

GENERAL PROVISIONS

Section 2.0

2.1 Jurisdiction

Jurisdiction of these regulations shall include all unincorporated lands and waters within the Town of Greenfield. The provisions of this Ordinance as it applies to divisions of tracts of land into less than three (3) parcels shall not apply to:

Transfers of Interest in land by will or pursuant to court order.

Leases for a term not to exceed ten years, mortgages or easements.

Sale or Exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations, the Zoning Ordinance, or other applicable laws or Ordinances.

2.2 Compliance

No person, firm or corporation shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, minor subdivision, or a replat as defined herein, and no such subdivision, minor subdivisions or replat shall be entitled to record and no street shall be laid out or improvements made to land without compliance with all requirements of this Ordinance and;

Provisions of Chapter 236, Wisconsin Statutes.

Rules of the Wisconsin Department of Health and Social Services, Division of Health regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.

Rules of the Wisconsin Department of Transportation, Division of Highways 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 subdivider abuts on a state trunk highway or connecting street.

Wisconsin Department of Natural Resources, Division of Environmental Protection Rules setting water quality standards preventing and abating pollution, regulating on-site soil absorption (septic tank) sewage disposal systems and regulating development within floodland and shoreland areas.

Comprehensive Plans or components of such plans prepared by state, regional, county, or municipal agencies duly adopted by the Town Board,

All applicable local and County regulations, including zoning, sanitary, building and official mapping ordinances.

2.3 Dedication and Reservation of Lands

Whenever a tract of land to be subdivided embraces all or any part of a street, highway, drainageway, other public way, or public access to navigable lakes or streams which has been designated in the adopted regional and Town comprehensive plans or adopted plan components said public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or map and as set forth in Section 7.0 of this Ordinance.

Whenever a Tract of Land to be subdivided embraces all or any part of a proposed public playground, park, school site, open space site, or other public land, other than streets, highways, drainage-ways, other public ways or public access to navigable lakes or streams designated in the adopted regional and Town comprehensive plans or adopted plan components, or other adopted municipal plan, these proposed public lands shall be made a part of the plat. The subdivider shall reserve such proposed public lands for a period not to exceed three (3) years, unless extended by mutual agreement, for acquisition by the public agency having jurisdiction.

Whenever a Tract of Land to be subdivided embraces any part of existing floodlands, such floodlands shall be made a part of the plat. Floodlands included within a subdivision plat shall be included within lots, or reserved for acquisition as provided above, or if approved by the Town Planning Commission, shall be reserved in perpetuity for the recreational use of the future residents of the land to be divided.

2.4 Improvements

Before approval of any final plat located within the unincorporated areas of the Town, the subdivider may install street, utility and other public improvements as are hereinafter required pursuant to Sections 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.7, 8.8, 8.9, 8.11, 8.12, 8.13, 8.14, of this Ordinance. If such improvements are not installed as required at the time that the final plat is submitted for approval, the subdivider shall before recording of the final plat enter into a contract and bond, meeting the approval of the Attorney for the contracting municipality or a certified check in an amount equal to the estimated cost of the improvements, to be completed by the subdivider or his subcontractors not later than one year from the date of recording of the plat and as a further guarantee that all obligations to subcontractors for work on the development are satisfied.

Contractors and Subcontractors who are to be engaged in the construction of street and utility improvements on dedicated street rights-of-way shall be subject to the approval of the Town Board.

Governmental Units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.

Survey Monuments before final approval of any plat the subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes and as may be required by the Town Board.

The Town Planning Commission may waive the placing of monuments, required under Section 236.15 (b), (c) and (d), for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required.

2.5 Variances

Where in the judgment of the Town Planning Commission and Town Board, it would be inappropriate to apply literally the provisions of this Ordinance because exceptional or undue hardship would result, the Planning Commission and Town Board may waive or modify any requirement to the extent deemed just and proper.

When such relief is granted, it shall be without detriment to the public good, without impairing the intent and purpose of this Ordinance or the desirable general development of the Town in accordance with the adopted regional or comprehensive plans or adopted plan components. A simple majority vote of the Town Planning Commission shall be required to grant any modifications of this Ordinance, and the reasons shall be entered in the minutes of the Commission.

In the event any person shall be aggrieved by the decision of the Town Planning Commission and Town Board under this Ordinance that they shall have the privilege of appealing a request for variance therefrom to the "Appeals Board" which Board shall be appointed by the Board and which consists of three citizens, one member of the Town Board and one member of the Planning Commission and all members shall be residents and real property owners of the Town of Greenfield, said Appeals Board shall upon request at a public hearing permit all interested persons to present testimony with respect to the variance requested and shall provide reasonable notice to the general public and individuals directly involved. Decisions shall be based upon the general purpose of this Ordinance and the best interests of the Town of Greenfield. A simple majority vote of the Appeals Board shall be required to grant any conditions of this Ordinance. The original members of this Commission shall be appointed immediately upon the adoption and publication of this Ordinance by the Town Board and shall serve the following terms: Town Board until the following May 1, 1975. Town Planning Commission member until May 1, 1976, and one public citizen shall serve a three year term, one a four year term and one a five year term all terminating on May 1, of the respective year. Thereafter on May 1st of each year the Town Board shall appoint a successor for the expiring term to serve for a five year term. Any vacancies shall be filled by the Town Board for the balance of the term of such member whose vacancy is being filled.

2.6 Land Suitability

Floodlands. No lot one (1) acre or less in area shall include floodlands. All lots more than one (1) acre shall contain not less than 40,000 square feet of land which is at an elevation at least two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, five (5) feet above the elevation of the maximum flood of record. Shoreland shall not be divided into building sites which are to be served by deep soil absorption waste disposal systems except as provided for in the County Sanitary Ordinance. Lands made, altered, or filled with non-earth materials within the last ten (10) years shall not be divided into building sites which are to be served by soil absorption waste disposal systems. Each lot shall have 50% of its minimum required lot area or 20,000 square feet, whichever is less in natural undisturbed slopes of less than ~~12%~~^{12%} provided that with the approval of and subject to restrictions imposed by the Town Planning Commission, such percentage may be increased not to exceed ~~20%~~^{30%} and shall not be less than one acre in size unless thereby approved by the sanitary system. In all instances lots shall not be less than one acre in size unless served by an approved municipal sanitary system and in such instances shall contain not less than 10,000 square feet. Lands having bedrock within seven (7) feet of the natural undisturbed surface shall not be divided into building sites to be served by soil absorption sewage disposal systems.

* Amended and adopted Aug 7, 1992
Kenneth New, Clerk, Town of Greenfield

Land having ground water within seven (7) feet of the natural undisturbed surface shall not be divided into building sites to be served by soil absorption sewage disposal systems. Soils having a percolation rate slower than sixty (60) minutes per inch shall not be divided into building sites to be served by soil absorption sewage disposal systems. All building sites not served by a municipal sewage system shall have suitable additional area available and reserved for a replacement soil absorption sewage system.

The following soil types are shown on the operational Soil Survey Maps prepared by the U. S. Department of Agriculture, Soil Conservation Service for the Mississippi River Regional Planning Commission, which have severe or very severe limitations may be included in building sites provided such building sites contain not less than 20,000 square feet of other natural undisturbed soils rated suitable for building construction and installation of an on-site soil absorption sewage disposal system and can be found on Exhibit A incorporated herein.

Land drained by farm drainage tile or farm ditch systems shall not be divided into building sites to be served by on-site soil absorption sewage disposal systems.

The Town Planning Commission, in applying the provisions of this section shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for a proposed use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the Town Planning Commission may affirm, modify, or withdraw its determination of unsuitability.

2.7 Violations

It shall be unlawful to divide, convey, record or monument any land in violation of this Ordinance or the Wisconsin Statutes; and no person, firm or corporation shall be issued a Town Zoning Permit or Sanitary Permit, authorizing the building on, or improvement of, any lot or any part of any subdivision, minor subdivision or replat within the jurisdiction of this Ordinance until the provisions and requirements of this Ordinance have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance.

2.8 Penalties

Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1,000) and the costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a separate offense.

2.9 Appeals

Any persons aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Section 236.13 (5) of the Wis. Stats, within thirty (30) days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

2.10 Applicability to Pending Preliminary Subdivision Plats or Certified Survey Maps.

The provision of this Ordinance shall not apply to preliminary subdivision plats or certified survey maps which have been filed with the appropriate municipal bodies prior to the effective date of this Ordinance.

PROCEDURE

Section 3.0

3.1 Pre-Application

It is recommended that, prior to the filing of an application for the approval of a Preliminary Plat or Certified Survey Map the subdivider consult with all affected utilities and the County Zoning Administrator in order to obtain advice and assistance. The consultation is neither formal nor mandatory, but is intended to inform the subdivider of the purpose and objectives of these regulations, the adopted regional or comprehensive plans or adopted plan components and duly adopted plan implementation ordinances of the County and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and Town, and the subdivider will gain a better understanding of the subsequent required procedures.

It is deemed essential that determination of the suitability of the land for residential purposes be made by the agency responsible for zoning. Therefore no plat shall be submitted for approval until the real estate encompassed therein has been first zoned for residential purposes.

3.2 Preliminary Plat Review

Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and a letter of application. The Preliminary Plat shall be prepared in accordance with this Ordinance and the subdivider shall file an adequate number of copies of the Plat and the application with the Town Clerk at least twenty-five (25) days prior to the meeting of the Town Planning Commission at which action is desired.

The Town Clerk shall, within seven (7) days after filing, transmit four (4) copies to the Town Planning Commission; two (2) copies to the Director of the Planning Function in the Wisconsin Department of Local Affairs and Development; additional copies to the Director of the Planning Function for re-transmission of two (2) copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street; and the Wisconsin Department of Health and Social Services if the subdivision is not served by a public sewer and provision for such service has not been made and the Wisconsin Department of Natural Resources, if shorelands are contained within the proposed subdivision; retain two (2) copies; transmit two (2) copies to the Clerk of each adjoining city or village if the subdivision lies

within the extraterritorial plat approval jurisdiction of the city or village; two copies to the Mississippi River Regional Planning Commission; and two (2) copies to each affected public or private utility.

The Town Planning Commission, the Town of Greenfield and each adjoining city or village in whose extraterritorial plat approval jurisdiction the subdivision lies, are designated approving agencies. The Wisconsin Department of Local Affairs and Development, the Wisconsin Department of Transportation, the Wisconsin Department of Health and Social Services and the Wisconsin Department of Natural Resources shall be hereinafter referred to as objecting agencies. The Mississippi River Regional Planning Commission is an advisory planning agency created pursuant to Section 66.945 of the Wisconsin Statutes in part for the purpose of serving the Town of Greenfield, its Town Board and Commissions, and state agencies having jurisdiction under the provisions of this Ordinance.

The Town Planning Commission shall transmit a copy of the Preliminary Plat to all affected Town Commissions or departments, for their review and recommendations and the recommendations of affected local utilities shall be transmitted to the Town Planning Commission within twenty (20) days from the date the Plat is filed. The Preliminary Plat shall then be reviewed by the Town Planning Commission for conformance with this Ordinance and all ordinances, rules, regulations, adopted regional Town or county comprehensive plan or adopted plan components which affect it.

3.3 Preliminary Plat Approval

The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the Preliminary Plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Town Planning Commission. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat. The MRRPC shall, within twenty (20) days of the date of receiving their copies of the Preliminary Plat notify the subdivider and all other approving and objecting agencies of their findings and recommendations with respect to conformance of the proposed subdivision with adopted regional comprehensive plans or plan components and any other advisory recommendations as may be deemed appropriate.

The Town Planning Commission, within forty (40) days of the date of filing of a Preliminary Plat with the Town Clerk, shall approve, approve conditionally, or reject such Plat, unless the time is extended by agreement with the subdivider. One Copy of the Plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the Plat. One copy each of the Plat and letter shall be placed in the Town Planning Commission permanent file.