

TOWN OF MINONG, WASHBURN COUNTY, WISCONSIN

SUBDIVISION ORDINANCE # 21

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1.1 Authority: The Town Board of the Town of Minong, Washburn County, WI, after required notification and proper procedure at open public board meetings do ordain as follows;

1.2 Purpose: The purpose of this Ordinance is to regulate and control the division of land within

the limits of the Town of Minong, Washburn County, Wisconsin, in order to accomplish all of the following purposes:

- A. Promoting the public health, safety, and general welfare of the Town of Minong.
- B. Supplementing County, State, and Federal land division controls to implement any Town Comprehensive plan, master plan, or other land use plans.
- C. Promoting the planned and orderly layout and use of the land in the Town of Minong.
- D. Encouraging the most appropriate use of the land throughout the Town of Minong.
- E. Minimizing the public impact resulting from the division of large tracts into smaller parcels of land in the Town of Minong.
- F. Facilitating the adequate provision of transportation, water, sewage, health, education, recreation, and other public requirements in the Town of Minong.
- G. Providing the best possible environment for human habitation in the Town of Minong.
- H. Enforcing the goals and policies set forth in any Town Comprehensive Plan, master plan, or other land use plans.
- I. Ensuring that the design of the street system will not have a negative long-term effect on neighborhood quality, traffic flow, and safety in the Town of Minong.
- J. Realizing goals, objectives, policies, and development standards set forth in plans, codes, and ordinances adopted by the Town of Minong.
- K. Securing safety from fire, flooding, and other dangers in the Town of Minong.
- L. Avoiding the inefficient and uneconomical extension of governmental services in the Town of Minong.
- M. Promoting the rural and North Woods character, scenic vistas, and natural beauty of the Town of Minong.
- N. Regulate the development of condominium projects.
- O. Insure accurate legal descriptions.
- P. Providing for administration and enforcement of this Ordinance by the Town

Board

1.3 Definitions: The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means a narrow service way providing a secondary public means of access to abutting properties.

Arterial or major highway means a street which serves or is designed to serve the rapid movement of concentrated volumes of traffic over relatively long distances. This type of street provides primarily for movement between rather than within activity areas.

Block means a parcel or tract of land bounded on at least one side by a public street and on the other sides by natural or manmade barriers or unplatted land.

Collector street means a street which serves or is designed to serve the moderate speed movement traffic from minor streets to arterials or major highways and to provide access to individual lots. This type of a street provides for movement within rather than between activity areas.

Condominium means a building or a group of buildings in which units are owned individually and the building common areas are facilities are owned by all owners on a proportional undivided basis. A condominium is a legal form of ownership and not a specific building type or style.

County zoning committee means a county zoning committee authorized by Wis. Stats. § 59.69 or any agency created by the board and authorized by statute to plan land use.

Dead-end street means a street with only one vehicular outlet.

Division of land means the creation of a parcel or tract of land having an area of nine acres or less, for the purpose of sale or building development.

AMENDMENT 2/12/07: Driveway means a private approach to one, or two lots. Access to three or more

lots constitutes a minor or “collector street” – see above definition.

Easement means authorization by a property owner for the use of another, and for a specified purpose, of any designated part of his property.

Minor or local street means a street which serves or is intended to serve primarily as an access to abutting lots.

Navigable water means any body of water which is navigable under the laws of the state.

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Street includes streets, roads, avenues, lanes or other ways.

Subdivider means any person who shall lay out, for the purpose of sale or building development, any subdivision or part of a subdivision.

AMENDMENT 2/12/07: Subdivision, (no longer major or minor) now means any division of a lot, parcel or tract of land by the owner or his agent for the purpose of sale or building development, where:

(1) The act of division creates three or more parcels of a minimum lot size of 1 1/2 acres each, up to a maximum size of nine acres – see above definition of division of land.

1.4. Scope:

(a) Except as provided in section 1.5 every division of land within the Town of Minong shall be subject to the provisions of this chapter.

(b) All divisions of land subject to this chapter shall also be in conformity with county zoning, county sanitary code, and any official map ordinances in effect in the county.

1.5 Exceptions: This chapter shall not apply to divisions exempt from platting controls under the provisions of Wis. Stats. §§ 236.03 and 236.45(2). County (Ord. No. 44, § II(C))

1.6 Required Installations:

- (a) Before the final plat is approved by the Town board, the subdivider shall install all improvements required by this chapter. In lieu of such installation, the owner may post with the Town clerk, cash, negotiable securities, or surety bond to the Town of Minong, in value sufficient to cover the full estimated cost as certified by the Town Board or county highway commissioner, to assure the satisfactory installation of the improvements as set forth in this chapter. If a surety bond is used, it shall be approved by the board.
- (b) **AMENDMENT 02/12/07:** A subdivision accessed by an existing private road shall be required to upgrade the road to meet town road specifications, See below. The extent of such road improvements shall be continuous from the start of the private road to the part that abuts the new subdivision, inclusive.
- (c) The specifications for all improvements shall be approved by the Town board. Prior to acceptance of the improvements by the board or release of the developers bond, all improvements shall be inspected by the Town board and or county highway commissioner and found to have been installed according to Town and County Road specifications. Per Town Resolution # 32 below, and Per County (Ord. No. 44, § II(F), (G))

ROAD SPECIFICATIONS – TOWN OF MINONG

1. 26 FEET WIDE – 20 FOOT ROAD BED AND 3 FOOT SHOULDERS ON BOTH SIDES.
2. RIGHT OF WAY CLEARED 33 FEET BOTH SIDES OF THE CENTERLINE.
3. ROAD MUST BE DITCHED AND WATERBARS, WHERE NEEDED.
4. CULVERTS, IF NEEDED.
5. 6 INCHES OF GRAVEL – 4 INCHES COMPACTED.
6. HILLS NEED TO BE SEEDED AND MATTED.
7. ANY BARE EARTH NEEDS TO BE SEEDED.
8. ALL CULVERTS MUST BE RIP RAPPED.
9. THE GRADE SHOULD NOT EXCEED A MAXIMUM OF 5%.
10. BLACKTOPPED ROAD BED

1.7 Unsuitable Land: Land which is deemed unsuitable for any proposed development by the town board or the county zoning committee for reason of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the community shall not be subdivided.

Furthermore, lands may be deemed unsuitable for development when the proposed subdivision is likely to have detrimental effects on unique or fragile environmental features. Examples of such land could

include wetlands and nesting sites of specific protected birds.

In applying the provisions of this section, the town board shall, recite the particular facts upon which it bases its conclusion that the proposed development is unsuitable and afford the subdivider an opportunity to present evidence regarding such suitability if he so desires at a town board meeting as provided in this chapter. Thereafter, the town board may affirm, modify or withdraw its determination of unsuitability. (County Ord. No. 44, § II(H))

1.8 Lots not Requiring a Plat: Lots created not requiring a plat; county zoning committee review and recorded certified surveys. Any proposed division of land where lots are created but insufficient numbers and area to require submission of a plat under the requirements of Wis. Stats. ch. 236 or to constitute a subdivision shall comply with the Town Ordinances, provisions of the county sanitary code; the Washburn County Zoning Ordinance, and the standards of Wis. Admin. Code, of the division of health, and shall be approved by the county zoning administrator or the county zoning committee, as the case may be, in accordance with the procedure for submitting certified survey maps in section 62-54. A certified survey map may also be required where the proposed division might result in boundary problems or disputes, such as divisions of land within 1 1/2 miles of incorporated cities and villages or in developed unincorporated areas. Such certified survey maps shall meet the requirements of Wis. Stats. § 236.34.(County Ord. of 11-13-1979, § III)

1.9 Planned Unit Developments: Proposed cluster and planned unit development shall be located in the planned unit development (PUD) district, and shall be prepared in such a way as to address the considerations set forth in the Washburn County Zoning Ordinance. Lands dedicated to the public, must be accepted by action of the governing bodies of the accepting unit of government. If land is to be conveyed to owners of lots in the development, a homeowners association or similar legally constituted body shall be created to maintain the openspace land. (County Ord. No. 44, § VII; Ord. of 7-18-1978, § VII)

1.10 Condominium developments: Proposed condominium development shall comply in all respects with the requirements of Sec. 703.11 WI Statutes, and adequate open space shall be provided so that the average density and intensity of land use shall be no greater than that permitted for the town or county zoning district in which it is located.

1.11 Reservations: The county zoning committee or town board may require that suitable sites be dedicated or reserved for future public uses such as parks, playgrounds and open spaces. In locating such sites, consideration shall be given to preserving scenic and historic sites, stands of fine trees, marshes and shorelines. Reservation of land for public acquisition shall be for an indefinite period, with review every three years to determine whether or not to extend the reservation. (County Ord. No. 44, § IX)

1.12 Variances:

(a) The county zoning committee and the town of Minong may grant variances from the provisions of this chapter after holding a public hearing, with ten days' notice in writing to owners

of adjoining lands and upon finding that:

(1) Because of the unique topographic or other conditions of the lands involved, literal application of this chapter would impose a hardship.

(2) The variance will not violate the purpose of this chapter or the provisions of Wis. Stats. ch. 236.

(b) The requirement of filing and recording a plat for a subdivision or a certified survey

(County Ord. No. 44, § X)

1.13 General Interpretation: This chapter shall not repeal, impair or modify private easements or covenants governing the use of lands; except it shall be applicable to the extent that it imposes stricter regulations. (County Ord. No. 44, § I)

1.14 General administration: The Town Board, the county zoning committee or its duly authorized staff shall be responsible for administration of this chapter.(County Ord. No. 44, § II(A)) Secs. 62-14--62-50. Reserved.

1.15 Enforcement and penalties: The county zoning administrator shall have responsibility for enforcement of this chapter. No land use permit shall be issued for construction on any lot until the final plat for the subdivision has been duly recorded or the certified survey map recorded. Any person who violates this chapter shall be subject to section 1-8.

(County Ord. No. 44, § XII)

1.16 Conflict: If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or application of this ordinance which can be given effect without the invalid or unconstitutional provision.

1.17 Effective Date: This ordinance shall be in full force and effective on the _____ day

of _____ 2006, after proper notice and publication of said ordinance according to

law. Voted by role call vote – AYES _____ NAYES _____ and adopted by the Minong

Town Board at a properly noticed Town Board Meeting held on _____ Filed this

_____ day of _____ 2006. **AMENDED THIS 12TH DAY OF MARCH 2007.**

**ATTESTED BY TOWN CLERK, TOWN OF
MINONG**

TOWN CLERK

DATE