approval to the land applies. The most restrictive requirements to the land division must apply. The land division minimum lot size requirements in this Ordinance apply rather than any other applicable municipal zoning regulations related to minimum lot sizes.
 - C. No land shall be issued a land division approval for a purpose that poses a significant threat to the quality or quantity of groundwater in the Town of Green Valley.
 - D. No land shall be issued a land division approval if it is held unsuitable by the Town Board for its proposed use for any feature likely to be harmful to the health, safety, or welfare of current or future residents of the Town of Green Valley, or likely to cause a public nuisance in the Town of Green Valley.
- The Town of Green Valley Plan Commission may require any proposed land divider to furnish maps, data, and other information as may be necessary to determine land suitability.
- E. No person shall be issued any land division approval by the Town Board until the appropriate application fees have been paid to the Town Clerk.
 - F. No person shall be issued any land division approval by the Town of Green Valley, if that person has failed to properly and fully complete and submit to the Town Board the application form developed and provided by the Town of Green Valley.

G. No person shall sell any parcel of land, lot, or outlot of one (1) acre or less in size in the Town of Green Valley if it abuts on a road which has not been accepted as a public road unless the seller informs the land purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the Town of Green Valley or Shawano County.

H. No person shall be issued a final land division approval by the Town Board until the land divider makes or installs all public improvements deemed necessary by the Town Board or until the land divider executes a surety bond or other security acceptable to the Town Board to insure that the land divider will make these public improvements within a time established by the Town Board.

I. No person shall be issued a final land division approval by the Town Board until the land divider submits and obtains approval of the proposed land division plat or proposed certified survey map to the following approving authorities:

Town of Green Valley Plan Commission
Wisconsin Department of Natural Resources if necessary
Shawano County Planning Committee

J. No person shall be issued a final land division plat approval by the Town Board unless all public improvements to be constructed or installed as required by the Town Board within the land division plat area or Certified Survey Map area to meet the requirements established in writing by the Town of Green Valley Town Board.

K. The Town of Green Valley shall not be responsible, with respect to any final land division for any public improvements, *if applicable*, and shall not be responsible to accept any dedicated streets, roads, or other public areas and other public improvements until the Town Board, by resolution, accepts or approves such dedicated public improvements with or without conditions. All such dedicated streets and roads must be brought to Town design standards prior to submission to the Town Board for acceptance.

M. No person shall be issued a final land division approval by the Town Board unless any proposed Town of Green Valley roads have been specifically accepted for dedication approved by the Town Board. The applicant shall finish all shoulders and road ditches, if any, install all necessary culverts at intersections and, if required by the Town Board, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Town of Green Valley Plan Commission, as recommended by the Town of Green Valley Engineer.

N. No person shall be issued a final land division approval by the Town Board unless any natural gas, water, sewer, electrical power, cable and telephone facilities are installed in such manner as to make adequate service available to each parcel, lot, or outlot in the proposed land division. No such electricity, cable, or telephone service shall be located on overhead poles. In addition, plans indicating the proposed location of any new or replacement natural gas, sewer, water, electric, cable, and telephone facilities required to serve the land division shall be noticed to and approved by the Town Board every year.

O. No person, unless specifically waived in writing by the Town Board, shall be issued a final land division approval by the Town Board unless proper community or cluster group sewage and water systems, that are required by the Town Board, are timely installed by the land divider at the cost of the land divider, and are then by Developer's Agreement to be owned, operated, and to be maintained by the Town of Green Valley or a Town of Green Valley Special Purpose District such as a Sanitary District or Utility District. Community sewer and water systems shall be designed to Town of Green Valley Engineering standards with respect to pipe