

TOWN OF WHEATON
CHAPTER 9
MINIMUM RESIDENTIAL LOT SIZE ORDINANCE

1. Purpose.

As set forth in Wis. Stat. 236.45, the distribution of population at various locations and intensities within the community is one of the essential purposes of community planning and regulation for the health, wealth, safety and enjoyment of the community's population. This ordinance provides the property owners of land in The Town of Wheaton with information representing the minimum single family lot size in the various districts in the town.

2. Lot Size.

- A. Minimum required. No single-family residential lot shall be less than five (5) acres. [Amended 01/11/2022]
- B. Future resubdividability required. Whenever a lot is proposed to be larger than the minimum lot size required by these regulations, the Planning Commission shall require that the future possible divisions be taken into account in the initial lot layout so as to facilitate such future divisions, and at the Commission's discretion, or if required by these regulations, the future lot lines be shown, or actually created, so that initial construction does not inadvertently preclude such future resubdividability.
- C. Lot area, how measured. For the purpose of this Chapter, the lot area shall be measured from the center of the road. Wetlands and floodplains may be included in minimum required lot area provided there remains sufficient area not in wetland or floodplain to accommodate the proposed building, access drive and on-site sanitary system and water well where such services are not provided via off-site public utilities. The lot must have at least 300 feet of roadway (public or private) frontage. The only exception of the 300-foot roadway frontage would be lots bordering on the end of any cul-de-sac. [Amended 01/11/2022]
- D. Lot area reduction. No lot area shall be reduced by any means so as to create a lot of less than the required size or so that the existing setbacks, yards, open space or lot area would be reduced below that required by these regulations.

3. Setbacks. [Amended 01/11/2022]

Setbacks shall be according to the standards of the Chippewa County Zoning Ordinance and the zoning district where the parcel is located.

4. Substandard Lots. [Amended 01/11/2022]

Substandard lots are lots which existed at the time this ordinance was adopted, and which are less than the minimum lot size requirement.

- A. A substandard lot may be used as a building site upon issuance of a zoning permit by the Town if all the following provisions are met:
 - (1) The property owner provides evidence that the lot was legally established and predated the current zoning provisions.
 - (2) All required setbacks are met with all proposed buildings.
- B. Substandard lots that are in the shorelands and/or floodplains of Chippewa County may have additional regulations.
- C. A variance may not be granted for any type of setback relief on substandard lots.

5. Variance.

The Wheaton Town Board shall act as the Board of Adjustment and may, by a majority vote of the members present, who do not have an interest in the outcome of the variance request, after a public hearing on specific cases, authorize a variance from the terms of this Ordinance as will not be contrary to the public interest and intent of this Ordinance, where owing to the very special conditions enforcement of this Ordinance will result in unnecessary hardship to the landowner. The burden of proof for unnecessary hardship is upon the proponent of the variance. In every case where a variance is granted, the minutes of the Wheaton Town Board, acting as the Board of Adjustment, shall affirmatively show in what particular or specific respect the Board was convinced that a hardship upon the owner was created. A request for variance to the Ordinance shall be made by filing an application in writing, which shall contain, among other things, the name and address of the applicant, description of the land, and the grounds or reasons for the proposed variance. The Wheaton Town clerk shall post a public notice of the date, time and place when such application will be heard by the Wheaton Town Board and which notice shall be posted not less than ten (1) days prior to the date set for the hearing in three (3) public places within the Town.

6. Violations and Penalties.

Any person who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than TWO HUNDRED FIFTY DOLLARS (\$250) nor more than TWO THOUSAND DOLLARS (\$2,000) plus the costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County jail until payment thereof, but not exceeding THIRTY (30) day. Each violation and each day a violation exists or continues shall constitute a separate offense. In addition, the remedies authorized by Wis. Stat. Sections 236.30, 236.31 and 236.32m shall be available to the Town.

7. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

8. Definitions. [Amended 01/11/2022]

- a. Single Family Residential Lot: means parcel of land in a zoning district where a single-family structure is a permitted use or an accessory use.

9. Effective Date.

This Ordinance is effective on passage and posting or upon adoption as a Chapter in a Code of Ordinances as provided by law.