

of unsuitability and present evidence refuting the determination, if so desired. Thereafter, the Town Plan Commission may recommend that the Town Board affirm, modify, or withdraw its prior determination of unsuitability. The Town Board may affirm, modify, or override the Town Plan Commission decision or recommendation. The Town Board shall recite in writing findings for any decision to modify or override the Town Plan Commission's decision or recommendation.

E. If either the Town Board or the Town Plan Commission denies two consecutive Statutory Subdivision Preliminary Plats for the same parcel, no subsequent re-application for a Statutory Subdivision approval of that parcel will be accepted, received, or considered by the Town Board or Town Plan Commission within 3 months of the second denial.

F. The Town Board may delegate by Resolution its proposed Statutory Subdivision preliminary plat approval to the Town Plan Commission for all or part of the approval.

SECTION 18 – FINAL PLAT APPROVAL

A. The Statutory Subdivision Final Plat shall comply fully with ss. 236.11, 236.12, 236.20, 236.21, and 236.25 Wis. stats, in its Statutory Subdivision final plat.

B. The Town of Green Valley 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. A copy of the approved Statutory 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.

E. Prior to any request for any Statutory 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 Green Valley specifically stating that the Town of Green Valley whether or not the Town of Green Valley accepts from the land divider all lands shown on the plat as dedicated to the Town of Green Valley for the public, including street or road dedications.

F. No person shall commence construction of any highway anticipated to be turned over to the Town without having written approval of the proposed highway design signed by the Town Board.

E. Prior to any request for the final Statutory Subdivision approval and recording of the Statutory Subdivision plat, the land divider shall seek and obtain a Resolution from the Town of specifically stating what, if any, public benefit restrictions or conditions have been placed on the platted land by the Town of Green Valley under s. 236.293, Wis. Stats and by any Developer's Agreement and Developer's Schedule. The Town Board, by resolution, may later waive these restrictions or conditions.

F. The Town Board may delegate by Resolution its Final Statutory Subdivision plat approval to the Town Plan Commission.

G. The Town Board or its designee shall approve or reject the Statutory 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.

SECTION 19 – CERTIFIED SURVEY MAP

A. Prior to submittal of any Preliminary map or any Certified Survey Map, the land divider shall have submitted to the Town Clerk the Land Division Application noted in Section Nine (9). A Certified Survey Map prepared by a land surveyor registered in the State of Wisconsin is

required for all minor land divisions that create any parcels, lots or outlots less than 40 acres in area 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 Green Valley 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 or its designee, as the approving authority for the final Certified Survey Map.

B. The Certified Survey Map shall, at 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. 1. The Certified Survey Map is entitled to final approval by the Town Board or the Town Plan Commission, if so designated, only if the Certified Survey Map, together with all required information, is submitted within twelve (12) months of the Land Division Application submitted to the Town Clerk and it substantially conforms and is consistent with to all of the following:

- a. The Land Division Application and sketch map as determined complete and the preliminary documents submitted by the land divider.

- b. Any and all conditions of approval established by the Town Board, pursuant to this Ordinance.

- c. 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.

- d. All appropriate requirements for Certified Survey Maps and Minor Subdivisions as noted in this Ordinance.

SECTION 20 – DESIGN STANDARDS

Any Minor Land division or Statutory Subdivision 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 Green Valley as provided herein. Streets and roads shall conform to any applicable official map

ordinances in effect in the Town of Green Valley. 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. All parcels, outlots, or lots shall have frontage on a public street or public road.
 3. Street and road locations shall be consistent with any applicable Town of Green Valley road plan or Town of Green Valley 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.
 4. Public roads and public streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit.
 5. Minor public streets or roads shall be so laid out so as to discourage their use by through traffic.
 6. 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 insure safe, efficient, traffic flow and adequate protection of residential properties.
 7. A tangent at least 20 feet long shall be required between reverse curves on arterial and collector public streets and roads.
 8. Public streets and public roads shall afford maximum visibility and safety and shall intersect at right angles, where practicable.
 9. 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 land divider of the adjoining land shall dedicate the remaining half of the street.
 10. Permanent dead-end streets, roads, or cul-de-sacs shall have a minimum width of 25 feet, and terminate with a turn-around having an outside roadway diameter of at least 60 feet and a street or road property line of 18 feet for residential, 30' for commercial and 36' for field access.
 11. 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.
 12. 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 be subject to the approval of the Town Board.
 13. Alleys shall have a minimum roadway width of 13 feet.
- B. Block and Lot Design and Improvements.**
1. 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 Green Valley parcel, outlot, lot size, and dimensional requirements. The minimum parcel, outlot, and lot size requirements in area of sparse development will be a two-acre minimum requirement, except within the unincorporated communities, in areas of dense development, or within the boundaries of the sanitary districts. The Town of Green Valley will consider individual requests to reduce the lot size
 - c. Needs for convenient access, circulation, control, and safety of street traffic.

- d. Limitations and opportunities of topography.
- e. Block lengths shall normally not exceed 1320 feet, or be less than 660 feet in length, except cul-de-sacs and permanent dead-end public road or public streets, unless waived specifically by Resolution by the Town Board.
2. 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.
3. 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.
4. Sewer and water facilities, public street and public road paving, and surface water drainage as required by the Town Board of the Town of Green Valley shall be provided for each lot in accordance with specifications approved by the Town Board.

SECTION 21 – MINOR LAND DIVISION

Any division of land less than 40 acres in size, other than a Statutory Subdivision as defined herein, shall be surveyed and a Certified Survey Map shall be prepared and recorded as provided in §236.34 Wis. Stats.

- A. Prior to the preparation of the Map, the land divider shall submit the proposed Minor Land Division to the Town Plan Commission Secretary, along with the information as noted in Section Nine (9) for a completeness determination by the Town Plan Commission Secretary. It shall be reviewed by the Town Board or the Town Plan Commission for preliminary approval to establish conformity and consistency with surrounding existing or proposed developments; adjacent or future highways; schools; other planned public developments; analysis of soil types; topography; erosion control and storm water management; access to any abutting street or highway conformance with this Ordinance, Chapter 236 Wis. Stats, the Town of Green Valley Comprehensive Plan, Established Street and Highway Width Maps, Official Maps, and generally for the effect the Minor Land Division would have on the development of surrounding property. If any lots, parcels, or outlots to be divided are not served by municipal sanitary sewer, soil borings must be submitted for approval in accordance with the State Department of Commerce Administrative Rules.
- B. After preliminary Minor Land Division and Certified Survey Map approval has been granted by the Town Board or Town Plan Commission the land divider may proceed to have drawn a Certified Survey Map in accordance with §236.34 Wis. Stats. The land divider shall be required to dedicate any road right-of-way the Town of Green Valley or Shawano County deems necessary and shall be required to build the highway to the appropriate Highway Standards. The land divider shall comply with all other requirements established by this Ordinance, where applicable. The cash escrow or letter of credit and any Developer's Agreement requirements regarding public and private improvements, as set out in this Ordinance, are applicable to Minor Land Divisions and Certified Survey Maps.
- C. Four (4) copies of the final Certified Survey Map and the necessary fees shall be submitted to the Town Board or the Town Plan Commission. That if so designated, within ninety (90) days of the submission to the Town Clerk of the proposed Certified Survey Map, unless the time is extended by the land divider or his or her agent, shall approve, approve on condition or reject the incomplete proposed Certified Survey Map as required in Section 12. If the Minor Land Division and Certified Survey Map are approved, a Resolution to that effect shall be placed on

the Certified Survey Map and signed by the Town Chair and Town Clerk. The approved Certified Survey Map shall then be recorded in the Office of the Register of Deeds.

D. Prior to request for the Final Land Division approval and as condition of the final approval of the Certified Survey Map, the Town Board or Town Plan Commission, the land divider shall seek to obtain a Resolution from the Town Board specifically stating what, if any, public benefit restrictions will or have been placed on the Minor Land Division and Certified Survey Map approval by the Town Board under §236.293 and §236.45 Wis. Stats and by any Developer's Agreement and Developer's Schedule. These restrictions may include but are not limited to the submission and approval to the Town Board or the Town Plan Commission of construction plans and a time schedule regarding any and all public and private highways and other improvements and a formal guarantee regarding any and all private and public improvements.

E. Any Minor Subdivision shall meet the design standards noted in Section 21.

SECTION 22 – 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.

B. The Town Board shall require that easements or drainage ways of widths sufficient to accommodate storm water run-off be provided where a land division area includes a segment or segments of water courses, drainage ways, channels, or streams.

C. Private access easements for ingress and egress within any land division area shall be a minimum of 66 feet in width, excluding easements for lake access.

D. 'All utility lines for electrical power and telephone service shall be placed on mid-block easements along the rear lot lines wherever carried on overhead poles, except when lots about a lake or stream or where location is deemed engineeringly unfeasible by the utility company involved.'

SECTION 23 – VARIANCES

A. The Town Plan Commission may recommend and the Town Board may grant 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 24 – 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 Green Valley 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, if applicable.

SECTION 25 - SEVERABILITY: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

SECTION 26 - ENFORCEMENT

The Town Board of Supervisors shall be responsible to administer this Ordinance unless it designates by Resolution such other authority.

SECTION 27 - APPEALS

Request for an appeal of the Plan Commission decision should be taken to the The Town Board of Supervisors of the Town of Green Valley. Appeals of the Town Board decision will be taken to the Shawano County Board.

SECTION 28 - ADOPTION OF ORDINANCE

The Town Board of Supervisors, 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 Green Valley. 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 29 - EFFECTIVE DATE

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


Passed on 9/14/05
Vote: for 3 Against 0

Posted in the following public places
within 30 days after board passage:

on 9/14/05
Post Office in Green Valley
Fire Station in Pulcifer
Town Hall in Advance


Arl Rudie, Town Chairperson

Attested By:


Janalee Jenerou, Clerk


Gary Uelmen, Supervisor


Terry Tipton, Supervisor