

Ordinance 08-19-19(2019)
Town of Farmington Land Division Ordinance
Waupaca County, Wisconsin

Amend Ordinance 07/19/99(1999) Land Division and
Ordinance 09/19/88(1988) Minimum Design Standards for Town Roads

Section 1: Purpose

The purpose of this Ordinance is to regulate and control the division of land within the limits of the Town of Farmington, Waupaca County, Wisconsin, in order to accomplish all of the following purposes:

- A. Promote the public health, safety and general welfare.
- B. Supplementing County, State and Federal land division controls to implement any Town Comprehensive Plan, master plan or other land use plans.
- C. Promote the planned and orderly layout and use of the land.
- D. Minimizing the public impact resulting from the division of large tracts into smaller parcels of land.
- E. Promote proper monumenting of divided land and conveyance by accurate legal description.
- F. Facilitating the adequate provision of transportation, water, sewage, health, education, recreation, and other public requirements.
- G. Ensuring that the design of the street system will not have a negative long-term effect on neighborhood quality, traffic flow, and safety, by providing for proper ingress and egress.
- H. Providing for the conservation of the agriculturally important lands by minimizing conflicting land uses.
- I. Regulate the development of condominium projects.
- J. Providing for administration and enforcement of this Ordinance by the Town Board.

Section 2: Authority

The Town Board of the Town of Farmington has the specific statutory authority, powers and duties, pursuant to Chpt 236, Wis Stats and by its adoption of village powers under Sec 60.10 Wis State, to implement a land division ordinance.

Section 3: Adoption of Ordinance

The Town Board, by this Ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town Board to regulate and approve certain land divisions and certified surveys in the Town of Farmington. Pursuant to s. 236.45(4) Wis Stats, a public hearing was held before the adoption of this Ordinance and notice of the hearing was given by publication of a class 2 notice, under ch. 985, Wis Stats
The Town Board, as part of their Comprehensive Plan, adopts the Waupaca County Zoning Ordinance chpt 37 Subdivision Ordinance, section 2.02.

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: 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 other power granted by the Wisconsin Statutes.

Section 6: 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.

If any application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

Zoning regulations adopted by the Town of Farmington and Waupaca County, which incorporate by reference Wisconsin State Statutes, also include existing or future amendments. This Ordinance shall be deemed to be in strict conformity, and not contrary to or inconsistent with such chapters or rules as the result of statutory amendments.

Section 7: Definitions

A. Unsewered residential area/lot - shall mean all land/lot not connected to the Chain O'Lakes Sanitary District #1

B. Sewered residential area/lot - shall mean all land/lot connected to the Chain O'Lakes Sanitary District #1

C. Division of lots greater than twenty (20) acres in area, exclusive of land provided for public thoroughfares, or when a quarter-quarter is split evenly in half.

D. Divisions of land relating to the acquisition or exchange of land by public agencies, for public use and occupancy, including, but not limited to, land divisions made for road construction purposes.

E. Divisions of land created by the construction of a Level I, II, or III Highway, as defined in Chapter 24 Waupaca County Zoning Ordinance. The eventual sale of either division will, however, require new deeds so each parcel has their own tax identification number.

F. Divisions of land that were created by a naturally occurring geographic feature such as a river or stream. The eventual sale of either division will, however, require new deeds so each parcel has their own tax identification number.

G. 2 1/2 acre lot - shall mean 108,900 square feet exclusive of land reserved for public access or road right of way

H. 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.

I. Include all definitions of the Waupaca County Zoning Ordinance chapter 37, Subdivision Ordinance, section 2.02 .

Section 8: Exemptions:

This ordinance does not apply to:

- A. Cemetery plats made under s 157.07 Wis Stats
- B. Assessors plats, made under s. 70.27 Wis. Stats.
- C. Transfers by court order
- D. Easements
- E. Mortgages
- F. Leases for less than five (5) years

Section 9: Coverage/Compliance

This Ordinance applies to all lands in the Town of Farmington. The Town Planning Commission and Town Board shall approve and send forth their recommendation to the Waupaca County Planning and Zoning Department

Section 10: Specific Compliance Provisions: Minimum Standards for Town Roads

Any owner or developer of land or other persons that desire a road to, through, or over any property in the Town of Farmington, Waupaca County, Wisconsin, shall be subject to the following requirements:

A. It is up to the developer to determine average daily traffic with Town of Farmington oversight.

B. All roads to be considered for town roads shall be laid out to the following width and grade requirements by the owner, or owners or persons requesting such road, pursuant to Sec. 82.50 Wis Stats. as follows:

- 1. Under 250 average daily traffic
 - a. Right of way - 4 rods
 - b. Roadway width - 26 ft.
 - c. Surface width - 20 ft.
 - d. Maximum grades - 8% - 11%
 - e. Bridge design load - H-15
 - f. Bridge width - 24 ft.
- 2. 251-400 average daily traffic
 - a. Right of Way - 4 rods
 - b. Roadway width - 32 ft.
 - c. Surface width - 22 ft.
 - d. Maximum grades - 6% - 8%
 - e. Curvature - 6 - 12.5 degrees
 - f. Bridge design load - H-20
 - g. Bridge width - 26 ft.

3. 401-1000 average daily traffic
 - a. Right of way - 4 rods
 - b. Roadway width - 34 ft
 - c. Surface width - 22 ft.
 - d. Maximum grades - 5% - 8%
 - e. Curvature - 4 - 5 - 12.5 degrees
 - f. Bridge design load - H-20
 - g. Bridge width - 28 ft
4. 1001-2400 average daily traffic
 - a. Right of way - 4 rods
 - b. Roadway width - 44 ft
 - c. Surface width - 24 ft
 - d. Maximum grades - 5% - 7%
 - e. Curvature - 4.5 - 7.5 degrees
 - f. Bridge design load - H-20
 - g. Bridge width - 30 ft

5. Over 2400 average daily traffic - State highway standards

6. In order to determine average daily traffic in a new development, it is assumed that there will be 4.5 vehicles per day for each single family residential lot planned. For each commercial or general manufacturing site, the average daily traffic will be determined by an independent study before the roads are constructed.

7. All dead-end roads shall be provided with a turnaround area in the form of a circle having a diameter of no less than 170 ft.

C. Construction Criteria: The owner or owners or persons requesting such road shall be required to:

1. Provide the necessary cutting and/or filling to bring the road to the sub-grade elevation which shall be a minimum of 8 inches below the designed finished grade elevations. No organic materials such as black dirt, muck, peat or materials of like kind will be permitted for subbase matter. No debris such as trees, brush, stumps or large rocks shall be buried within the supporting slopes or under the traveled portion of the road.

2. The right of way must be cleared of all trees, brush, stumps, etc. for a minimum width of 25 ft. each side of the centerline.

3. Provide a finished road grade of no less than 2 inches compacted asphalt.

3. Provide a maximum inslope not steeper than 4:1 with a backslope not steeper than 3:1.

4. Provide ditches for drainage a minimum depth of not less than 18 inches below the finished shoulder elevation.

5. Provide and lay not less than a 6 inch layer of road gravel above the subgrade elevation.

6. Whenever necessary, provide and install steel, aluminum or plastic culverts of not less than a 15 inch inside diameter to carry runoffs so as to insure unrestricted flow of surface runoff waters. Culverts that are installed across a public road, or proposed public road, shall have a minimum of 8 inches cover between the top of the culvert and all points of the finished surface of the traveled portion of the roadway.

7. In addition to the criteria set forth in this section, the Town Board or their designated authority shall consider the road location, alignment, grades, public safety and all other accepted standard engineering principals for road design. All roads, as actually constructed, shall be properly centered within the road right-of-way.

D. Hardship Cases

The Town Board, by unanimous affirmative vote by all of its members, may in specific cases, authorize such variance from the terms of this Ordinance as will not be contrary to the public interest and/or Wisconsin State Statutes, where, owing to very special conditions, a literal enforcement will result in an unnecessary hardship. It is intended that the spirit and purpose of this Ordinance shall always be observed, and the public safety and welfare always secured. The burden of proof for the unnecessary hardship shall rest entirely upon the proponent. In every case where a variance is to be granted, the minutes of the Town Board shall affirmatively show in what particular and specific respect an unnecessary hardship is created.

Section 11: Lot Design Standards

A. Rural Residential (RR)

- Minimum residential lot size shall be 2.5 acres, or may be as small as one acre if a soil test identifies both a suitable POWTS primary area and a replacement area in addition to adequate space for construction and other improvements.

B. Agriculture Retention (AR)

- Preferred Housing Density Policies:
 - Maximum residential development density shall be one unit per 10 acres
 - Minimum residential lot size shall be one acre.
 - Maximum residential lot size shall be 2.5 acres
 - Residential subdivisions shall not be permitted in AR areas.
 - Site planning shall be utilized in proposed minor land divisions in AR areas.

C. Agriculture and Woodland Transition (AWT)

- Preferred Housing Density Policies:
 - Minimum residential lot size shall be 2.5 acres
 - Conservation or cluster design will be utilized in proposed major land divisions in AWT areas.

D. Private Recreation and Forestry (PVRF)

- Preferred Housing Density Policies:
 - Maximum residential development density shall be one unit per 10 acres
 - Minimum residential lot size shall be one acre.
 - Maximum residential lot size shall be 2.5 acres
 - Residential subdivisions shall not be permitted in PVRF areas.
 - Site planning shall be utilized in proposed minor land divisions in PVRF areas.

E. Sewered Residential (SR)

- Preferred Housing Density: Greater than one unit per acre. Minimum lot sizes sufficient to accommodate the safe use of private wells. Smaller lot sizes could be allowed with conservation or cluster land division design. A maximum lot size of one acre if strongly encouraged.
 - Minimum residential lot size shall be 20,000 square feet.
 - Conservation or cluster design will be utilized in proposed major land divisions in SR areas.

Section 12: Repeal

All other ordinances or parts of ordinances of the Town of Farmington and Waupaca County inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

Section 13: Penalty

Any person, firm, or corporation that 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 cost of prosecution for each violation and in default of payment of such forfeiture and cost of prosecution shall be imprisoned in the Waupaca County Jail until said forfeiture and costs are paid, but not exceeding ninety (90) days. Each violation and each day a violation continues or occurs shall constitute a separate offense.

A. Recordation improperly made has penalties provided in Sec. 236.30 Wis Stats.

B. Conveyance of lots in unrecorded plats has penalties as [provided for in Sec 236.31 Wis Stats.


C. Monuments disturbed or not placed have penalties as provided for in Sec. 236.32 Wis Stats.

D. Assessor's Plat made under Sec 70.27 Wis Stats may be ordered by the Town when a subdivision is created by successive divisions.

Section 14: Effective Date

The Ordinance is effective upon publication. The Town Clerk shall properly post or publish this Ordinance as required under s. 60.80 Wis Stats.

Adopted this 19th day of August, 2019



 Chair



 Supervisor I



 Supervisor II

ATTEST:


 Town Clerk