

## **Town of Jordan Comprehensive Plan Ordinance #2006-1, Green County Land Division**

### **1. AUTHORITY**

These regulations are adopted under the authority granted by Section 236.45 of the Wisconsin Statutes.

### **2. DISCLAIMER**

(1) Multiple Jurisdictions. All persons reviewing the provisions of this ordinance should be aware that the Town of Jordan is only one of a number of governmental bodies that may have jurisdiction over proposed land divisions or development. The Town of Jordan cannot make any representations on behalf of any other governmental body. No land division may be made unless all required approvals have been given.

(2) Binding Acts. No statement or actions by any official, employee, agent or committee of the Town of Jordan 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 of Jordan board at a lawfully conducted Town Board meeting. This includes, but is not limited to, interpretation of this ordinance.

(3) Compliance Assurance. The Town of Jordan expressly states that it has no responsibility whatsoever for assuring that land and/or buildings sold in the Town are in compliance with any ordinances, regulations or rules. The Town also assumes no responsibility for the suitability of any property whose subdivision has been approved by the Town Board.

### **3. 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 avoid undue concentration of population; to facilitate adequate provision for water, sewerage, schools, parks, playgrounds and other public requirements to minimize the public impact from subdivision of large tracts into smaller parcels of land; to encourage the most appropriate use of land throughout the Town, to provide the best possible environment for human habitation, to facilitate the goals given in the Town of Jordan Comprehensive Plan.

### **4. JURISDICTION**

These regulations shall apply to all lands within the political boundaries of the Town. The regulations shall not apply to:

1. Transfers of interests in land by will or pursuant to Court Order;
2. Leases, mortgages and easements;

3. The sale of or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created, or if the effect of the sale or exchange on existing lots does not reduce their size below minimum sizes required by this Ordinance or other applicable laws.

## **5. BUILDING PERMITS**

The Town or its designee shall not issue any building permit related to any parcel of land after the effective date of this Ordinance unless and until the applicant has complied with all of the provisions and requirements of this Ordinance with respect to the parcel. This also applies to the permits requested under Town of Jordan Driveway Permit Ordinance # 2001-1.

## **6. COMPLIANCE**

No person, firm, corporation, partnership or legal entity of any sort shall divide land located within the Town which results in a land division as defined herein without compliance with all requirements of this ordinance and with:

- a) Chapter 236 of the Wisconsin Statutes
- b) Green County Zoning Regulations, Sanitary Code and Subdivision regulations
- c) State of Wisconsin rules on sewers and septic systems
- d) State of Wisconsin rules on pollution abatement
- e) State of Wisconsin Department of Transportation 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 sub divider on a state truck highway or connecting street; and
- f) All applicable master plans, zoning ordinances, official maps adopted under Section 62.23 Stats and any other ordinances and regulations.
- g) All other applicable state statutes and administrative rules.

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

## **7. DEFINITIONS**

a. Adjoining property - Parcels of land under the separate owners that share common border lines or points or would share common border lines or points but for being separated by streets, highways or railroad right-of-ways.

b. Board – Town of Jordan Board

c. Certified Survey Map - A map of land prepared in accordance with Section 236.34 of the Wisconsin Statutes and in full compliance with applicable provisions of this ordinance. A certified survey has the same legal force and effect as a subdivision plat.

d. Commission – The Town of Jordan Plan Commission

e. Comprehensive Plan – The Town of Jordan Comprehensive Plan

f. Contiguous – A lot or parcel that shares a common boundary.

g. Density – Is the number of dwellings allowed, in relation to the total contiguous acres owned. The density limit of this Plan is expressed as one dwelling per thirty (30) acres of contiguous land owned.

h. Land Divider – Any person, corporation or other entity requesting review or action on a land division.

i. Land Division - The division of a parcel of land by the owner thereof or the owner's agent where the act of division creates two (2) or more lots or outlots.

j. Lot – Land, three (3) acres or larger, created by land division.

k. Parcel – Contiguous land under the control of a land divider regardless of whether it is separated by streets, highways railroad right-of-way, utility easements or other easements.

l. Setback/Flag Lots – A lot not contiguous to a road except for that portion that serves as the access driveway. The area of the driveway serving the setback lot shall be excluded for the purpose of calculating the minimum three (3) acre lot size.

m. Standard Lot – A lot that is contiguous to a road and does not meet the definition of a setback lot.

## **8. LAND DIVISION WITH OR WITHOUT A CERTIFIED SURVEY**

a) Certified Survey Map (CSM)

A certified survey map (CSM) prepared by a land surveyor registered in this state shall be required for all land divisions that created any parcel less than thirty (30) acres. A CSM is not required if the division of land does not create any parcels less than thirty (30) acres. The map shall comply in all respects with the requirements of Sec. 236.34 of the Wisconsin Statutes.

b. Parcel Size and Frontage

1.) One division of land shall be allowed for every thirty (30) contiguous acres under the control of a land divider as of the original effective date of this ordinance (date). The resultant division may create no lots less than three (3) acres except in the case of setback lots when the minimum size will be three (3) acres excluding the area for the access driveway. This limitation runs with the land in perpetuity and is irrespective of future ownership. The Clerk shall maintain a record of the number of allowable divisions per parcel. If the land divider has any remaining divisions he or she may choose to transfer one or more of these remaining divisions to the newly created lot(s)

Any lots created exceeding thirty (30) acres may not be further divided if all allowable divisions have been exhausted or transferred. The land divider will be required to include language on conveyance instruments nothing the number of allowable future divisions, if any, that are allowed

c) Normal Density and Frontage

1) All existing parcels of thirty (30) acres or more as of the date of adoption of this ordinance with amendment shall have the number of dwelling units determined as follows: the number of acres is divided by thirty (30), and the resulting number is rounded up if .50 or larger (example: 75 acres divided by 30 = 2.50, rounded up to three (3) dwelling units).

2) Standard lots created by divisions shall have a minimum of two hundred (200) feet of frontage on an existing Town road, county highway or state highway; Setback lots shall have a minimum of fifty (50) feet of frontage on an existing Town road, county highway or state highway.

3) Special Density Exceptions: The following are exceptions to the limited number of density units as calculated in this 7 (c):

a. Parcels less than 30 acres – Any parcel less than thirty (30) acres as of the original date of this ordinance shall be granted one (1) density unit.

d) Information required

The map shall show correctly on its face, in addition to the information required by Sec. 236.34 Wisconsin Stats., the following:

1. All existing buildings, water courses, drainage ditches and other features pertinent to property division, including the location of water wells, dry wells, drain fields and pipes.

2) Setbacks or building lines required by the Town Plan Commission;

3) Date of the map;

4) Graphic scale;

5) Name and address of the owner, land divider and surveyor.

e) Certificates

(1) Surveyor – The surveyor shall certify on the face of the map that he has fully complied with all provisions of this ordinance;

(2) Town – The following certificate of approval shall be typed, lettered or otherwise reproduced legibly on the face of the map;

(3) Treasurers – A certificate of taxes paid, fulfilling the requirements of Wisconsin Statutes sec 236.21(3) which requirement is imported herein to apply to CSM's.

**APPROVED BY THE TOWN OF JORDAN**

\_\_\_\_\_ (Chairman) October 9, 2008

\_\_\_\_\_ (Clerk) October 9, 2008

f) Recording

The land divider shall record the certified survey map with the Green County Register of Deeds after it has been approved, and shall file a certified copy of the recorded map with the Clerk within forty (40) days after the map is recorded.

**9. PROCEDURE FOR APPROVAL OF LAND DIVISIONS**

Any land divider who shall divide land located in the Town of Jordan which creates a land division as defined in this ordinance shall comply with the following procedures:

a. The land divider shall prepare a Preliminary Parcel Division inquiry. It shall be submitted to the Town of Jordan Plan Commission for review. The inquiry shall include a legible map showing boundaries and acreage of the original parcel and the lots to be created thereon, location of proposed improvements, and location of natural topographical features. Preliminary Parcel forms and instructions may be obtained from the Clerk.

b. The Plan Commission shall review the proposed division for compliance with the provisions of this ordinance. The Plan Commission shall review the records of the Town Clerk and the County Register of Deeds to determine if the parcel in question has been subject to previous division or is subject to deed restrictions.

c. Upon approval of the Preliminary Parcel Division Inquiry by the Plan Commission, the land divider shall submit to the Plan Commission a Certified Survey Map (CSM) prepared by a registered surveyor if a CSM is required by paragraph 7 of this ordinance. The survey shall include an accurate legal description of the parcel from which the new lots are to be created, the

acreage of each proposed lot, locations of all proposed driveways, locations of public road frontage, locations of natural waterways or other natural topographical features, locations of proposed public and/or private easements and descriptions of intended uses. If CSM is not required for the proposed division, the Plan Commission shall forward its recommendation for approval, conditional approval or rejection of the proposed division to the Town Board. If the Preliminary Parcel Division Inquiry is rejected by the Plan Commission, the land divider may appeal that decision to the Town Board or resubmit an amended inquiry to the Plan Commission.

d. If a CSM is required, the Plan Commission shall review the CSM for compliance with the provisions of this ordinance and forward its recommendation for approval, conditional approval or rejection to the Town Board.

e. Upon receiving the recommendation of the Plan Commission, the Town Board shall approve conditionally or reject the land division based on the determination as to its conformance with the provision of this ordinance and other applicable Town ordinances. As a condition of approval the Town Board may require the land divider to include deed restriction language on any instrument of conveyance. The land division by CSM shall be approved, approved conditionally or rejected within 90 days of its submission for review, with reasons state in writing for imposition of conditions or rejections unless the review time is extended by agreement with the land divider; failure to act within 90 days or any extension of that time period constitutes approval and the Town shall so certify upon demand.

f. No driveway permit will be issued and no construction shall commence on a lot created by a land division which does not comply with the provisions of this ordinance.

## **10. LAND SUITABILITY**

No land shall be divided which is held unsuitable for the proposed use by the Plan Commission for reasons of flooding, inadequate draining, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate septic or sewage disposal capabilities, or any feature likely to be harmful to the health, safety or welfare of the future residents of the community. The Plan Commission, in applying the provisions of this ordinance, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the land divider an opportunity to present evidence regarding suitability at a public hearing before the Town Board. Thereafter, the Town Board may affirm, modify or withdraw the determination of unsuitability.

## **11. VARIANCES**

Variations may be issued for instances which will not be contrary to the public interest where, owing to special conditions, a literal enforcement will be in practical difficulty or unnecessary hardship that the spirit and purposes of this ordinance shall be observed and the public safety, welfare and justice secured. When making determinations about the appropriateness of the variance applications, the Town Plan Commission will analyze the proposal to see if it is compatible with the policies and comment and hold a hearing before making any determination on granting the variance. Determination of the Plan Commission will be referred to the Town Board, for final review and determination.

**12. PENALTIES**

Any person, firm or corporation who fails to comply with the provisions of this ordinance shall, upon conviction, be subject to penalties and forfeitures as provided in Sections 236.30, 236.31, 236.32, 236.335 and 236.35 Wisconsin Statutes.

**13. SEVERABILITY**

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may have been declared invalid. If any provision of this ordinance or the applicability thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

**14. EFFECTIVE DATE**

This ordinance shall take effect one (1) day after its publication or posted as required by law.

This ordinance was adopted by the Town of Jordan Board of Supervisors at a meeting on the 9<sup>th</sup> day of October, 2008, by a vote of 3 yes and 0 no, recorded as follows:

Chairman: Yes

1<sup>st</sup> Supervisor: Yes

2<sup>ns</sup> Supervisor: Yes

Chairman \_\_\_\_\_

1<sup>st</sup> Supervisor \_\_\_\_\_

2<sup>nd</sup> Supervisor \_\_\_\_\_