

**Land Division Ordinance
Of the Town of Bradley
Lincoln County, Wisconsin
Ordinance 1-07**

February 2, 2007

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Land Division Ordinance of the Town of Bradley

Article I General Provisions

1.1 Title

This Ordinance shall be known, referred to, or cited as the “Land Division Ordinance of the Town of Bradley” or Chapter ___ of the Town of Bradley General Code. The Land Division Ordinance of the Town of Bradley may hereafter be referred to as “this Ordinance.”

1.2 Authority

These regulations are adopted under the authority granted by Sections 60.22(3), 61.34 and 236.45 of the Wisconsin Statutes. The Board of Supervisors of the Town of Bradley, Lincoln County, Wisconsin, do ordain as follows.

1.3 Purpose and Intent

This Ordinance is intended to regulate the division of land within the Town of Bradley in order to promote the public health, safety, aesthetics and general welfare of the community. More particularly, and without limitation, it is the purpose of this Ordinance to:

1. Implement the Town of Bradley comprehensive plan by helping to ensure that development and division of lands are consistent with policies and development standards set forth in plans, codes, and ordinances adopted by the Town. Relevant portions of the Town of Bradley Land Use Plan (2001) include, but are not necessarily limited to, the following:
 - A. The goals and objectives.
 - 1) Preserve rural character and lakes.
 - 2) Maintain a small town character.
 - 3) Improve water quality and minimize pollution.
 - B. The land use plan map description and designations with respect to the expressed intent and desired land use and development character.
 - C. The plan recommendations, including:
 - 1) Keep intensive non-farm development away from planned *Agriculture*, *Public Forest*, and *Private Forest* areas, and locate the new homes that are built in *Agriculture* areas out of productive fields.
 - 2) Provide logical public access points to the Town’s developed lakes.
 - 3) Preserve environmental corridors and large blocks of open lands to protect water quality, maintain connections among habitats, and provide appropriate hunting grounds.
 - 4) Plan for a network of interconnected new roads in planned residential development areas, for reasons of highway access control, rural character preservation (visibility of development), and the current inaccessibility of certain planned development areas.

- 5) Support access control and rural character objectives by discouraging large amounts of “side of the road” development on State and County highways.
 - 6) Provide new neighborhood parks within the areas planned for significant *Rural Single Family Residential* uses.
 - 7) Areas planned for future residential growth should be developed within the objectives of protecting groundwater, surface water, floodplain, stream beds, watersheds, and wetlands. Development densities should not exceed the capacity of the native soil to handle wastewater, or the capacity of the native aquifer to provide safe drinking water. Cluster development may be used in rural residential areas, but development densities that exceed that of conventional development will be discouraged.
 - 8) Encourage developers to plan for new neighborhoods using the principles of “conservation neighborhood design,” particularly in areas with significant natural resources.
2. Supplement Lincoln County land division, zoning, and other land use controls.
 3. Strengthen local control of land use decisions and maintain the ability and right to control Town destiny.
 4. Promote the planned and orderly layout and appropriate use of land.
 5. Avoid the harmful effects of premature division or development of land.
 6. Lessen congestion, avoid undue concentration of population, and prevent overcrowding of lands, streets, and highways.
 7. Secure safety from fire, panic, flooding, water pollution, disease and other hazards.
 8. Facilitate and ensure adequate provision of housing, transportation, water, sewerage, stormwater management, schools, parks, and other public facilities and services.
 9. Obtain the wise use, conservation, and protection of the Town’s soil, water, wetland, woodland, farmland, and wildlife resources.
 10. Prevent and control erosion, sedimentation, and other pollution of surface and subsurface waters.
 11. Preserve and enhance the rural nature of residential, commercial, and other developed land uses in the Town.
 12. Recognize the public need for recreation and open space.
 13. Preserve natural vegetation and promote the rural character and natural beauty of the Town.

1.4 Disclaimer

1. *Multiple Jurisdictions.* All persons reviewing the provisions of this Ordinance should be aware that the Town of Bradley is only one of a number of governmental bodies that may have jurisdiction over proposed land divisions or development. The Town of Bradley cannot make any representations on behalf of any other government body. This Ordinance shall by reference include subsequent updates and amendments of any applicable ordinances. 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 Plan Commission of the Town of Bradley 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 Bradley Town Board at a lawfully conducted Town Board meeting. This includes, but is not limited to, interpretation of this Ordinance.

3. *Compliance Assurance.* The Town of Bradley 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 land division has been approved by the Town Board.

1.5 Applicability

The provisions of this Ordinance shall apply to divisions of land in the Town of Bradley as follows:

1. A condominium development or unit, including a land only condominium, and any associated limited common element shall be deemed equivalent to a lot or parcel created by the act of land division.
2. The division of a lot, parcel or tract by the owner thereof or his agent for the purpose of transfer or development which results in the creation of one (1) to four (4) lots of less than ten (10) acres in lot area from the same contiguous parcel held in single ownership as of the date of the first division. Such land divisions shall comply with the requirements of ARTICLE II (Design Standards, Dedications, and Improvements), ARTICLE III (Minor Land Divisions), the Lincoln County Subdivision and Platting Ordinance, the Lincoln County Zoning Ordinance, and all other applicable terms of this Ordinance.
3. The division of a lot, parcel or tract by a subdivider for the purpose of transfer or development which results in the creation of more than four (4) lots of less than ten (10) acres in lot area; or where the act of division creates more than four (4) lots of less than ten (10) acres in lot area over a five (5) year period from the same contiguous parcel held in single ownership as of the date of the first division. Such land divisions shall comply with the provisions of ARTICLE II (Design Standards, Dedications, and Improvements), ARTICLE IV (Major Land Divisions), the Lincoln County Subdivision and Platting Ordinance, the Lincoln County Zoning Ordinance, and all other applicable terms of this Ordinance.
4. Exceptions. The provisions of this Ordinance shall not apply to:
 - A. Existing parcels or lots not proposed for further division;
 - B. Transfers of interests in land by will or pursuant to court orders;
 - C. Leases for a term not to exceed ten (10) years, mortgages or easements;
 - D. Sale or exchange of parcels of and between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Ordinance, the Lincoln County Zoning Ordinance, or other applicable laws or ordinances;
 - E. Cemetery plats and assessors plats made under Wisconsin Statutes Sections 70.27 and 157.07.
 - F. Large lot splits as defined by the Lincoln County Subdivision and Platting Ordinance.

1.6 Abrogation and Greater Restrictions

1. This Ordinance shall not repeal, abrogate, annul, impair or interfere with existing easements, covenants, agreements, rules, regulations, or permits previously adopted or issued pursuant to laws. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.
2. All other ordinances or resolutions or parts thereof of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

1.7 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes.

1.8 Severability

If any section, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

1.9 Compliance

No person, firm or corporation shall divide any land located within the jurisdictional limits of this Ordinance which results in a major land division, minor land division, or a replat as defined herein and no such division or replat shall be entitled to record and no street shall be laid out or improvements made to land without compliance with the applicable requirements of this Ordinance.

1.10 Development Agreements

In connection with any major land division approval, or with minor land divisions as deemed necessary, the Town Board shall be authorized to enter into a Development Agreement with the applicant/developer. Development Agreements may include provisions clarifying duties to construct specific improvements, the phasing of construction, the timing, location and financing of infrastructure, reimbursement for oversized infrastructure, vesting of property rights for periods of not more than 10 years, assurances that adequate public facilities (including roads, water, sewer, fire protection and emergency medical services) will be available as they are needed to serve the development, and mitigation of anticipated impacts of the development on the general public or the environment. The Town Board shall not approve any major land divisions, or minor land divisions as deemed necessary, unless and until the Subdivider shall post a security bond (cash or irrevocable letter of credit) meeting the approval of the Town Board as a guaranty that all road improvements will be made in accordance with the Development Agreement. Refer to the Lincoln County Subdivision and Platting Ordinance for additional Development Agreement requirements.

1.11 Cooperative Exercise

1. The Town of Bradley recognizes the overlapping jurisdiction of the Town and Lincoln County with regard to land division review. It is the intent of Town of Bradley that:
 - A. Land divisions are reviewed cooperatively with respect to procedure, and that this Ordinance adopt and supplement the applicable provisions of the Lincoln County Subdivision and Platting Ordinance.
 - B. Recommendations will be provided to Lincoln County on the basis of the provisions contained in this Ordinance.
 - C. Lincoln County in its review and approval of land divisions uphold the provisions of this Ordinance where the Town has adopted parallel provisions that are more restrictive than those of the Lincoln County Subdivision and Platting Ordinance.
2. Any city, village, town, county, or regional planning commission may, pursuant to Wis. Stat. Section 66.0301, agree with any other city, village, town, county or regional planning commission for the cooperative exercise of the authority to approve or review plats.

Article II Design Standards, Dedications and Improvements

2.1 Lincoln County Provisions Adopted

The Town of Bradley adopts by reference all applicable design standards, dedication requirements, and improvement requirements of the Lincoln County Subdivision and Platting Ordinance.

2.2 Additional Town Provisions

1. Lots. All lots and building sites created and applicable under the terms specified in section 1.5 shall adhere to the following provisions:
 - A. Plan Consistency. Any land division, with respect to both development density and proposed use, shall be consistent with the Town of Bradley comprehensive plan.
 - B. Minimum Lot Size. No lot, parcel, tract, condominium unit, or building site subject to the jurisdiction of this Ordinance shall contain less than 50,000 square feet. For the process of land division review, if a different minimum lot size is prescribed by the Lincoln County Zoning Ordinance, then the more restrictive provision shall apply.
 - C. Maximum Density of Principle Building Sites. The maximum number of individual sites intended for principle buildings within a condominium plat or for a tourist lodging land use shall not exceed one unit per 50,000 square feet of lot area.
 - D. Maximum Number of Dwelling Units. Unless otherwise approved as a multiple family structure or tourist lodging facility, there shall be no more than one dwelling unit per lot, parcel, tract, condominium unit, or building site.
2. Sanitation. For lots not served by public sewer, each lot in a land division shall contain adequate area suitable for a Private On-site Waste Treatment System (POWTS) other than a holding tank. At least one soil boring per proposed lot shall be conducted by a certified soil tester using methods conforming with applicable Wisconsin Department of Commerce regulations.

3. Roads. All roads and streets proposed for construction in association with a land division shall adhere to the following provisions:
 - A. Standards. The arrangement, character, extent, width, grade, location, and construction specifications of roads shall conform to applicable road plans and standards officially adopted by the Town of Bradley and Lincoln County.
 - B. Development Agreement. In the event of conditions set forth in section 1.10, the Town of Bradley may enter into a Development Agreement with the applicant and hold the applicant to the standards and conditions as set forth therein.
 - C. Area Development Plans. Area Development Plans (ADP) shall be required to display the potential for road connectivity. An ADP shall consist of a map which displays the potential layout and connectivity of roads on parcels adjacent to proposed permanent or temporary cul-de-sacs.
 - D. Cul-de-Sacs. The unrestricted use of cul-de-sacs or courts will not be acceptable. In particular, cul-de-sacs and courts designed to simply meet minimum frontage requirements and maximize the number of parcels within a subdivision will not be accepted.
 - 1) Cul-de-sacs shall be restricted within the Town in order to promote connectivity between subdivisions, and to allow for the efficient delivery of Town services, such as snowplowing, garbage pick-up, emergency calls, and bus routing.
 - 2) The Town Plan Commission or Town Board may allow a permanent cul-de-sac upon review of an Area Development Plan (ADP) and determination that a through road is not desirable due to the presence of wetlands, topography, or other limiting physical conditions.
 - 3) Where a temporary cul-de-sac is proposed, the road shall be platted and constructed to the exterior boundary of the parcel being divided in order to enable future connection to the adjacent lands.

4. Land Dedication

- A. Public Ways. Whenever a tract of land to be divided embraces all or any part of an arterial street, drainage way, or other public way which has been designated in the Town of Bradley comprehensive plan or a plan component, the public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on the plan or plan component.
- B. Parkland Dedications. The Town may accept lands dedicated for public use in accordance with the specifications established by the Lincoln County Subdivision and Platting Ordinance.

Article III Minor Land Divisions

3.1 Certified Survey Map Required

Minor land divisions require approval under this section. Approval of a Certified Survey Map (CSM) shall be required.

3.2 Procedure - Certified Survey Map

1. Submittal. The subdivider shall submit a certified survey map and a letter of intent describing the intended land use(s), timeline, anticipated public improvements, and any other information that will assist the Plan Commission during review. A certified survey map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes, the standards set forth in this Ordinance, and provisions set forth in the Lincoln County Subdivision and Platting Ordinance. Proof of POWTS suitability and any improvements necessary for proper use of the subject parcels shall be required as specified by this Ordinance.
2. The subdivider shall submit to the Town Clerk 10 copies of a CSM, accompanied with an application fee as determined by the Town fee schedule, on or before the submittal deadline preceding the date of a scheduled Plan Commission meeting at which review of the minor land division is desired. For lots not served by public sewer, the applicant shall also provide information on the suitability for POWTS on each proposed lot.
3. The Town Clerk shall, within two (2) days after filing, transmit copies of the CSM to the Plan Commission.
4. The CSM shall be reviewed by the Plan Commission for conformance with this Ordinance and all ordinances, rules, regulations, and plans which affect it. The Plan Commission shall, within 65 days from the date of filing of the CSM, recommend approval, conditional approval, or rejection, unless the review time is extended by agreement with the applicant, and shall transmit the CSM along with its recommendations to the Town Board.
5. The Town Board shall approve, approve conditionally, or reject the CSM within 75 days from the date of filing of the CSM unless the time is extended by agreement with the subdivider. If the CSM is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the applicant. If the CSM is approved, the Town Board shall cause the Town Clerk to so certify on the face of the original CSM and return the CSM to the subdivider. Failure of the Board to act within 75 days or extension thereof, shall constitute approval.
6. If the review time is not met due to failure of Town administration, the chairperson of the Town Plan Commission and the chairperson of the Town Board may elect to grant approval and sign the certified survey map if the CSM submitted is substantially the same plan as given tentative approval, without the re-review and approval process of the Plan Commission.
7. The certified survey map shall be recorded with the County Register of Deeds after the certificates of the Town Board, Lincoln County, and the surveyor are placed on the face of the CSM. Failure to record the final CSM within 12 months of Town Board approval shall result in the voiding of the CSM approval.

Article IV Major Land Divisions

4.1 Subdivision Plat Required

Major land divisions require approval under this section. Approval of a preliminary plat and a final plat shall be required in accordance with the procedures established in this section.

4.2 Preliminary Consultation

Prior to filing a preliminary plat for approval, the applicant should consult with the Town of Bradley Plan Commission and the Lincoln County Zoning Department for assistance and to become informed of the purpose and intent of these regulations. A conceptual layout of the proposed land division is sufficient for this stage of review.

4.3 Procedure - Preliminary Plat

1. Submittal. The subdivider shall submit a preliminary plat and a letter of intent describing the intended land use(s), timeline, anticipated public improvements, and any other information that will assist the Plan Commission during review. The preliminary plat shall be prepared in accordance with the applicable requirements of Chapter 236 of the Wisconsin Statutes, the standards set forth in this Ordinance, provisions set forth in the Lincoln County Subdivision and Platting Ordinance, and any other applicable ordinance. The subdivider shall submit to the Town Clerk 10 copies of the preliminary plat, accompanied by an application fee as determined by the Town fee schedule, on or before the submittal deadline preceding the date of a scheduled Plan Commission meeting at which review of the major land division is desired. For lots not served by public sewer, the applicant shall also provide information on the suitability for POWTS on each proposed lot.
2. Detailed Plans. Where required by this Ordinance or by the Lincoln County Subdivision and Platting Ordinance, the following plans shall also be submitted to the Town for review along with the preliminary plat.
 - A. Area Development Plan. An ADP may be required by the Plan Commission in accordance with section 2.2.3 of this Ordinance.
 - B. POWTS Suitability. At least one soil boring per proposed lot shall be conducted in accordance with section 2.2.2 of this Ordinance.
 - C. Street Plans and Profiles.
 - D. Grading Plan.
 - E. Erosion Control and Stormwater Management Plan.
 - F. Utility Plans.
 - G. Street Lighting and Signage Plans.
 - H. Planting Plans.
 - I. Temporary Fencing Plans.
 - J. Public Parkland Plans.
 - K. Itemized Cost Estimates for Proposed Public Facilities.
3. The preliminary plat shall be reviewed by the Plan Commission for conformance with this Ordinance. The Plan Commission shall, within 65 days from the date of filing of the preliminary plat, recommend approval, conditional approval, or rejection, unless the time is

extended by agreement with the subdivider, and shall transmit the preliminary plat along with its recommendations to the Town Board.

4. The Board, within 75 days of the date of filing of preliminary plat with the Clerk, shall approve, approve conditionally, or reject the preliminary plat unless the time is extended by agreement with the subdivider. Approval shall constitute preliminary acceptance of any dedications of land to the Town of Bradley. One (1) copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One (1) copy of the plat and letter of application shall be permanently filed. Failure of the Town Board to act within seventy-five (75) days or extension thereof, shall constitute approval.
5. Approval or conditional approval of a preliminary plat shall constitute approval of the final plat, if the final plat is submitted within 24 months of preliminary plat approval and conforms substantially to the preliminary plat layout in accordance with Section 236.11(1)(b) of the Wisconsin Statutes. Preliminary plat approval or conditional approval of the layout submitted shall guide the preparation of the final plat. Construction may not commence until approval has been granted by all appropriate agencies.

4.4 Procedure - Final Plat

1. Submittal. The subdivider shall prepare a final plat in accordance with the applicable requirements of Chapter 236 of the Wisconsin Statutes, the standards set forth in this Ordinance, provisions set forth in the Lincoln County Subdivision and Platting Ordinance, and any other applicable ordinance. If there are no changes to the preliminary plat as submitted and approved in section 4.3 of this Ordinance, the final plat can be directly submitted to the Town Board for approval. If no changes have occurred, a letter of notification shall be submitted to the Town Clerk for distribution to the Plan Commission. If change(s) to the plat have occurred, the applicant shall proceed as directed in section 4.4.2.
2. The subdivider shall submit to the Town Clerk 10 copies of the final plat on or before the submittal deadline preceding the date of a scheduled Plan Commission meeting at which review of the major land division is desired. The Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat and the requirements of this Ordinance. The Plan Commission shall recommend approval, conditional approval or rejection, unless review time is extended by agreement with the applicant, within 35 days of the date of submittal and shall transmit the final plat along with its recommendation to the Town Board.
4. The final plat may be rejected if it is not submitted within 24 months of the date of preliminary plat approval. Approval will not be granted until all formal objections of the objecting or approving agencies are satisfied. Objecting and approving agencies may include the Wisconsin Department of Administration (for land divisions that meet the state definition of a plat), the Wisconsin Department of Commerce (for land divisions that rely on POWTS for wastewater disposal), the Wisconsin Department of Natural Resources (for land divisions involving shorelands or within 500 feet of navigable waters), the Lincoln

County Planning and Zoning Department (for land divisions that meet the County definition of a plat), and the City of Tomohawk (for land divisions that fall under the extraterritorial authority of the City). The applicant must submit written proof of compliance.

5. The Town Board shall, within 45 days of the date of filing the final plat with the Clerk, approve or reject such plat unless the time is extended by agreement with the subdivider. Approval shall constitute acceptance of any dedications of land to the Town of Bradley. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. Failure of the Board to act within 45 days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.

4.5 Recordation

1. After the final plat has been approved by the Town Board and required improvements either installed or a contract and sureties ensuring their installation is filed, the Town Board shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the County Register of Deeds. Failure to record the final plat within 12 months of Town Board approval shall result in the voiding of the plat approval.
2. Copies. The subdivider shall submit two (2) copies of the final plat to the Town Clerk for filing with the Town Board and Plan Commission.

4.6 Replats

1. When it is proposed to replat all or any part of a recorded subdivision, if it alters areas dedicated to the public, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Sections 236.36 through 236.445 of the Wisconsin Statutes. The subdivider or person wishing to replat, shall then proceed as specified in this Ordinance.
2. The Town Clerk shall schedule a public hearing before the Town Board when a preliminary plat of a replat of land is filed, and shall mail notices of the proposed replat and public hearing to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within two hundred (200) feet of the exterior boundaries of the proposed replat.

Article V Administration and Enforcement

5.1 Administration

The administration and enforcement of the provisions of this Ordinance shall be the responsibility of the Bradley Town Board with advice and recommendation support from the Bradley Plan Commission and any other technical, legal, or policy advisor.

5.2 Modifications

When the Town Board finds that extraordinary hardship or practical difficulties may result from strict compliance with the minimum lot size regulation and/or the purposes of this Ordinance may be serviced to a greater extent by an alternative proposal, it may approve modifications to this Ordinance so that substantial justice may be done and the public interest secured, provided that such modifications shall not have the effect of nullifying the intent and purpose of the regulations; and further provided that the Board shall not approve the modifications unless it shall make findings based upon the evidence presented to it at a public hearing in each specific case that:

1. The creating of the modification will not be detrimental to the public safety, health or welfare, or injurious to other properties; and
2. The conditions upon which the request is based are unique to the property for which the modification is sought and are not applicable generally to other properties; and
3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this Ordinance is carried out.

5.3 Fees

1. Application Review Fee. All minor and major land division applications shall be accompanied by an application review fee established by the Town Board as set forth in the Town of Bradley Fee Schedule. Fees shall be levied to defray the cost of review and administration.
2. Third Party Review. In order to obtain independent professional opinions of engineers, attorneys, planners, landscape architects, or the like, the Town shall be authorized to consult with one or more third parties in connection with the review of a land division, condominium plat, or any component thereof, including the drafting of contracts between the Town and the subdivider. The subdivider shall pay a fee equal to the cost of any such legal, fiscal, engineering, or planning analyses which may be undertaken by the Town.
3. Review Deposit.
 - A. The subdivider shall pay a fee to defray the direct and indirect costs associated with the processing, advertising, review, and inspection of subdivision plats or land divisions. Fees shall be paid to the Town Treasurer to defray the costs incurred by the Town and its appointed commissions, representatives, agents, and employees, which may include, but are not limited to, the Plan Commission, Town Board, Planner, Engineer, Attorney, or other independent third party, to ensure compliance with all ordinances, codes, specifications, plans, and other policies and regulations adopted by the Town. Fees shall be established in the Town fee schedule by resolution and may be revised from time to time by the Town Board.

- B. Fees shall be paid at the time of first application for approval of any preliminary plat or certified survey map. Fees shall be deposited into a non-interest bearing fund from which the Town may make periodic withdrawals to defray the costs associated with processing, advertising, reviewing, and inspecting plans and documents. Additional deposits to the fund may be required if the initial fee deposit is expected to be insufficient to defray all costs. Any funds remaining after Town review, or upon withdrawal, shall be returned to the subdivider.

5.4 Violations

It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Ordinance or the Wisconsin Statutes; and no person, firm or corporation shall be issued a building permit, authorizing the building on, or improvement of, any major subdivision, minor land division or replat within the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance until the provisions and requirements of this Ordinance have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes.

5.5 Penalties

Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than One Hundred dollars (\$100) nor more than One Thousand Dollars (\$1,000) and the costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a separate offense.

1. Recordation improperly made has penalties provided in Section 236.30 of the Wisconsin Statutes.
2. Conveyance of lots in unrecorded plats has penalties provided in Section 236.31 of the Wisconsin Statutes.
3. Monuments disturbed or not placed have penalties provided in Section 236.32 of the Wisconsin Statutes.
4. Assessor's Plat made under Section 70.27 of the Wisconsin Statutes may be ordered by the Town at the expense of the subdivider when a subdivision is created by successive divisions.

5.6 Amendments

The Bradley Town Board may upon recommendation of the Plan Commission amend, supplement or repeal any of these regulations after public notice and hearing and as may be required by Chapter 236 of the Wisconsin Statutes.

Article VI Definitions

6.1 Lincoln County Definitions

The definitions of the Lincoln County Subdivision and Platting Ordinance are adopted and incorporated by reference into this Ordinance. The following definitions are repeated here for convenient reference:

CERTIFIED SURVEY MAP: A map used to create and record a minor subdivision, prepared by a registered land surveyor, in compliance with the provisions of Wisconsin Statutes Section 236.34 and this chapter. Also referred to as a “CSM.”

CUL-DE-SAC: A type of street that is intended to be permanently closed at one end with a turnaround (often referred to as a cul-de-sac bulb) provided for passenger vehicles.

DWELLING UNIT: A room or group of rooms, providing or intending to provide permanent living quarters for not more than one family.

EASEMENT: A non-possessory interest in real property that entitles its holder to a specific limited use or enjoyment, such as for utilities or ingress and egress, as may be specified with the specific easement.

LARGE LOT SPLIT: The division of a lot, parcel or tract for the purpose of transfer or development which results in the creation of one or more lots between ten (10) and twenty (20) acres in lot area.

LOT: A parcel or tract of land defined by metes and bounds, certified survey map, recorded subdivision plat, or other means of description recorded with the Register of Deeds and separated from other lots by such description. Also referred to as a “lot of record.”

LOT AREA: The square footage of a lot, exclusive of any public or rail right-of-way, public roadway easement, the beds of navigable bodies of water, or portions of a lot narrower than thirty (30) feet in width. Measurements are to be made using standard surveying methods. For purposes of determining lot area, the most recent certified survey map or plat recorded in the County Register of Deeds’ office, if any, shall take precedence over any other document.

PARCEL: One piece of land owned by a single entity which may or may not coincide with a lot of record.

PLAT: A map used to create and record a major subdivision, prepared by a registered land surveyor, in compliance with the provisions of Wisconsin Statutes Chapter 236 and this chapter.

PRINCIPAL BUILDING: A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot in which it is located.

PRIVATE ON-SITE WASTE TREATMENT SYSTEM (POWTS): A sewage treatment and disposal system serving a single principal building with a septic tank and soil absorption field,

holding tank, or alternative private sewage system located on the same lot as the principal building. POWTS are regulated under COMM 83, Wis. Adm. Code and other state regulations.

PUBLIC SANITARY SEWER SERVICE: All facilities of a public utility or sanitary district with taxing authority for collection, transporting, storing, pumping, treatment and final disposition of sewage.

REPLAT. The changing of the boundaries of a recorded subdivision plat or part thereof.

SUBDIVIDER. Any person or persons, firm or corporation or any agent thereof, that creates a subdivision as defined in this chapter.

SUBDIVISION: See “Subdivision, Minor” or “Subdivision, Major.”

SUBDIVISION, MAJOR: The division of a lot, parcel or tract by a subdivider for the purpose of transfer or development which results in the creation of more than four (4) lots of less than ten (10) acres in lot area; or where the act of division creates more than four (4) lots of less than ten (10) acres in lot area over a five (5) year period from the same contiguous parcel held in single ownership as of the date of the first division.

SUBDIVISION, MINOR: The division of a lot, parcel or tract by the owner thereof or his agent for the purpose of transfer or development which results in the creation of one (1) to four (4) lots of less than ten (10) acres in lot area from the same contiguous parcel held in single ownership as of the date of the first division.

TEN ACRES: A ¼ of a ¼ of a ¼ section, or other standard metes and bounds or other legal description of land of similar acreage, which is commonly referred to as “10-acres,” exclusive of right-of-way and regardless of actual net acreage.

6.2 Additional Definitions

The following definitions apply to this Ordinance and are provided in addition to those incorporated by reference to the Lincoln County Subdivision and Platting Ordinance.

Area Development Plan (ADP). A community, developer, or property owner prepared plan for the future development of a part of the town, including the proposed land use pattern, zoning, road alignments, lot patterns, locations of any utilities or public buildings, parks or open spaces, environmentally sensitive lands, any trails, and a development phasing timetable. Area Development Plans shall include an assessment of the potential for road connectivity between a proposed land division and current or future development on adjacent properties. Also known as a Neighborhood Development Plan.

Board. The Town of Bradley Board of Supervisors.

Commission. The Town of Bradley Plan Commission.

Comprehensive Plan. A comprehensive plan, land use plan, or component thereof, including any subsequent amendments, adopted by the Town of Bradley.

Land Division or Division of Land. The act or process of dividing land into two or more lots or building sites. Also referred to by the Lincoln County Subdivision and Platting Ordinance as a “subdivision.” Also see the definitions for Major Land Division and Minor Land Division.

Land Only Condominium. A condominium established according to Ch. 703, Wis. Stats., in which land is allocated into building sites where the individual portions of land are defined as “units.”

Letter of Intent. A statement submitted by a subdivider at the time of application describing, at a minimum, the intended land use(s), timeline for development, and anticipated public improvements for the subject proposed land division. It may also include any other information that will assist the Plan Commission during review of the related land division.

Lot. Designated parcel, tract, or area of land, less than 10 acres in size, established by subdivision plat, condo plat, land division, or as otherwise permitted by law to be conveyed, used, developed, or built upon as a unit.

Major Land Division. Refer to “Major Subdivision” in section 6.1.

Minor Land Division. Refer to “Minor Subdivision” in section 6.1.

Town. The Town of Bradley, Lincoln County, Wisconsin.

Adoption and Effective Date

Plan Commission Recommendation

The Plan Commission recommended the adoption of the Land Division Ordinance of the Town of Bradley at a meeting held on the 18th day of December, 2006.

Public Hearing

The Town of Bradley held a public hearing on the proposed Land Division Ordinance of the Town of Bradley on the 1st day of February, 2007.

Town Board Approval

The Town Board of the Town of Bradley concurred with the recommendations of the Plan Commission and adopted the Land Division Ordinance of the Town of Bradley at a meeting held on the 12 day of February, 2007.

Effective Date

The Land Division Ordinance of the Town of Bradley shall take effect and be in force the day after passage and publication and upon the filing of proof of publication in the office of the Town Clerk.

Date of Publication: February 27, 2007

Effective Date: February 27, 2007

Jack Huston
Town Chair, Jack Huston

ATTEST:

Ann Eckman
Town Clerk, Ann Eckman