

## 5.16 LOT CREATION ORDINANCE

### STANDARDS AND RESTRICTIONS FOR THE CREATION OF LOTS OUTSIDE THE BOUNDARIES OF THE TOWN OF GREENVILLE SANITARY DISTRICT.

**WHEREAS**, pursuant to authority conferred by Section 60.61, 60.62 and 62.23 Wis. Stats., the Town of Greenville has prepared and adopted a comprehensive land use plan for the future growth and development of the Town of Greenville; and

**WHEREAS**, the comprehensive land use plan was based on studies and analysis of past and future growth in the Town of Greenville and recommendations from citizens groups regarding growth and development issues in the Town of Greenville; and

**WHEREAS**, based on the studies, analysis and citizen recommendations, the Town of Greenville Board of Supervisors makes the following findings:

- (1) Over the last five years, 456 new lots were created in the Town of Greenville, seventy-five percent of which were located within the Town of Greenville Sanitary District.
- (2) There has been substantial investment in public infrastructure within the Town of Greenville Sanitary District.
- (3) There are sufficient and suitable areas within the Town of Greenville Sanitary District to accommodate the majority of future Town growth with existing infrastructure or with the cost effective extension of existing infrastructure.
- (4) The uncontrolled division of land for development outside of the Town Sanitary District with traditional subdivision design whereby the entire tract is developed into lots and streets is detrimental to farming, the preservation of open space and the efficient provision of public services and public improvements.
- (5) The public health, safety and general welfare will be promoted by reasonable restrictions and conditions regarding the quantity and design of land divisions and subdivisions in the Town of Greenville outside of the Town Sanitary District.

**NOW THEREFORE**, the Town Board of Supervisors does hereby ordain that the following restrictions and conditions apply to all land divisions and subdivisions in the Town of Greenville outside of the Town Sanitary District.

**SECTION 1**            **PURPOSE**

- (1) To protect and preserve open spaces in the Town.
- (2) To protect and maintain farms and agricultural lands.
- (3) To minimize adverse visual effects of scattered growth.
- (4) To maximize the use of existing public infrastructure in the Town Sanitary District.
- (5) To encourage efficient design in residential subdivisions.

**SECTION 2**            **DEFINITIONS**

- (1) "Conservation easement" 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 availability of real property for agricultural, forest, recreational or open space use, protecting natural resources or preserving historical, architectural or cultural aspects of real property (s.700.40).
- (2) "Conservation subdivision" means *open space will be set aside according to the following formula:*
  - (a) *A minimum of 40 percent of the total parcel acreage for any tract or parcel of land containing 50 percent or more of any one or a combination of the natural features listed below. **(The 40% minimum does not include detention, retention or drainage ponds). 12-13-04***
    - (1) *Wetlands*
    - (2) *Natural Ponds*
    - (3) *Woodland with trees averaging one foot or more in diameter*
    - (4) *Steep slopes (exceeding 12 percent)*
    - (5) *Navigable watercourses including the area within 30 feet of either side of the Ordinary High Water Mark (OHWM).*

- (b) A minimum of **35** percent of the total parcel acreage for any tract or parcel of land containing less than 50 percent of any one or a combination of the natural features listed under sub (a) above. (11-11-02). **The 35% minimum does not include detention, retention or drainage ponds).**
- (3) "Land division" means the division of any lot, tract or parcel of land into two but not more than four lots, tracts or parcels of land regardless of size and for any purpose whatsoever. Land divisions shall be made by certified survey map as defined in s. 236.34 and approved by the Town.
- (4) "Subdivision" means the division of any lot, tract or parcel of land into more than four lots, tracts or parcels of land regardless of size and for any purpose whatsoever.

**SECTION 3                    RESTRICTIONS ON LAND DIVISIONS AND SUBDIVISIONS**

- (1) **Annual Restrictions on Creating Lots Outside of the Town of Greenville Sanitary District.** *The Town of Greenville shall not approve the creation of more than ten (10) lots or parcels by land division, within any given calendar year (January 1 - December 31) outside of the boundaries of the Town of Greenville Sanitary District. The Town of Greenville shall not approve any subdivision plat that does not meet the criteria of a conservation subdivision, outside the boundaries of the Greenville Sanitary District. All conservation subdivisions approved under this ordinance shall be rezoned to R-1 Single-Family District.12-13-04*
- (2) **Exemptions from Restrictions.** The following divisions are exempt from the annual restrictions on creating lots outside of the Town of Greenville Sanitary District.
- (a) One (1) lot for a parent or child of an owner who resides on or owns the parcel proposed to be divided.
- (b) Conservation Subdivision.
- (c) Any division caused by the extension of a public right-of-way or any other act of the Town of Greenville.

**SECTION 4**

**ADMINISTRATION**

- (1) **Reports to the Planning Commission.** The Town Clerk shall keep a record of each submittal for land divisions and subdivisions outside of the Town of Greenville Sanitary District by date and time of submittal. The Town Clerk shall provide a monthly report, in writing, to the Town of Greenville Planning Commission of each submittal and the number of lots proposed to be created by each submittal and the number of lots already created outside of the Town of Greenville Sanitary District in the planning period and the current calendar year.
  
- (2) **Submittals Exceeding Lot Restrictions.** In the event that the Town of Greenville receives approval requests for land divisions and subdivisions exceeding the maximum allowable number of lots for outside of the Town of Greenville Sanitary District, the Town of Greenville shall file such approval requests in the order in which they were received. Within thirty days of receipt of such land division or subdivision, the Town Planning Commission shall notify the applicant in writing that the submittal would not meet the requirements of this ordinance and reject the land division or subdivision until such time that the proposed division or subdivision would not exceed the restrictions herein.

Thereafter, the Town of Greenville Planning Commission and Town Board, in the order of submittal, shall take action to approve, conditionally approve or reject the land division or subdivision consistent with the Town of Greenville Subdivision Ordinance and consistent with this Ordinance.

- (3) **Reports to the Town Board.** The Town of Greenville Planning Commission shall provide by December 15<sup>th</sup> every year, an annual report, in writing, to the Town Board, of the number of lots approved outside of the Town of Greenville Sanitary District, the number of submittals pending. *Text deleted 4-12-04.* In the event that in any given year outside the Sanitary District less than 10 lots are created by land division, and less than 20 lots by subdivision, which are not part of a conservation subdivision, the residual number of allowable lots, in each category, shall carry over into the succeeding calendar year.
  
- (4) **Appeals.** Any person aggrieved by the rejection of a land division or subdivision plat under this ordinance may appeal therefrom within 30 days of notification of the rejection of the land division or subdivision plat to the Town Board.

SECTION 5

REMEDIES AND PENALTIES

- (1) **Remedies.** The Town of Greenville may institute an action for an injunction or other appropriate action or proceeding to enjoin a violation of any provision of this ordinance.
  
- (2) **Penalties.** The Town of Greenville may impose a forfeiture for a violation of this ordinance of not less than \$200.00 or more than \$500.00 plus costs of prosecution upon conviction for any violation. In addition the Town may seek the remedies available under Section 230.30, 236.31 and 236.32 Wis. Stats.

