Town of Adams, Green County Land Division Ordinance— 11-12-06

1. AUTHORITY

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

2. 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, playground, and other public requirements to minimize the pubic 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 Adams Land Use Plan.

3. JURISDICTION

Jurisdiction of these regulations shall include all lands within the Town of Adams. The provisions of this ordinance, as it relates to divisions of tracts of land into less than five (5) parcels 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 land between owners of adjourning property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this ordinance; and**
d. **the redrawing of lot lines by the owner of a parcel so as to create the same number or fewer lots within that parcel, so**

long as each of the resulting lots are of equal or greater size than the minimum sizes required by this ordinance.

4. COMPLIANCE

No person, firm, corporation, partnership or legal entity of any sort shall divide any 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 investments in the highway system if the land owner or controlled by the sub divider abuts on a state trunk highway or connecting street; and
f. All applicants master plans, zoning ordinances, official maps adopted under Section 62.33 Stats and any other ordinances and regulations.

Where provisions of this ordinance impose greater restrictions than a – f above, it is intended that the provisions of this ordinance shall Apply.

5. DEFINATIONS

a. Certified survey map- A map of land prepared in accord-Ance with Sec. 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.
b. Commission – The Town of Adams Planning Commission
c. Board – The Adams Town Board
d. Land Division – The division of a parcel of land by the owner thereof or the owner's agent where the act division creates two or more lots.
e. Lot – Land five (5) acres or larger created by land division

f. Land divider – Any person, corporation, or other entity requesting review or action on a land division.
g. Parcel – Contiguous land under the control of a land divider regardless of whether it is separated by streets, highways, railroad right-of-ways, utility easements, or other easements.
h. Land Use Plan – The Town of Adams Land Use Plan
i. Town Clerk – Clerk of the Town of Adams
j. Adjourning property – Parcels of land under the control of separate owners that share common border lines or points regardless of whether they are separated by streets, highways, or railroad right-of-ways.
k. Setback lot – A lot not contiguous to a road except for that portion that serves as the access driveway and not less than 450' at its closest point from any Town road, County road or State Highway. The area of the driveway serving the setback lot shall be excluded for the purpose of calculating the minimum five (2) acre lot size.
l. Standard lot – a lot that is contiguous to a road and does not meet the definition of a Setback lot.

6. LAND DIVISIONS WITH OR WITHOUT A CERTIFIED

a. A certified survey map (CSM) prepared by a land surveyor Registered in this state shall be required for all land divisions that create any parcel less than thirty-five (35) acres. A CSM is not required if the division of land does not create any parcels less than 35 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-five (35) acres under the control of a land divider as of the original date of this ordinance. The resultant division may create no lots less than two (2) acres except in the case of setback lots when the minimum size will be two (2) 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 database tracking 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-five (35) 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 noting the number of allowable future divisions, if any, that are allowed.

(2) Standard lots created by divisions shall have a Minimum of two hundred (200) feet frontage on an existing town road, county highway, or state highway; setback lots shall have a minimum of sixty-six (66) feet of frontage on an existing town road, county highway or state highway.

C. 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 Planning Commission;
(3) Date of the map;
(4) Graphic scale;
(5) Name and address of the owner, land divider and surveyor

D. 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.

APPROVED BY THE TOWN OF ADAMS

Jeff Daly 11/12/07

Chairman Date

Brenda S. Emberson 11/12/07

Clerk Date

E. 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 ten (10) days after the map is recorded.

7. PROCEDURE FOR APPROVAL OF LAND DIVISION

Any land divider who shall divide land located in the Town of Adams which creates a land division as defined in this ordinance shall comply with the following procedure.

a. The land divider shall prepare a Preliminary Parcel Division Inquiry. It shall be submitted to the Town of Adams Planning 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 propose improvements and location of natural waterways and other natural topographical features. Preliminary Parcel Inquiry forms and instructions may be obtained from the Clerk.

b. The Planning Commission shall review the proposed division
for compliance with the provisions of this ordinance. The Planning Commission shall review the records of the Clerk

to determine if the parcel in question has been subjected to previous division or is subject to deed restriction.

c. Upon approval of the Preliminary Parcel Division Inquiry by the Planning Commission, the land divider shall submit to the Planning Commission a certified survey map (CSM) prepared by a registered surveyor if a CSM is required by paragraph 6 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 a CSM is not required for the proposed division, the Planning Commission shall forward its recommendation for approval, conditional approval, or rejection of the proposed division to the Town Board.

d. If the Preliminary Parcel Division Inquiry is rejected by the Planning Commission, the land divider may appeal that Decision to the Town Board or resubmit an amended Inquiry to the Planning Commission.

e. If a CSM is required, the Planning 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.

f. Upon receiving the recommendation of the Planning Commission, the Town Board shall approve, 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.

g. No construction shall commence on a lot created by a land

Division which does not comply with the provisions of this ordinance.

8. LAND SUITABILITY

No land shall be divided which is held unsuitable for the propose use by the Planning 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 other feature likely to be harmful to the health, safety, or welfare of the future residents of the community. The Planning 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.

9. 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, 236.33 and 236.35 Wisconsin Stats.

10. 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 provision may be declared invalid. If any provision of this ordinance of 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.

11. EFFECTIVE DATE

This ordinance shall take effect one day after publication or posting as required by law.

This ordinance was adopted by the Town of Adams Board of Supervisors at a meeting on the 11th day of Nov. 2007 by a vote of 3 aye and 0 no, recorded as follows: Chairman yes, 1st Supervisor yes, 2nd Supervisor yes.

Jeff Isely **Chairman, Jeff Isely**

Merlen Fernstaedt **1st Supervisor, Merlen Fernstaedt**

Martin Ostby **2nd Supervisor, Martin Ostby**

The Plan Commission has recommended an amendment to the November 17, 2007 Town of Adams Land Division Ordinance at the August 11, 2008 Town of Adams Board meeting. It states:

We recommend adding a remainder to the parcel size and frontage. See #6, b.

"Remainder— If there is an existing active residence/dwelling on a 35 acre parcel, there will be granted one building right allowed to this 35 acre parcel."

(Example: a farm of 105 acres has an existing home on it. 105 acres divided by 35 = 3 building rights plus 1 more; the existing home.)

This ordinance will take effect one day after the necessary publications and posting as required by law/ the day after the Town of Adams Board meeting/ or on October 14, 2008.

Town of Adams
Subdivision Ordinance No. 07-13-05

**Mandate existing subdivisions be filled to 90% sold capacity before new development will be considered.

Effective Date:
This ordinance shall take effect and be in force the day after its passage by the Town of Adams Board. Effective immediately upon passage and publication as required by law.
Dated this 13th day of July 2005.
By: Jeff Isely, Jeff Isely, Town Chairman
Attested: Brenda Emberson, Brenda Emberson, Town Clerk
Published and Posted: July 14, 2005

Passed Aug. 18, 2005.... effective immediately.

AFFIDAVIT OF ORDINANCE

State of Wisconsin

Green County **Recording Area**

Return to:
Clerk of Town of Adams
N6775 County Rd. A
Argyle, WI 53504

_____
Owner Names

_____

_____
Tax Parcel numbers

Brenda Emberson swears as follows:

1. I am the Clerk of the Town of Adams, Green County, Wisconsin
2. All lands located within the Town of Adams are subject to land division ordinances, as well as other ordinances enacted by the Town Board of the Town of Adams.
3. All persons purchasing land within the Town of Adams are on notice as to ordinances pertaining to land use of the Town of Adams.
4. A copy of the pertinent ordinance is on file with the Town of Adams clerk.
5. Land, described as follows:

SEE ATTACHED

11-19-2007
Dated

Brenda L Emberson
Drafted by Brenda Emberson
Town of Adams Clerk

Signed and sworn before me this
19th day of November 2007

Kate Olson
Notary Public, State of Wisconsin

My Commission expires: 4-12-09