

TOWN OF COLFAX

SUBDIVISION/ LAND DIVISION

ORDINANCE

AN ORDINANCE DEFINING THE PRACTICE OF LAND
SUBDIVISION AND REGULATING THE PRACTICE SO
DEFINED

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The Town Board of the Town of Colfax, Dunn County, Wisconsin acting pursuant to the authority granted by Section 236.45 of the Wisconsin Statutes, does ordain as follows:

SECTION 1. STATEMENT OF PURPOSE AND INTENT

- A. Purpose- The purpose of this ordinance is to regulate and control the division of land within the Town of Colfax, in order to promote the public health, safety, and general welfare in the Town.
- B. Intent- The specific intentions of this ordinance are:
 - 1. to encourage the orderly layout and efficient use of land;
 - 2. to promote efficient and desirable utilization of land by recognizing significant features such as slopes; topography, soils, vegetation, wetlands, and wildlife habitat;
 - 3. to provide and ensure safe and efficient public roads;
 - 4. to allow for adequate access to residences by emergency vehicles;
 - 5. to protect the quality of surface water, ground water and wetlands;
 - 6. to provide for adequate septic and sewage facilities;
 - 7. to guard against negative environmental impacts;
 - 8. to preserve the capacity for flood plains to carry on discharge flood waters;

9. to conserve the natural scenic beauty of the Town;
10. to preserve the rural residential and/or agricultural character of the Town.

SECTION 2. JURISDICTION

This ordinance shall apply to all land subdivisions, as defined in Section 4 as well as to condominiums, which occur or are proposed to occur within the geographic limits of the Town of Colfax. The Town Approving Authority as referenced in this ordinance is the standing Town Board unless or until such time the Town Board appoints a separate Town Approval Authority.

SECTION 3. COMPLIANCE

- A. Approval by the approving authority of the Town of Colfax shall be required prior to the division of a lot or parcel or tract of land in the Town of Colfax into one or more new lots, parcels or tracts when the lots, parcels or tracts being created by such division are a subdivision, as defined in Section 4, unless the division is included within one or more exemptions listed in Section 236.03(2) or Section 236.45 (2)(a) 1-3 of the Wisconsin Statutes.
- B. The following activities are declared to be violations of the ordinance:
 1. To convey, offer to convey or contract to convey a subdivision or a lot, tract or parcel within such a subdivision without having the subdivision approved pursuant to this ordinance; or
 2. To record a survey map, a plat, or a metes and bounds description of a lot, parcel or tract, thereby creating a subdivision, without such subdivision having been approved pursuant to this ordinance; or
 3. To fail to comply with all standards of this ordinance and all conditions which are imposed by the Town approval unit in the course of its review and approval of subdivision.
- C. The approving authority of the Town as to all major and minor subdivisions is the Town Board; provided, however, that any such proposed subdivision shall be first submitted to the Town Planning Commission which shall make its recommendation to the Town Board in writing. If the recommendation is for disapproval, the reasons for disapproval shall be stated in the written recommendation.

SECTION 4. DEFINITION AND CLASSIFICATION OF SUBDIVISIONS

- A. For purposes of this ordinance, a subdivision is any division of a parcel with a separate legal description and/or parcel number, which existed on the effective date of this ordinance by the party owning, regardless of size, or by his/her agent for the purpose of transfer of ownership or building development where the act of division creates one or more new parcels of land. A survey must be done on all divisions of land less than 20 acres, and submitted to the Town of Colfax for approval. A minimum lot and or parcel size set by the Town of Colfax is set at 4.0 acres, on all divisions of land.

- B. Subdivisions, as defined above, are classified for purposes of this ordinance as follows:
1. Minor subdivisions are those subdivisions, which fall within the terms of Section 5.3.02 of the Dunn County Comprehensive Zoning Ordinance, which is adopted herein by reference.
 2. County Plats are those subdivisions, which fall within the term as of Section 5.3.03 of the Dunn County Comprehensive Zoning Subdivision Ordinance, which is adopted herein by reference.
 3. Town of Colfax has established that all parcels of land created by CSM'S must be a minimum of 4.0 acres or more.
 4. Individual tax parcels may be subdivided by major subdivisions as defined or minor subdivisions as defined but not both within the same time frame.

SECTION 5. PROCEDURES FOR TOWN REVIEW OF SUBDIVISIONS

- A. Applications for Town approval of Minor Subdivisions shall be submitted to the Town approving authority in the same form submitted to the County. The application shall be submitted to the Town Clerk and the applicant must have final Town action prior to a decision by the County Planning and Zoning and Resource Committee. The Town approving authority shall receive, review and approve or disapprove the application within 60 days, based upon compliance of the application with the standards of Section 5.4 of the Dunn County Comprehensive Zoning Ordinance, adopted herein by reference, and upon compliance of the application with the standards of this Colfax Subdivision Ordinance and other applicable Town requirements, ordinances, or regulations.
- B. Applications for Town approval of County Plats shall be submitted to the Town approving authority in the same form submitted to the County. The application shall be submitted to the Town Clerk and the applicant must have final Town action prior to a decision by the County Planning and Zoning and Resource Committee. The Town approving authority shall receive, review and approve or disapprove the application of a preliminary plat within 90 days and of a final plat within 60 days, based upon compliance of the application with the standards of Sections 5.4 and 5.5 of the Dunn County Comprehensive Zoning Ordinance, adopted herein by reference, and upon compliance of the application with the standards of this Colfax Subdivision Ordinance and other applicable Town requirements, ordinances, or regulations.
- C. Applications for Town approval of Major Subdivisions shall be submitted to the Town approving authority in the same form submitted to the County. The application shall be submitted to the Town Clerk and the applicant must have final Town action prior to a decision by the County Planning and Zoning and

Resource Committee. The Town approving authority shall receive, review and approve or disapprove the application of a preliminary plat within 90 days and of a final plat within 60 days, based upon compliance of the application with the standards of Sections 5.4 and 5.5 of the Dunn County Comprehensive Zoning Ordinance, adopted herein by reference, and upon compliance of the application with the standards of this Colfax Subdivision Ordinance and other applicable Town requirements, ordinances, or regulations.

D. Additional Procedural Rules.

1. Recording of Approvals.
 - a. County Plats. When the Town approving authority determines to approve a County Plat, the decision shall be stated in a letter sent to the applicant with a copy sent to the County Zoning Administrator.
 - b. Minor Subdivisions. When the Town approving authority determines to approve a Minor Subdivision, the clerk of the Town approving authority shall certify the approval on the face of the Certified Survey Map in a space provided for that purpose by the maker of the map. A copy of the map with the signed certificate shall be sent to the County Zoning Administrator.
 - c. Major Subdivisions - Preliminary Plats. When the Town approving authority determines to approve a Preliminary Plat of Major Subdivision, the decision shall be stated on a letter sent to the applicant with a copy sent to the County Zoning Administrator.
 - d. Major Subdivisions - Final Plats. When the Town approving authority determines to approve a Final Plat of a Major Subdivision, the Clerk of the approving authority shall certify the approval on the face of the plat in a space provided for that purpose. A copy of the plat with the signed certificate shall be sent to the County Zoning Administrator.
2. Conditions of Approval. The Town approving authority may impose conditions upon its approval of a Subdivision, provided that such conditions shall be stated in writing and given to the applicant and shall be limited to requiring compliance of the subdivision with the standards of the ordinance, other Town ordinances or Chapter 236 of the Wisconsin Statutes.
3. Disapprovals. When the Town approving authority determines to disapprove a subdivision it shall place a written statement of the reasons for the rejection in the minutes of the meeting at which the decision was made and shall supply the applicant with a copy of the minutes or a written statement of the reasons contained therein.
4. Extension of time periods. The time periods provided for in Section 5A, B and C of this ordinance may be extended by agreement with the subdivider. The County Zoning Administrator shall be promptly notified of any such extensions.
5. Failure to act within time period. The failure of the Town approving

authority to act within the time periods specified shall be deemed an approval of the application. Upon written request by the applicant, the clerk or secretary of the Town approving authority shall issue a letter or execute a certificate of approval following an approval under this paragraph.

6. Appeals. Any person aggrieved by the failure of the Town approving authority to approve a subdivision may appeal the rejection to the courts as provided in Section 236.13(5) of the Wisconsin Statutes.

SECTION 6. SUBDIVISION STANDARDS

A. Statement of Intent

The Town is governed by the Dunn County Comprehensive Zoning Ordinance. The ordinance is comprehensive in character and addresses more features or aspects of land subdivision than are addressed by the standards of this ordinance. Where the standards of the Colfax Town Ordinance are more restrictive than standards of the County Ordinance for aspects of land subdivision, the Town standards shall apply.

B. Suitability of Lands for Subdivision

No land shall be subdivided which is held unsuitable for its purposed use by the Town approving authority for reasons of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewerage capabilities or any other feature or circumstances likely to result in the imposition of unreasonable costs to remedy severe and unavoidable problems or to be harmful to the health, safety or general welfare of the future residents of the subdivision or the community.

- C. In relation to the Dunn County Comprehensive Zoning Ordinance (1993) Section 23.08, the minimum side yard setback shall be 30 feet for principle and accessory structures.

SECTION 7. FINANCIAL GUARANTEE

If the facilities and improvements required under this ordinance have not been fully installed at the time the plat is submitted for final approval, the subdivider shall file with the Town Treasurer a surety bond executed by the subdivider as principal and a responsible bonding company duly licensed and authorized to do business in the State of Wisconsin as surety, payable to the Town of Colfax, and conditioned upon the faithful performance and payment of any and all work to be performed by the subdivider pursuant to this ordinance, according to an approved time schedule; or shall furnish other satisfactory financial guarantee for that purpose. Such bond or such other financial guarantee shall be approved by the Town Board and shall be of an amount determined by the Town Board on the basis of satisfactory evidence to be sufficient to cover the costs of completing the facilities and improvements.

SECTION 8. DEFINITIONS

The definitions contained in Chapter 12 of the Dunn County Zoning Ordinance shall be applicable except as noted in Section 4 of this Ordinance

SECTION 9. VARIANCES

- A. The Town Board may grant variances from the provisions of the ordinance, but only after determining that:
 - 1. Because of the unique conditions of the subdivision involved, literal application of the Chapter would impose a hardship or enforcement of the road for easement requirements would be wasteful in view of the limited planned and future use of the road.
 - 2. The variance would not violate the purposes of this ordinance or the provisions of Chapter 236 of the Wisconsin Statutes.

- B. The requirement of filing and recording plat for subdivision shall not be waived.

SECTION 10. ENFORCEMENT

The provisions of this ordinance may be enforced by an action to enjoin any obligation and to cure or correct any condition constituting a violation. In addition, any person violating this ordinance shall forfeit not less than \$100 or more than \$1,000 for each violation. Each day that a violation continues shall constitute a separate violation.

Penalties and/or forfeitures in this Ordinance are also covered in the Citation Ordinance. If there is a conflict between this and the Citation Ordinance, the Citation has precedence.

SECTION 11. SEVERABILITY

If any section, clause, 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.

SECTION 12. EFFECTIVE DATE

This ordinance shall become effective on its passage and publication.

ATTEST:



Gary Klukas
Chairman, Town of Colfax

Michelle Albright

Michelle Albright
Clerk, Town of Colfax

Posted at the Colfax Town Hall August 16, 2006 by

Notice of Passage Published in the Colfax Messenger August 22, 2006

A Special Meeting will be held August ¹⁶~~9~~, 2006, at 7:30 PM at the Colfax Town Hall to discuss and vote on the above ordinance.