

## 5.02 General Provisions

- (1) **Jurisdiction.** The jurisdiction of this ordinance shall include all lands and waters within the Town of Greenville.

**Exceptions.** In no instance shall the provisions of this ordinance apply to:

- (a) Transfer of interest in land by Will or pursuant to Court order;
  - (b) Leases for a term not to exceed ten years, mortgages, or easements;
  - (c) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum size required by this ordinance
- (2) **Compliance.** No person, firm or corporation shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division, or replat as defined herein; no such subdivision, land division, or replat shall be entitled to record; and no streets shall be laid out or improvements made to land without compliance with all requirements of this ordinance, and:
- Provisions of Chapter 236, Wisconsin Statutes and 80.08.
  - Rules of the Wisconsin State Division of Health, Department of Health and Social Services, regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.
  - Rules of the State Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivision abuts on a state trunk highway or connecting street.

- All other applicable state statutes and administrative rules.
  - A duly approved Comprehensive Land Use Plan, or any component thereof including the zoning ordinance, official map, and all other applicable ordinances of the Town of Greenville.
  - Applicable local and county ordinances.
- (3) **Building Permits.** The Town shall not issue any building permit relating to any parcel of land forming all or any part of lands included in a subdivision, land division or replat originally submitted to the Town on or after the effective date of this Ordinance until the applicant has complied with all of the provisions and requirements of this Ordinance.
- (4) **Applicability to Condominiums.** This ordinance is expressly applicable to condominium developments within the Town's jurisdiction, pursuant to Wis. Stats. Sec.703.27(1). For purposes of this Ordinance, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of land division or subdivision.
- (5) **Land Suitability.** No land shall be subdivided for residential, commercial or industrial use which is held unsuitable for such use by the Town Board, upon the recommendation of the Planning Commission, for reason of: flooding, inadequate drainage, wetlands, incompatible surrounding land use, adverse soil or rock formation (*which includes but is not limited to soils that require a holding tank*), 12-13-04 unfavorable topography, inadequate water supply or sewage disposal capabilities, unfavorable impact on groundwater supply, quantity or quality, poor management of environmentally sensitive areas or any feature likely to be harmful to the health, safety, or welfare of the future users of the proposed subdivision or of the community.

The determination of land suitability for division shall be made by the Planning Commission during the Development Plan Assessment Review process for any

land division/subdivision. The Planning Commission, in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the land divider/subdivider an opportunity to present evidence regarding such unsuitability if so desired. Thereafter the Planning Commission may affirm, modify or withdraw its determination of unsuitability. The Town Board shall consider the Planning Commission's recommendation when considering approval of a land division. For CSM land divisions where no Town Board approval is necessary, a land divider may appeal the Planning Commission's determination of land unsuitability to the Town Board.

Where the land division or subdivision of a tract of land contains a portion of land unsuitable for development because of poor drainage, floodable conditions, adverse soil conditions, or rock formations, unfavorable topography, inadequate water supply or sewage disposal capabilities, or for any other reason, such areas shall not be divided into buildable sites, and shall be handled as follows:

- (a) **Poor Drainage**. Land subject to ponding, poor permeability or poor drainage, or for other causes as determined by the Town Planning Commission, or its designated agent, and if said land is not zoned as a conservancy or wetland - floodplain district or similar district, on an applicable zoning district map, in which buildings are prohibited, it shall be subject to the following requirements:
  - (1) If said land is designated as park, parkway, other open-space, or other public use on the adopted plan of the Town of Greenville, the developer may dedicate said land to the Town, but in any case must reserve said land for not less than two (2) years for acquisition by the Town;
  - (2) If said land is not designated as a park, parkway, or other public use on an adopted Town plan, then the developer shall cause said land to

be carried in a private easement in the individual deeds affected thereby and no permit shall be issued for a building therein. In addition, appropriate notations shall be placed on the face of the plat.

(3) In lieu of the requirements set forth in paragraph 5.02 (5)(a) 2 above, the developer may, at his expense, prepare a development proposal to be accompanied by a site plan and adequate engineering data to insure that the public health, safety and welfare will not be violated if approved, and to provide a surety bond to the Town of Greenville to insure that such will be done at a specified time if approved.

(b) **Floodable Conditions/Drainage Ways.** If floodplains have been determined and are delineated on applicable district maps, or as determined by the Town Planning Commission from sources available to it, no development shall be allowed except as permitted in applicable floodplain and shoreland ordinances. In designing plats and CSM's, drainage easements shall be shown on the plat where conditions warrant and as determined by the Town Planning Commission or as determined by sources available to it, and building permits shall not be issued therein.

(c) **Adverse Soil and Rock Formation.** Soil suitability for contemplated development in a proposed land division/subdivision shall be determined by the Town Planning Commission from sources available to it. Where soil interpretations determine that a tract of land is unsuitable for development under existing conditions, the developer may submit a proposal for development indicating how, through site and engineering design, the soil problems can be overcome. The proposal shall include a site plan and adequate engineering data. If the plan is approved, the developer shall provide a surety bond to the Town of Greenville to insure that all conditions attached to the approval will be done by a specified time.

In order to determine the precise location of soil types, on-site investigation by soil scientists may be necessary but in areas where no public sewer is available, this investigation is mandatory and may be made by a professional surveyor, engineer or soil scientist at the expense of the developer, and according to procedures established by the State Division of Health, Department of Health and Social Services.

- (6) **Existing Flora:** The land divider/subdivider shall make every effort to protect and retain all existing trees of over 2"caliper, groupings of trees, shrubs, vines, grasses, and other non-noxious plants not actually lying in public roadways, drainageways, building foundation sites, private driveways, waste disposal areas, paths and trails. The land divider/subdivider shall protect and preserve such trees and other flora during construction in accordance with sound conservation practices, (such as the possibility of preserving trees by well islands or retaining walls), whenever abutting grades are altered, pursuant to a landscaping plan filed by the land divider/subdivider.

