

**Town of Navarino**  
**Shawano County, WI**  
**ORDINANCE NO. 2017-1**  
**Land Division Ordinance**

**1.01 PURPOSE**

The purpose of this Ordinance is to promote clustering of development and conservation design of land divisions; to further the orderly layout and use of land; to minimize the public impact from division of large tracts into smaller parcels; to encourage the most appropriate use of land throughout the Town, to protect the Town's rivers and streams, and; to enforce the goals and policies set forth by the Town of Navarino.

**1.02 JURISDICTION**

These regulations shall include all lands within the Town of Navarino. However, the provisions of this Ordinance shall not apply to those exceptions listed in Chapter 236, Wisconsin Statutes.

**1.03 AUTHORITY**

These regulations are adopted under the general authority granted pursuant to sec. 60.22(3), 61.34(1), and 236.45 of the Wisconsin Statutes

**1.04 DISCLAIMER**

- (1) Multiple Jurisdictions Be aware that the Town of Navarino is only one of a number of governmental bodies that may have jurisdiction over proposed land divisions or development. No land division may be made without all required approvals.

**1.05 DEFINITIONS**

- (1 a) Area Development Plan. A sketch map of proposed division (s) of land where the parcel to be split is thirty five (35) acres in size or less and is prepared in accordance with the terms of this ordinance.
- (1) Buffer. An area 100 feet from the waterline of each side of rivers, streams and drainage-ways where development is not permitted and vegetation is maintained at a minimum level of 70% of ground cover.
- (2) Certified Survey. Any division of land whereby not more than four parcels of ten acres or less in size are created Such land divisions shall have a certified survey map prepared, approved by the Town of Navarino, and recorded as required by the ordinance, Shawano County, and Chapter 236, Wisconsin Statutes.
- (3) Certified Survey Map. A map of a Certified Survey prepared in accordance with the terms of this ordinance, Shawano County, and Chapter 236, Wisconsin Statutes.
- (4) Cluster Development. A residential development where the land division regulations apply to the project as a whole instead of to its individual lots, or where densities are calculated for the whole project.

- (5) Conservation Design or Conservation Subdivision. A form of development that permits a reduction in lot area and frontage requirements, allowing increase in the overall density of development to equal Shawano County's minimum standards for the zoning district, and the remaining land area is devoted to open space, active recreation, preservation of environmentally significant areas, or agriculture
- (6) Frontage The portion of a lot or parcel of land that directly abuts a road or highway right-of-way
- (7) Homeowners Association A legally constituted body organized in a development in which individual owners share interests and responsibilities for costs and upkeep of common open space. The homeowners association usually holds title, manages and maintains, and enforces covenants and restrictions to common property
- (8) Land Division. A split, transfer or conveyance of land whereby one or more separately described parcels often acres or less in size are created from a single lot, parcel, or tract of land by the owner thereof or his/her agent. Land divisions shall have a certified survey map or subdivision plat prepared and submitted to the Town of Navarino for review and action.
- (9) Land Division Map. A map of a division of land prepared in accordance with this ordinance
- (10) Land Divider. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a land division. The term land divider encompass the words subdivider and developer, and the words may be used interchangeably for the purpose of the standards set forth in this ordinance
- (11) Land Management Plan. The official guide recommending the future physical, social, and economic growth and environmental preservation of the town.
- (12) Lot. A part of a land division map having an assigned number through which it may be identified and meeting the requirements of this ordinance. A lot may also include the terms parcel, tract, or building site in determining the applicability of this ordinance to land divisions and cluster developments.
- (13) Open Space Lands and water unimproved and set aside, dedicated, designated, or reserved for the preservation of ground cover, natural features, and scenic beauty. This includes open space lands dedicated to the public and those conveyed as part of a homeowner's association or similar legally constituted body created to maintain open space land.
- (14) Open Space. Common. Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and guests of the development.
- (15) Parcel A continuous acreage of land singularly described in a deed or one of a number of lots or outlets on a land division map capable of being separately conveyed. The word "tract" is synonymous with parcel.
- (16) Subdivision. The division of a lot or parcel of land by the owner thereof, or his/her agents, for the purpose of sale, lease, or building development where:
  - (a) the act of division creates five or more parcels or building sites often acres each or less in area; or
  - (b) five or more parcels or building sites often acres each or less in area are created by successive divisions within a period of five years.

- (17) Subdivision Plat. A map of a subdivision.
- (18) Town/Town Board/Town Chair. Terms used interchangeably to mean the approving authority of the local self-government, in this case the Town of Navarino. However, the Town Chair is a specific person when used in the context of a duty provided by this ordinance.

## **1.06 COMPLIANCE**

Any person, partnership, corporation, or legal entity of any sort when dividing any land located within the Town which results in a land division as defined in this Ordinance must meet full compliance with all requirements of this Ordinance and:

- (1) Chapter 236 of the Wisconsin Statutes;
- (2) Shawano County Zoning Ordinance No. 7-14 Land Division Ordinance, Private Onsite Wastewater Treatment System Ordinance No. 8-02 , Shoreland/Wetland Zoning Ordinance, and Floodplain Zoning Ordinance.
- (3) Any other pertinent state, county or town ordinances, codes, and regulations.

Where provisions of this Ordinance impose greater restrictions than (1) - (3) above, it is intended that the provisions of this Ordinance shall apply.

### **1.06a DIVISION BY AREA DEVELOPMENT PLAN**

- (1) Requirements. An Area Development Plan (ADP) prepared by a land divider shall be required for all land divisions that split any parcel of land thirty five (35) acres or less in size. In addition, for any lot created often (10) acres or less in size Section 1 07 below shall be followed.
- (2) Information Required on the ADP. The sketch shall show the entire parcel, existing roads, existing private drives, adjacent lands owned by the land divider, the proposed land division, future land divisions being contemplated, future streets, pertinent environmental factors such as wetlands, streams, severe slopes, proposed changes to any environmental factors, north arrow, approximate scale, and date.

### **1.07 DIVISION BY CERTIFIED SURVEY/SUBDIVISION PLAT**

- (1) General A Land Division Map prepared by a land surveyor registered in this state shall be required for all land divisions that create any lots 10 acres or less in size.
- (2) Information Required on the Map The map shall show correctly all the information required by sec. 236.34 of the Wisconsin Statutes and by Shawano County.
- (3) Signature and date lines for approval by the Town Chair.
- (4) Recording. The land divider shall record the Land Division Map with the Shawano County Register of Deeds after it has been approved by the Shawano County Planning & Development Department, and shall file a certified copy of the recorded map with the Town Clerk within 10 days after the map is recorded.

### **1.08 PROCEDURES FOR APPROVAL OF DIVISIONS OF LAND**

Any land divider who shall divide land located in the Town of Navarino, which creates a land division as defined in this Ordinance, shall comply with the following procedure.

- (1) Application. Submit to the Shawano County Planning & Development Department a preliminary Land Division Map prepared by a Professional Land Surveyor in the State of Wisconsin or Area Development Plan long-term use.
  - (a) Soil and slope analysis
  - (b) Site plan (if requested, also a future development plan of surrounding area.
- (2) Town Review. After reviewing the Land Division Map to ensure conformity with site plans approved by the Town Board, the Town Management Plan, and this Ordinance, the Town Chairman or his/her designee shall sign the Land Division Map constituting Town approval
- (3) Other Permits. No Driveway or Building Permit shall be issued for a parcel created by a land division which does not comply with the provisions of this Ordinance.
- (4) Findings of Approval. Approval shall in all cases establish conformity with regard to minimum lot sizes, setbacks, the location of on-site waste disposal, and the preservation of open spaces, including establishing a legally binding buffer prohibiting any development or land use change within 100 feet of the waterline of rivers, streams and drainage-ways.

### **1.09 LAND SUITABILITY**

- (1) Land shall be prohibited from being divided if the Town Board determines that it will materially interfere with the existing use of a viable agricultural operation, forest conservation, or will conflict with other goals and strategies as set forth by the Town.
- (2) Land shall be prohibited from being divided if it is found by the Town Board to be unsuitable as divided for the proposed use(s) for reasons of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate septic or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the community. These facts shall be recorded in the minutes of the Town Board meeting.

### **1.10 MINIMUM LOT DIMENSIONS**

Land Divisions in all areas of the Town of Navarino shall have a minimum lot size of three (3) acres. Minimum lot frontage shall be 100 feet wide on a public road.

### **1.11 CLUSTER LAND DIVISIONS AND CONSERVATION DESIGN IN RURAL AREAS**

- (1) Jurisdiction
  - (a) The provisions of this section apply to all lands in the Town of Navarino zoned agriculture, forest, and open space
  
- (2) Purpose.
  - (a) Cluster Development is intended to permit smaller lots than would otherwise be required in 1.10 above, where the physical layout of the lots is so arranged by clustering development, setting structures back farther from sensitive areas, protecting the rural character of the Town of Navarino, and other appropriate means to better achieve the preservation of open spaces in perpetuity.
  - (b) Encourage open space uses with reasonable agricultural and residential use of property and avoid conflict between uses.
  - (c) Encourage residential development which is adapted to its location and clustered to provide economic, environmental, and aesthetic benefits.
  - (d) Require natural areas border land divisions and Buffer Rivers and streams.
  - (e) Limit development to areas that can support it.
  
- (4) Recommended Design Process.
  - (a) It is recommended that the first step in the design process for a Land Division is to "greenline" the open spaces. Greenlined areas consist of unbuildable wetlands, floodplains, and steep slopes that typically comprise much of the open space in cluster developments. Greenlined areas also consist of a substantial amount of the site's relatively flat, dry land that might be managed as woodlands, fields, meadows, and playing fields. Greenlined open spaces should include streams, environmental corridors, natural geologic and topographic features, historical and archaeological sites, and farm fields. Open space becomes the central organizing feature of the development.
  
  - (b) Analyses should include topography, drainage patterns, vegetation, soils, shoreland areas, natural resource areas, wildlife habitat, historic and cultural features, scenic vistas, existing physical conditions surrounding the development parcel within one-fourth mile, and future areawide plans
  
- (5) Main Principles
  - (a) Preserve existing natural features.
  - (b) Preserve open space adjacent to existing perimeter roadways.
  - (c) Screen new lots (housing sites) with existing topography or vegetation
  - (d) Locate each lot to be adjacent to some form of open space.
  - (e) Preserve scenic beauty to the extent that every lot will either border a natural area or be afforded a view corridor of open space.
  - (f) Accommodate farmsteads on appropriately configured large lots.

(6) Dedication of Open Space in Perpetuity.

Open space areas in Cluster Land Divisions must be preserved in perpetuity. This can be accomplished by the formation of a Homeowners Association, a local land trust, or equivalent recorded with the Register of Deeds office

**1.12 PENALTIES**

- (1) Any person, partnership, corporation, or other legal entity who fails to comply with the provisions of this Ordinance shall, upon conviction, be subject to penalties and forfeitures as provided in Chapter 236 of the Wisconsin Statutes. Each day that the violation continues to exist shall constitute a separate offense

**1.13 VARIANCES**

Where the Board finds that "non-monetary extraordinary hardship" may result from strict compliance with this ordinance, it may approve a variance so that substantial justice may be done and the public interest served. Hardship must relate to features of the land considered for division that would cause at least some of the ordinance provisions to be impractical.

**1.14 SEVERABILITY**

If any provision or application of this Ordinance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance.

**1.15 EFFECTIVE DATE**

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

- (1) Town Board Approval. This Ordinance was adopted by the Town Board of the Town of Navarino on this 12 day of September, 2017.

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Town Chair

Attest:

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Town Clerk

Publish / Posted on September 12, 2017