

**Town of Salem
Pierce 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 Salem is only one of a number of governmental bodies that may have jurisdiction over proposed land divisions or development. The Town of Salem 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 Salem 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 -Salem, 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 Salem 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 and productivity. The regulations are designed to further the orderly layout and use 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, objectives, and policies set forth in the Comprehensive Plan.

1.03 JURISDICTION

Jurisdiction of these regulations shall include all lands within the Town of Salem, regardless of whether the land is already divided by natural boundaries. 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 size of 1 acre.

1.04 AUTHORITY

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

1.05 DEFINITIONS

- (1) 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) Comprehensive Plan. Town of Salem Comprehensive Plan.
- (3) Land Divider. Any person, partnership, corporation, or other legal entity requesting review or action on a land division.
- (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 15 acres or less in area.
- (5) Lot. A parcel of land 15 acres or less created by a land division.
- (6) Parcel. Contiguous lands under the control of a land divider.
- (7) Subdivision. A land division that creates 5 or more lots, or that creates 5 or more lots by successive division within a 5-year period. New subdivisions are not allowed in the Town.
- (8) Town Board. The Town of Salem Board of Supervisors.
- (9) Town Clerk. Clerk of the Town of Salem.

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 applicable requirements of local, county, state, and federal entities. New subdivisions shall not be allowed in the Town. Where provisions of this Ordinance impose greater restrictions than those of the other entities noted, it is intended that the provisions of this Ordinance shall apply.

1.07 DIVISION BY CERTIFIED SURVEY

- (1) 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 of 15 acres or less.

All required Certified Survey Maps shall comply in all respects with sec. 236.34 of the Wisconsin Statutes and state survey standards and Chapter 237 of the Pierce County Code of Ordinances.

- (2) **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 buildings, water courses, drainage ditches, and other features pertinent to the property division, including the location of roads, water wells, dry wells, drain fields, and pipes
 - (c) Date of the map
 - (d) Graphic scale
 - (e) Location map
 - (f) Driveway location
 - (g) Setback lines (buildable area)
 - (h) Any easements
 - (I) Density Points
- (3) **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 owner's 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 Pierce County Register of Deeds after it has been approved, and shall file a certified copy of the 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 Salem, which creates a land division as defined in this Ordinance shall comply with the following procedure.

- (1) **Application.** Submit the appropriate fee and the following required attachments to the Town Clerk.
 - (a) CSM or (plot map if required)
 - (b) Aerial photo/site analysis
 - (c) Soil/slope analysis
 - (d) Site Plan
 - (e) Intended use

- (f) Driveway or road layout
 - (g) Buildable area/setback lines
 - (h) Available density points
- (2) Submission of Certified Survey Map. Upon approval of the Land Division by the Town Planning 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) Hearing Procedure. When applying the provisions of this Ordinance, the Town Board 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 Planning 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 Planning Committee's recommendation.
- (5) Other Permits. No Driveway Permit or Building Permit shall be issued for construction on a parcel created by a land division which does not comply with the provisions of this section.
- (6) Application Fee. An application fee of an amount determined by a resolution of the Town Board will be charged.

1.09 LAND SUITABILITY

- (1) No land shall be divided if the Town Board determines that it will materially interfere with existing agricultural uses, historic or environmentally sensitive areas, or will conflict with other goals and policies as set forth in the Comprehensive 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, lack of street frontage or road access, unusually irregular lot shapes, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the community.

1.10 DESIGN STANDARDS

- (1) Density. No more than 4 lots may be created on each 40 acres of contiguous land under the same ownership.
- (2) Minimum Lot Size. 1 acre, exclusive of land in any rights-of-way or easements.
- (3) Setbacks. Setbacks from a Town road shall be 75 feet from the centerline of the road or 42 feet from the edge of right of way, whichever is greater. Side setback: 10 feet. Rear setback: 10 feet.

1.11 DEVELOPMENT AGREEMENT

- (1) Before or as a condition of receiving final approval from the Town Board of a certified survey map for which public improvements are required; or for which public improvements, dedications, or fees are being deferred under this ordinance, the Town may require that a sub-divider sign and file a development agreement with the Town Board. The development agreements shall be approved as to form by the Town Attorney, and shall be approved by the Town Board prior to approval of the final certified survey map.

1.12 PENALTIES

- (1) 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 sections. 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.
- (2) 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.
- (3) 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.

1.13 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.

1.14 EFFECTIVE DATE

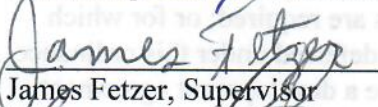
This Ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

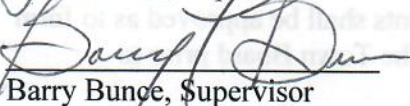
(1) Town Board Approval. This Ordinance was adopted by the Town Board on this

8th day of May, 2012.

APPROVED BY:


Paul Shingledecker, Chairman


James Fetzer, Supervisor


Barry Bunce, Supervisor

ATTESTED BY:


Lynette Traynor, Clerk

(2) Public Notice

(a) Public Review. A notice was published in the newspaper on 3/27/12 + 4/03/12, 2012 to inform residents that a final draft of this Ordinance was on file with the Town Clerk for a two week period (3/27-4/10) during which it was available for inspection.

(b) Posting. A Notice of Adoption of Ordinances relating to this Ordinance was posted on May 8, 2012, 2012 at the Salem Town Hall.

(c) Publication. A Notice of Adoption of Ordinances relating to this Ordinance was published in the Pierce County Herald newspaper, the publication of record for the Town of Salem on May 15, 2012.