

Town of Lincoln Subdivision Ordinance

The Town Board of the Town of Lincoln, Burnett County, Wisconsin, pursuant to its power and authority granted by, Wis. Stats. §§ 66.1001 and 236 hereby determines and establishes the following:

1) Purpose and intent.

To reasonably regulate the subdivision of land to promote public health, safety and general welfare; to further the orderly layout and use of land; to prevent the overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewerage and other public requirements; to provide for proper ingress and egress; and to promote proper monumenting of land subdivided and conveyancing by accurate legal description. Further, to reasonably consider among other things, the rural character of the town with a view of conserving the value of the buildings placed upon land, providing the best possible environment for human habitation and for encouraging the most appropriate use of land throughout the town. The approvals to be obtained by the subdivider as required in this ordinance shall be based on requirements designed to accomplish the aforesaid purposes. To accomplish this purpose the Town Board may plan for the physical development and subdivision of lands within the Town as set forth in this ordinance and shall ensure subdivisions are consistent and compliant with the Lincoln Comprehensive Land Use Plan as adopted.

2) Jurisdiction.

This ordinance shall include all lands within the Town of Lincoln, exclusive of those lands held in public trust by the federal government.

3) Definitions.

- a) **Applicant** refers to any person, or any agent thereof, dividing or proposing to divide land as defined by the terms of this ordinance.
- b) **Certified Survey Map** refers to a survey of a lot that meets the requirements of Wisconsin Statutes Chapter 236.
- c) **Comprehensive Land Use Plan** means a plan for guiding and shaping the growth or development of a community or area which has been adopted by a governmental

unit and whose preparation is authorized by Section §62.23, or 236.46 of Wisconsin Statutes. Hereinafter referred to as the CLUP.

- d) **Contiguous** means touching at a point or along a boundary.
- e) **County** refers to Burnett County, Wisconsin.
- f) **Cul-de-sac** refers to a road having one end open to traffic and the other permanently terminated by a vehicular turnaround.
- g) **Easement** refers to an interest in land owned by another person consisting of the right to use or control the land, or an area above or below it, for a specific limited purpose.
- h) **Land use and information committee** refers to the committee created by the County Board under the authorization of the Wisconsin Statutes to act in matters of land use.
- i) **Lot** refers to a parcel of land occupied or capable of being occupied by structures and/or uses consistent with the provisions of this ordinance and Burnett County, Wisconsin – Code of Ordinances, Chapter 30 – Land Use. Adjoining lands of common ownership shall be considered a contiguous parcel even if divided by a public or private road, easement, or navigable rivers or streams, unless such adjoining parcels meet the required area for a lot. (For state plat lot definition, see Wis. Stats. ch. 236.)
- j) **Outlot** refers to a parcel of land, other than a lot or block, so designated on a plat or certified survey map. Use for the construction of buildings or structures shall be restricted to meet the guidelines and intent of Burnett County, Wisconsin, Code of Ordinances, Chapters 30 and 58. Outlots shall not be used to circumvent the intent of this ordinance.
- k) **Parcel.** See "Lot."
- l) **Plat** refers to a map of a subdivision, including county and state plats, prepared in the manner prescribed in Wisconsin Statutes, Chapter 236.
- m) **Preliminary map or plat** refers to a map showing the salient features of a proposed land division to an approving authority for purposes of preliminary consideration.
- n) **Private road** refers to an easement or outlot used for access to a parcel. A private road is not open for the general public to use. A private road is not maintained by the

municipality; it is maintained by the owner of the parcel that it serves.

- o) **Street** refers to any public way, road, avenue, highway or part thereof.
- p) **Subdivision** refers to the division of land for the purpose of transfer or development which results in the creation of parcels of less than a nominal 40 acres or government lot according to original government survey including remnant parcels. (Subject to exclusions as listed in Burnett County, Wisconsin, Code of Ordinances, Chapters 58-150.)
- q) **Town** refers to the Town of Lincoln, Burnett County, Wisconsin.

4) Subdivision permits.

All parcels created of less than a nominal 40 acres or government lot require a subdivision permit from Burnett County, Wisconsin, (per Burnett County Code of Ordinances Chapter 58, Section 58-27) and subject to Town approval.

5) Recording requirements.

- a) All Certified Survey Maps and subdivision plats shall be recorded in the office of the County Register of Deeds, in the manner described in Wisconsin Statutes § 59.51 and § 236. This recording shall be within six months of the final approval and 24 months of the first approval of the certified survey map or the subdivision plat by the county land use and information committee or land services department.

6) Fees.

- a) All fees charged for a subdivision will be determined and collected by Burnett County, Wisconsin. However, if the Lincoln Town Board desires a review of the subdivision plat to determine its compliance with the CLUP, then the standard Town review fees in effect at the time would apply.
- b) The applicant shall be responsible for all fees regarding road name and address signage.

7) Preapplication consultation.

- a) Prior to filing an application for a subdivision lot, the applicant is encouraged to consult with the Town Board to obtain advice and assistance. This consultation is intended to provide the applicant with the purpose and objectives of this ordinance, the land use goals of the Town's CLUP, and to afford opportunity for the applicant to be informed of any changes, additions, or corrections to ensure the proposed subdivision is consistent and complies with the CLUP.

8) Preliminary map.

- a) The applicant shall submit to the Town Board a copy of the completed County application form as provided by that department. The applicant shall also submit to the Town copies of required plats under Wisconsin Statutes, Ch. 236 or subdivision plats and certified survey maps under Wisconsin Statute § 236.45, including two copies of a preliminary map.
- b) Any land division shall require review by the Lincoln Town Board and as well as any municipality having extraterritorial plat approval jurisdiction.

9) General design standards.

- a) No land shall be subdivided into parcels less than ten (10) nominal acres in size.
- b) No land may be subdivided into buildable lots when it is unsuitable for reasons of flooding, inadequate drainage, soil and rock formations with severe limitation on development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of residents of the Town or future residents of the subdivision.
- c) The Town reserves the right to decline approval of a subdivision if due regard is not shown for the preservation of natural features that, if preserved, will add attractiveness and stability to the proposed development of the property and preserve the character of the Town. Elements include, but are not limited to, large trees, water courses, grasslands, prairies, scenic points, historical spots, and similar Town assets stated in the CLUP.

- d) The proposed subdivision shall conform, comply, and be consistent with the CLUP as adopted by the Town.
- e) Any land division shall require review by the Lincoln Town Board as well as any municipality having extraterritorial plat approval jurisdiction.

10) Access.

- a) Every lot created shall have access to a public street, road or highway. Such access shall be improved to a minimum of 33 feet wide. Such access will be accomplished through the establishment of a private or public road. This access shall be noted in the preliminary and final map, plat or deed, by either mapping or reference to an existing recorded document.
- b) All roads providing access to parcels shall be platted to the applicable state geometric standard, per Wisconsin Statute 82.50 Town Road Standards (1); and, have a written maintenance agreement, which shall be recorded along with the plat, Certified Survey Map, deed, land contract, or other document of ownership transfer.
- c) State plats abutting state highways are subject to Wisconsin Administrative Code – Department of Transportation (Trans) Chapter Trans 233.
- d) When the subdivision results in a cumulative total of two or more parcels being accessed by the same easement, a private or public road shall be created or improved to meet all requirements in Section 11) Access. This will be coordinated with the County Land Services Department that they might approve all proposed road names.
- e) Any outlot created, modified or extended for use as a private road shall be owned by the owners adjoining the private road and/or the owners using the private road. The deed, land contract, or other document of ownership transfer shall have a statement similar to: "The above-described parcel is intended to be considered as a single parcel along with a _____ percentage of Outlot _____ as shown on Document Number _____, Volume _____, Page _____ which is not to be conveyed or used as an independent parcel."

11) Streets and roads.

- a) Construction of public streets and public roads shall conform to the applicable town and county standards and shall be consistent with the provisions found in Wisconsin

Statute § 82.52 Town Road Standards and County ordinances.

- b) Streets and roads shall be located with due regard to topographical conditions, natural features, existing and proposed utilities, land uses, and public safety and convenience. Where practicable, streets shall intersect at right angles to afford maximum visibility.
- c) All cul-de-sacs shall have a minimum radius of no less than 60 feet.
- d) All private roads and access easements over 500 feet in length or serving more than two lots will have an improved 50 feet wide turnaround at the end.

12) Inspections.

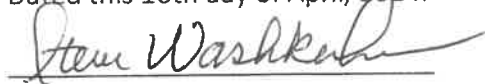
The Town of Lincoln and/or its duly authorized agent shall be granted access, with the consent of the property owner or agent of the applicant, to any premises during regular business hours for the purpose of performing inspections necessary to ensure compliance with this ordinance.

13) Variance.

The Town of Lincoln may grant upon appeal in specific cases and subject to appropriate conditions and safeguards, a variance from the terms of this Ordinance when, in its opinion, exceptional and undue hardship may result from strict compliance and the variance will not interfere with the purpose and intent of this Ordinance. Variances granted should not be considered precedent in any way.

I, Wanda Washkuhn, Clerk of Lincoln Township, hereby certify that the above is a true and correct copy of an ordinance which was adopted on the 16th day of April, 2024, by the Board of Supervisors of Lincoln Township, Burnett County, Wisconsin.

Dated this 16th day of April, 2024.



Steve Washkuhn, Chair



Joe Peterson, Supervisor



Dale Larson, Supervisor