

TOWN OF TOWNSEND
ORDINANCE NO. 01-2009

LAND DIVISION ORDINANCE REGULATING LOT SIZE

PURPOSE: The Town of Townsend (the “Town”) believes it is in the best interest of public health, safety, and general welfare of the community to regulate minimum lot size in the Town to further the orderly layout and land use, prevent overcrowding of land and avoid the undue concentration of population.

AUTHORITY: Pursuant to Sec. 60.10 WI Stats. the Town has been granted Village Powers and pursuant to Sec.236.45 has the authority regulate land division.

DEFINITIONS:

1. Land Division – means the act of creating a lot, parcel, condominium unit or subdivision from a parcel or parcels of real estate of 10 acres or less. The term does not include the divisions which are exempted by Wisconsin law from plat review, which are:
 - a) Transfers of interest in land by will or pursuant to court order.
 - b) Leases for a term not to exceed 10 years, mortgages or easements.
 - c) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not created and lots resulting are not reduced below the minimum sizes required by this ordinance or other applicable laws or ordinances.
2. Formally submitted – means that a proposal was embodied in an application for approval of a certified survey map or subdivision plat which had been filed with Oconto County and the Town of Townsend.

MINIMUM LOT SIZES FOR RESIDENTIAL DEVELOPMENTS:

In all instances where land located within the Town of Townsend is to be divided, the following minimum requirements shall apply:

Lands Zoned Agricultural (A) and Forestry (F) – The minimum lot size in these Districts shall be 10 acres.

Lands Zoned Rural Residential District (RR). The minimum lot size in this District shall be 2 acres.

Lands Zoned Residential Single-Family District (R1) and Residential Multiple Family District (R-2). The minimum lot size in these Districts shall be 1 acre.

Lands adjacent to lakes, ponds, flowages, rivers and streams shall have a minimum Water frontage of 150 feet at the ordinary high water mark.

VARIANCES:

When the Town Board finds that "extraordinary hardship" or "practical difficulties" may result from strict compliance with and/or the purposes of this ordinance may be serviced to a greater extent by an alternative proposal, it may approve variances. Variances shall not have the effect of nullifying the intent and purpose of the minimum lot size regulation. Further provided that the Board shall not approve the variances unless it shall make the findings based upon evidence presented to it at a public hearing in each specific case that:

1. The creating of the variance will not be detrimental to the public safety, health, or welfare, or injurious to other properties.
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.
3. Because of the particular surroundings, shape, or topographical condition 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 Town of Townsend Land Division Ordinance Regulating Lot Size is carried out.


EFFECTIVE DATE: This ordinance will take effect immediately upon passage and publication as provided by law.

Adopted this 10th day of March, 2009 by a majority vote of the members of the Town Board of the Town of Townsend.

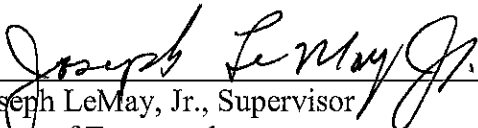
THE TOWN OF TOWNSEND, OCONTO COUNTY, WISCONSIN



Susan Rapp, Chairperson
Town of Townsend




William Dutton, Supervisor
Town of Townsend



Joseph LeMay, Jr., Supervisor
Town of Townsend

Attest:



Pamela Bursek, Clerk
Town of Townsend