

**Town of Woodland  
Ordinance No. 2024-01  
Land Division Ordinance**

WHEREAS, the Town Board seeks to promote and preserve public health, safety, and the general welfare of its citizens through the regulation of land division within the Town by encouraging the orderly development of lands within the Town; preventing the overcrowding of land and to provide adequate light and air and preserve the rural character of the Town; maintaining proper ingress and egress from public highway to private lands and access for emergency vehicles; ensuring the proper installation of water, sewerage, and other improvements within the Town; ensuring the adequate legal description and proper survey monuments of subdivided land; and facilitating enforcement of community development standards as are or may be set forth in the land use and comprehensive plan.

NOW THEREFORE, the Town Board of the Town of Woodland, Sauk County, Wisconsin, does ordain as follows:

ARTICLE I: The Town of Woodland Land Division Ordinance is created to read as follows:

**Section 1. Title.**

This Ordinance may be referred to as the Town's Land Division Ordinance.

**Section 2. Definitions.**

Unless the context clearly indicates otherwise, as used in this Ordinance:

2.01. "Land division" means any division of a parcel of land where the act of division creates a new lot of less than 35 contiguous acres or creates condominium units.

2.02. "Lot" means a parcel of land (or condominium unit) intended for one principal building or use.

2.03. "Subdivision" means a division of land that creates five or more lots or successive divisions of land within a period of five years that creates five or more lots.

**Section 3. Abrogation and Greater Restrictions**

It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern. This Ordinance is not intended to repeal or abrogate the Town's Siting Ordinance.

## **Section 4. Applicability**

4.01. These regulations shall apply to all lands within the Town of Woodland regardless of whether the land is already divided by natural boundaries. The provisions of this Ordinance shall not apply to the following, which are not considered "land divisions" under this Ordinance:

- (a) Transfers of interest in land by will or pursuant to court order;
- (b) Leases for a term or not more than 10 years, mortgages, or easements; or,
- (c) The sale or exchange of land between owners of adjoining property if additional lots are not thereby created and if the resulting lots are not reduced below the size of thirty-five (35) acres.

## **Section 5. Authority.**

These regulations are adopted under the authority granted by sec. 236.45, Wis. Stats.

## **Section 6. Compliance.**

6.01. No person shall divide any land located within the Town that results in a land division without full compliance with the requirements of this Ordinance and applicable requirements of other local, county, and state law.

6.02. If the provisions of this Ordinance impose greater restrictions than other law, it is intended that the provisions of this Ordinance shall apply.

## **Section 7. Division by Certified Survey Map.**

7.01. All land divisions that create one to four lots, of which any one lot is less than 35 acres, shall require a certified survey map (CSM) prepared by a registered land surveyor in accordance with Chapter 236, Wis. Stats., and any applicable County ordinances.

7.02. Information Required. The CSM shall include the following on its face: (a) The name of the individual dividing the lands;

- (b) The date of the survey;
- (c) A metes and bounds description referenced to a line and a corner of the U.S. Public Land Survey, or referenced to an adjoining recorded plat;
- (d) The locations, right-of-way widths, and names of existing or proposed street, alleys, or other public ways, easements, and railroad and utility rights of-way included within or adjacent to the proposed land division;
- (e) The locations of existing property lines and proposed lot lines, buildings, driveways, water courses, drainage ditches, and other features pertinent to the

property division, including location of water wells, dry wells, drain fields, and pipes;

- (f) The area of the parcel(s) being created in square feet and acres;
- (g) The approximate locations of existing on-site sewage and disposal systems;
- (h) If dedication of lands or roads is required, the governmental jurisdiction certificate of acceptance provided legibly on the fact of the map;
- (i) If dedication of lands or roads is required, the owner's certificate of dedication prepared in accordance with sec. 236.34(1)(e), Wis. Stats. provided legibly on the fact of the map; and,
- (j) Graphic scale of not more than 400 feet to one inch.

7.03. CSM Requirements. The Town Board may approve the CSM if the following requirements are satisfied:

- (a) The CSM includes all the information and notation required by statute and local law.
- (b) All lots created by the CSM are not less than three acres in size.
- (c) All lots created by the CSM comply with the Town's Siting Ordinance requirements and criteria.

## **Section 8. Division by Subdivision Plat.**

8.01. All subdivisions of land shall be approved in compliance with Chapter 236, Wis. Stats., more specifically Subchapter II. In addition to the requirements therein, the Town Board may approve the plat only if the following requirements are satisfied:

- (a) All lots within the plat shall be no less than three acres in size.
- (b) The final plat shall contain a restriction stating that no more than one dwelling structure is permitted on each lot.
- (c) All lots created by the plat shall comply with the Town's Siting Ordinance requirements and criteria.

## **Section 9. Right to Farm Notification.**

9.01. The Town Board may not approve a CSM or plat unless the CSM or final plats includes a statement that reads as follows: "Through sec. 823.08, Wis. Stats., the Wisconsin Legislature has adopted a right to farm law. This statute limits the remedies of owners of later established residential property to seek changes to pre-existing agricultural practices in the vicinity of residential property. Active agricultural operations are now taking

place and are planned to continue on lands in the vicinity of this (CSM/plat). These active agricultural operations may produce noises, odors, dust, machinery traffic, or other conditions during daytime and evening hours.”

**Section 10. Penalties.**

10.01. Any person who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500) plus the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.

10.02. Any person causing a final plat to be recorded without submitting such plat for approval as required shall be subject to the forfeiture penalties as provided in sec. 236.30, Wis. Stats.

10.03. Any person who offers or contracts to convey, or who conveys, any lot in an unrecorded plat shall be subject to the forfeiture penalties as provided in sec. 236.31, Wis. Stats.

**Section 11. Severability.**

If any provision of this ordinance or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of this ordinance, and the remaining provisions shall be given force and effect to the fullest extent possible under the law.

ARTICLE II. This Ordinance shall take effect upon passage and publication as required by law.

Adopted on the   10   day of   June  , 2024.

TOWN OF WOODLAND, SAUK COUNTY, WISCONSIN.

APPROVED:	ATTESTED:
<u>  Edwin J. Woolever  </u>	<u>  Nancy Dieck  </u>
Edwin Woolever, Town Chair	Nancy Dieck, Town Clerk

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