

Ordinance Number 07-19-99

Town of Farmington
Waupaca County, Wisconsin

LAND DIVISION ORDINANCE

Section 1: Purpose

The Town of Farmington Land Division Ordinance will regulate and control the division of land within the Town of Farmington, Waupaca County, Wisconsin. This ordinance will:

- Further promote the public health, safety and welfare.
- Encourage orderly layout and use of the land as identified in the Town of Farmington Stormwater Management and Land Use Development Plan.
- Lessen congestion of streets and highways including proper ingress and egress.
- Promote proper monumenting of divided land and conveyance by accurate legal description.
- Facilitate the orderly division of large tracts into smaller parcels of land.

Section 2: Authority

The Town Board of the Town of Farmington has the specific statutory authority, powers and duties, pursuant to Chapter 236, (1996-1997) Wis. Stats., and by its adoption of village powers under Sec. 60.10, (1996-97) Wis. Stats. to implement a land division ordinance.

Section 3: Adoption of Ordinance

The Town Board of the Town of Farmington has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this ordinance.

Section 4: Abrogation and Greater Restrictions

It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances,

rules, regulations, or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes a greater restriction, the provisions of this ordinance shall apply.

Section 5: Severability

If any section of this ordinance is declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance in its entirety or any part thereof other than that so declared to be invalid.

Section 6: Interpretation

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

Section 7: Definitions

- a. Unsewered residential area/lot - shall mean all land/lot not connected to the Chain-O-Lakes Sanitary District.
- b. Sewered residential area/lot - shall mean all land/lot connected to the Chain-O-Lakes Sanitary District.
- c. Land Division shall mean any division of a larger parcel into 2 or more parcels, but shall not include any exchange of land between adjacent property owners where no new parcels are created.
- d. 2 1/2 acre lot - shall mean 108,900 square feet exclusive of land reserved for public access or road right of way
- e. Planned rural residential development - shall mean a division of land (minimum one acre lot subdivision) with deed restricted, commonly owned or publicly owned land (minimum 50% of total parcel) exclusive of public road right of ways.

Section 8: Administration

The Town of Farmington shall review this ordinance periodically and shall amend this ordinance when appropriate and necessary. In addition, the Town of Farmington will:

- Maintain the original Town of Farmington Land Division Ordinance and any amendments to this ordinance.
- Maintain all applications for Land Divisions in the Town of Farmington.
- Approve or disapprove any Land Divisions.
- Assure that a copy of each Land Division is provided to the Waupaca County Planning and Zoning Department.
- Recommend enforcement actions against violators of the Town of Farmington Land Division Ordinance.

For all land to be divided as a subdivision within one-half (1/2) mile of the corporate limits of the City of Waupaca, pursuant to Section 236.10, (1996-1997) Wis. Stats., the City of Waupaca must approve the final plat of a subdivision before it can be recorded with the Register of Deeds for the County of Waupaca.

For all lands divided as a subdivision within the Town of Farmington, the County of Waupaca must approve the final plat of the subdivision before it can be recorded with the Register of Deeds for County of Waupaca:

Section 9: Exemptions

This ordinance does not apply to:

- Cemetery plats
- Assessors plats, except as noted in Chapter 236, (1996-1997) Wis. Stats.
- Transfers by court order
- Easements
- Mortgages
- Leases for less than five (5) years.

Section 10: General Provisions

No person shall divide any parcel of land in the Town of Farmington prior to the approval of the Town Board of the Town of Farmington and prior to recording in the office of the Register of Deeds in the County of Waupaca.

The Town Board of the Town of Farmington shall not issue any Town of Farmington Building Permit, Land Use Permit or any other construction permit in the Town of Farmington for the construction of any building or structure if the building or structure will be constructed on lots or parcels in the Town of

Farmington that were divided in violation of this ordinance. In addition, the Town Board shall maintain a continuing objection to the issuance of any land use, sanitary, building permit, or the approval of any certified survey map by Waupaca County until the terms of this ordinance are satisfied.

The Town Board of the Town of Farmington shall not approve any land division into small lots in the Town of Farmington unless approval is conditioned on at least the following:

- Compliance with Chapter 236, (1997-1998) Wis. Stats..
- Compliance with the Town of Farmington Stormwater Management and Land Use Plan.
- Compliance with rules of the State Department of Industry, Labor and Human Relations relating to lot size and lot elevation necessary for proper sanitary conditions.
- Compliance with rules of the State Department of Transportation, the Waupaca County Highway Department, and the Town of Farmington relating to provisions for the safety of entrance upon and departure from all roads.
- In unsewered areas the minimum lot size shall be 2 1/2 acres unless part of a planned rural residential development.
- Lots in an unsewered areas shall have a minimum average width of 200 feet and minimum road frontage of 200 feet unless part of a planned rural residential development or have shared access (2 or more lots) to a public road.
- Lot sizes in a planned residential development shall have a minimum lot size of one (1) acre and contain a minimum of 50% deed restricted open space or non residential space exclusive of road right of ways.
- Lots within 1000 feet of a lake and 300 feet of a river or stream shall comply with the Waupaca County Shoreland Zoning Ordinance as well as this Ordinance.

If the Town Board of the Town of Farmington determines, as a result of the above noted considerations or other reasons, that land divisions are likely to be harmful to the health, safety or welfare of future residents, the land shall not be approved for division by the Town Board of the Town of Farmington.

Attest:

Ruth Ann Olinger
Ruth Ann Olinger
Farmington Town Clerk

Donald Fabricius
Donald Fabricius, Chair - Town of Farmington

Dale Trinrud
Dale Trinrud, Supervisor - Town of Farmington

Eugene Engebretson
Eugene Engebretson, Supervisor - Town of Farmington

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