

Land Division Ordinance

Town of Little Suamico
Oconto County, Wisconsin

Ordinance_____

June 9, 2003

This Ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

1. **Town Board Approval.** This Ordinance was adopted by the Town Board on this 9th day of June 2003.

APPROVED BY:

Town Chairman, Elmer Ragen

Supervisor, Dave Prybil

Supervisor, Walter Bramschreiber

ATTESTED BY

Town Clerk, Sandra M. Pagel

2. **Public Notice.**

- a. Public Review. A notice was published in the Oconto Times Herald on _____, 2003 to inform residents that a final draft of this _____ Ordinance was on file with the Town Clerk for a one month period _____ during which it was available for inspection.
- b. Posting. This Notice of Adoption of Ordinances relating to this Ordinance was posted _____, 2003 at the Little Suamico Town Hall.
- c. Publication. A Notice of Adoption of Ordinances relating to this Ordinance was published in the Oconto Times Herald newspaper, the publication of record for the Town of Little Suamico.

Original date of adoption: April 30, 1998

Revised: May 14, 2001

Revised: March 11, 2002

Revised: June 9, 2003

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Town of Little Suamico, Oconto County, Wisconsin
Land Division Ordinance

Article I General Provisions

1.1 Title

This ordinance shall be known, referred to, or cited as the LAND DIVISION ORDINANCE, TOWN OF LITTLE SUAMICO, OCONTO COUNTY, WISCONSIN.

1.2 Authority

These regulations are adopted under the authority granted by Secs. 60.22(3), 61.34(1) and 236.45 of the Wisconsin Statutes. The Board of Supervisors of the Town of Little Suamico, Oconto County, Wisconsin, does ordain as follows.

1.3 Purpose and Intent

This ordinance is intended to regulate the division of land within the Town of Little Suamico in order to promote the public health, safety, aesthetics and general welfare of the community.

1. Promote planned and orderly layout and appropriate use of land.
2. Supplement Oconto County land division, zoning, and use controls to help implement the Town of Little Suamico Year 2020 Comprehensive Plan and other town codes and ordinances.
3. Strengthen local control of land use decisions and maintain the ability and right to control town destiny.
4. Obtain the wise use, conservation, and protection of the town's soil, water, wetland, woodland, farmland, and wildlife resources.
5. Lessen congestion and prevent overcrowding of lands, streets, and highways.
6. Secure safety from fire, panic, flooding, water pollution, disease and other hazards.
7. Ensure further development and division of lands are consistent with the Town of Little Suamico Year 2020 Comprehensive Plan and development standards set forth in plans, codes, and ordinances adopted by the town.
8. Facilitate adequate housing, transportation, water, sewerage, drainage, schools, parks and other public facilities.
9. Promote the rural nature of residential and commercial development, and agricultural uses.
10. Recognize the public need for recreation and open space.
11. Preserve natural vegetation and cover 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 Little Suamico is only one of a number of governmental bodies that may have jurisdiction over proposed land divisions or development. The Town of Little Suamico 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 Little Suamico 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 Little Suamico 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 Little Suamico 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 Little Suamico as follows:

1. The creation of at least one but not more than four parcels or building sites 10 acres or less in size shall comply with the requirements of ARTICLE II, Design Standards, Dedications, and Improvements and ARTICLE III, Minor Land Divisions, Chapter 13, Oconto County Land Division Ordinance, Chapter 14, Oconto County Zoning Ordinance, and all other applicable terms of this ordinance.
2. The creation of five or more parcels or building sites which are 10 acres or less in size either through a single division or successive divisions within a period of five years shall comply with the provisions of ARTICLE II, Design Standards, Dedications, and Improvements, and ARTICLE IV, Major Land Divisions, Chapter 13, Oconto County Land Division Ordinance, and all other applicable terms of this ordinance.
3. Exceptions. The regulations of this ARTICLE shall not apply to:
 - A. Sale or exchange of land between owners of adjoining property, provided additional lots are not created and provided any new lot configurations meet applicable zoning or other regulations.
 - B. Creation or realignment of an easement.
 - C. Creation of realignment of a public right-of-way by a public agency.
 - D. Purchase, transfer, or development of space within an apartment building or an industrial or commercial building.
 - E. Carrying out an order of any court or dividing land as a result of an operation of law.
 - F. Creation of a lien, mortgage, deed of trust, or any other security instrument.
 - G. Creation of a security or unit of interest in any investment trust regulated under the laws of Wisconsin or any other interest in an investment entity.
 - H. Conveying an interest in oil, gas, minerals, or building materials, that is severed from the surface ownership of real property.
 - I. Leases not to exceed ten years.

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, this ordinance shall govern.
2. The Town of Little Suamico Subdivision Ordinance adopted by the Town Board on April 30, 1998, is hereby repealed.
3. 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 all requirements of this ordinance.

1.10 Effective Date

This Ordinance shall become effective upon adoption by the Town Board and publication in the town's official newspaper.

1.11 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 (See Attachment 2) 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.

1.12 Cooperative Exercise

Any city, village, town, county, or regional planning commission or plan commission may, pursuant to Wis. Stat. Section 66.30, agree with any other city, village, town, county or regional planning commission or Plan Commission for the cooperative exercise of the authority to approve or review plats.

Article II Design Standards, Dedications and Improvements

2.1 Minimum Standards

1. Any division of land in the town which does not comply with the following regulations shall not be recognized by the town and no permits, including any building permits, shall be authorized by the town for any division not in compliance with this ordinance. Assuming the minimum lot size and density provisions are met as stated in Articles 2.3 and 2.4, then the area and dimensions of lots and building sites shall conform to the requirements of the Oconto County Zoning Ordinance, where applicable.
2. All lots and building sites created and applicable under terms specified in section 1.5 shall adhere to the following provisions:
 - A. Any land division, respective to both minimum lot size and proposed use, shall be in conformance with the Town of Little Suamico Year 2020 Comprehensive Plan.
 - B. Development shall not be located within designated Environmentally Sensitive Areas (ESA's) or as generally located on the General Plan Design (Map 7.1) of the Town of Little Suamico Year 2020 Comprehensive Plan. ESA's are hereby defined as:
 - 1) Floodplains
 - 2) WDNR designated wetlands
 - 3) Navigable waterways
 - C. Any Environmentally Sensitive Areas located within the parameters of a major or minor land division shall be located and mapped on the dividing instrument.
 - D. If ESA's are located within a land division, the ESA shall be distance referenced at right angles to two lot lines per section 2.3 (1) below.
 - E. The subdivider shall provide a copy of restrictive covenants, if any, to the Plan Commission and Town Board as a condition of preliminary approval.
3. The owner/applicant of a land division shall meet with the Little Suamico Sanitary District Board if said land division occurs within or in close proximity (guideline 500') the Little Suamico Sanitary District and/or the Sewer Service Area. The land division shall be reviewed by the Sanitary District engineer to estimate the feasibility and cost of sewer services to the land division. Feasibility of sewer connection shall be determined by the potential connection costs and access to sewer services. The land division will not be approved by the Town Board unless the sewer connection feasibility analysis has been

completed and confirmation has been received from the Sanitary District. Any cost of a feasibility analysis by the Sanitary District Engineer shall be the responsibility of the applicant.

2.2 Fees

1. 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 Little Suamico Fee Schedule. Fees shall be levied to defray the cost of review and administration.
2. Fees, assessments or costs specifically related to a development agreement, as noted in Article 1.11, may be levied as specified in the Town of Little Suamico Fee Schedule.
3. Fees, assessments, or costs specifically related to town review of rezoning of property or applications for conditional uses may be levied in accordance with the Little Suamico Fee Schedule.
4. A parkland dedication fee will be levied for any new residential dwelling unit as defined in Article 2.5 (2). The fee shall be paid at the issuance of the building permit, not at the approval of the land division.

2.3 Conventional Design Layout

1. Minimum Lot Size. In all instances where land located within the town is to be conventionally divided, the following provisions shall apply. There shall be one dwelling unit per lot unless otherwise noted.
 - A. If the land is located within the Neighborhood Residential Classification as identified on the General Plan Design (Map 7.1) of the Town of Little Suamico Year 2020 Comprehensive Plan, the minimum lot size shall be $\frac{1}{4}$ of an acre.
 - 1) Each lot shall contain a suitable building site.
 - 2) The building site shall not contain ESA's.
 - 3) The Neighborhood Residential area as denoted on the General Plan Design is the only preferred land use classification (the only location in the town) that could allow a multi-family development up to a maximum of four (4) units. The density shall be maintained at one dwelling unit per lot, so as the $\frac{1}{4}$ acre lot size per dwelling unit is not reduced.
 - B. If the land is located in the Little Suamico Sewer Service Area (SSA), the minimum lot size shall be $\frac{3}{4}$ of an acre (32,670 Sq. ft.) unless 2.3 (1) D, E are met.
 - 1) Each lot that is served with sanitary sewer shall have a minimum net buildable area of 10,000 square feet.
 - 3) The net buildable area shall not contain ESA's.
 - 3) Duplexes may occur in the Sanitary District only, and will not be approved outside of the Sanitary District.
 - 4) The minimum lot size provisions for a duplex shall increase 5,000 sq.ft. for the additional unit, for a total minimum lot size of 37,670 Sq. ft. for a duplex.
 - 5) There shall be no more than one (1) duplex lot per ten (10) lots within any major land division. Duplexes are not allowed with minor land divisions.

- 6) There shall be a minimum spacing of 500 feet between duplex lots when not separated with a public road.
 - 7) There shall be no more than two (2) duplex lots on an intersection containing four (4) corner lots.
 - 8) There shall be no more than one (1) duplex lot on an intersection containing two (2) corner lots. This will ensure a low density of duplexes in a predominantly single family development area.
 - 9) All duplex lots must be identified prior to final approval of a major land division.
- C. If the land is located outside the Town Sewer Service Area (SSA), the minimum lot size shall be 1.5 acres. Each lot shall have a minimum net buildable area of 20,000 square feet. The net buildable area shall not contain ESA's.
 - D. If the land is located within the Town Sewer Service Area (SSA) and the Sanitary District Board does not require the installation of sanitary sewers consistent with the feasibility and cost analysis required of Section 2.1 (3), Minimum Standards, the minimum lot size shall be 1.5 acres.
 - E. Any land division within the Sewer Service Area shall require the plat/lot(s) be designed to allow for the possible future resubdivision of such lots into sizes consistent with the specifications identified within this section at the time sanitary sewers are extended. The plat shall include future building footprints and lot lines to demonstrate the potential split. This provision is to notify landowners and potential buyers of possible sanitary sewer connection, as this section does not set a maximum acreage for a land division within the Sewer Service Area.

2.4 Conservation Design Layout

- 1. Intent. The Conservation Design Layout approach potentially allows subdividers density bonuses or reduced minimum lot sizes as a further incentive to design land divisions in a way that best preserves or connects open space for recreation, rural character and aesthetics, water quality protection, groundwater recharge, wildlife habitat, and/or farmland conservation. There shall be one dwelling unit per lot unless otherwise indicated.
- 2. Eligibility. The parcel to be divided must contain a minimum of 40 acres and shall consist of a:
 - A. Development Area
 - B. Open Space Preservation Area

Conservation Design Layouts shall not be eligible for consideration within the Neighborhood Residential District as identified on the General Plan Design (Map 7.1) of the Town of Little Suamico Year 2020 Comprehensive Plan.

- 3. Development Area.
 - A. *Maximum Size of Development Area.* The development area shall be limited to no more than 50% of the land division and shall contain all future residential and related land uses (e.g., garages, outbuildings, decks, swimming pools, lawns, etc.), roads, driveways, and parking areas.

- B. *Minimum Lot Size.* All lots within the development area shall be a minimum of 32,670 square feet in size outside of the Sewer Service Area (SSA), and 16,335 square feet within the SSA.
 - C. *Site Conditions and Landscaping.*
 - 1) The development shall include buffers of natural landscape materials for aesthetic enhancements for a width of 25 feet along the main access road(s) that serve the development.
 - 2) The landscape buffer area shall be located on the plat.
 - 3) A landscape plan and materials list may be required upon request of the Plan Commission.
 - D. *Location of Development Area.* The physical development area shall be designed to minimize disturbance or encroachment upon designated environmentally sensitive areas as defined in section 2.1 of this ordinance.
 - E. *Utilities.* Utilities serving new development shall be placed underground.
4. Open Space Preservation Area.
- A. *Minimum Percentage of Open Space.* A minimum of 50% of the land division shall be designated as permanent open space, not to be further subdivided.
 - B. *Location of Open Space.* The open space shall be located to maximize the protection of environmentally sensitive areas as designated by this ordinance. Primary protection consideration shall be given to maximizing protection of:
 - 1) WDNR designated wetlands.
 - 2) Floodplain areas of wetlands, lakes, rivers, streams and creeks;
 - 3) Wetlands and surface water features;
 - C. *Design of Open Space.*
 - 1) The open space should be designed as a large, single contiguous and interconnected block with logical, straightforward boundaries. Long, thin strips of conservation land should be avoided unless the conservation feature is linear (streams, tree lines) or unless such configuration is necessary to connect with other features, or to create open space corridors or trails that will link to other parcels.
 - 2) 25% of the designated open space shall consist of lands other than identified environmentally sensitive areas.
 - D. *Dedication and Maintenance of Open Space.* Lands not used for lots and streets shall be dedicated in perpetuity to open space or recreation by [1] conveyance in common to each lot owner via a homeowner's association or similar donee, [2] by conveyance in fee simple of an equal, undivided interest in common to each lot owner, or [3] by a recognized land trust or conservancy organization. The maintenance and ownership of the open space area will require agreement that the Town Board shall, on an annual basis, be kept apprized of the association's membership and maintenance obligations until such time all lots are sold. In all cases, the town, on advice of its municipal attorney, may levy an assessment for the cost of any maintenance not taken care of by an association to the satisfaction of the town. The manner of assuring maintenance and assessing such cost shall be determined prior to final plat approval and shall be included in the title of each property.

2.5 Land Dedication and Fees-in-Lieu

1. Public Ways. Whenever a tract of land to be subdivided embraces all or any part of an arterial street, drainage way, or other public way which has been designated in the Town of Little Suamico Year 2020 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.
2. Parks, Recreation and Open Space - Fee Dedications.
 - A. A park and recreation fee shall be required for each new residential dwelling unit in the amount of \$200.00 per dwelling unit. The fee shall be paid at the issuance of the building permit. Non-residential parcels/commercial building applications are exempt. This provision shall apply to all applicable land divisions, including legal, existing lots of record created prior to this ordinance adoption.
 - B. All payments shall be placed in a separate non-lapsing fund with the town to be used exclusively for the acquisition and development of land for capital improvements for the town parks and recreation programs.

2.6 Roads

1. Standards. The arrangement, character, extent, width, grade, and location of all roads shall conform to all applicable road plans and standards officially adopted by the Town of Little Suamico and Oconto County, including:
 - A. Residential Road Standards: See Attachment 1, Town Road Ordinance).
 - B. Commercial Road Standards: See Town Road Ordinance.
 - C. This section hereby also references standards and conditions specified in Chapter 13, Oconto County Land Division Ordinance.
2. Development Agreement.

In the event of conditions set forth in section 1.11, the Town of Little Suamico may enter into a Development Agreement (see Attachment 2) with the applicant and be held to the standards and conditions as set forth therein.
3. Area Development Plans.

Area Development Plans (ADP) shall be required to display the potential for road connectivity in accordance with the Little Suamico Road Ordinance. The Area Development Plans shall consist of a map which displays the potential layout and connectivity of roads on parcels adjacent to a permanent or temporary cul-de-sac.
4. Use of 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.

 - A. 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.

- B. 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 physical conditions.

2.7 Construction Plans

Major land divisions creating five or more lots shall include construction plans designed, submitted, and installed in compliance this ordinance, with Section 5, Design Standards, Oconto County Land Division Ordinance, and with any terms and conditions set forth in a Development Agreement between the town and the applicant. The subdivider shall also construct storm water management and erosion control facilities which are adequate to serve the land division and/or development which do not adversely affect adjacent lands outside the major land division. The construction plans shall include the following:

1. *Street Plans and Profiles.* The town shall require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. plans and profiles shall be reviewed and approved by the town and the town engineer.
2. *Grading Plan.* Grading plans for the lots or other areas in the proposed development shall be prepared and submitted for review and approval prior to the commencement of grading and construction. Grading (both subgrade and final grade), topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen and topography. No such activities shall be permitted on lands to be dedicated or held for public acquisition without the written consent of the Town Board.
3. *Drainage and Erosion Control.* Storm water drainage and erosion control plans shall be prepared and submitted along with other grading and road construction plans and shall indicate how surface water runoff is to be accommodated on the development and on downstream properties. This provision can be combined with the Grading Plan if applicable.
4. *Soil and Water Conservation.* If the town determines from review of the preliminary plat that the soil, slope, vegetation, or drainage characteristics of the site require substantial cutting, clearing, grading, and other earthmoving operations in developing the subdivision or otherwise entail an erosion hazard, it may require the subdivider to provide storm water management plans, soil erosion and sedimentation control plans and specifications. The town may also request a review of such plans by the County Land Conservation Department.
5. *Commencement of Construction.* All plans and profiles as set forth above shall be prepared in accordance with the provisions of this ordinance and any other appropriate ordinance or standards in force in the town. All elevations shall be based upon Mean Sea Level Datum, and shall be subject to review by the town engineer. No construction of any kind may

commence until the preliminary plat has been approved by all agencies, the plans for roads, ditches, erosion and sediment control, and lot grading have been reviewed and approved by the Town Plan Commission and Town Board, and a Development Agreement has been executed between the Town and the Developer.

6. *Covenants.* The town shall require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision. Such covenants shall be attached to each property deed at the time of sale.
7. *Affidavit.* The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this ordinance.

Article III Minor Land Divisions

3.1 Certified Survey Map Required.

Land divisions which create at least one but no more than four parcels or building sites 10 acres or less in size are considered minor land divisions requiring approval under this section. Approval of a Certified Survey Map (CSM) shall be required.

3.2 Procedure - Certified Survey Map

1. *Submittal.* 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 Oconto County Land Division Ordinance. 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, on or before the 22nd day of the month preceding the date of a scheduled Plan Commission meeting (first Thursday of the month) at which review of the minor land division is desired. The applicant shall also provide information on the lot(s) wastewater disposal capability for lots not served by public sewer.
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 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 chairman of the Town Plan Commission and the chairman 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, Oconto County, and the surveyor are placed on the face of the CSM. The subdivider shall record the CSM within thirty (30) days of its approval by the Town Board.

Article IV Major Land Divisions

4.1 Subdivision Plat Required.

Land divisions which create five or more parcels or building sites which are 10 acres or less in size either through a single division or successive divisions, by either the same or subsequent owner(s), within a period of five years shall be considered a major land division. The applicant shall submit a preliminary plat of the major land division and shall follow the procedures established in this section.

4.2 Preliminary Consultation

Prior to filing a preliminary plat for approval, the applicant should consult with the Little Suamico Plan Commission and the Oconto County Zoning/Solid Waste and Land Use Control Division of the Oconto County Land and Water Resources Department for assistance and to become informed of the purpose and intent of these regulations.

4.3 Procedure - Preliminary Plat

1. Submittal. The subdivider of five or more lots shall prepare a preliminary plat and a letter of application describing the intent, timeline, and any other information that will assist the Plan Commission during review. The preliminary plat shall be prepared in accordance with this and any other applicable ordinance. The subdivider shall submit to the Town Clerk 10 copies of the preliminary plat on or before the 22nd day of the month preceding the date of a scheduled Plan Commission meeting (first Thursday of the month), at which review of the major land division is desired. The applicant shall also provide information on the lot(s) wastewater disposal capability for lots not served by public sewer.
2. The preliminary plat 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 preliminary plat, recommend approval, conditional approval, 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.

3. 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 Little Suamico. 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 shall be permanently filed. Failure of the Board to act within seventy-five (75) days or extension thereof, shall constitute approval.
4. Approval or conditional approval of a preliminary plat shall constitute approval of the final plat, if the final plat is submitted within nine (9) months of preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in 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 this and other applicable ordinances. 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 22nd day of the month preceding the date of a scheduled Plan Commission meeting (first Thursday of the month), 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, this ordinance and all ordinances, rules, regulations, or plans which may affect the plat. The Plan Commission shall recommend approval, conditional approval or rejection, unless review time is extended by agreement with the applicant, within 65 days of the date of submittal and shall transmit the final plat along with its recommendation to the Town Board.
3. The final plat may, with Board permission, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at the time. Approval of a final plat for a portion of the approved preliminary plat shall extend approval for the remaining portion of the preliminary plat for one (1) year from the date of final plat approval.
4. The final plat may be rejected if it is not submitted within nine (9) months of the date of preliminary plat approval. Approval can not be granted until all formal objections of the objecting agencies are satisfied.

5. The Town Board shall, within 75 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 Little Suamico. 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 75 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 insuring 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. The Register of Deeds cannot record the plat unless it is offered within thirty (30) days from the date of last approval and within 24 months of the first 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 Plan Commission 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 Little Suamico Town Board with advice and recommendation support from the Little Suamico Plan Commission and any other technical, legal, or policy advisor.

5.2 Variances

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 variances so that substantial justice may be done and the public interest secured, provided that such variances shall not have the effect of nullifying the intent and purpose of the regulations;

and further provided that the Board shall not approve the variances 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 variance will no 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 variance 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 minimum lot size ordinance is carried out.

5.3 Appeals

Any person aggrieved by an objection to a plat or failure to approve a plat may appeal therefrom as provided in Wisconsin Statutes, Sections 236.13 (5) and 62.23 (7).

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 Little Suamico 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

Approval Authority. The Town of Little Suamico or County of Oconto, jointly or severably.

Board. The Town of Little Suamico Board of Supervisors.

Buildable Area. The number of square feet needed to meet minimum development standards. The area must be free from ESA's, and can include setback areas.

Certified Survey Map (CSM). A map of a minor land division, prepared in accordance with Section 236.34, Wisconsin Statutes, and in full compliance with the applicable provisions of this ordinance.

Commission. The Town of Little Suamico Plan Commission.

Comprehensive Plan. The adopted Town of Little Suamico Year 2020 Comprehensive Plan, including any subsequent amendments.

Density. Number of dwelling units per acre allowed under the Comprehensive Plan, this ordinance, and/or the Oconto County Zoning Ordinance and used to calculate the maximum number of residential lots permitted as part of a land division.

Environmentally Sensitive Area (ESA) A geographic area of the landscape that encompasses valuable and sensitive natural resource features such as lakes, rivers, streams, wetlands, and floodplains which should be protected from intensive development.

Final Plat. The map or plat which is prepared for recordation by the County Register of Deeds.

Floodplains. Those lands, including flood fringes, floodways, and channels, subject to inundation by the one hundred (100) year recurrence interval flood or, where such data are not available, the maximum flood of record.

Improvement, Public. Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip, or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.

Land Division or Division of Land. The act or process of dividing land into two or more lots or building sites. See also definition for Major Land Division and Minor Land Division.

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

Lot Area. The area contained within the exterior boundaries of a lot excluding streets, easements, areas dedicated to the public, and land under navigable bodies of water.

Major Land Division. The creation of five or more lots or buildings sites which are 10 acres or less in size by one or successive divisions, whether done by the original owner or a successor owner, within a period of five (5) years.

Minor Land Division. The creation of less than five lots or buildings sites which are 10 acres or less by one or successive divisions within a period of five (5) years.

Navigable Waters. All natural inland lakes and all streams, ponds, sloughs, flowages, and other waters which are navigable under the laws of this state. Under Section 144.26, Wisconsin Statutes, notwithstanding any other provision of law or administrative rule promulgated thereunder, Shoreland Ordinances required under Section 59.971, Wisconsin Statutes, and Chapter NR 115, Wisconsin Administrative Code, do not apply to lands adjacent to farm ditches if:

- A. Such lands are not adjacent to a natural navigable stream or river.\
- B. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
- C. Such lands are maintained in nonstructural agricultural use.¹

Open Space. A tract of land used for agricultural, natural habitat, conservancy, trails and pathways and/or recreational purposes; also includes the designated conservation area within a planned unit development or conservation subdivision.

Ordinary High Water Mark. The average annual high-water level of a pond, stream, river, lake, flowage, or wetland referred to an established datum plane or where such elevation is not available, the elevation of the line up to which the presence and action of surface water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geological or vegetative characteristic.

Preliminary Plat. Preliminary drawings or map indicating the proposed manner and layout of streets, lots, blocks and other salient features of a proposed land division submitted to an approving authority for purposes of preliminary consideration.

Parcel. See “lot” definition.

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

Shorelands. Those lands lying within one thousand (1000) feet from the high-water elevation of navigable lakes, ponds, and flowages or three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

¹ Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis [Muench v. Public Service Commission, 261 Wis. 492 (1952) and DeGaynor and Company, Inc., v. Wisconsin Department of Natural Resources, 70 Wis. 2d. 936 (1975)]. A stream that is navigable by skiff or canoe during normal spring highwater is navigable in fact under the laws of this state, though it may be dry during other seasons.

Subdivider. Any person, firm or corporation applicant, or any agent thereof, dividing or proposing to divide land resulting in a major subdivision, minor land division or replat.

Subdivision. A division of a lot, parcel or tract of land by the owner thereof, or the owner's agent, for the purpose of transfer of ownership or building development. See major land division.

Town. The Town of Little Suamico Town Board.

Town Consultant/Engineer. As designated from time-to-time by the Town Board. Responds to technical issues as warranted by this ordinance.

Wetlands. Those lands which are partially or wholly covered by marshland flora and generally covered with shallow standing water or lands which are wet and spongy due to high-water table.

Attachment 1
Town of Little Suamico Town Road Specification and Standard
Town Road Ordinance (#2)

Attachment 2
Development Agreement