

**Town of Perry
Dane County, WI**

Land Division Ordinance

1.01 DISCLAIMER

- (1) Multiple Jurisdictions. All persons reviewing the provisions of this Ordinance should be aware that the Town of Perry is only one of a number of governmental bodies that may have jurisdiction over proposed land divisions or development. The Town of Perry cannot make any representations on behalf of any other governmental body. No land division may be made unless all required approvals have been given.
- (2) Binding Acts. No statement or actions by any official, employee, agent, or Committee of the Town of Perry should be construed or taken as a binding act of the Town except a resolution, motion, or Ordinance that has been adopted by the Town of Perry Town Board at a lawfully conducted Town Board meeting, or by the Town electorate at a duly constituted Annual or Special Town Meeting. This includes, but is not limited to, interpretation of this Ordinance.
- (3) Compliance Assurance. The Town of Perry expressly states that it has no responsibility whatsoever for assuring that land and/or buildings sold in the Town are in compliance with any ordinances, regulations, or rules. The Town also assumes no responsibility for the suitability of any property whose subdivision has been approved by the Town Board.

1.02 PURPOSE

The purpose of this Ordinance is to promote the public health, safety, and general welfare of the community, and to preserve agricultural land. The regulations are designed to further the orderly layout and use of land; to avoid undue concentration of population; to facilitate adequate provision for water, sewerage, schools, and conservation areas and to minimize the public impact from division of large tracts into smaller parcels of land; to encourage the most appropriate use of land throughout the Town; to provide the best possible environment for human habitation; and to enforce the goals and policies set forth in the Town of Perry Land Use Plan.

1.03 JURISDICTION

Jurisdiction of these regulations shall include all lands within the Town of Perry. The provisions of this Ordinance, as it applies to divisions of tracts of land into less than 5 parcels, shall not apply to the following:

- (1) Transfers of interest 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 sizes of 35 acres.

1.04 AUTHORITY

These regulations are adopted under the general police powers authority granted pursuant to sec. 60.22(3), 61.34(1), and 236.45 of the Wisconsin Statutes.

1.05 DEFINITIONS

- (4) Certified Survey Map. A map of a land division prepared in accordance with sec. 236.34 of the Wisconsin Statutes and in full compliance with the applicable provisions of this Ordinance. A certified survey has the same legal force and effect as a land division plat.
- (2) Town Board. The Town of Perry Board of Supervisors.
- (3) Town Clerk. Clerk of the Town of Perry.
- (4) Land Division. The division of a parcel or tract of land by the owner or the owner's agent for the purpose of sale or building development where the act of division creates two or more lots or building sites, any one of which is greater than 35, but less than 80, acres in area .
- (5) Lot. A parcel of land 35 acres or larger created by Land division.
- (6) Land Divider. Any person, partnership, corporation, or other legal entity requesting review or action on a land division.
- (7) Parcel. Contiguous lands under the control of a land divider or land dividers not separated by streets, highways, or railroad rights-of-way .
- (8) Land Use Plan. The Town of Perry Land Use Plan.

1.06 COMPLIANCE

No person, partnership, corporation, or legal entity of any sort shall divide any land located within the Town which results in a land division as defined in this Ordinance without full compliance with all requirements of this Ordinance and:

- (1) Chapter 236 of the Wisconsin Statutes;
- (2) Dane County Zoning Regulations, Building Code, Sanitary Code, erosion control, and land Division Regulations;
- (3) State of Wisconsin Department of Industry, Labor, and Human Relations rules on wetlands, shore lands, sewers, and septic systems;
- (4) State of Wisconsin Department of Natural Resources rules on pollution abatement;

- (5) State of Wisconsin Department of Transportation and/or Dane County Highway Department's rules 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 land divider abuts on a state or county trunk highway or connecting road or street; and
- (6) All applicable master plans, zoning ordinances, or official maps adopted under sec. 152.23 of the Wisconsin Statutes, and any other pertinent ordinances and regulations,

Where provisions of this Ordinance impose greater restrictions than (1)-(6) above, it is intended that the provisions of this Ordinance shall apply.

1.07 DIVISION BY CERTIFIED SURVEY

- (7) General. A Certified Survey Map prepared by a land surveyor registered in this state shall be required for all land divisions that create any lots less than 80 acres. All required Certified Survey Maps shall comply in all respects with sec. 236.34 of the Wisconsin Statutes and state survey standards.
- (8) Information Required on the Map Face Page. The map shall show correctly on its face, in addition to the information required by sec. 236.34 of the Wisconsin Statutes, the following :
 - (a) All existing building, water courses, drainage ditches, and other features pertinent to the property division. including the location of water wells, dry wells, drain fields, and pipes.
 - (b) The building envelope and its distance to 2 property lines, if a building location was approved by the Town Board.
 - (c) Date of the map.
 - (d) Graphic scale.
- (9) Information Required on the Signature Page. The map shall include in its certifications, in addition to the information required by sec. 236.34 of the Wisconsin Statutes, the following:.
 - (a) A legal description of the parcel; the surveyor's name, address, and signature; and a statement from the surveyor that he has fully complied with all the provisions of this Ordinance.
 - (b) The owners name, address, and signature.
 - (c) Signature lines and dates for approval by the Town Chairman and Town Clerk.
- (4) Recording. The land divider shall record the Certified Survey Map with the Dane county Register of Deeds after it has been approved , and shall file a certified copy of che recorded map with the Town Clerk within 10 days after the map is recorded.

1.08 PROCEDURES FOR APPROVAL OF DIVISIONS OF LAND

Any land divider who shall divide land located in the Town of Perry which creates a land division as defined in this Ordinance shall comply with the following procedure.

- (12) To Apply. Submit a completed Land Division Application (available from the Town Clerk) with the appropriate fee and the following required attachments to the Town Clerk. The attachments (a) through (d) are described in the Town's Applications Guide, a copy of which is available from the Town Clerk.
 - (a) Plat map.
 - (b) Aerial photo/site analysis.
 - (c) Soil/slope analysis.
 - (d) Site Plan.
- (2) Submission of Certified Survey Map. Upon approval of the Land Division Application by the Land Use Committee and the Town Board, the land divider shall then submit to the Clerk a Certified Survey Map prepared by a registered land surveyor .
- (3) Town Review. After reviewing the Certified Survey Map to ensure that it conforms to the Site Plan approved by the Town Board, the Town Chairman and the Town Clerk shall sign the Certified Survey Map and issue a Land Division Approval.
- (4) Other Permits. No Driveway Permit, Building Permit, or Mobile Home Permit shall be issued for construction on a parcel created by a land division which does not comply with the provisions of this section.
- (5) Application Fee. An application fee of an amount determined by a resolution of the Town Board will be charged. This fee is specified in the "Application Fee Schedule" in the Applications Guide.

1.09 LAND SUITABILITY

- (1) No land shall be divided if the Town Board determines that it will materially interfere with existing agricultural uses or will conflict with other goals and policies as set forth in the Town of Perry Land Use Plan.
- (2) No land shall be divided that is found to be unsuitable as divided for the proposed use(s) by the Town Board for reasons of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate septic or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the community.
- (3) When applying the provisions of this Ordinance, the Land Use Committee shall afford the land divider an opportunity to present evidence regarding suitability of the proposed land division at a public hearing. At this hearing, the Committee shall recite the particular facts upon which it bases its recommendation on the land's suitability for the

proposed use(s). These facts shall be recorded in the minutes of that public hearing. The Town Board may affirm, modify, or override the Committee's recommendation.

1.10 PENALTIES

- (4) Any person, partnership, corporation, or other legal entity who fails to comply with the provisions of this Ordinance shall, upon conviction, be subject to penalties and forfeitures as provided in secs. 236.30, 236.31, 236.32, 236.335 and 236.35 of the Wisconsin Statutes. Each day that the violation continues to exist shall constitute a separate offense.
- (5) The term sub-divider when incorporated by reference herein from Chapter 236 of the Wisconsin Statutes, shall mean land divider as defined in this Ordinance.
- (6) No person shall sell land in lots unless the lots have been lawfully approved pursuant to the terms of this Ordinance or any predecessor procedure. The unlawful sale of lots is deemed to be a public nuisance which may be enjoined by a court of record.

1.11 SEVERABILITY

The provisions of this Ordinance shall be deemed severable, and it is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this Ordinance is held invalid, the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

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1.12 EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

- (1) **Town Board Approval.** This Ordinance was adopted by the Town Board on this 14th day of May, 1996.

(signed copy on file)