

TOWN OF HOWARD
CHAPTER 13
MINIMUM LOT SIZE FOR SINGLE AND TWO
FAMILY RESIDENTIAL HOUSES ORDINANCE

(1) **PURPOSE OF CONTROL.** As set forth in Wis. Stats. § 60.61 - 60.627, 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 population.

(2) **SHARED LAND AREA.** The land area provided for one housing unit shall not also be counted for another unit in order to meet the density requirement, subject to the following:

A. In group projects with more than one building on the lot or a series of lots, all in single ownership, or in multiple ownership but bound together by land covenants running with the land so as to form a single project, developed and maintained in a coordinated way to share use of land area, open space and possibly also street access or parking, the density requirement of land area per individual housing unit is met so long as the division of total land area by total dwelling units is met.

B. Where it is desired to separate individual or groups of buildings from such a project relationship, any individual lots so separated and the residual lot or group of lots remaining shall comply with the land area requirement.

(3) **LOT SIZE.**

A. Minimum required. No lot shall be of less area or width than a total of five (5) acres required by these regulations in which the lot is placed.

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 purposes of this chapter, the lot area shall be measured from the road right-of-way line. 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. Said lot

may not be narrower than one-third of its depth. Likewise, said lot's depth may not be less than one-third of its width.

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.

(4) AUTOMATIC ONE TIME EXCEPTION FROM ORDINANCE

A. Purpose. There are many landowners in the Town who presently own less than the minimum lot size requirement for building single and two family residential houses. The Town does not want to preclude the landowner from selling said property in the future for the purpose of building a single or two family residential home. Therefore, any landowner who owns less than the five (5) acre minimum set forth in this ordinance shall be automatically granted a one time exception to the five (5) acre minimum lot size requirement.

B. One Time Exception. Any person who is the landowner of record at the time of the enactment of this ordinance, who owns less than the five (5) acre minimum set forth in this ordinance, shall be automatically granted a one time exception to the five (5) acre minimum lot size requirement. This one time exception shall allow any buyer of the property from the landowner of record at the time of the enactment of this ordinance, to build a single or two-family residential home on the lot that is less than the five (5) acre requirement. The buyer and any subsequent buyers are thereafter ineligible to apply for any exception to this ordinance. **The exception is only available to the landowner of record of the property at the time of the enactment of this ordinance.**

C. The one time exception set forth in Paragraph (B) above, shall also apply if the land is transferred from a deceased owner's estate to an heir through the deceased owner's probate. The deceased owner's one time exception shall be transferred to the heir, in tact, through the estate, and the heir shall be allowed to sell the parcel and the buyer may build upon the parcel

(5) BULDING SETBACK. All permanent structures shall be located at least ten (10) feet from all lot lines. . [Amended 7/6/04]

(6) VIOLATIONS AND PENALTIES. Any person who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$250.00 nor more than \$2,000.00 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 30 days. Each violation and each day a violation exists or continues shall constitute a

separate offense. In addition, the remedies authorized by Sections 236.30, 236.31 and 236.32, Wis. State Stats., shall be available to the Town.

Adopted 8/5/03