

SUBCHAPTER 1: GENERAL PROVISIONS

CHAPTER 20: SUBDIVISION ORDINANCE**SUBCHAPTER 1: GENERAL PROVISIONS****20.100 TITLE**

This Chapter shall be known as the "Town of Lyndon Subdivision Ordinance" or "Subdivision Ordinance," except as referred to herein where it shall be known as "this Chapter."

20.101 AUTHORITY

This Chapter is adopted pursuant to §236.45 Wis. Stats.

20.102 PURPOSE

The purpose of this Chapter is to promote the public health, safety and general welfare of the community; to lessen congestion in the roads and highways; to further the orderly layout and use of land; to secure safety from fire, panic, and other dangers; to provide adequate light and air, including access to sunlight for solar collectors; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewage, schools, parks, playgrounds and other public requirements; to facilitate the further re-subdivision of large tracts into smaller parcels of land; to preserve and protect property values; to provide the best possible environment for human habitation in the Town; and to encourage the most appropriate use of land throughout the Town.

20.103 COMPLIANCE

- (1) APPROVAL REQUIRED:** Within the Town of Lyndon, no lot, parcel, or tract of land shall be subdivided, and no plat, certified survey map, deed, or other conveyance creating or causing the subdivision of a lot, parcel, or tract of land shall be recorded in the office of the Register of Deeds, unless and until such subdivision, plat, certified survey map, deed, or conveyance complies with the terms, conditions, and procedures of this Ordinance, and all other applicable laws and ordinances.
- (2) MAPPING REQUIRED:** No lot, parcel, or tract of land shall be subdivided except by the preparation, approval, and filing of either a Certified Survey Map or a Plat.
- (3) EXCEPTIONS:** This Chapter shall not apply to:
 - (a)** Transfers of interest in land by Will or pursuant to Court Order;
 - (b)** Leases for a term not to exceed ten (10) years, mortgages, or easements;
 - (c)** The sale or exchange of parcels of land between owners of adjoining property, if additional lots are not thereby created and if the resulting lots are not reduced below the minimum sizes required by this Chapter or by any other applicable laws or ordinances; and
 - (d)** Subdivisions exempted by another Town Ordinance.

SUBCHAPTER 1: GENERAL PROVISIONS

20.104 APPLICATION

Unless specifically exempted by law, all persons, all governmental entities, including local, state and federal governmental entities, and all private entities, natural and corporate, are required to comply with this Chapter.

20.105 RELATIONSHIP TO OTHER ORDINANCES AND LAWS

- (1) **STATUTES ADOPTED:** All plats, re-plats, certified survey maps, and subdivisions shall comply with the applicable provisions of Chapters 236 and 703 of the Wisconsin Statutes, including all amendments thereto, which are incorporated herein by reference.
- (2) **COUNTY ORDINANCES:** All plats, re-plats, certified survey maps, and subdivisions shall comply with the applicable provisions (if any) of Juneau County Ordinances, including all amendments thereto, which are incorporated herein by reference.
- (3) **OTHER TOWN ORDINANCES:** This Chapter supersedes the provisions of any other Ordinance which may affect the subdivision of land, except where another Ordinance is more restrictive than this Chapter, such other Ordinance shall continue in full force and effect to the extent of the greater restriction.
- (4) **EXISTING PLATS, ETC:** This Chapter is not intended to repeal, abrogate or impair any existing deeds, conveyances, plats, restrictions, covenants or easements. However, such existing documents shall be subject to any Ordinance in effect at the time such documents were executed.

20.106 DEFINITIONS

The following terms used in this Chapter shall mean:

Alley: A strip of land, dedicated to public use, primarily to provide vehicular service access to the side or rear of properties otherwise abutting on a public highway.

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

Certified Survey Map (CSM): A map which complies with the requirements of §236.34 Wis. Stats. and all amendments thereto.

Cul-de-sac: A minor road with only one outlet onto a secondary road or a major road, and with a turn around at the end for the safe and convenient reversal of traffic movement.

Easement: A grant by the property owner of the use of a strip of land to the public or to one or more private persons for a specific purpose or purposes.

Final Plat: The map or plan of a subdivision, and any accompanying material, as described in Section 6.0 of this ordinance.

Grade: The center line gradient of a highway specified in percent.

Highway: All public ways and thoroughfares and bridges on the same. It includes all recorded and unrecorded highways, including the entire width of the right-of-way, as established by record or by operation of law (*See generally*, §82.18 and §82.31 Wis. Stats.).

SUBCHAPTER 1: GENERAL PROVISIONS

- Improvement:** All public improvement consisting of any sanitary sewer, storm sewer, drainage ditch, water main, roadway, road grading and surfacing with or without curbs and gutter, sidewalk, planting strip, crosswalk, off-road parking areas or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.
- Lot:** A parcel of real estate described or identified as a **lot** in any formal, recorded **Addition**, **Plat**, **Certified Survey Map**, or **Subdivision** in the Town.
- Outlot:** A parcel of real estate described or identified as an **outlot** in any formal, recorded **Addition**, **Plat**, **Certified Survey Map**, or **Subdivision** in the Town. An “outlot” may be conveyed like any other lot, but an “outlot” may not be used as a building site. The conversion of an “outlot” to a regular “lot” constitutes a “subdivision” which requires compliance with this ordinance.
- Parcel:** Any piece of real estate located within the Town for which there is a tax parcel number.
- Plan Commission:** The Plan Commission of the Town.
- Preliminary Plat:** A map showing the salient features of a proposed subdivision submitted to the Town Plan Commission for purposes of preliminary consideration, as described in Section 5.0 of this ordinance.
- Pyramiding:** The act of obtaining or providing access to public bodies of water across private lots or lands in a manner which increases the number of families which have access to that water to a greater degree than what would occur with individual riparian owners having individual lots fronting on the water. The effect of pyramiding is to funnel access from off-shore lots of residences via a narrow parcel of land to the water. For the purposes of this ordinance, pyramiding shall be defined as situations where 2 or more lots, not fronting on a body of water, share access to the body of water via a narrow parcel of land.
- Replat:** The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat, CSM, or part thereof. The legal dividing of a large block, lot, or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot, or outlot is not a replat.
- Road:** Another term for “highway.”
- Road, Frontage:** A minor road auxiliary to and located on the side of a major road, designed to control access onto the major road and to provide access to the abutting development.
- Road Jog:** A discontinuity in the highway center line by an offset of the dedicated highway right-of-way.
- Road, Major:** A highway of great continuity, sometimes called an arterial highway, which serves or is intended to serve as a principle traffic-way for fast or heavy traffic, and which taken together comprise the basic structure of the highway system of the Town and surrounding area. Major roads include all Federal Highways, State Trunk Highways, and all County Trunk Highways located in the Town, as well as all other roads designated as major roads by the Town.
- Road, Minor:** A Town highway of limited continuity intended primarily to provide pedestrian and vehicular access to abutting properties.
- Road, Private:** A privately owned and maintained parcel of land, which is used by one or more private persons for ingress and egress to one or more lots or parcels.

SUBCHAPTER 1: GENERAL PROVISIONS

Road, Secondary: A Town highway of considerable continuity, sometimes called a collector road, which serves or is intended to serve as a secondary traffic-way and as a feeder between minor roads and one or more major roads.

Subdivider: Any person who creates, or proposes to create, a subdivision.

Subdivide/Subdivision: The division of a lot or parcel into two or more smaller lots or parcels, including (but not limited to) any plat, CSM or deed which includes the creation of any part of one or more roads, public easements, or other rights-of-way for access to or from such lots or parcels, and/or including the creation of new or enlarged parks, playgrounds, plazas, or open spaces. A Subdivision includes the re-subdivision of one or more lots or parcels in a subdivision, plat, or addition made and recorded prior to or after the date these regulations were adopted. "Subdivision" includes the conversion of an "outlot" to a regular "lot." The construction of or application to construct two or more dwellings on a parcel or lot, or the construction of or application to construct one or more additional dwellings on a parcel or lot where one or more dwellings already exists, shall be construed as a building development envisioning future transfer of ownership and shall be regarded as a subdivision.

Variance: An authorized departure from the terms of this Chapter.