

TOWN OF LAND O'LAKES
VILAS COUNTY, WISCONSIN

AMENDMENT TO ORDINANCE REGULATING LAND SUBDIVISION
IN THE TOWN OF LAND O'LAKES, WISCONSIN #2024-02

THIS ORDINANCE INCLUDES:

- 1) Ordinance #2009-1 "REGULATING CONSTRUCTION SUBDIVISION, AND LAND USE IN THE TOWN OF LAND O'LAKES, WISCONSIN.

**Section 1: STATUTORY AUTHORITY, STATEMENT OF
PURPOSE, TITLE, EFFECTIVE DATE AND APPLICABILITY**

STATUTORY AUTHORIZATION:

This comprehensive revision of the Town of Land O'Lakes Subdivision Ordinance is adopted pursuant to the authority granted by Sections 59.69, 59.692, 281.31 Wisconsin Statutes and Chapter 236 Wisconsin Statutes – Platting Lands and Recording and Vacating Plats, Subchapter IX Subdivision Regulation and Regional Plans.

PURPOSE:

- A. The purpose of this ordinance is to promote public health safety and general welfare, to protect the public trust in natural resources, and is established to:
 1. Further the maintenance of safe and healthful conditions;
 2. Preserve the compatibility of proposed land subdivision with existing land and water usage;
 3. Promote sound forest land uses in accordance with the Town of Land O'Lakes Comprehensive Plan.
- B. To achieve these purposes, it is the intent of this ordinance to define the minimum lot size required when subdividing any lands within the Town of Land O'Lakes, Vilas County, Wisconsin. The ordinance defines minimum lot size for each Zoning District and the location of the property whether located and defined as lakefront or river property, backlot property and whether within or outside of a sanitary district. Zoning districts are those established in Vilas County General and Shoreland Zoning Ordinance.
- C. It is the intent of this ordinance to allow reasonable use of property by individuals and businesses while providing long-term safeguard for land and water resources of the Town of Land O'Lakes and achieving the purposes of this ordinance.

REPEAL OF PREVIOUS ORDINANCE:

This Ordinance shall repeal and replace those portions of the previous Ordinance known as the Ordinance #2009-1 "REGULATING CONSTRUCTION SUBDIVISION, AND LAND USE IN THE TOWN OF LAND O'LAKES, WISCONSIN, which were adopted pursuant to the authorization contained in sections 59.69 and 59.694 of the Wisconsin Statutes.

TITLE:

This ordinance shall be known as and cited as the Town of Land O'Lakes Subdivision Control Ordinance.

EFFECTIVE DATE OF THIS ORDINANCE:

This ordinance shall be in full force and effect upon adoption and upon publication thereof.

APPLICABILITY

This ordinance shall apply to all land in the Town of Land O'Lakes or partially in, said town.

Section 2: GENERAL PROVISIONS

Introduction and Explanation: Section 2 contains the rules of legal interpretation established by the State Legislature and by the Courts. These provisions are placed in this Ordinance to assist readers in the interpretations of the requirements of the Ordinance.

COMPLIANCE:

The subdivision of lands shall be in full compliance with the terms of this Subdivision Ordinance, and all other applicable Town of Land O'Lakes Ordinances, including State and Federal Regulations.

LANDLOCKED PARCELS:

No landlocked parcels of any size shall be created as the result of surveys that are required to be completed and recorded under the terms of this ordinance. Each lot within the plat must have access to a public road or easement road unless otherwise provided by local ordinance, Wis Stats 236.20(4)(d).

INTERPRETATION:

In 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 and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this Ordinance is required by a statute, and where the Ordinance provision is unclear, the provision is to be interpreted in accordance with the statute in effect on the date of the adoption of this Ordinance or in effect on the date of the most recent text amendment to this Ordinance.

DETERMINATION OF ZONING DISTRICT BOUNDARIES:

The boundaries of the Vilas County zoning districts established by the Vilas County General and Shoreland Zoning Ordinance are shown on maps entitled "Zoning Maps of Vilas County". Maps on file in the office of the County Zoning Administrator are the official version and shall control in any case where differences occur between it and other copies. All notations and references shown on the district map are as much a part of this Ordinance as though specifically described therein. The County Zoning Administrator periodically updates all maps to reflect adopted changes.

A. When the district boundaries are either roads or streets, unless otherwise shown, and where the designation on district map indicates districts are bounded by a road or street the centerline of such road or street will be the district boundary line.

- B. Except where otherwise indicated on a map, it is intended the district boundary line be measured at right angles to the nearest highway right-of-way line.
- C. For subdivided property, where not otherwise indicated and where lot lines approximately bound the designations on the Zoning Map, said lot lines shall be construed to be the boundary of the district. Where parallel or approximately parallel to street lines, such district boundary lines are assumed to be parallel with rear lines of the lots abutting such streets.
- D. For un-subdivided property, where not otherwise indicated, district boundaries are property lines or section lines, or quarter-section lines, or quarter-quarter section lines. In unplatted areas of 10 acres or less, district boundary lines, where not otherwise indicated, are determined by use of a scale shown on the Zoning Map.

SEVERABILITY:

If any section, clause, 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.

SECTION 3: MINIMUM LOT SIZE

Subdividing lands within the Town of Land O’Lakes is subject to the following minimum specifications within each zoning district as follows:

Vilas County Zoning Districts within the Town of Land O’Lakes:

R1 – Single Family Residential	CB – Community Business
AP – All Purpose	GB – General Business
REC – Recreation	F – Forestry

Zoning District	Land O’Lakes – Minimum Lot Size Requirements
R1 lake or river property not in sanitary district	60,000 sq. ft (1.38 acres) with 16,500 sq. ft. of contiguous buildable area, and 200 feet of water frontage width.
R1 backlot property not in sanitary district	65,340 sq. ft. (1.5 acres) with 16,500 sq. ft. of contiguous buildable area
CB within sanitary district	6,000 sq. ft. (0.14 acres) with 4,500 sq. ft. of contiguous buildable area. However, the following minimum lot sizes shall apply when residential dwelling units (either single or multiple residential units) are within the CB zoning district. Dwelling units may be detached structures or attached to a commercial use structure, or multiple family dwelling units: Single residential dwellings: minimum lot size 20,000 sq. ft. Duplex residential dwellings: minimum lot size 30,000 sq. ft. Multiple family dwelling units: minimum lot size 20,000 sq. ft Plus an additional 5,000 square feet for each unit when the total number of units is more than two(2).
AP backlot property not in sanitary district	65,340 sq. ft. (1½ acres) with 16,500 sq. ft. of contiguous buildable area
AP within sanitary district	10,000 square feet minimum lot area and 65 feet of frontage width, and with 4,500 square feet minimum contiguous buildable

	<p>lot area. However, the following minimum lot sizes shall apply when residential dwelling units (either single or multiple residential units) are within the GB zoning district. Dwelling units may be detached structures or attached to a commercial use structure, or multiple family dwelling units:</p> <p>Single residential dwellings: minimum lot size 20,000 sq. ft. Duplex residential dwellings: minimum lot size 30,000 sq. ft. Multiple family dwelling units: minimum lot size 20,000 sq. ft. Plus an additional 5,000 square feet for each unit when the total number of units is more than two(2).</p>
GB within sanitary district	<p>10,000 sq. ft. with 4,500 sq. ft. of contiguous buildable area. However, the following minimum lot sizes shall apply when residential dwelling units (either single or multiple residential units) are within the GB zoning district. Dwelling units may be detached structures or attached to a commercial use structure, or multiple family dwelling units:</p> <p>Single residential dwellings: minimum lot size 20,000 sq. ft. Duplex residential dwellings: minimum lot size 30,000 sq. ft. Multiple family dwelling units: minimum lot size 20,000 sq. ft. Plus an additional 5,000 square feet for each unit when the total number of units is more than two(2). Lake lots in this district require 65 feet of frontage width.</p>
GB lake or river property not in sanitary district	60,000 sq. ft (1.38 acres) with 16,500 sq. ft. of contiguous buildable area, and 200 feet of water frontage width.
GB backlot property not in sanitary district	65,340 sq. ft. (1 ½ acres) with 16,500 sq. ft. of contiguous buildable area
REC lake or river property not in sanitary district	60,000 sq. ft. with 16,500 sq. ft. of contiguous buildable area and 200 feet of frontage width.
REC backlot property not in sanitary district	65,340 sq. ft. (1 ½ acres) with 16,500 sq. ft. of contiguous buildable area
Forestry within sanitary district	5 acres with 2½ acres minimum of contiguous buildable area.
Zoning District	Land O'Lakes – Minimum Lot Size Requirements
Forestry lake or river property not in sanitary district and Forestry backlot property not in sanitary district	22.5 contiguous acres with 2½ acres minimum of contiguous buildable area or, be at least 10 contiguous acres connected by a tract of land with at least 2½ acres of contiguous buildable area under the same ownership to at least one other parcel of at least 10 contiguous acres.

SUBDIVIDING RESTRICTED

No land to which this ordinance is applicable shall be subdivided in any manner violative of the provisions of this ordinance; however, any owner of a vacation resort or commercial property

may subdivide such vacation resort or commercial property to allocate one lot for each residential dwelling, cottage, or cabin now in existence, subject to the terms, requirements, and provisions of Vilas County General and Shoreland Zoning Ordinance.

SECTION 4: GENERAL LIMITATION OF NONCONFORMING LOTS

Nothing in this Ordinance will prohibit the lawful use of a sub-standard sized lot provided the lot was described and recorded in the Vilas County Register of Deed's office or Vilas County Surveyor's office prior to the effective date of this Ordinance. At the discretion of the property owner, the lawful use of any building or land as existing and lawful on the date of the enactment of this ordinance may be continued, even though such use may not be in conformity with the provisions of this ordinance.

Land uses, including the erection of a structure and all applicable setback requirements are contained in the Vilas County General and Shoreland Zoning Ordinance under the administration of the County Zoning Administrator.

EXISTING LOTS

Existing lots are defined as follows:

- A. All lots recorded or filed with the Vilas County Register of Deeds office prior to the enactment of this ordinance.
- B. All lots created prior to the Town of Land O'Lakes Subdivision Control Ordinance and on file in the Vilas County Surveyor's Office prior to the enactment of this ordinance.
- C. All Single lots and splits created where the Town of Land O'Lakes and Vilas County Planning and Zoning approval was not required, but the lots meet the minimum standards set forth in the Town of Land O'Lakes Subdivision Control Ordinance at the date on which they were created, and the map is filed in the Vilas County Surveyor's Office prior to the enactment of this ordinance.

SECTION 5 ADMINISTRATION

PROCEDURES FOR ISSUANCE OF A SUBDIVISION PERMIT

No property in the Town of Land O'Lakes shall be subdivided until a subdivision permit has been issued.

- A. Application for Subdivision Permit must contain the following:
 1. Property owner's name and address;
 2. Actual property address, (if applicable);
 3. Computer number;
 4. Legal description of the parcel;
 5. A Certified Survey Map(s) prepared by a professional land surveyor which complies in all respects with the requirements of Section 236.34, Wisconsin Statutes and in all respects with Chapter A-E 7 of the Wisconsin Administrative Code. In addition to the information required in Section 236.34, Wisconsin Statutes or Chapter A-E 7, the Map shall show correctly on its face, the following: scale drawing of the property showing the dimensions of each subdivided lot or parcel;
 6. The permit application shall be accompanied with the appropriate fee.
- B. The Town Zoning Administrator may require:
 1. Compliance with the Vilas County Shoreland Ordinance;
 2. Any additional information necessary to decide upon the issuance of a Subdivision Permit;

3. The Town Zoning Administrator shall not be responsible for determining the location of lot lines and may require the applicant to furnish a land survey of such lines.
- C. The application shall be signed by the owner, when submitted electronically, an electronic or scanned signature will be accepted.

ENFORCEMENT

Each day a violation of this ordinance shall continue shall constitute a separate offense.

PENALTIES

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any provisions of this ordinance shall be subject to a fine of not less than ten (\$10.00) dollars nor more than two hundred (\$200.00) dollars together with the costs of the action, and in case of default of payment thereof, to imprisonment in the county jail for not less than (1) day nor more than (6) months, or until such fine and costs be paid.

In addition to the above penalties, compliance may be enforced by injunctive order at the suit of the town, the county, or the owner or owners of land within the Town of Land O'Lakes Lakeland development area.

SECTION 6 DEFINITIONS

Backlot: Lots which do not front on a navigable body of water, or which do not have 50 percent or more of their total area within 200 feet of a navigable body of water.

Backland: Any land located greater than 200 feet back from the ordinary high water mark of a navigable body of water.

Buildable Lot Area: The specified portion of a lot which meet lot width, lot area, yard, and setback requirements of Vilas County General and Shoreland Zoning Ordinance and all other applicable Ordinances and regulations. Minimum buildable lot area for new lots is 16,500 square feet of contiguous area.

Driveway/Easement Access: Any area where travel occurs from a public road over land (whether by easement or ownership) not considered to be a part of the public road for the purpose of gaining access to land or for improvements.

Frontage Width: The frontage width shall be measured perpendicular to the mean (average) bearing of the side lot lines. This measurement shall start at the point where the side lot line intersects the ordinary high water mark (OHWM) and then measured on the perpendicular mean (average) to intersect the opposing side lot.

Lake or River Property: Any lot which abuts navigable water.

Landlocked Parcels: Any parcel of land that does not have access to a public road.

Navigable Water: (NR115.03(05) Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portions of boundary waters, which are navigable under the laws of this state. Under Wis. Stats. 28.31(2)(d), notwithstanding any other provisions of law or administrative rule promulgated thereunder, shoreland ordinances required under Wis. Stats. 59.692, and Ch. NR15, Wis. Adm. Code, do not apply to lands adjacent to:

- a. Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and
- b. Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

Ordinary High Water Mark (OHWM): The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Subdivision: The division of a lot, parcel, or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development and to which any of the following applies:

1. State Plat
 - a. The act of division creates 5 or more parcels or building sites of 1 1/2 acres each or less in area.
 - b. Five or more parcels or building sites of 1 1/2 acres each or less in area are created by successive divisions within a period of 5 years.
 - c. Each lot within the plat must have access to a public street unless otherwise provided by local ordinance.
 - d. A land division where two (2) or more parcels of less than five (5) acres each in area will be created within a five (5) year period that is not a subdivision pursuant to Chapter 236.02(12) Wisconsin Statutes, shall be reviewed by the Town Zoning Administrator.
2. Town Subdivision
 - a. A land division where two (2) or more parcels equal to or less than five (5) acres each in area will be created within a five (5) year period that is not a subdivision pursuant to Chapter 236.02 (12) Wisconsin Statutes, shall be reviewed by the Town Zoning Administrator. A Town Subdivision may be recorded as a County Plat, as a Certified Survey(s) or as a subdivision survey map filed in the County Surveyor's Office that includes the signature of the surveyor and Town Zoning Administrator.

Waterbody: A navigable water.

Waterfront Lot: Any lot which abuts navigable water.

GENERAL REPEALER

That, except for the 1967 Ordinance (dated May 15, 1967, relating to the Town of Land O'Lakes Airport), the 1973 Ordinance (dated September 18, 1973, relating to the Town of Land O'Lakes Sanitary District, approved by the Vilas County Board of Supervisors), the 1990 Ordinance, the 1998 Ordinance and the 2009 Ordinance, all other ordinances, or resolutions, or parts of ordinances or resolutions, in conflict with the provisions of this Ordinance or of the 1967 Ordinance, the 1973 Ordinance, the 1990 Ordinance, the 1998 Ordinance or the 2009 Ordinance are hereby repealed.

DATED THIS 17 DAY OF April, 2024.

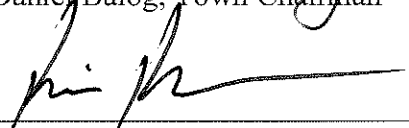
ATTEST:



Lynn Jolin, Clerk-Treasurer



Daniel Balog, Town Chairman



Kevin Konnow, Town Supervisor



Samuel Otterpohl, Town Supervisor