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Ordinance #09-01
Town of York, Green County
Land Division-Development Ordinance

1. AUTHORITY

These regulations are adopted under the authority granted by Section 236.45 of the Wisconsin Statutes, with the addition of Sections 60.10(2), 60.22(3) and 61.34(1).

2. PURPOSE

The purpose of this ordinance is to regulate and control the division of land and the platting of subdivisions within the jurisdictional limits of the town in order 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 of land into smaller parcels of land; to encourage the most appropriate use of land throughout the Town; and to provide the best possible environment for human habitation.

This ordinance is designed to achieve the goals, objectives and policies as set forth in the Town of York Comprehensive Plan, adopted November 8, 2005, specifically:

- a. to protect economically productive areas, including farmlands and forests;
- b. to maintain the rural and agricultural character of the community;
- c. to encourage the preservation of the family farm, cropland, and farmland in the community;
- d. to encourage residential and commercial development to locate in areas least suited for agricultural purposes;
- e. to discourage the fragmentation of cropland;
- f. to protect natural areas including wetlands, wildlife habitats, lakes, woodlands, open spaces and groundwater resources;
- g. to encourage the preservation of rural view sheds.

If the conservation design principles incorporated in the Tier 2 option of this ordinance are utilized by residents, the Town of York has an opportunity to protect fifty-percent (50%) of its remaining undeveloped land in conservation easements, direct development to appropriate lands, and protect the rural farm-friendly atmosphere of the Town. The desired result is the

46 preservation of the Town's best farmland in large, contiguous pieces. This plan must be
47 reviewed on an annual basis to assess its compatibility with the needs of the Town.
48

49 **3. JURISDICTION**

50
51 Every division of land within the unincorporated areas of the Town of York, Green County,
52 Wisconsin, shall be subject to all provisions of this ordinance and Chapter 236 of the Wisconsin
53 Statutes.
54

55 **4. EXCEPTIONS**

56
57 In no instance shall the provisions of this ordinance apply to divisions of tracts of land into less
58 than five (5) parcels under any of the following:
59

- 60 a. Transfers of interest in land by will or pursuant to court order;
- 61
- 62 b. Leases for a term not to exceed ten (10) years, mortgages, or easements;
- 63
- 64 c. The sale or exchange of land between owners of adjoining property if additional lots
65 are not thereby created and the lots resulting are not reduced below the minimum
66 sizes required by this ordinance; and
- 67
- 68 d. The redrawing of lot lines by the owner of a parcel as to create the same number or
69 fewer lots within that parcel, so long as each of the resulting lots are of equal or
70 greater size than the minimum sizes required by this ordinance.
- 71

72 **5. COMPLIANCE**

73
74 No person, firm, corporation, partnership or legal entity of any sort shall divide any land located
75 within the Town which results in a land division as defined herein without compliance with all
76 requirements of this ordinance and with:
77

- 78 a. Chapter 236 of the Wisconsin Statutes;
- 79
- 80 b. Green County Zoning Regulations, Sanitary Code, and Subdivision regulations;
- 81
- 82 c. State of Wisconsin rules of sewers and septic systems;
- 83
- 84 d. State of Wisconsin rules on pollution abatement;
- 85
- 86 e. State of Wisconsin Department of Transportation rules relating to safety of access and
87 the preservation of the public interest and investment in the highway system if the
88 land owned or controlled by the subdivided abuts on a state trunk highway or
89 connection street; and
- 90

- 91 f. All applicable master plans, zoning ordinances, official maps adopted under Section
92 62.33 Stats. and any other ordinances and regulations.
93

94 Where provisions of this ordinance impose greater restrictions than in Section 5 (a-f) above, it is
95 intended that the provisions of this ordinance shall apply.
96

97 **6. DEFINITIONS**

98

99 **Adjoining Property:** Parcels of land under the control of separate owners that share common
100 border lines or points regardless of whether they are separated by streets, highways, or railroad
101 right-of-ways.
102

103 **Board:** The York Town Board.
104

105 **Building:** Any structure having a roof supported by posts, columns or walls and its appendages
106 including, but not limited to balconies, porches, decks, stoops, fireplaces and chimneys. Also
107 included for permit and locational purposes are swimming pools, both above and below ground,
108 and towers, except communication towers. Not included within the definition, for permit
109 purposes or otherwise, are poles, towers and posts for lines carrying telephone messages or
110 electricity and recreational structures of open construction and without walls, such as swing sets,
111 slides, yard gyms, climbers, sand boxes and teeter totters.
112

113 **Building envelope:** The area on a certified survey map, or plat, or concept plan within which a
114 dwelling unit and accessory buildings shall be contained.
115

116 **Certified survey map (CSM):** A map of land prepared in accordance with Sec. 236.34 of the
117 Wisconsin Statutes and in full compliance with applicable provisions of this ordinance and the
118 Green County Code of Ordinances. A CSM has the same legal force and effect as a subdivision
119 plat.
120

121 **Cluster:** Clustering refers to dwelling units grouped on only a portion of a parcel of land. The
122 number of clusters should be minimized given the lay of the land.
123

124 **Conservation Easement:** A conservation easement is a voluntary agreement between a private
125 landowner and a municipal agency or qualified not-for-profit corporation to restrict the
126 development, management, or use of the land. That agency holds the interest and is empowered
127 to enforce its restrictions against the current landowner and all subsequent owners of the land.
128

129 **Contiguous:** Lots or parcels shall be considered as contiguous for the purpose of this chapter, if
130 they share a common boundary for a distance of at least 66 feet. For the purpose of calculating
131 allowable dwelling units, a real estate parcel that is divided by a public road, whether an
132 easement road or a fee title road, or by a navigable water body, or by a private drive owned by an
133 entity other than the entity that owns the abutting lands, shall be treated as contiguous.
134

135 **Driveway:** A private driveway, road, land, field road or other avenue of travel that runs through
136 any part of a private lot or parcel of land, or that connects with or will connect with any public
137 highway.
138

139 **Dwelling unit:** Any structure fixed to the ground that is occupied or intended to be occupied as
140 a residence, consisting of the following:
141

142 **Single-family dwelling unit:** A building designed for and occupied exclusively as a
143 residence for one family or household.
144

145 **Duplex dwelling unit:** A single building designed for and to be occupied by two
146 families or two households living independently of each other. A duplex constitutes two
147 (2) dwelling units for the purposes of this ordinance.
148

149 **Multiple-family dwelling unit:** A single building designed for or intended to be used by
150 more than two families or households living independently of each other. The number of
151 dwelling units designated for a multi-family building is the same as the number of
152 separate living units within the building.
153

154 **Easement:** The area of land set aside or over which or through which a liberty, privilege, or
155 advantage in land, distinct from ownership of the land, is granted to the public or some particular
156 person or part of the public.
157

158 **Final Plat:** The final map, drawing, or chart, on which the subdivider's plan of subdivision is
159 presented for approval and which, if approved, will be submitted to the County Register of
160 Deeds.
161

162 **Immediate Family:** For the purposes of this ordinance, an immediate family member includes
163 spouse, parent, child, grandparent, and sibling, including the "step" relationships. Also included
164 are the parents of the spouse (i.e. mother or father-in-law, including the "step" relationships). No
165 other in-law relationship is included.
166

167 **Land Divider:** Any person, corporation, partnership, association, individual, firm, trust, agent
168 or any other legal entity requesting review or action on a land division.
169

170 **Land Division:** The division of a parcel of land by the owner thereof or the owner's agent
171 where the act of division creates two or more parcels.
172

173 **Lot:** A parcel of land having frontage on a public street or other officially approved means of
174 access, occupied or intended to be occupied by a principle structure or use and sufficient size to
175 meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of
176 this ordinance and any other applicable ordinance. A lot may be designated in a plat or described
177 in a conveyance recorded in the office of the register of deeds.
178

179 **Lot, Area:** The area contained within the exterior boundaries of a lot. No land included in any
180 street, highway, or railroad right-of-way shall be included when computing lot area.

181 **Lot, Width:** The width of a parcel of land measured along the building line; a building line
182 being defined as the shortest line between the side lines bisecting the structure.
183

184 **Net Buildable Land:** The land area in a proposed subdivision that is suitable for building. This
185 area excludes wetlands, steep slopes, and other conditions that make an area unsuitable for
186 building.
187

188 **Owner:** Either a natural person, firm, association, partnership, private corporation, public or
189 quasi-public corporation, trust, or a combination of these.
190

191 **Parcel:** Contiguous land under the control of a land divider regardless of whether it is separated
192 by streets, highways, railroad right-of-ways, utility easements, or other easements.
193

194 **Pasture Woodland:** Wooded pasture that is enclosed by a fence and used for the purpose of
195 grazing animals.
196

197 **Plan Commission:** The Town of York Plan Commission
198

199 **Plat:** A map, drawing or chart on which the subdivider's plat of subdivision is presented to the
200 town for approval.
201

202 **Preliminary Parcel Division Inquiry:** A document submitted to the Town Plan Commission
203 which includes a legible map showing boundaries and acreage of the original parcel and the lots
204 to be created thereon, location of proposed improvements (including proposed septic placement),
205 topographical elevations, and location of natural waterways and other natural topographical
206 features.
207

208 **Prime Agricultural Land:** Lands containing soils classified as 1, 2, 3, or 4 of the United States
209 Department of Agriculture, Soil Conservation Service, Soil Classification System.
210

211 **Replat:** The process of changing, or a map or plat that changes, the boundaries of a recorded
212 subdivision plat or part thereof. The legal dividing of a large block or lot within a recorded
213 subdivision plat or certified survey map without changing the exterior boundaries of such block,
214 lot or outlot is not a replat.
215

216 **Ridge Top:** For a building to be considered off of a ridge top, the highest point on the building
217 must be below the nearest ridgeline.
218

219 **Setback Lot:** A lot not contiguous to a road except that portion that serves as the access
220 driveway and not less than 450' at its closest point from any town road, county road or state
221 highway. The area of the driveway serving the setback lot shall be excluded for the purpose of
222 calculating the minimum one and a half (1.5) acre lot size.
223

224 **Soil Classification:** Soils are classified based on the United States Department of Agriculture,
225 Soil Conservation Service, Soil Classification System. Classes 1-4 are cropland, Class 5 is
226 cropland with massive rocks present, Classes 6-7 are pasture, and Class 8 is rock outcroppings.

227
228 **Standard Lot:** A lot that is contiguous to a road and does not meet the definition of a Setback
229 Lot.

230
231 **Subdivider:** Any person, firm, partnership, corporation, association, estate, trust, or other legal
232 entity, or any agent thereof, dividing or proposing to divide land resulting in a subdivision or
233 replat, or which requests the review of the same.

234
235 **Subdivision:** A division of a parcel of land where the act of division creates either: five (5) or
236 more lots, parcels or building sites of 35 acres each or less in area, or five (5) or more lots,
237 parcels or building sites of 35 acres each or less in area by successive divisions within a period of
238 five (5) years whether by the original owner or a subsequent owner. All area calculations shall
239 be exclusive of any dedications, rights-of-way, easements or reservations.

240
241 **Woodland:** Areas of harvestable timber, including Christmas tree plantations and tree farms.

242 **7. ELIGIBILITY REQUIREMENTS**

243 a. Existing property owner(s) at the time that this land division ordinance is enacted by
244 the Town of York Board are hereby grandfathered in and are eligible based on the
245 guidelines of the Land Division Ordinance #04-01 in regard to the eligibility
246 requirements defined below in 7(b).

247 b. New land owner(s) can not divide any existing parcels until after five (5) years of
248 ownership. This is calculated from the date of closing plus five (5) years. An
249 exception will be made when property is purchased by or inherited by Immediate
250 Family and the prior owner(s) have met the five (5) year conditions.

251 c. All access drives onto any public roads shall require a review by the Town Board.
252 The Town Board shall determine the appropriate location, size, and design of such
253 access drives and may limit the number of access drives in the interest of public
254 safety and efficient traffic flow. Access roads onto County roads shall require an
255 access permit from the County Engineer. This permit shall be issued prior to the
256 issuance of any land use permit. The County Engineer, at his discretion, may refer a
257 request for an access drive permit onto a County road to the Plan Commission for its
258 recommendations.

259 **8. LAND DIVISION – TIER 1**

260
261 a. A Certified Survey Map (CSM) prepared by a land surveyor registered in this state
262 shall be required for all land divisions that create any parcel less than thirty-five (35)
263 acres. A CSM is not required if the division of land does not create any parcels less
264 than thirty five (35) acres. The map shall comply in all respects with the
265 requirements of Sec. 236.34 of the Wisconsin Statutes. A subdivision plat is required
266 for all land divisions resulting in five (5) or more parcels or building sites. The land
267 divider is required to pay for all legal, engineering and other review fees associated
268 with a submitted CSM or plat.

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b. Parcel Size: One (1) dwelling unit shall be allowed for every twenty (20) contiguous acres under the control of a land divider as of the original enactment date of this ordinance. The division may create no lots less than 1.5 acres except in the case of a setback lot when the minimum size will be 1.5 acres excluding the area for the access of the 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 dwelling units per parcel. If the land divider has any remaining dwelling unit allotments, he or she may choose to transfer one or more of these remaining dwelling units to the newly created lot(s). Any lots created exceeding twenty (20) acres may not have additional dwelling units available, if all allowable dwelling units have been exhausted or transferred. The land divider will be required to include language on the instruments of conveyance noting the number of available dwelling units for future divisions, if any.

c. Normal Density and Frontage

i. The maximum allowable number of dwelling units for all existing parcels of twenty (20) acres or more as of the enactment date of this ordinance shall be calculated as follows:

The number of allowable dwelling units when multiplied by twenty (20) acres, must be greater than or equal to ninety-five percent (95%) of the actual surveyed area of the parcel to be divided. This can be written as a formula as follows:

$$\# \text{ of allowable dwelling units (20 acres)} > 95\% \times \text{area of original parcel}$$

For example, if four (4) dwelling units are desired: Four dwelling units x 20 acres per dwelling unit = 80 acres. Ninety-five percent (95%) of 80 acres is 76 acres. Therefore, parcels measuring 76 to 80 acres would be eligible for up to 4 dwelling units. Those parcels containing less than 76 acres would be eligible for up to three (3) dwelling units.

ii. Any lots created along an existing town road, county highway, or state highway where the driveway for that lot comes off of the existing town road, county highway, or state highway, shall have a minimum of two hundred feet (200') of frontage on the existing town road, county highway, or state highway. Setback lots shall have a minimum of fifty feet (50') of frontage on the existing town road, county highway, or state highway.

iii. An existing dwelling that has been occupied as a dwelling within five years prior to the date of enactment of this ordinance on a parcel does not count against the allowed one dwelling unit per 20 acres.

iv. Variances may be issued for instances which will not be contrary to the public interest where, owing to special conditions, a literal enforcement will result in

313 practical difficulty or unnecessary hardship that the spirit and purposes of this
314 ordinance shall be observed and the public safety, welfare and justice secured.
315 When making determinations about the appropriateness of the variance
316 applications, the Town Plan Commission will analyze the proposal to see if it
317 is compatible with the policies and comment and hold a hearing before
318 making any determination on the granting of the variance. Determinations of
319 the Plan Commission will be referred to the Town Board, for final review and
320 determination.

321
322 v. Special Density Exceptions: The following is an exception to the limited
323 number of density units as calculated in this 8(c): Non-Contiguous parcels: A
324 non-contiguous parcel of land of less than 20 acres that was in existence prior
325 to the Town's enactment of this ordinance.
326

327 d. Information Required: The CSM or plat map as called for in this ordinance shall
328 show correctly on its face, in addition to the information required by Sec. 236.34 of
329 the Wisconsin Statutes, the following:

330 i. Date of the map;

331 ii. Graphic scale;

332 iii. Name and address of the owner, land divider and surveyor.
333

334 e. Certificates:

335 i. Surveyor: The surveyor shall certify on the face of the map that he has fully
336 complied with all provisions of this ordinance;
337

338 ii. Town: The following certificate of approval shall be typed, lettered, or
339 otherwise reproduced legibly on the face of the map:
340

341 APPROVED BY THE TOWN OF YORK

342 _____(chairman) _____(date)

343 _____(clerk) _____(date)
344

345 f. Recording: The land divider shall record the CSM with the Green County Register of
346 Deeds after it has been approved, and shall file a certified copy of the recorded map
347 with the Town Clerk within ten (10) days after the map is recorded.
348

349 **9. PROCEDURE FOR APPROVAL OF LAND DIVISIONS**
350 **TIER 1**

351
352 Any land divider who shall divide land located in the Town of York which creates a land
353 division shall comply with the following procedure:
354

- 355 a. The land divider shall prepare a Preliminary Parcel Division Inquiry. It shall be
356 submitted to the Town of York Plan Commission for Review. Preliminary Parcel
357 Division Inquiry forms and instructions may be obtained from the Town Clerk. The
358 inquiry shall include a legible map showing;
- 359 i. boundaries and acreage of the original parcel and the proposed lots to be
360 created thereon with lot widths and depths;
 - 361 ii. location of proposed improvements (including proposed septic placement,
362 roads, and easements);
 - 363 iii. description of uses of land adjacent to proposed land division;
 - 364 iv. description of all property owned or controlled by the subdivider
365 contiguous to the proposed subdivision even though only a part of the area
366 is proposed for immediate development;
 - 367 v. topographical elevations, general soil conditions, seasonally wet areas,
368 rock outcrops, areas with slope over 12%, and location of natural
369 waterways and other natural topographical features.
- 370
- 371 b. The Plan Commission shall review the proposed Preliminary Parcel Division Inquiry
372 for compliance with the provisions of this ordinance. The Plan Commission shall
373 review the records of the Town Clerk to determine if the parcel in question has been
374 subject to previous division or is subject to deed restrictions.
- 375
- 376 c. Upon approval of the Preliminary Parcel Division Inquiry by the Plan Commission,
377 the land divider shall submit to the Plan Commission either a CSM if four (4) or less
378 lots are proposed, or a preliminary plat map if more than four (4) lots are being
379 proposed. The survey shall include an accurate legal description of the parcel from
380 which the new lots are to be created, the acreage of each proposed lot, locations of all
381 proposed driveways, locations of public road frontage, locations of natural waterways
382 or other natural topographical features and locations of proposed public and/or private
383 easements. In addition to this survey, the following items must be submitted with a
384 CSM:
- 385 i. Use Statement: A statement of the proposed use of lots stating the type of
386 residential buildings with the proposed dwelling units; types of business or
387 industry or other developments which could affect traffic, fire hazards, and
388 congestion of population.
 - 389 ii. Zoning Changes: A description of any zoning changes that may be made.
 - 390 iii. Area Plan: In cases where the divider owns property adjacent to the land
391 which is proposed for division, the divider must provide a concept plan for all
392 the involved land so as to show the possible relationships between the
393 proposed land division and future land divisions.
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447 Conservation design principles will be utilized to identify the portion of the *net*
448 *buildable lands* to be included in the required conservation easement. These
449 lands would be prime agricultural lands, class 1-4 under the United States
450 Department of Agriculture, Soil Conservation Service, Soil Classification System,
451 and other lands of significant ecological or cultural value as defined in the Town
452 of York Comprehensive Plan and Section 2 of this ordinance.

453
454 b. Parcel Size: One (1) dwelling unit shall be allowed for every twenty (20)
455 contiguous acres under the control of a land divider as of the original enactment
456 date of this ordinance. The division may create no lots less than 1.5 acres except
457 in the case of a setback lot when the minimum size will be 1.5 acres excluding the
458 area for the access of the driveway. This limitation runs with the land in
459 perpetuity and is irrespective of future ownership. The clerk shall maintain a
460 database tracking the number of allowable dwelling units per parcel. If the land
461 divider has any remaining dwelling units, he or she may choose to transfer one or
462 more of these remaining dwelling units to the newly created lot(s). Any lots
463 created exceeding twenty (20) acres may not have additional dwelling units
464 available, if all allowable dwelling units have been exhausted or transferred. The
465 land divider will be required to include language on the instruments of
466 conveyance noting the number of available dwelling units for future divisions, if
467 any.

468
469 c. Additional dwelling units shall be allowed based on the following Tier 2 criteria:

470
471 **For parcels 80 acres or less:**

- 472
- 473 • One (1) additional dwelling unit allowed if fifty percent (50%) of the parcel is
474 placed in a permanent conservation easement, with the acreage in the
475 conservation easement being contiguous.
- 476
- 477 • The maximum number of clusters for this acreage is one (1). Clustered lots
478 must be a minimum of 1.5 acres and a maximum of 5 acres.

479
480 **For parcels 81 - 120 acres:**

- 481
- 482 • One (1) additional dwelling unit allowed if at least 50% of the parcel is placed
483 in a permanent conservation easement, with the acreage in the conservation
484 easement being contiguous.
- 485
- 486 • One (1) additional dwelling unit allowed if lots are clustered. The maximum
487 number of clusters for this acreage is two (2). Clustered lots must be a
488 minimum of 1.5 acres and a maximum of 5 acres.

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For parcels 121 - 160 acres:

- One (1) additional dwelling unit allowed if at least 50% of the parcel is placed in a permanent conservation easement, with the acreage in the conservation easement being contiguous.
- One (1) additional dwelling unit allowed if lots are clustered. Clustered lots must be a minimum of 1.5 acres and a maximum of 5 acres.
- One (1) additional dwelling unit allowed if building envelopes are sited to minimize visual impacts; i.e. located off ridge tops, outside of wooded areas.
- The maximum number of clusters for this acreage is two (2).

For parcels 161 – 200 acres:

- One (1) additional dwelling unit allowed if at least 50% of the parcel is placed in a permanent conservation easement, with the acreage in the conservation easement being contiguous.
- One (1) additional dwelling unit allowed if lots are clustered. Clustered lots must be a minimum of 1.5 acres and a maximum of 5 acres.
- One (1) additional dwelling unit allowed if building envelopes are sited to minimize visual impacts; i.e. located off ridge tops, outside of wooded areas.
- One (1) additional dwelling unit allowed for the substantial size of contiguous land conserved and would require at least 65% of land to be placed in a conservation easement.
- The maximum number of clusters for this acreage is three (3). The number of clusters should be minimized given the lay of the land.

For parcels 201 – 240 acres:

- One (1) additional dwelling unit allowed if at least 50% of the parcel is placed in a permanent conservation easement, with the acreage in the conservation easement being contiguous.
- One (1) additional dwelling unit allowed if lots are clustered. Clustered lots must be a minimum of 1.5 acres and a maximum of 5 acres.
- One (1) additional dwelling unit allowed if building envelopes are sited to minimize visual impacts; i.e. located off ridge tops, outside of wooded areas.

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- Two (2) additional dwelling units allowed for the substantial size of contiguous land conserved and would require at least 70% of land to be placed in a conservation easement.
 - The maximum number of clusters for this acreage is three (3). The number of clusters should be minimized given the lay of the land.

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543 **For parcels 241 acres or greater:**

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- One (1) additional dwelling unit allowed if at least 50% of the parcel is placed in a permanent conservation easement, with the acreage in the conservation easement being contiguous.
- One (1) additional dwelling unit allowed if lots are clustered. Clustered lots must be a minimum of 1.5 acres and a maximum of 5 acres.
- One (1) additional dwelling unit allowed if building envelopes are sited to minimize visual impacts; i.e. located off ridge tops, outside of wooded areas.
- Three (3) additional dwelling units allowed for the substantial size of contiguous land conserved and would require at least 75% of land to be placed in a conservation easement.
- The maximum number of clusters for this acreage is four (4). The number of clusters should be minimized given the lay of the land.

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562 d. Normal Density and Frontage

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- i. The maximum allowable number of dwelling units for all existing parcels of twenty (20) acres or more as of the adoption date of this ordinance shall be calculated as follows:

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The number of allowable dwelling units when multiplied by twenty (20) acres, must be greater than or equal to ninety-five percent (95%) of the actual surveyed area of the parcel to be divided. This can be written as a formula as follows:

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571

of allowable dwelling units (20 acres) > 95% x area of original parcel

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For example, if four (4) dwelling units are desired: Four dwelling units x 20 acres per dwelling unit = 80 acres. Ninety-five percent (95%) of 80 acres is 76 acres. Therefore, parcels measuring 76 to 80 acres would be eligible for up to 4 dwelling units. Those parcels containing less than 76 acres would be eligible for up to three (3) dwelling units.

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- ii. Any lots created along an existing town road, county highway, or state highway where the driveway for that lot comes off of the existing town road, county highway, or state highway, shall have a minimum of two hundred feet (200') of frontage on the existing town road, county highway, or state highway. Setback lots shall have a minimum of fifty feet (50') of frontage on the existing town road, county highway, or state highway.
 - iii. An existing dwelling that has been occupied as a dwelling within five years prior to the enactment date of this ordinance on a parcel does not count against the allowed one dwelling unit per 20 acres.
 - iv. Variances may be issued for instances which will not be contrary to the public interest where, owing to special conditions, a literal enforcement will result 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 the granting of the variance. Determinations of the Plan Commission will be referred to the Town Board, for final review and determination.
 - v. Special Density Exceptions: The following is an exception to the limited number of density units as calculated in this 10(d): Non-Contiguous parcels: A non-contiguous parcel of land of less than 20 acres that was in existence prior to the Town's enactment of this ordinance.
- e. Information Required: The Plat or Certified Survey Map as called for in this ordinance shall show correctly on its face, in addition to the information required by Sec. 236.34 of the Wisconsin Statutes, the following:
- i. Date of the map;
 - ii. Graphic scale;
 - iii. Name and address of the owner, land divider and surveyor.
- f. Certificates:
- i. Surveyor: The surveyor shall certify on the face of the map that he has fully complied with all provisions of this ordinance;

619 ii. Town: The following certificate of approval shall be typed, lettered, or
620 otherwise reproduced legibly on the face of the map:

621
622 APPROVED BY THE TOWN OF YORK
623 _____ (chairman) _____ (date)
624 _____ (clerk) _____ (date)
625

626 g. Recording: The land divider shall record the Final Plat or Certified Survey Map with
627 the Green County Register of Deeds after it has been approved, and shall file a
628 certified copy of the recorded map with the Town Clerk within ten (10) days after the
629 map is recorded.
630

631
632 **11. PROCEDURE FOR APPROVAL OF LAND DIVISIONS**
633 **TIER 2**
634

635 Any land divider who shall divide land according to the guidelines outlined as Tier 2 of this
636 ordinance shall comply with the following procedure:
637

- 638 a. The land divider shall prepare a Preliminary Parcel Division Inquiry. It shall be
639 submitted to the Town of York Plan Commission for review. Preliminary Parcel
640 Division Inquiry forms and instructions may be obtained from the Town Clerk. The
641 inquiry shall include a legible map showing;
- 642 i. boundaries and acreage of the original parcel and the proposed area to be
643 conserved in a conservation easement.
 - 644 ii. proposed lots to be created thereon with lot widths and depths;
 - 645 iii. location of proposed improvements (including proposed septic placement,
646 roads, and easements);
 - 647 iv. description of uses of land adjacent to proposed land division;
 - 648 v. a description of all property owned or controlled by the subdivider contiguous
649 to the proposed subdivision even though only a part of the area is proposed for
650 immediate development;
 - 651 vi. topographical elevations, general soil conditions, seasonally wet areas, rock
652 outcrops, areas with slope over 12 %, and location of natural waterways and
653 other natural topographical features.
- 654 b. The Plan Commission shall review the Preliminary Parcel Division Inquiry for
655 compliance with the provisions of this ordinance. The Plan Commission shall review
656 the records of the Town Clerk to determine if the parcel in question has been subject
657 to previous division or is subject to deed restrictions.
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c. Upon approval of the Preliminary Parcel Division Inquiry by the Plan Commission, the land divider shall submit to the Plan Commission either a CSM if four (4) or less lots are proposed, or a preliminary plat map if more than four (4) lots are being proposed. Certified Survey Maps and associated documentation shall be prepared as described in Section 9.c. of this ordinance, plat maps shall be prepared as described below.

d. Procedures for submitting a plat:

Preliminary plat: The divider shall submit sufficient copies of the preliminary plat to the Plan Commission so that two (2) copies can be submitted by the Plan Commission to the agencies having authority to approve and review plats under the provisions of 236.10 and 236.12, Wis. Stats. The preliminary plat based upon an exterior boundary survey by a registered land surveyor shall include:

- i. Proposed area to be placed in the conservation easement;
- ii. Lot widths and depths;
- iii. Existing and proposed streets, parks, public access, community facilities, utilities and easements;
- iv. Land characteristics including soil classification, seasonally wet areas, and slopes over twelve percent (12%);
- v. Proposed filling, grading, lagooning, and dredging;
- vi. Delineation of any areas periodically flooded, shorelines and high-water lines.

The proposed layout shall be shown on a map at a scale of one inch equals one hundred feet (1"=100') and shall identify the improvements; grading, paving, installation of facilities including, if applicable, pre-planned sites for waste disposal and dedications or reservation of land which the subdivider proposes to make and shall indicate when the improvements will be provided.

Any proposed restrictive covenants for the land involved shall be stated. The Plan Commission shall review the preliminary plat, and if the conditions of this ordinance are met, will recommend that the preliminary plat be taken before the York Town Board who will approve, approve conditionally, reject, or table the preliminary plat within forty (40) days, as provided by 236.11, Wis. Stats. Failure of the Town Board to act within forty (40) days shall constitute an approval.

Final Plat: Sufficient copies shall be submitted to the Plan Commission within six (6) months of the preliminary plat approval unless this requirement is waived by the Town Board. The final plat shall conform to the preliminary plat as approved and to

711 the requirements of all applicable ordinances and State laws and shall be submitted
712 for certification of those agencies having the authority to object to the plat as
713 provided in 236.12, Wis. Stats., before any lots are sold.

714 **Replat:** When it is proposed to replat a recorded subdivision, or part thereof, so as to
715 change the boundaries of a recorded subdivision, or part thereof, the subdivider or
716 person wishing to replat shall vacate or alter the recorded plat as provided in 236.40
717 through 236.44, Wis. Stats. The subdivider, or person wishing to replat shall proceed
718 as specified in the Preliminary Plat and Final Plat processes described in this
719 ordinance. The Town Board shall schedule a public hearing before the Town Board
720 when a preliminary plat of a replat of lands within the Town is filed, and shall cause
721 notices of the proposed replat and public hearing to be mailed to the owners of all the
722 properties within the limits of the exterior boundaries of the proposed replat and to
723 the owners of all properties within two hundred feet (200') of the exterior boundaries
724 of the proposed replat.

725 e. A Plat or CSM of the conservation easement, prepared by a registered surveyor, is
726 REQUIRED in order to gain final approval by the Plan Commission and Town of
727 York Board for the proposed Tier 2 land division.

728 f. The owner(s), at their own expense, will, with the assistance of legal counsel, prepare
729 land conservation easement documents relating to the areas set aside as required in
730 this section. In addition, the owner(s), at their own expense, will contract with a
731 registered surveyor to prepare a CSM of the proposed conservation easement. The
732 survey shall include an accurate legal description of the conservation easement.
733 Upon completing these, the Owner(s) will present all of the original material plus the
734 CSM and the prepared conservation easement agreement to the Plan Commission.
735 The Plan Commission shall forward its recommendation for approval, conditional
736 approval, or rejection of the proposed division to the Town Board.

737 g. If the Preliminary Parcel Division Inquiry is rejected by the Plan Commission, the
738 land divider may appeal that decision to the Town Board or resubmit an amended
739 inquiry to the Plan Commission.

740 h. Upon receiving the recommendation of the Plan Commission, the Town Board shall
741 approve, approve conditionally, reject, or table the final plat within forty (40) days, as
742 provided by 236.11, Wis. Stats. Failure of the Town Board to act within forty (40)
743 days shall constitute an approval. As a condition of approval the Town Board may
744 require the land divider to include deed restriction language on any instrument of
745 conveyance.

746 i. No Driveway Permit will be issued and no construction shall commence on a lot
747 created by a land division which does not comply with the provisions of this
748 ordinance.

749

750 **12. LAND SUITABILITY**

751
752 No land shall be divided which is held unsuitable for the proposed use by the Plan Commission
753 for reasons of flooding or potential flooding , inadequate drainage, adverse soil or rock
754 formations with severe limitations for development, severe erosion potential, unfavorable
755 topography, inadequate septic or sewerage disposal capabilities, improper utilization of prime
756 agricultural soils, conflict with the goal of managing important agricultural lands for their highest
757 and best agricultural use, undue costs or inefficiency in the provision of government services, or
758 any feature likely to be harmful to the health, safety, or welfare of the future residents or users of
759 any lot, parcel or proposed land division or proposed subdivision or of the community, or if the
760 land is identified as environmentally sensitive as defined below. No land shall be divided or
761 subdivided if the Town Board determines that the division or subdivision will materially
762 interfere with existing agricultural uses or will conflict with other goals, objectives and policies
763 contained in the Town of York Comprehensive Plan and this ordinance.

764
765 Areas identified as environmentally sensitive include, but are not limited to:

- 766
- 767 a. All areas mapped as Floodplain by the Federal Emergency Management Agency
768 (FEMA), Wisconsin Department of Natural Resources, or other public or private
769 entity.
 - 770 b. All wetlands as defined in NR 103.02(5), Wis. Admin. Code, including a 75 foot
771 buffer.
 - 772 c. All areas within 75 feet of the ordinary high-water mark of navigable streams and
773 lakes, as identified by the Wisconsin Department of Natural Resources Water
774 Management Specialists.
 - 775 d. Areas that are known to provide habitat for rare, threatened or endangered species.
 - 776 e. Burial sites and Indian mounds.
 - 777 f. Drainage ways that contain running water during spring runoff, during storm events
778 or when it rains. A 25-foot buffer from the edge of the drainage way shall be
779 included.

780
781 The Plan Commission in applying the provisions of this ordinance shall, in writing, recite the
782 particular facts upon which it bases its conclusion that the land is not suitable for the proposed
783 use and afford the land divider an opportunity to present evidence regarding suitability at a
784 public hearing before the Town Board. Thereafter, the Town Board may affirm, modify, or
785 withdraw the determination of unsuitability.

786
787 **13. PENALTIES**

788
789 Any person, firm, or corporation who fails to comply with the provisions of this ordinance shall,
790 upon conviction, be subject to penalties and forfeitures as provided in Sections 236.30, 236.31,
791 236.32, 236.335, and 236.35 of the Wisconsin Statutes.

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14. INTERPRETATION

In their interpretation and application, the regulations contained in this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. These regulations shall be construed broadly in favor of the Town of York to promote the purposes for which they were adopted.

15. 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.

16. FEES

The Town Board may, by resolution, establish reasonable fees for the administration of this ordinance.

17. EFFECTIVE DATE

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

This ordinance was adopted by the Town of York Board of Supervisors at a meeting on the 10th day of March, 2009 by a vote of two aye and one no, recorded as follows:
Chairman, aye; 1st Supervisor, no; 2nd Supervisor, aye

- Dan Reeson, Chairman
- Dan Truttmann, 1st Supervisor
- Steve Hermanson, 2nd Supervisor
- Nancy Anderson, Clerk

833 Town of York

834

835 Complete this form and return it and attachment to: York Town Clerk
836 N8791 York Center Rd.
837 Blanchardville, WI 53516
838

839 PRELIMINARY PARCEL DIVISION INQUIRY
840

841 I. Name of land divider (current owner) of land proposed for division:
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843

844

845 Address: _____

846

847 Phone: day (_____) _____ evening (_____) _____
848

849

849 II. Name of divider (applicant) if different from current owner:
850

851

852

853 Address: _____

854

855 Phone: day (_____) _____ evening (_____) _____
856

857

858 III. Description of land proposed for division:
859

860

860 Section: _____ Parcel number(s): _____
861

862

863 IV. Intended use of land: _____
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865

865 Status of perc test(s): _____
866

867

867 ATTACH A MAP OF THE PROPOSED DIVISION WITH ALL INFORMATION AS
868 REQUIRED IN THE Town of York LAND DIVISION ORDINANCE, SECTIONS 9 or 11.
869

870

870 V. Applicant's signature: _____
871

871

871 Date: _____
872

872

873 This form will be presented to the Town of York Plan Commission for review and approval
874 before it is submitted to the Town Board. You will be notified of the status of your inquiry.
875

876

876 Plan Commission recommendation: _____
877

877

878 Board approval: _____
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879 Date: _____
880

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Form 5-17-04
881

881