

TOWN OF LINCOLN
SUBDIVISION ORDINANCE 2-90

THIS IS AN ORDINANCE ADOPTED TO PROMOTE THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE CITIZENS OF THE TOWN OF LINCOLN BY REGULATING THE SUBDIVISION OF REAL PROPERTY WITHIN THE TOWN TO CONTROL THE DENSITY OF POPULATION THEREIN.

The Town Board of the Town of Lincoln, Wood County, Wisconsin, do ordain as follows:

Section 1. Adoption of Wood County Land Subdivision Ordinance

The Wood County Land Subdivision Ordinance adopted in 1969 and so amended to the date of adoption of this ordinance is hereby adopted in its entirety and to its fullest extent, except as specifically provided herein, to be enforced as the Subdivision Ordinance of the Town of Lincoln.

Section 2. Definitions

The definitions for subdivision under Section 2.2, paragraph (29) shall include the following additional definition:

(C) Town--The subdivision of a lot, parcel or tract of land by the owner thereof, his predecessors interest, or his agent, where the act of division creates two (2) or more parcels or building sites of the (10) acres each or less, but greater than one and one-half ($1\frac{1}{2}$) acres, in area, or where the act of division creates two or more parcels or building sites of between one and one-half ($1\frac{1}{2}$) and ten (10) acres in size by successive division within a ten-year period. This subdivision need not be submitted to the Department of Development or County Planning Agency for review, but is to be reviewed and approved by the Town in the same manner as a "County" subdivision plat, and shall be recorded as a Certified survey Map consistent with section 4.5 of this ordinance.

Section 3. Reviewing Agency

The Town of Lincoln Zoning Committee shall perform the function that the County Planning Agency performed for the operation of the Subdivision Ordinance for the County. Therefore, references in the ordinance to the County Planning Agency shall be construed to refer to the Town Zoning Committee.

Section 4. Approving Agency

The Lincoln Town Board shall perform the function that the County Board performed for the operation of the Subdivision

Ordinance for the County. Therefore, for the operation of this ordinance within the Town of Lincoln the references in the ordinance to the County Board shall be construed to refer to the Town Board.

Section 5. Jurisdiction

The jurisdiction of this ordinance shall be as provided for County subdivisions pursuant to Section 3.1 of the County ordinance except:

The jurisdiction of this ordinance shall include all unincorporated lands within the Town of Lincoln, and, insofar as it may apply to divisions of less than two (2) parcels, shall not apply to:

- (1) Transfers of interest in land by will or pursuant to court order.
- (2) Leases for a term not to exceed 10 years, mortgages or easements.
- (3) Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and any resultant lots are not reduced below the minimum sizes required by these regulations, and other applicable laws or ordinances of the County and Town.

Section 6. Administration

The Town of Lincoln Zoning Administrator shall perform the function that the Plat Officer performed for the operation of the Subdivision Ordinance for the County. Therefore, for the operation of this ordinance within the Town of Lincoln the references in the ordinance to the Plat Officer shall be construed to refer to the Zoning Administrator.

Section 7. Enforcement

The Town of Lincoln shall have the power to institute appropriate actions and proceedings under Section 3.7. Therefore under Section 3.7 reference to the County shall be construed to refer to the Town. Further, the Town of Lincoln shall be construed to be entitled to the forfeitures and costs provided for by Section 3.8.

Section 8. Procedural Requirements

The requirements for submission and review of Town plats under section 4.3 paragraph (1) shall be as follows:

The subdivider shall submit true copies of the town subdivision plat to the Zoning Administrator along with a

letter of application and fee as determined by Section 4.3(6) of this ordinance.

Section 9. Fees

Payment of the required fees under Sections 4.3(6) and 4.5(10) shall be paid to the Town of Lincoln rather than to the County of Wood. Therefore, under Sections 4.3(6) and 4.5(10) references to the County of Wood shall be construed to refer to the Town of Lincoln.

Section 10. Transmittal of Copies

The Town of Lincoln will not require submission of copies of Town plats to those agencies and entities identified at Section 4.2(4)(e) of the County Ordinance, and Section 4.2(4)(e) shall be stricken from this ordinance.

Section 11. Lot Size

In construing Section 7.3(2) the maximum permitted number of lots in such development shall be determined by dividing the total area of the subdivision, excluding streets, by the minimum lot sizes required by the Town Zoning Ordinance.

Section 12. Inspection

The Zoning Administrator shall perform the function that the County Highway Engineer performed for the operation of the Subdivision Ordinance for the County under Section 8.4. Therefore, under Section 8.4 reference to County Highway Engineer shall be construed to refer to the Zoning Administrator.

Section 13. Forms

The Town of Lincoln Zoning Administrator shall adopt and modify and forms provided herein as necessary, with the approval of the Town Board.

Section 14. Amendment

Later amendments of the Wood County Subdivision Ordinance shall not become a part of this ordinance unless such amendment is approved by resolution of the Town Board.

Section 15. Validity

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of th Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

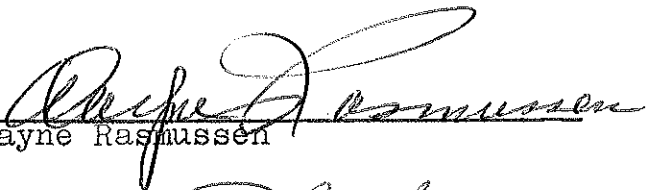
Section 16. Effective Date

This Ordinance shall be in force from and after its passage,

publication and recording according to law.

Dated this 11 day of DEC., 1990.

TOWN OF LINCOLN

By: 
Wayne Rasmussen

By: 
Arvin Podevels

Passed DEC. 11, 1990

Approved DEC. 11, 1990

Published Jan 4, 1991