

**Town of Spring Brook  
Dunn County, Wisconsin**

**Land Division Ordinance**

**SECTION 1 – TITLE/PURPOSE**

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

- A. Promoting the public health, safety, and general welfare of the Town of Spring Brook.
- B. Promoting the planned and orderly layout and use of the land in the Town of Spring Brook.
- C. Encouraging the most appropriate use of the land throughout the Town of Spring Brook.
- D. Minimizing the public impact resulting from the division of large tracts into smaller parcels of land in the Town of Spring Brook.
- E. Promoting the rural and agricultural character, scenic vistas, and natural beauty of the Town of Spring Brook.
- F. Providing for administration and enforcement of this Ordinance by the Town Board.

**SECTION 2 – AUTHORITY**

This Ordinance was adopted under the statutory authority granted pursuant to the Village Powers of the Town of Spring Brook, to 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 26, 2006 from the Town Planning Agency under ss. 61.35, 62.23 and 236.45 (2), Wis. Stats, which for the Town of Spring Brook is the Town of Spring Brook 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 Spring Brook. 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. Minor Land Division means any division of land of six acres or less.
- B. Major Land Division means any division of land of more than six acres.
- C. Family means an individual or two or more persons related by blood, marriage or adoption, or not more than five (5) persons who are not so related, living together in one single-family dwelling and are not charged for provisions and needs.
- D. Multi-Family Dwelling means a building or portion thereof used for occupancy by two (2) or more families living independently of each other and containing two or more dwelling units, with the number of families not exceeding the number of dwelling units.
- E. Subdivision or division of land means the act or process of dividing land into two or more lots or building sites.
- F. Land Split means to split off one parcel from the mother tract.

**SECTION 5 – EXEMPTIONS**

Any exemptions from this Ordinance must be approved by the Town Board of the Town of Spring Brook, Dunn County.

## **SECTION 6 – COVERAGE/COMPLIANCE**

- A. This Ordinance applies to all lands in the Town of Spring Brook. 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 Spring Brook subject to the requirements of this Ordinance and no land division, including any Cluster Development, Conservation Subdivision, a Statutory Subdivision, a Certified Survey Map, Condominium Plat, Minor or Major Land Division, shall be entitled to be recorded in the Office of the Register of Deeds for Dunn 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. Chapter 236, Wis. stats.
  - 2. The Town of Spring Brook Comprehensive Plan adopted under s. 66.1001, Wis. stats., or other Town Land Use Plan or any component thereof.
- C. 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 Spring Brook, 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.
- D. All land division approvals required by the State Department of Administration or its successor Department for specific land divisions, including any Statutory Subdivisions, Minor Land Divisions, or Certified Surveys shall be obtained prior to final approval by the Town Board or its designees.
- E. 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.

## **SECTION 7 - SUBDIVISION LAND USE ORDINANCE**

- A. Any subdivision of six (6) acres or less will require no less than one acre per single-family dwelling or building site.
- B. Any subdivision of more than six (6) acres will require no less than 2.5 acres per single-family dwelling or building site.
- C. Any lot for multi-family dwellings will require no less than 1.5 acres per family.

## **SECTION 8 – SPECIFIC COMPLIANCE PROVISIONS**

- A. No land shall be issued a land division approval if the Town Board of the Town of Spring Brook determines that any proposed land division plat, or Certified Survey Map will interfere with existing agricultural uses or will conflict with other goals, objectives, 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. The land division minimum lot size requirements in this Ordinance apply rather than any other applicable municipal zoning regulations related to minimum lot sizes.
- B. No land shall be issued a land division approval for a purpose that poses a threat to the quality or quantity of groundwater in the Town of Spring Brook.
- C. No person shall be issued any land division approval by the Town of Spring Brook Plan Commission until the appropriate application fees have been paid to the Town Clerk.
- D. No person shall be issued any land division approval by the Town of Spring Brook who has failed to properly and fully complete and submit to the Town Board the application form developed and provided by the Town of Spring Brook.
- E. 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 Dunn County.
- F. No person shall be issued a final land division plat approval unless all public improvements to be constructed or installed are met as required by the Town Board.

- G. The Town of Spring Brook shall not be responsible, with respect to any final land division for any public improvements, [if applicable 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.]
- H. Any subdivision of more than six (6) acres will require two access roads.

## **SECTION 9 – APPLICATION AND SKETCH MAP SUBMITTAL**

- A. Any land divider who divides or proposes to divide for land division purposes land located in the Town of Spring Brook that will create a land division, including a Cluster Development, Statutory Subdivision, Certified Survey Map, Condominium Plat, Minor Land Division, Replat, or revision of an existing land division shall, prior to any 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.
- B. With any initial Land Division Application the land divider shall submit to the Town Clerk a sketch map at a scale of 1 inch= 200 feet or other appropriate scale. Each submission shall include all contiguously owned land except the sketch map need not show more than 20 times the area of the intended certified survey.
- C. The Town Clerk shall review for completion the initial Land Division Application and sketch map for completeness, including payment of applicable application fees, within ten (10) working days of receipt. The Town Clerk shall thereafter notify the land divider by certified 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 five (5) working days after filing, transmit the copies of any complete or incomplete Land Division Application and sketch map to the Town Board or the Town Plan Commission if so designated by the Town Board.
- D. The Town Clerk shall send to the land divider, by certified mail, a notice and agenda of the scheduled date of the Town Board or 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, and sketch map to the Town Board or Town Plan Commission, if so designated by the Town Board, 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 Board or Town Plan Commission to recommend denial of any later requested approvals for the land division.

## **SECTION 10 – SUBDIVISION PRELIMINARY APPROVAL, CONDITIONAL APPROVAL, REJECTION**

- A. Prior to approval the land divider shall have submitted the Land Division Application noted in Section 9. The Statutory Subdivision Preliminary Plat, sketch map, and other relevant document information, including the Land Division Application, shall be reviewed by the Town Board or 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 Spring Brook 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 Statutory Subdivision.
- B. A Statutory Subdivision Preliminary Plat shall be required for all proposed Statutory Subdivisions and 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.

## **SECTION 11 – PLAT APPROVAL**

- A. The Statutory Subdivision 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 Spring Brook 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 Town Board or its designee shall approve or reject the Statutory Subdivision Final Plat within ninety (90) 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.
- D. Before final development plans will be approved by the Town of Spring Brook, the developer or his agent shall submit a performance bond with surety, to ensure that measures could be taken by the Town of Spring Brook at the developer's expense should he fail to complete the public facilities for the project within a reasonable time frame. The developer shall submit an estimate of the cost of public facilities within the development. Upon acceptance of the estimate the Town of Spring Brook will determine the amount of the required bond.

## **SECTION 12 – 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 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.

## **SECTION 13 – COSTS**

- 1. 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 Spring Brook Fee Schedule.
- 2. 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 Spring Brook for all reasonable or projected engineering, inspection, legal, and administrative costs incurred by the Town of Spring Brook 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.

## **SECTION 14 – 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 15 – VIOLATIONS**

- A. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Ordinance shall, upon conviction, pay a forfeiture as referred to in the Town of Spring Brook Fee Schedule, plus any additional applicable costs incurred by the town for each offense.
- B. No person shall sell land in the Town of Spring Brook 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.

## **SECTION 16 – 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.

Adopted this 9th day of October 2006

Town Board of Town of Spring Brook,

Dunn County, Wisconsin.

Attest:

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Marvin D. Saxton, Chairperson

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Mary L. Strand, Clerk

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Michael J.H. Hase, Supervisor #1

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John E. Schaefer, Supervisor #2