

Land Division Ordinance

No. 2008-1015

STATE OF WISCONSIN - Town of Jackson, Adams County

SECTION 1 – TITLE/PURPOSE

The Title of this Ordinance is the Town of Jackson Land Division Ordinance. The purpose of this Ordinance is to regulate and control the division of land within the limits of the Town of Jackson, Adams County, Wisconsin, in order to accomplish all of the following purposes:

- A. Promoting the public health, safety, and general welfare of the Town of Jackson.
- B. Supplementing County, State, and Federal land division controls to implement any Town Comprehensive plan, master plan, or other land use plans.
- C. Promoting the planned and orderly layout and use of the land in the Town of Jackson.
- D. Encouraging the most appropriate use of the land throughout the Town of Jackson.
- E. Minimizing the public impact resulting from the division of large tracts into smaller parcels of land in the Town of Jackson.
- F. Facilitating the adequate provision of transportation, water, sewage, health, education, recreation, and other public requirements in the Town of Jackson.
- G. Providing the best possible environment for human habitation in the Town of Jackson.
- H. Enforcing the goals and policies set forth in any Town Comprehensive land, master plan, or other land use plans.
- I. Ensuring that the design of the street system will not have a negative long-term effect on neighborhood quality, traffic flow, and safety in the Town of Jackson.
- J. Realizing goals, objectives, policies, and development standards set forth in plans, codes, and ordinances adopted by the Town of Jackson.
- K. Securing safety from fire, flooding, and other dangers in the Town of Jackson.
- L. Avoiding the inefficient and uneconomical extension of governmental services in the Town of Jackson
- M. Conserving the value of prime agricultural soils in the Town of Jackson.
- N. Providing for the conservation of the agriculturally important lands in the Town of Jackson by minimizing conflicting land uses.
- O. Preserving the rural and agricultural character, scenic vistas, and natural beauty of the Town of Jackson.
- P. Regulating the development of condominium projects.
- Q. Ensuring accurate legal descriptions.

R. Providing for administration and enforcement of this Ordinance by the Town Board.

SECTION 2 – AUTHORITY

This Ordinance was adopted pursuant to the Village Powers granted to the Town of Jackson Town Board and the authority granted to towns under ss. 60.10 (2) (c), 60.22 (3), 61.34 (1), 236.03, and 236.45, Wis. Stats. This Ordinance was adopted by the Town Board after its receipt of a formal written recommendation of this Ordinance dated September 24, 2008 from the Town Planning Agency under ss. 61.35, 62.23 and 236.45 (2), Wis. Stats, which for the Town of Jackson is the Town of Jackson Plan Commission.

SECTION 3 - ADOPTION OF ORDINANCE

The Town Board, by this Ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town Board to regulate and approve certain land divisions and certified surveys in the Town of Jackson. Pursuant to s. 236.45 (4), Wis. stats., a public hearing was held before the adoption of this Ordinance and notice of the hearing was given by publication of a class 2 notice, under ch. 985, Wis. Stats.

SECTION 4 – DEFINITIONS

In this Ordinance, the following definitions shall apply:

- A. Agricultural Use as provided in s. 91.01 (1), Wis. Stats., means beekeeping; commercial feed lots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint, and seed crops; raising of fruits, nuts, and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least thirty five (35) acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk conservation reserve program under 7 USC 1446(d); and vegetable raising.
- B. Certified survey or Certified Survey Map means a certified survey with the map of a minor land division prepared in accordance with sec. 236.34, Wis. Stats., and in full compliance with the applicable provisions of this Ordinance. A Certified Survey Map has the same legal force and effect as a land division plat. All minor land divisions of less than 16 acres require a Certified Survey Map prepared by a registered land surveyor.
- C. Cluster development means development from a land division in which dwellings and other buildings are grouped densely on only a portion of a development parcel, in contrast to conventional practice, which distributes development evenly across the entirety of a parcel, in order to accomplish any of the following:
 - 1. Preserve by deed restriction, including conservation easement, restrictive covenant and development rights transfers the majority of the land division parcel for present or future agricultural use or conservation; and
 - 2. Create, maintain, or expand protective barriers contiguous with lakes, wetlands, and other natural resources in the Town of Jackson.
- D. Condominium means a building or a group of buildings in which units are owned individually and the building common areas and facilities are owned by all owners on a proportional undivided basis. A condominium is a legal form of ownership and not a specific building type or style.
- E. Conservation Easement as provided in s. 700.40, Wis. Stats., means a holder's nonpossessory interest in real property imposing any limitation or affirmative obligation the purpose of which includes retaining or protecting natural, scenic or open space values of real property, assuring the availability of real

property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, preserving a burial site, as defined in s. 157.70 (1) (b), Wis. Stats., or preserving the historical, architectural, archaeological or cultural aspects of real property.

- F. Conservation Subdivision means a housing development from land division in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained by the greatest extent possible.
- G. Deed restriction means a restriction on the use of a property set forth in a deed or other instrument of conveyance, including, but not limited to, a restrictive covenant, conservation easement, transfer of development rights, or any restriction placed on undeveloped land as a condition for the division or development of the undeveloped land.
- H. Developer's Agreement means an agreement by which the local municipality and/or County and the subdivider agree in reasonable detail to all of those matters which the provisions of these regulations permit to be covered by the developers agreement. The developers' agreement shall not take effect unless and until an irrevocable Letter of Credit or other appropriate surety has been issued to the local municipality and/or the County.
- I. Final Plat means a map prepared in accordance with requirements of Chapter 236 of the Wisconsin State Statutes and this Ordinance for the purpose of precisely dividing larger parcels into lots and used in conveying these lots.
- J. Land divider means any person, partnership, corporation, or other legal entity that has an ownership or other legal interest in the subject land that the land is being divided or is proposed to be divided, resulting in a land division.
- K. Land division means the division of a lot, outlot, parcel, or tract of land by the owner of the land, or the owner's agent, when the act of division creates two or more parcels or building sites, inclusive of the original remnant parcel, any of which is 15 acres or less in area. Any residual parcel resulting from any division of land shall be included in the land division if said parcel is less than 15 acres in size.
- L. Land Use Plan means the Town of Jackson Comprehensive Plan, concerning issues of land use in the Town, adopted by the Town of Jackson, including any subsequent amendment.
- M. Lot means a parcel of not less than 2 acres, which is created by a land division, with the designated parcel, tract, or area of land established by land division plat, Certified Survey Map, or as otherwise permitted by law to be conveyed, used, developed, or built upon as a unit.
- N. Master plan means the plan, concerning issues of land in the town, adopted pursuant to s. 62.23, Wis. stats.
- O. Minor Land Division means any division of land other than a subdivision as defined herein of 15 acres or less in size. Any residual parcel resulting from any division of land shall be included in the minor land division if said parcel is less than 15 acres or less in size. All land divisions under this Ordinance shall comply with the standard design and improvement requirements in Section 13 and the Certified Survey requirements in Section 12.
- P. Natural resource means air, land, water, groundwater, drinking water supplies, wildlife, fish, biota, and other such resources, belonging to, managed by, appertaining to, or otherwise controlled by the United States, State of Wisconsin, Adams County or the town.
- Q. Navigable Waters means any body of water, which is navigable under the laws of the State.

- R. Outlot means a parcel of land other than a lot or block so designated on a land division plat or Certified Survey Map.
- S. Parcel means contiguous lands under the control of a land divider not separated by streets, highways, navigable rivers, or railroad rights-of-way.
- T. Replat means the process of changing the map or plat which changes the boundaries of a recorded Subdivision Plat, Minor Land Division, Certified Survey Map, or other land division or part thereof. The division of a large block, lot, or outlot within a recorded subdivision plat or certified survey which changes the exterior boundaries of said lot, block, or outlot is a replat.
- U. Restrictive Covenant means a deed restriction on the use of the land usually set forth in the deed. A restrictive covenant runs with the land and is binding upon subsequent owners of the property.
- V. Sketch Plan means a conceptual layout of a proposed development on a topographic map.
- W. Subdivision means the division of a lot, parcel, outlot or tract of land as defined by the owner, subdivider, or his successor in title, where the division creates more than four (4) lots of 15 acres in size or less within any five (5) year period.
- X. Town means the Town of Jackson, Adams County, Wisconsin.
- Y. Town Board means the Board of supervisors for the Town of Jackson. Adams County, Wisconsin.
- Z. Town Clerk means the clerk of the Town of Jackson, Adams County, Wisconsin.
- AA. Town Comprehensive Plan means a Comprehensive Plan adopted by the Town Board of the Town of Jackson under §66.1001 Wis Stats.
- BB. Town Plan Commission means the Town of Jackson Plan Commission appointed by the Town Chair of the Town of Jackson, Adams County, Wisconsin.
- CC. Wetland means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and that has soils indicative of wet conditions.
- DD. Wis. Stats. means the Wisconsin Statutes, including successor provisions to cited statutes.

SECTION 5 – EXEMPTIONS

- A. The provisions of this Ordinance, as it applies to land divisions of tracts of land in the Town of Jackson into less than 5 parcels, shall not apply to any of the following:
 - 1. Transfers of interests in land by will or pursuant to court order.
 - 2. Leases for a term of not more than 10 years, mortgages, or easements.
 - 3. The sale or exchange of land between owners of adjoining property if additional lots are not thereby created and if the lots resulting are not reduced below the minimum size required by this Ordinance or other applicable laws and ordinances.
- B. All of the following specific uses and activities are exempt from this ordinance:
 - 1. Cemetery plats made under s. 157.07, Wis. stats.

2. Assessor's plats made under s. 70.27, Wis. stats.

SECTION 6 – COVERAGE/COMPLIANCE

- A. This Ordinance applies to all lands in the Town of Jackson. The Town Board shall be responsible to administer this Ordinance unless it designates by Resolution such other authority.
- B. No person, unless exempt under this Ordinance, shall divide or create a land division of any land in the Town of Jackson subject to the requirements of this Ordinance and no land division, including any Cluster Development, Conservation Subdivision, a Subdivision, a Certified Survey Map, Condominium Plat, Replat or Minor Land Division, shall be entitled to be recorded in the Office of the Register of Deeds for Adams County unless the final land division, plat, or map as approved by the Town Board or its designee is in full compliance and consistent with all of the following:
 1. All requirements of this Ordinance; when provisions of this Ordinance impose greater restrictions than paragraphs 2 through 9 below, it is intended that the provisions of this Ordinance shall apply.
 2. Chapter 236, Wis. stats.
 3. The Town of Jackson Comprehensive Plan adopted under s. 66.1001, Wis. stats., or other Town Land Use Plan or any component thereof.
 4. The applicable Town of Jackson, County of Adams zoning regulations, building code, sanitary code, erosion control regulations, and other land division regulations.
 5. State Department of Natural Resources administrative rules on wetlands, shore lands, sewers, septic systems, and pollution abatement.
 6. All applicable State and local sanitary codes.
 7. All of the applicable Town of Jackson Ordinances.
 8. All State Department of Transportation and County of Adams Highway Department Administrative rules relating to safety of access and the preservation of the public interest and investment in the highway system, if the land owned and controlled by the land divider abuts on a state or county trunk highway or connecting road or street.
 9. All applicable extraterritorial, comprehensive, and master plans, extraterritorial zoning or plat review ordinances, or official maps adopted pursuant to sec. 62.23, stats., and any other applicable Town of Jackson, County, or extraterritorial authority ordinances and regulations.
- C. Permit fees shall be established annually in January or thereafter by resolution of the Town Board prior to any new land division plat approvals and Certified Survey map approvals.
- D. No land shall be divided or any land division approved if any parcel, lot, or outlot created by the land division is smaller than 2 acres.
- E. No land shall be divided or any land division approved in the following areas of the Town of Jackson without specific written waiver by resolution of the Town Board: Areas classified as a Conservancy District under the Adams County Zoning and/or Shoreland Protection ordinances.
- F. Any parcel in the Town of Jackson, which shall be divided and cause a land division regardless of the lot, outlot, or parcel size or number of lots, outlots, or parcels created, shall comply with §59.692,

§281.31, §236.45 Wis Stats, Chapter 703 Wis Stats, and any appropriate State Administrative Code provisions.

- G. All visible structures, encroachments, fences, navigable waters, and public streets and public roads shall be shown to scale on any Certified Survey Map from any land division to be recorded.
- H. Any outlots created on a Certified Survey Map shall be accompanied with a statement of purpose or use of the outlot.
- I. No person shall construct upon, convey, record, or place survey monuments, conduct surveys, layout parcels, lots, or outlots, or create plats or maps on any land in the Town of Jackson in violation of this Ordinance or the Wisconsin Statutes.
- J. No person shall request, nor be issued by the Town Board, a driveway permit, building permit, or any other permit or license authorizing any construction, installation, or improvement on any land within the Town of Jackson, except land subject to a land division that was of record as of the effective date of this Ordinance, until the provisions and requirements of this Ordinance have been fully met by the land divider. The Town Board may institute the appropriate action or proceedings to enjoin violations of this Ordinance.
- K. All land division approvals required by the State Department of Administration or its successor Department for specific land divisions, including any Subdivisions, Minor Land Divisions, or Certified Surveys shall be obtained prior to final approval by the Town Board or its designees.
- L. All land division, plats, or Certified Survey Maps, upon receipt of final approval by the Town Board or its designees, shall be recorded in the Office of the Register of Deeds at the cost of the land divider. Final plat approval shall comply for recording with §236.21 and §236.25 Wis Stats.
- M. No persons shall make, record, or replat of any land division, except as provided under §70.27(1) Wis Stats if it alters acres dedicated to the public without proper Court action to vacate such plat, map, or part thereof.
- N. A condominium plat prepared by a land surveyor registered in Wisconsin is required for all condominium plats, or any amendments or expansions thereof. The land divider shall comply in all respects with the requirements of §703.11 Wis Stats and the following:
 - 1. Density: Adequate open space should be provided so that the average density and intensity of land use shall be no greater than that permitted for the Town of Jackson and/or County zoning district in which it is located.
 - 2. Submittal: The land divider shall submit the proposed site plan, use, and location, existing and proposed structures, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation according to Institute of Traffic Engineers standards, traffic circulation, drainage, waste disposal, water supply systems, and the effects the proposed uses, structures, improvements, and operation have upon the area, including flood damage protection, water quality, shore land cover, natural beauty, and wildlife habitat.
 - 3. Review and Approval: The Town of Jackson shall approve the plat provided the proposed uses and structures are in accordance with the purpose and intent of this Ordinance and are found not to be hazardous, harmful, offensive, or otherwise adverse to the environmental corridor, wetlands, floodplain, shore land cover, drainage, street and highway system, or park and open space element of the Town of Jackson Comprehensive Plan.
- O. Where other governing authorities, including the State, the County, or any extraterritorial municipal body has the statutory or ordinance authority to approve or to object to any proposed land division and

the requirements are conflicting, the land divider and the land division shall comply with the most restrictive requirements.

SECTION 7 – SPECIFIC COMPLIANCE PROVISIONS

- A. All parcels, lots, or outlots that will be proposed to be divided for land division purposes under this Ordinance that are bisected or divided by a public road, public street, public trail, or a navigable water, except a stream, shall be divided along these natural or constructed features.
- B. No land shall be issued a land division approval if the Town Board of the Town of Jackson determines that any proposed land division plat, or Certified Survey Map will materially interfere with existing agricultural uses or will conflict with other goals, objective, and policies as set forth in the Town Comprehensive Plan, master plan, or other land use plan. In addition, the land division approval must be determined to be, by the Town Board, consistent with the Town Comprehensive Plan, if any, and if any other land division plat approval or Certified Survey Map approval to the land applies, the most restrictive requirements to the land apply.
- C. No land shall be issued a land division approval for a purpose that poses a significant threat to the quality or quantity of groundwater or surface water in the Town of Jackson.
- D. No land shall be issued a land division approval if it is determined to be unsuitable by the Town Board for its proposed use for reason of flooding, inadequate drainage, dangerous or hazardous land conditions, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal or maintenance capabilities, impairment of wildlife habitat and scenic vistas, improper utilization of prime farm soils, undue costs and inefficiencies in the provision of Town of Jackson governmental services, or any other feature likely to be harmful to the health, safety, or welfare of current or future residents of the Town of Jackson, or likely to cause a public nuisance in the Town of Jackson. The Town Plan Commission may require any proposed land divider to furnish maps, data, and other information as may be necessary to determine land suitability.
- E. No person shall be issued any land division approval by the Town Board until the appropriate application fees have been paid to the Town Clerk.
- F. No person shall be issued any land division approval by the Town of Jackson who has failed to properly and fully complete and submit to the Town Board the application form developed and provided by the Town of Jackson.
- G. No person shall sell any parcel of land, lot, or outlot of five (5) acre or less in size in the Town of Jackson if it abuts on a road which has not been accepted as a public road unless the seller informs the land purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the Town of Jackson or the County of Adams.
- H. No person shall be issued a final land division approval by the Town Board until the land divider submits and obtains approval of the proposed land division plat or proposed certified survey map to the following approving authorities: Adams County Planning and Zoning Dept.
- I. No person shall be issued a final land division plat approval by the Town Board unless all public improvements to be constructed or installed as required by the Town Board within the land division plat area or Certified Survey Map area meet the requirements established in writing by the Town Board. The Board, in its discretion, may require the posting of a performance bond by the land divider in order to ensure the satisfactory completion of any improvements, including roads.
- J. The Town of Jackson shall not be responsible, with respect to any final land division for any public improvements, and shall not be responsible to accept any dedicated streets, roads, or other public

areas and other public improvements until the Town Board, by resolution, accepts or approves such dedicated public improvements with or without conditions.

- K. No person shall be issued a final land division approval by the Town Board unless any proposed Town of Jackson roads have been specifically accepted for dedication approved by the Town Board. The applicant shall finish all shoulders and road ditches, if any, install all necessary culverts at intersections and, if required by the Town Board, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Town of Jackson Plan Commission, as recommended by the Town of Jackson Engineer.
- L. The subdivider shall dedicate sufficient suitable land area to provide adequate park, playground, recreation and open space to meet the needs to be created by and to be provided for the subdivision. The suitability of the lands for dedication shall be within the sole discretion of the Town Board. At least 2,900 square feet of land shall be dedicated for each proposed residential dwelling unit within the subdivision. Where a definite commitment is made to the Town by the subdivider with respect to the number of dwelling units to be constructed on any parcel of land which has a zoning classification that permits multi-family use, the dedication shall be based upon that number. Where no such commitment exists, the dedication shall be based upon the maximum number of dwelling units which the zoning classification of the parcel will permit.
- M. The Town Board may, in its sole discretion, permit the subdivider to satisfy the requirements of par. L above by combining a land dedication with a fee payment. The fee, in such cases, shall be determined by subtracting the most recent equalized value of the dedicated land, as determined by the Town Assessor, from the total fee which would have been imposed had no land been dedicated by the subdivider.

SECTION 8 – DESIGN STANDARDS

Any land division under this Ordinance shall meet the following design standards:

A. Street and Road Standards.

- 1. The land divider shall dedicate land for and to improve streets and roads in the Town of Jackson as provided herein. Streets and roads shall conform to any applicable official map ordinances in effect in the Town of Jackson and the requirements of Sec. 82.50 Wis. Stats. Streets and roads shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities, land uses, and public convenience and safety.
- 2. Street and road locations shall be consistent with any applicable Town of Jackson road plan or Town of Jackson Comprehensive Plan officially adopted by the Town Board. Town road right-of-way widths, radii of curvature, and grades shall conform to the Town road standards in §82.50 Wis Stats.
- 3. Public roads and public streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit.
- 4. Minor public streets or roads shall be so laid out so as to discourage their use by through traffic.
- 5. The number of intersections of minor public streets or public roads shall be reduced to the practical minimum consistent with circulation needs and safety requirements. Where a land division abuts or contains an existing or proposed arterial highway, the Town Board shall require a frontage road, non-access reservation along the real of the property contiguous to such highway, or such other treatment as may be necessary to ensure safe, efficient, traffic flow and adequate protection of residential properties.

6. A tangent at least 100 feet long shall be required between reverse curves on arterial and collector public streets and roads.
7. Public streets and public roads shall afford maximum visibility and safety and shall intersect at right angles, where practicable.
8. Dedication of half-width streets shall be prohibited, except where it is essential for the reasonable development of the land division in conformity with the other requirements of this ordinance. Where a half street has been dedicated adjacent to a land division, the remaining half of the street shall be dedicated by the land divider of the adjoining land.
9. Permanent dead-end streets, roads, or cul-de-sacs shall not be longer than 1000 feet, shall have a minimum width of 66 feet, and terminate with a turn-around having an outside roadway diameter of at least 200 feet and a street or road property line of 66 feet.
10. Where possible, parcel, outlot, and lot lines shall be perpendicular to the public street or public road line, and to the tangent at the lot corner on curved public roads or public streets.
11. No public street or public road names shall be used which will duplicate or may be confused with the names of existing streets or roads. Street or road names shall conform with the Adams County number and name grid.

B. Block and Lot Design and Improvements.

1. Lot size: Lot size and dimensions shall comply with the minimum standards of applicable land division and zoning ordinances, as well as the provisions of COMM. 85, Wisconsin Administrative Code, and Chapter 236, Wisconsin Statutes. Provided, however, the minimum size for all lots and parcels shall not be less than two (2) acres.
2. Access: Each lot, outlot and parcel of land created must abut a public street by at least sixty-six (66) feet. Easements are prohibited as a means of provided access to public streets for new parcels.
3. Depth/Width ratio: The depth of a lot shall not exceed four (4) times its width at its widest point.
4. A block is a parcel of land bounded on at least one (1) side by a public street or public road and on the other side by natural or manmade barriers or unplatted land. The lengths, widths, and shapes of blocks shall be determined by the following:
 - a. Building site needs.
 - b. Town of Jackson parcel, outlot, lot size, and dimensional requirements. The minimum parcel, outlot, and lot size requirements are: 2 acres.
 - c. Needs for convenient access, circulation, control, and safety of street traffic.
 - d. Limitations and opportunities of topography.
 - e. Lot lengths shall normally not exceed 2000 feet, or be less than 1000feet in length, except cul-de-sacs and permanent dead-end public road or public streets, unless waived specifically by Resolution by the Town Board.

5. To provide adequate access and circulation to playgrounds, schools, shopping centers, or other community facilities, the Town Board may require for all land division that walkways be provided, either along public streets and public roads, or through the center of blocks.
6. Double frontage lots for all land division plat or Certified Survey Maps shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome particular topographic and site disadvantages.
7. Sewer and water facilities, public street and public road paving, and surface water drainage as required by the Town Board of the Town of Jackson shall be provided for each lot in accordance with specifications approved by the Town Board.

SECTION 9 - CONSERVATION SUBDIVISIONS

In order to further the goals and policies of the Town of Jackson Comprehensive Plan, assuming all other provisions of this Ordinance are met, the Town Board may favor plans that provide for Conservation Subdivisions. At the discretion of the Town Board, deed restrictions, restrictive covenants, and/or conservation easements may be required for plans that cluster residential parcels and preserve open space and/or agricultural land. In so doing the overall density as required by the ordinance is maintained without sprawling the home sites over a large area. The land which is not divided into development land shall constitute a minimum of 40% of the total development and shall be designated as permanent open space, not to be further subdivided, and protected through conservation easement held by the Town, by a recognized land trust or conservancy, or shall be held in common by equal shares by the owners of the development lots. All development lots shall be restricted from further division.

- A. Design and Evaluation Criteria. Diversity in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. Accordingly, the Town shall evaluate proposals to determine whether the proposed conceptual preliminary plan:
 1. Protects and preserves all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction (except as may be approved by the town for active or passive recreation amenities).
 2. Preserves and maintains mature woodlands, existing fields, meadows, and significant wildlife habitat, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses to the fullest extent that is practicable.
 3. Maintains or creates an upland buffer of native species vegetation of at least 100 feet adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds.
 4. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares.
 5. Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by U.S. Fish & Wildlife Service and/or by the Wisconsin Dep't of Natural Resources.
 6. Preserves sites of historic, archaeological, or cultural value, and their environs, insofar as needed to safeguard the character of the feature.
 7. Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads.
 8. Provides open space that is reasonably contiguous. To the greatest extent practicable, this land shall be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land shall be avoided unless the conservation feature is necessary to connect with streams or trails.

9. Whenever possible, walking and bike paths shall be planned for possible connection with paths outside of the plat.
- B. Common Open Space Ownership Alternatives. The designated common open space and common facilities may be owned and managed by one or a combination of the following:
1. Homeowner's Association. Membership in the association is mandatory for all purchasers of land in the development and their successors. The homeowners association bylaws, guaranteeing continuing maintenance of the open space and other common facilities, and the declaration of covenants and conditions of the homeowners association shall be submitted for approval to the Town as part of the information required for the preliminary plat. Any future amendments thereto shall be approved by the Town Board. The homeowners' association declaration of covenants shall contain the following information:
 - a. The legal description of the common land;
 - b. A description of common facilities;
 - c. The restrictions placed upon the use and enjoyment of the lands or facilities;
 - d. Persons or entities entitled to enforce the restrictions, including the Town of Jackson;
 - e. A mechanism to assess and enforce the common expenses for the land or facilities including upkeep, maintenance, and real estate taxes.
 2. Non-Profit Conservation Organization. If the common open space is to be held by a non-profit conservation organization, it must be proven to the satisfaction of the Town that it will be willing and able to uphold the terms of the conveyance. The conveyance to the nonprofit conservation organization must contain appropriate provisions for reversion to the Town in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance. The reversion may go to another nonprofit conservation organization upon Town Board approval.
 3. Public Dedication of Open Space. The Town may accept the common open space provided the common open space is accessible to the residents of the Town and the Town has adequate access to maintain the common open space.
- C. Maintenance Plan. Every conservation subdivision must include a plan that provides evidence of a means to properly manage the common open space in perpetuity and evidence of the long-term means to properly manage and maintain all common facilities, including any storm water facilities. The plan shall be approved by the Town prior to the final plat approval and contain the following:
1. Designate the ownership of the open space and common facilities.
 2. Establish necessary regular and periodic operation and maintenance responsibilities.
 3. Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
 4. Include a land stewardship plan specifically focusing on the long-term management of common open space lands
 5. Management plans can be amended by the owner with the approval of the Town Board.

SECTION 10 –SKETCH MAP SUBMITTAL

Any land divider who divides or proposes to divide for land division purposes land located in the Town of Jackson that will create a land division, including a Cluster Development, Subdivision, Certified Survey Map, Condominium Plat, Minor Land Division, Replat, or revision of an existing land division is encouraged to, prior to any submittal of any Preliminary Plat or map information, informally meet with the Plan Commission to review the proposed land division, and discuss any issues or concerns identified by the Plan Commission. Prior to the meeting, the developer should prepare a sketch map at a scale of 1-inch = 200-feet or other appropriate scale. More than one attached sheet may be used but no sheet may be larger than 8-1/2 x 14 inches. Each submission shall include all contiguously owned land except the sketch map need not show more than 20 times the area of the intended land division area. The sketch map shall show all of the following:

- A. A north arrow, the date, the scale, and a reference to a section corner.
- B. The approximate dimensions and areas of the parcels, lots, outlots, and easements.
- C. The location and type of existing and proposed buildings and structures and uses, including any Certified Survey Maps, Cluster Development or Conservation Subdivision areas.
- D. The location of drainage ditches, water wells, sewerage systems, and other features pertinent to the land division.
- E. The location of existing and proposed roads, highways, developments, navigable rivers, trails, and driveways and distances to the nearest adjoining highways, roads, or driveways on all sides of the proposed site.
- F. The location of general land cover types, such as woodlands, wetlands, agricultural, etc.
- G. The location of any slopes of 12% or greater.
- H. The setback of building lines required by any approving agency.
- I. The uses of the land adjacent to the property and any existing roads, easements and restrictions of record, public access to navigable water, dedicated areas and utilities on/or adjacent to the land.

SECTION 11 – SUBDIVISION REVIEW

- A. Any land divider who divides or proposes to divide for land division purposes land located in the Town of Jackson that will create a land division, including a Cluster Development, Subdivision, Condominium Plat, Re-plat, or revision of an existing subdivision shall, at the time of submittal of any Preliminary Plat or map information, submit to the Town Clerk a Land Division Application, which may be obtained from the Town Clerk, with the appropriate fee and with all of the following required attachments:
 - 1. The name and address of the owner of the property and the land divider.
 - 2. The location and size of the property and the type of land division that is to be requested.
 - 3. The names and addresses of all adjacent landowners.
 - 4. A statement of intended use.
 - 5. The name and address of the surveyor who will be doing the survey work.
 - 6. The present use of the land.
 - 7. The number and size of projected parcels, lots, or outlots upon a final land division.

8. Existing zoning and other land use controls on and adjacent to the proposed land division.
9. The estimated timetable for final development and requested timeline by the land divider for final approvals from the Town of Jackson.
10. A detailed statement as to whether and how the proposed development is consistent with the Town of Jackson Comprehensive Plan or the Town of Jackson Master Plan.
11. A traffic impact study based upon Institute of Traffic Engineers standards if required by the Town of Jackson. The study shall be transmitted for review and comment by the Town Plan Commission prior to action on the Subdivision preliminary plat.
12. A draft of protective covenants whereby the land divider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development. The covenants shall be subject to the review and approval of the Town of Jackson attorney as to form.

This provision does not apply to a correction instrument, except if the affidavit in the correction instrument would change the areas dedicated to the public or restricted for the public benefit, then the Town Board must approve such change.

- B. A Subdivision Preliminary Plat shall be required for all proposed Subdivisions and shall be submitted to the Town Clerk at the time of the submitted Land Division Application. The Preliminary Plat shall be based upon a survey by a registered land surveyor and the plat prepared on paper of good quality at a map scale of not more than one hundred (100) feet to the inch and shall show correctly and completely on its face the following information:
1. Title or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat;
 2. Property location of the proposed subdivision by: government lot, quarter-section, township, range, County, and State;
 3. A sketch showing the general location of the subdivision within the U.S. Public Land Survey section;
 4. Date, Graphic Scale, and North Arrow;
 5. Names, addresses, and telephone numbers of the owner, land divider, and land surveyor preparing the plat;
 6. The entire area contiguous to the proposed plat owned or controlled by the land divider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Town Board may waive this requirement where it is deemed unnecessary to fulfill the purposes and intent of the Ordinance and severe hardship would result from the strict application;
 7. Exact length and bearing of the exterior boundaries of the proposed Subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby;
 8. Existing and proposed contours at vertical intervals of not more than two (2) feet where the slope of the found surface is less than 10%, and of not more than five (5) feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level). Draining patterns and watershed boundaries shall be delineated to help determine peak runoff for specified storm events;

9. Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to mean sea level (1929) datum;
10. Floodplain limits and the contour line lying a vertical distance of two (2) feet above the elevation of the 100 year recurrence interval flood, or where such data is not available, five (5) feet above the elevation of the maximum flood of records;
11. Location, right-of-way, width, and names of all existing roads, highways, alleys, trails, or other public ways, easements, railroad and utility right-of-way and all section and quarter-section lines within the exterior boundaries of the plat or immediately adjacent thereto;
12. Type, width, and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all to mean sea level (1929 datum);
13. Location and names of any adjacent Subdivisions, Minor Land Divisions, Certified Survey lots, unplatted and unsurveyed parcels, outlots, lots, parks, and cemeteries, and owners of record of abutting unplatted and unsurveyed lands;
14. Location, size, and invert elevation of any existing sanitary or storm sewers, culverts, and drain pipes, the location of manholes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sanitary or storm sewers or water mains are located on or immediately adjacent to the lands being platted, the nearest such sewers or water mains which might be extended to serve lands shall be indicated by their direction and distance from the nearest exterior boundary or the plat and their size, and invert elevations;
15. Locations of all existing property boundary lines, structures, drives, lakes, streams, navigable waters, and watercourses, wetlands, rock outcrops, wooded area, railroad tracks, and other similar significant natural or man-made features within the tract being subdivided or immediately adjacent thereto;
16. Location, width, and names of all proposed streets, roads, highways, and public rights-of-way such as alleys and easements;
17. Approximate dimensions of all lots, outlots, and parcels together with proposed lots, outlots, parcels, and block numbers;
18. Location and approximate dimensions and size of any sites to be reserved or dedicated for parks, neighborhood park, drainageways, trails, or other public uses or which are to be used for group housings shopping centers, church sites, or other private uses not requiring lotting; if these parcels are outlots on the development proposal, the ownership and purpose shall be stated on the face of the plat;
19. Approximate radii of all curves;
20. Existing zoning on and adjacent to the proposed Subdivision;
21. Any proposed lake and stream access with a small drawing clearly indicating the location for the proposed Subdivision in relation to the access;
22. Any proposed lake and stream improvements or relocation;

23. Soil type, slope and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Soil Conservation Service;
 24. Location of soil boring tests, where required by Section COMM. 85.06 of the Wisconsin Administrative Code, made to a depth of at least six (6) feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. The results of such tests shall be submitted along with the preliminary plat;
 25. All environmental corridors and isolated natural areas as mapped by State, regional, or local agencies;
 26. All Department of Natural Resources designated wetlands, and any field verified wetlands designated by a public agency;
 27. The surveyor or engineer preparing the Subdivision Preliminary Plat shall certify on the face of the plat it is a correct representation of the proposed Subdivision and physical features and that he has fully complied with the provisions of this Ordinance;
 28. Easements shall be shown and shall be limited to utility easements, drainage easements, conservation easements, access easements, and service easements. Easements shall not be used for conveyance of streets, pedestrian right-of-way, parks, or school lands, or other public lands requiring dedication. On all drainage easements it shall state on the face of the document that the Town Board shall own title and bear responsibility for maintenance of the easement. The Town Board shall have the authority to assess the costs of maintaining those easements to all benefiting landowners in the development;
 29. Any wildlife habitat areas in addition to threatened or endangered species;
 30. The school district in which the development is located should be noted on the face of the preliminary plat;
 31. Characteristics of vegetation;
 32. Historic and cultural features;
 33. Scenic vistas.
- C. The Town Clerk shall review the initial Land Division Application and Subdivision Preliminary Plat for completeness, including payment of applicable application fees, within fifteen (15) working days of receipt. The Town Clerk shall thereafter notify the land divider by mail if the application is determined by the Town Clerk to be complete or incomplete. The Town Clerk shall provide written reasons for any alleged incompleteness of the application with the notification. The Town Clerk shall, within ten (10) working days after filing, transmit the copies of any complete or incomplete Land Division Application and Subdivision Preliminary Plat to the Town Plan Commission.
- D. The Town Clerk shall send to the land divider, by mail, a notice and agenda of the scheduled date of the Town Plan Commission for the appropriate meeting to review and consider the complete or incomplete Application and any preliminary approvals for land division no later than ten (10) days prior to the date of the meeting.
- E. The land divider or the land divider's designee shall attend the meeting and present the proposed Land Division, preliminary plat or map documents to the Town Plan Commission for its consideration. Failure of the land divider or designee to attend the meeting or provide a complete Application may be used as

grounds for the Town Plan Commission to recommend denial of any later requested approvals for the land division.

- F. Within forty-five (45) days of it being filed with the Town Clerk, the Plan Commission shall hold a public hearing on the application. Notice of the hearing shall be published as a Class II notice pursuant to Chapter 985 Wis. Stats. The Subdivision Preliminary Plat and other relevant document information, including the Land Division Application, shall be reviewed by the Town Plan Commission for conformance and consistency with §236.11 Wis Stats, §236.12 Wis Stats, and this Ordinance, any Town Comprehensive Plan, any land use plan, or master plan and all other applicable Town of Jackson Ordinances, rules, regulations, and plans. The Town Plan Commission may also review applicable County, State, and Federal laws, ordinances, rules, regulations, and plans for consistency and conformity that may affect the proposed Subdivision.
- G. Within seventy-five (75) days of its filing, the Plan Commission shall take action to recommend to the Town Board that the application either be approved, be approved conditionally or be rejected, and shall state in writing the bases for its recommendation.
- H. Unless the timeline is extended by agreement with the land divider, the Town Board shall, within ninety (90) days of the date of receipt by the Town Clerk of a complete proposed Preliminary Plat, deem the Subdivision Preliminary Plat complete, grant preliminary approval of, grant conditional approval of, or reject the Subdivision plat as proposed. One (1) copy of the Subdivision Preliminary Plat shall thereupon be returned to the land divider with the date and action endorsed thereon. If approved conditionally or rejected, the conditions for approval or reasons for rejection shall be stated in the minutes of the meeting and a letter setting forth the conditions of approval or the reasons for rejection shall be sent to the land divider. Reasons for conditional approval or rejection may include nonconformance or inconsistency with this Ordinance, the Town Comprehensive Plan, Master Plan, or other Land Use Plan, nonconformance or inconsistency with Town of Jackson Ordinances, rules, regulations, or plans, and nonconformance with applicable County, municipal, State, or Federal laws, ordinances, rules, regulations, or plans. One copy of the Subdivision Preliminary Plat shall be filed with the Town Clerk for the Town of Jackson records.
- I. The Town of Jackson, after determining from a review of the Preliminary Plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the Subdivision or otherwise entail an erosion and stormwater hazard, may require the land divider to provide erosion and sediment control and stormwater management plans.
- J. Within 20 days of the date of rejection of the Town Board of a preliminary plat, the sub-divider may file with the Town Clerk a request for reconsideration. Upon receipt of such a request, the Town Clerk shall place the request on the agenda of the next available Town Board meeting. At that meeting, the Town Board may refer the application back to the plan commission for further consideration. If the Town Board decides to refer the matter back to the plan commission for further consideration, the plan commission shall have 30 days in which to reconsider the application and make a recommendation to the Town Board regarding approval or denial. The Town Board shall, within 45 days of receipt of the plan commission's recommendation, act on said recommendation. In the event the Town Board refers a request for reconsideration to the plan commission, the sub-divider shall have 10 days in which to pay the fee established by the Town Board by resolution for such requests. In the event the fee is not timely paid, the request shall be considered withdrawn and no action shall be taken on such request.
- K. If the Town Board denies two consecutive Subdivision Preliminary Plats for the same parcel, no subsequent re-application for a Subdivision approval of that parcel will be accepted, received, or considered by the Town Board within 3 months of the second denial.

SECTION 12 – FINAL PLAT APPROVAL

- A. Prior to any request for any Subdivision Final Plat approval and recording of the plat or map, the land divider shall seek and obtain from the Town Board a Resolution from the Town of Jackson specifically stating that the Town of Jackson accepts from the land divider all lands shown on the plat as dedicated to the Town of Jackson for the public, including street or road dedications.
- B. The Town of Jackson requires that an updated abstract of title certified to date of submission, or, at the option of the applicant, a policy of title insurance or a certificate of title from an abstract company for examination in order for the Town Board or its designees to ascertain that all parties in interest have signed the owner's certificate on any plat.
- C. The Subdivision Final Plat shall comply fully with ss. 236.11, 236.12, 236.20, 236.21, and 236.25 Wis. Stats.
- D. The Town Board or its designee shall approve or reject the Subdivision Final Plat within sixty (60) days of its submission to the Town Clerk unless extension of the time is mutually agreed in writing. Appropriate notices shall be provided as noted in §236.11(2) Wis Stats.
- E. A copy of the approved Subdivision Final Plat as recorded in the Register of Deeds Office shall be filed with the Town Clerk within five (5) days of the recording.

SECTION 13 – CERTIFIED SURVEY MAP

- A. A Certified Survey Map prepared by a land surveyor registered in the State of Wisconsin is required for all minor land divisions and any other land divisions noted in §236.34 Wis Stats. All required Certified Survey Maps shall comply in all respects with §236.10 Wis Stats, s. 236.34, Wis. Stats., where applicable, and State survey standards. The Town of Jackson shall comply with the ninety (90) day requirement in §236.34 Wis Stats for final approval, final approval on condition, or rejection by the Town Board, as the approving authority for the Certified Survey Map.
- B. Five copies of the proposed Certified Survey Map shall be submitted to the Town Clerk along with the application fee established by the Town Board by resolution. The Certified Survey Map shall, at a minimum, show correctly on its face, in addition to the information required by s. 236.34, Wis. Stats., all of the following:
 - 1. All existing buildings, fences, water courses, wetlands, lakes, navigable waters, ponds, drainage ditches, waste disposal systems, and other features pertinent to the property division, including the location of water wells, dry wells, drain fields, pipes, culverts, and existing easements, public streets, and any adjoining parks, cemeteries, public roads, streets, subdivisions, ponds, streams, lakes, flowages, wetlands, railroad rights of way, and easements, and public roads.
 - 2. The building envelope and its distance to 2 property lines, if a building location were required and approved by the Town Board.
 - 3. The area of parcels, outlots, and lots in acres.
 - 4. The date of the map.
 - 5. The graphic scale of the map and north arrow.
 - 6. The entire area contiguous to the plat owned or controlled by the owner or land divider.
 - 7. Any floodplain limits.

- C. The Certified Survey Map shall include in its certification, in addition to the information required by s. 236.34, Wis. Stats., all of the following:
 - 1. A legal description of the parcel; the surveyor's name, address, and signature; a statement from the surveyor that the surveyor has fully complied with all the provisions of this ordinance.
 - 2. The owner's name, address, and signature.
 - 3. Signature lines and dates for approval by the Town Chairperson and Town Clerk.
- D. In reviewing the proposed Certified Survey Map for approval, the Town Board shall consider whether it substantially conforms to and is consistent with all of the following:
 - 1. Any and all conditions of approval established by the Town Board, pursuant to this Ordinance.
 - 2. The adopted Town Comprehensive Plans or other applicable Town, County, or municipal land use plans and Ordinances, including any Town, County, or other applicable municipal zoning or plat review Ordinances.
 - 3. All appropriate requirements for Certified Survey Maps and Minor Subdivisions as noted in this Ordinance.

SECTION 14 – EASEMENTS

- A. The Town Board for any land division shall require rear or side outlot, parcel, or lot line utility easements at locations and of widths deemed adequate by the Town Board, but in no case less than 20 feet.
- B. The Town Board shall require that easements or drainageways of widths sufficient to accommodate storm water run-off be provided where a land division area includes a segment or segments of water courses, drainageways, channels, or streams.
- C. Private access easements for ingress and egress within any land division area shall be a minimum of 30 feet in width; excluding easements for lake access.

SECTION 15 – COSTS OF APPLICATION REVIEW

- A. All Land Division Applications and any other appropriate approval requests shall be accompanied by an application fee. The fee shall be established by the Town Board by Resolution or as set forth in the Town of Jackson fee schedule.
- B. All reasonable costs incurred by the Town Board or its agents to properly review each Land Division Applicant shall be the responsibility of the land divider who shall timely pay or reimburse the Town of Jackson for all reasonable or projected engineering, inspection, legal, and administrative costs incurred by the Town of Jackson in reviewing the proposed land division plats and maps. The Town Board may require that all or a portion of the known costs of application approval and variance review be paid in advance.
- C. Other Costs. Any extraordinary costs incurred by the Town or its Agents to properly review each Land Division
- D. Application will be borne by the applicant. The applicant shall be responsible for reimbursing the Town for any necessary engineering, inspection, legal and administrative costs incurred by the Town in reviewing land divisions.

SECTION 16 – VARIANCES

- A. The Town Board may grant and the Town Plan Commission may recommend variances because of exceptional or undue hardship from the provisions of this Ordinance, after a public hearing with a Class I notice of the hearing with written notice by U.S. mail to owners of adjoining lands. The findings of the Town Plan Commission and the Town Board in recommending or permitting any variance shall be, at minimum, that the variance will not violate the purpose of this Ordinance or provisions of Chapter 236 Wis Stats, and that because of the unique topographic or other conditions of the land involved, literal application of this Ordinance will cause an undue hardship to the land divider.
- B. The requirement of filing and recording the land division plat shall not be waived by the Town Board.

SECTION 17 – VIOLATIONS

- A. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, forfeit not less than \$100, plus any additional applicable costs incurred by the town for each offense. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include the following:
 - 1. Recordation improperly made carries penalties as provided in s. 236.30, Wis. stats.
 - 2. Conveyance of lots, outlots, and parcels in unrecorded plats carries penalties as provided in s. 236.31, Wis. stats.
 - 3. Monuments disturbed or not placed carries penalties as provided in s. 236.32, Wis. stats.
- B. No person shall sell land in the Town of Jackson in lots unless the lots, parcels, and outlots have been lawfully approved pursuant to the terms of this ordinance or any predecessor procedure. The unlawful sale of unapproved or unauthorized parcels, outlots, or lots is deemed to be a public nuisance, which may be enjoined by a Court of record.
- C. The provisions of the town citation ordinance shall apply.

SECTION 18 – EFFECTIVE DATE

This ordinance is effective upon publication. The Town Clerk shall properly publish this ordinance as required under s. 60.80, Wis. Stats.

Adopted this _____ day of _____ 2008

Chairman

Clerk

Supervisor

Supervisor