

**SUBDIVISION ORDINANCE  
FOR THE TOWN OF ST. CROIX FALLS  
Ordinance 13-03**

***SECTION 1. INTENT AND PURPOSE***

- 1.1. It is the Intent and purpose of this ordinance to allow for orderly and community beneficial development within the Town of St. Croix Falls. The Town's comprehensive plan stresses the desire to maintain a rural character and preserve the natural resources within the Town, while also developing Commercial areas along US 8 and State Road 35. Additionally, the need for affordable housing for residents is stressed in the Comprehensive Plan. The regulations provided in this ordinance attempts to balance these goals.

***SECTION 2. SCOPE AND APPLICABILITY***

- 2.1. The regulations contained in this Chapter shall apply to any division of land into two or more parcels for the purpose of transfer of ownership, building development or tax assessment purposes by platting, replatting, CSM, conveyance, sale, contract for sale or other means by which a beneficial interest in land is transferred. In case of conflicts between this or any other Ordinance other than the exceptions set forth in section 4.2 of this ordinance, the provisions of this Ordinance will prevail.
- 2.2. After the effective date of this Ordinance:
- (1) No land shall be subdivided or platted nor shall any plat or deed be recorded except as provided in this Chapter and approved by the Town as having fulfilled the requirements of this Chapter.
  - (2) Any parcel of land, either platted or unplatted, that has been combined for tax purposes, or for any other reason by the owner, cannot be re-separated, or in anyway deviated without approval in the manner prescribed in this Chapter.
  - (3) The Town Board may waive any requirement or restriction provided in this Ordinance after seeking recommendations from the Plan Commission and holding a public hearing. In granting any waiver, the Board must find by clear and convincing evidence that the waiver: 1) is consistent with the Town's goals and objectives as demonstrated in its Smart Growth Plan and Section 1.1 of this Ordinance; 2) that the consequences of the waiver are offset by features of the development that enrich the quality of life for residents of the development and for residents of the Town; and 3) that any and all negative impacts of the waiver, including impacts on neighboring property, the environment, and any other impacts shall be mitigated by the developer to the maximum practical extent.

It is the intent of this Section that a developer seeking a waiver shall include features in the development that are above and beyond the requirements of this Ordinance and any other relevant Town Ordinance, and that taken as a whole, the resulting development is an improvement over a development built in strict conformity with the requirements of this Ordinance and any other relevant law, regulation or Ordinance. It is also the intent that the requirement to mitigate any and all negative impacts of a waiver is a separate requirement from the balancing test above, and that the developer shall take meaningful and substantive action when mitigation is required. For example, mitigation of environmental impacts could include purchasing another parcel in the Town such as an old gravel pit, reclaiming the pit, and dedicating it to the Town through a conservation easement.

- (4) No Certified Survey Map (CSM) shall be recorded with the Register of Deeds until the Certified Survey Map (CSM) shall have been approved by the Town as having fulfilled the requirements of this Ordinance. A signature block may be placed on the CSM for the Town to sign approval.

### ***SECTION 3. DEFINITIONS***

3.1. A “person” includes a corporation, a partnership, and an incorporated association of persons such as a club; “shall” is always mandatory; a “building” includes a “structure”; a “building” or “structure” includes any part thereof; “used” or “occupied” as applied to any land or building shall be construed to include the words “intended”, “arranged”, or “designed to be used or occupied.”

3.2. For the purpose of this Chapter, certain terms and words are hereby defined as follows:

- (1) Alley: Any dedicated public right-of-way providing a secondary means of access to abutting property.
- (2) Applicant: The owner of the land proposed to be subdivided or his representative.
- (3) Block: The enclosed area within the perimeter of roads, outlots, property lines or boundaries of a subdivision.
- (4) Boulevard: The portion of the street right-of-way between the curb line and the property line.
- (5) Comprehensive Plan: A plan prepared by the Town of St. Croix Falls and Polk County including a compilation of policy statements, goals, standards and maps indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the Town and includes any unit or part of such plan or parts thereof.
- (6) Concept Plan: A sketch preparatory to the preparation of the preliminary plat to enable the subdivider to save time and expense in reaching general agreement with the Town and Polk County as to the size and form of the development and the objectives of these regulations. The sketch plan shall contain data in accordance with Section 7.1 of this Chapter.
- (7) Contour Interval: The vertical height between contour lines.
- (8) Contour Map: A map on which irregularities of land surface are shown by lines connecting points of equal elevations.
- (9) Copy: A print or reproduction.
- (10) County: Polk County, Wisconsin
- (11) County Board: The Polk County Board of Supervisors.
- (12) CSM: A Certified Survey Map, prepared and endorsed by a Registered Land Surveyor.
- (13) Cul-De-Sac: A street with only one outlet; a dead end street; measured from the point where there is no secondary access.
- (14) Developer: The owner of land proposed to be subdivided or his representative.
- (15) Development: The act of subdividing land, building structures and installing site improvements.
- (16) Development Agreement (major subdivision): A contract with the Town in which the owner or developer agrees to take certain specified actions in consideration of the Town's granting preliminary and final plat approval.
- (17) Double Frontage Lots: Lots which have a front line abutting on one street and a back or rear line abutting on another street (alleys are not considered streets for this purpose).
- (18) Drainage Course: A water course or indenture for the drainage of surface water.
- (19) Drainage way: A natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area. The term also includes all drainage structures that have been constructed or placed for the purpose of conducting, or directing water from one place to another.
- (20) Easement: A grant by an owner of land for a specific use by persons other than the owner.

- (21) Engineer: The registered engineer employed by the Town unless otherwise stated.
- (22) Final Plat: The map or plan or record of a subdivision and any accompanying material as described in these regulations.
- (23) Grade: The slope of a road, street, or other public way specified in percentage (%) terms.
- (24) Individual Sewage Disposal System: A sewage treatment system, or part thereof, serving a dwelling or other establishment, or group thereof, and using sewage septic tanks or advanced treatment followed by soil treatment and disposal.
- (25) Lot: An individual parcel of land designated by metes and bounds, registered land survey, plat, or other means, and which description is recorded in the Office of the Polk County Register of Deeds.
- (26) Lot, Corner: A lot bordered on at least two (2) adjacent sides by intersecting streets.
- (27) Lot Width: As defined in the Town Zoning Ordinance.
- (28) Major Subdivision: All subdivisions not classified as minor subdivisions which include the creation of five (5) or more lots or building sites within the previous 5 years.
- (29) Metes and Bounds: A property description in which successive sides are described by direction and distance as one would walk around the area being described.
- (30) Minimum Subdivision Design Standards: The guides, principles and specifications for the preparation of subdivision plans indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the plan.
- (31) Minor Subdivision: Any subdivision of not more than four (4) lots or building sites created in the previous 5 years.
- (32) Nonresidential Subdivision: A subdivision whose intended use is other than residential, such as commercial or industrial.
- (33) Open Space Development: A style of subdivision development which places residential dwelling units into compact groupings while providing a network of dedicated open space.
- (34) Ordinary High Water Level: See Polk Count Shoreland Ordinance. The boundary of public waters and wetlands; an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence on the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowage, the ordinary high water level is the operating elevation of the normal summer pool. On lakes with an established high water level by the Wisconsin Department of Natural Resources, that elevation shall be considered the ordinary high water level.
- (35) Outlot: A lot remnant or any parcel of land included in a plat which is not buildable at the time of platting.
- (36) Owner: All persons interested in a property as fee simple owner, life estate holder and/or encumbrancer or contract for deed purchaser.
- (37) Pedestrian Way: A public right-of-way across or within a plat to be used by pedestrians or non-motorized vehicles.
- (38) Person: Any person, partnership, corporation or association including governmental agencies and political entities.
- (39) Plan Commission: The Town of St. Croix Falls Plan Commission.
- (40) Preliminary Plat: The preliminary drawing or drawings as described in these regulations indicating the proposed manner or layout of the subdivision to be submitted to the Plan Commission and Town Board for approval. A Preliminary Plat shall contain data required as outlined in Section 7 and 8.
- (41) Private Street: A street serving as vehicular access to more than two (2) parcels of land which is not dedicated to the public but is owned by one or more private parties.

- (42) Protective/Restrictive Covenants: Contracts, agreements, or declarations entered into between private parties which constitute permanent, enforceable restrictions on the use of private property within a subdivision.
- (43) Reserve Strips: A narrow strip of land placed between lot lines and streets to control access.
- (44) Right-of-Way: The land covered by a public road or land dedicated for public use or for certain private use such as land over which a power line passes.
- (45) Road, Dead-End: A road or a portion of a street with only one (1) vehicular traffic outlet.
- (46) Street: A public right-of-way which affords a primary means of access to abutting property.
- (47) Street, Collector: A road intended to move traffic from local roads to secondary roads and/or a road designated as a collector by the Wisconsin Department of Transportation or the Polk County Comprehensive Plan.
- (48) Street, Intermediate or Minor Arterial: Routes identified as minor arterials by the Wisconsin Department of Transportation or the Polk County Comprehensive Plan. These streets are designed to serve heavy traffic volumes and their function is to provide mobility with substantially restricted access. They serve to connect communities and/or significant traffic generators or principal arterials, to relieve congestion, and to expand the capacity of other arterials.
- (49) Street, Local: A road intended to provide access to other roads from individual properties and to provide right-of-way beneath it for sewer, water and storm drainage pipes.
- (50) Street (Service/Frontage Road): A minor street parallel to and adjacent to high volume arterial streets and highways which provides access to abutting properties and protection of through traffic.
- (51) Street, Rural Design: A street without curb and gutter having either paved or gravel shoulders.
- (52) Street, Urban Design: A street that incorporates either concrete or bituminous curb and gutter.
- (53) Street Width: The shortest distance between the lines delineating the roadway, including shoulders or parking lanes of a street. On urban designed streets it is face to face of curbs.
- (54) Subdivider: The owner, agent, or person having control of such land as the term is used in this Chapter.
- (55) Subdivision: The process or result of the process whereby land is divided into two or more parcels for the purpose of transfer of ownership, building development or tax assessment purposes including platting, replatting, registered land survey, conveyance, sale, contract for sale or other means by which a beneficial interest in land is transferred or created.
- (56) Survey, Land: The process of determining boundaries and areas of tracts of land. Also called property survey or boundary survey.
- (57) Surveyor: A registered land surveyor licensed under Wisconsin State Statutes.
- (58) Thoroughfare: A street primarily designated to carry large volumes of traffic and provide for vehicular movement between and among large areas.
- (59) Zoning Ordinance: Regulations controlling the use of land as adopted by the Town of St. Croix Falls.
- (60) Vicinity Map: A map drawn to comparatively small scale which shows the area proposed to be platted in relation to known geographical features, e.g. town centers, lakes, roads.

#### ***SECTION 4. ADMINISTRATION***

- 4.1. The Town of St. Croix Falls, under the authority of the Board, shall be the Administrator of these regulations.
- 4.2. Whenever there is a difference between the minimum standards or dimensions required in this Ordinance and any other standards or dimensions in the Town of St. Croix Falls Zoning Ordinance, the Polk County Shoreland Protection Ordinance the Polk County Zoning Ordinance and

Subdivision Regulations, or any other county, state, or federal regulations that apply to the land, the most restrictive standards or dimensions shall apply.

- 4.3. Subdivision Review shall be coordinated with Polk County. County approval of all phases of plat approval is required and shall be in sequence with Town approval.
- 4.4. The platting and subdivision of open space design or cluster subdivisions shall be coordinated with the requirements contained in the Town of St. Croix Falls Open Space Design Ordinance or requirements of the Zoning Ordinance. Any deviation from the minimum design and engineering standards of these subdivision regulations may be allowed when consistent with the standards contained in the Open Space Design Requirements.
- 4.5. Sales of land that require the moving or altering of lot lines but do not create a new parcel can be approved by the Town Zoning administrator as long as the affected parcels conform to both the Town Zoning Ordinance and Subdivision Ordinance, and any other applicable ordinances, after the moving of the lot lines.
- 4.6. No structure shall be built or placed on a new lot in a new plat until the road and drainage improvements are substantially completed and as otherwise required in the Developers Agreement. With regard to road improvements, substantially complete shall mean that the gravel base is in and has been approved by the Town engineer.
- 4.7. Any lot or parcel of land designated as an “outlot” shall have a development agreement recorded against this lot or parcel specifying the usage and ownership of said lot or parcel and limiting buildings to non-habitable buildings only.
- 4.8. Consent for subdivision of property shall be required from the owner of the property.
- 4.9. Creation of a security interest in a portion of a parcel less than the entire parcel does not entitle the property to be subdivided even in the event of foreclosure of the security interest unless the parcel is in conformance with this Ordinance and Polk County Land Use Regulations.
- 4.10. Any person aggrieved by any decision or stipulation based on this ordinance may appeal said decision or stipulation by the process set forth in Wisconsin State Statute 236.13(5) (as amended).
- 4.11. Any bonds or other financial security required under the provisions of this Chapter and the Developer’s Agreement shall be approved by the Zoning Administrator, Town attorney and Town engineer.
- 4.12. In addition to any other remedies set forth in this Ordinance, any person who violates any provisions of this Ordinance or who sells, leases or offers for sale or leases any lot, block, or tract of land regulated by this Chapter before all requirements of the regulations of this Ordinance have been complied with shall forfeit to the Town the amount prescribed in the Town Schedule of Penalties and Cash Deposits.
- 4.13. Fees for plat reviews and other services rendered under this Chapter shall be established by the Town Board of St. Croix Falls.
- 4.14. Any subdivision created after the passage of this Ordinance shall have placed the following statement on the face of the plat: “The minimum square footage and width of a single family dwelling shall meet the minimum standards in the Town of St. Croix Falls Zoning Ordinance”.

- 4.15. To the extent that this Ordinance contains time limits, deadlines, notice requirements, or other provisions that are more restrictive than time limits deadlines, notice requirements, or other provisions that provide protections for a subdivider contained in Chapter 236 of the Wisconsin Statutes, the time limits, deadlines, notice requirements, or other provisions that provide protections for a subdivider contained in Chapter 236 shall apply.
- 4.16. For either a minor or major subdivision the Town Board may issue a conditional final approval. After receiving proof of the conditions being satisfied to the Town desires the Town Chairman can sign the final plat approving the subdivision.

#### ***SECTION 5. GENERAL DEVELOPMENT STANDARDS***

- 5.1. Excepting land exchanges as described in Section 4.6, there shall be two classes of subdivisions in the Town: Minor Subdivisions and Major Subdivisions. Both have the potential for significantly impacting the character of the surrounding community as described in Section 1 of these regulations.

The nature and extent of data submission(s) and review(s) are distinguishable between the two classes, and both are subject to the waiver provisions of Section 2.2(3).

- 5.2. A narrative statement shall be as described in Section 7.2(2).
- 5.3. 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.
- 5.4. 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 Town Vision Statement.
- 5.5. All new subdivisions, where appropriate, should be designed to accommodate use of passive and active solar energy systems with special attention given to street, lot and building orientation.
- 5.6. The proposed subdivision shall conform to the Comprehensive Plan and Policies as adopted by the Town.
- 5.7. Where a subdivision abuts or impacts an existing County Road, additional right-of-way may be required to be dedicated so long as the additional right-of-way is reasonably proportional to the impact of the subdivision on the health, safety and welfare of the Town.
- 5.8. Proposed subdivisions shall be coordinated with existing nearby municipalities or neighborhoods so that the Town as a whole may develop harmoniously.

#### ***SECTION 6. MINOR SUBDIVISION***

- 6.1. In the case of a subdivision resulting in four (4) or fewer parcels over a 5 year period and situated in a locale where conditions are well defined and no new roads or other public infrastructure is needed, the Town may waive a portion of the platting requirements. The Town will only consider such requests for cases in which the subdivision adheres to, and careful attention is paid to, the

Township Vision Statement and consequently observes and maintains the Town character. In any event, a narrative statement as provided in 7.2(2) must be provided.

- 6.2. At a minimum, the following information must be submitted:
  - (1) A survey showing the original lot and proposed lots.
  - (2) Buildable area on the parcels.
  - (3) Driveway access points.
- 6.3. A certified survey shall be prepared by a licensed land surveyor showing the boundaries of the newly created lots.
- 6.4. Prior to approval of a minor subdivision, the Town reserves the right to require the dedication of streets, utility and drainage easements, or public park land or cash in lieu of land.
- 6.5. All wetland areas and DNR protected waters shall be protected with a drainage easement up to the 100 year flood elevation or the wetland boundary, whichever is more restrictive.
- 6.6. The Zoning Administrator and/or Town Planner shall review all minor subdivisions for compliance with the Town of St. Croix Falls Subdivision Ordinance prior to forwarding his report to the Plan Commission, which shall conduct a public hearing at the next possible Plan Commission meeting on the proposed minor subdivision, and thereafter forward its findings of fact and conclusion of law to the Town Board for final consideration.
- 6.7. In addition to other requirements, all requirements of Sections 8, 9 and 10 of this Chapter must be met where applicable. Further, the following must be completed:
  - (1) Driveway permits or letter of intent must be approved by the Polk County Department of Highways or Wisconsin Department of Transportation if access to a County or State road is required.
  - (2) Drainage easements must be dedicated as necessary.
  - (3) Road right-of-way must be dedicated as necessary.

### ***SECTION 7. MAJOR SUBDIVISION PLATTING PROCEDURE***

- 7.1. Concept Review.
  - (1) In order to ensure that all applicants are informed of the procedural requirements and minimum standards of this Chapter, and the requirements or limitations imposed by other Town regulations prior to the development of a preliminary plat, the subdivider shall meet with the Zoning Administrator and/or Town Planner.
  - (2) The Zoning Administrator and Town Planner shall review the concept plan with the subdivider and provide comments on the concept plan. They shall prepare a Memorandum to the file and make copies available to the Plan Commission at its next regularly scheduled meeting, for concept review.
- 7.2. Preliminary Plat (See Preliminary Plat Requirements, Section 8)
  - (1) The owner shall prepare and submit fifteen (15) copies of a concept plan containing the following information:

- (A) Tract boundaries and approximate dimensions, to scale at no smaller than 1"=200'.
  - (B) Significant topographic and physical features on the property to be platted and within 200 feet of all property lines.
  - (C) Proposed general street and lot layout with lot sizes of individual parcels designated.
  - (D) General location of proposed public and private open space areas.
  - (E) General drainage plan.
  - (F) Current zoning of the property.
  - (G) An explanation of the proposed subdivision and its purpose.
  - (H) Any other information deemed necessary by the Plan Commission, Zoning Administrator, Town Planner, or Engineer.
- (2) Every Preliminary Plat submitted shall have attached and incorporated by reference on such preliminary plat a narrative statement of how and to what extent the proposed subdivision has been conceived and designed to satisfy and further the Vision Statement in the Town's Comprehensive Plan. Vague and general statements are to be avoided, and will not be deemed to have satisfied this requirement. Specifics, including identifiable and demonstrable features, will be required.
  - (3) Prior to preliminary plat approval for property located in a Shoreland District or St. Croix River District, the proposed subdivision must have the approval of the Wisconsin Department of Natural Resources. The Zoning Administrator shall be responsible for forwarding copies of the proposed plat to the DNR.
  - (4) If the property proposed to be subdivided abuts the right-of-way of a State highway, a copy of the preliminary plat shall be sent to the Wisconsin Department of Transportation for their review and consideration.
  - (5) If the Preliminary Plat includes use of an innovative sewage treatment system, a letter from the DNR representative and a Polk County representative stating compliance of the proposed system with DNR or County laws or rules must be attached.

### 7.3. Public Hearing

- (1) Upon receipt of a complete preliminary plat application, including the preliminary plat, the Plan Commission shall schedule a public hearing on the proposed preliminary plat. Such hearing shall be scheduled at the next possible Plan Commission meeting.
- (2) If the preliminary plat is not recommended for approval by the Plan Commission, the reasons for such action shall be recorded in the proceedings and transmitted to the applicant. The applicant can appeal such non approval to the Town Board which shall take action on the plat.
- (3) If the preliminary plat is approved, such approval shall not constitute final acceptance of the layout. Final approval will be required as specified in Section 7.4.
- (4) The Plan Commission reserves the right to require changes to any subdivision plan when it believes an alternative plan would be more sensitive to the Town Vision Statement and above stated Intent and Purpose Section of this Ordinance. Some of these changes may include, but are not restricted to:
  - Increased sensitivity to environmental resources including woodlands, grasslands, prairies, and wildlife habitat.
  - Providing a more efficient traffic flow for the property.
  - Increased sensitivity to topographical constraints of the property.
  - Preservation and protection of agricultural and rural residential character within the plan.
  - Preservation of cultural and historic sites of the Town including scenic views and vistas.
  - Preservation of surface water resources including lakes, streams, and drainageways.
- (5) If the preliminary plat is approved by the Plan Commission and Town Board, the subdivider shall submit the final plat within 180 days after the approval, or the approval of the preliminary plat shall be considered null and void. This 180 day time limit may be extended if requested by the



applicant and approved by the Plan Commission. In the event the property is to be developed in phases, the preliminary plat approval for the undeveloped portion or phase shall be valid for three (3) years from the date of preliminary plat approval.

- (6) Should the subdivider desire to amend the preliminary plat as approved, he or she may submit an amended plat which shall follow the same procedure as a new plat. A public hearing and submission of a plat review fee shall not be required for amended preliminary plats unless, in the opinion of the Zoning Administrator, the amendment is of such scope as to constitute a new plat. In such cases, the plat shall be refiled with payment of appropriate review fees and shall require a public hearing.

#### 7.4. Final Plat

- (1) After the preliminary plat has been reviewed and approved by the Plan Commission and Town Board, fifteen (15) copies of the final plat containing the information detailed in Section 8.2 shall be submitted to the Zoning Administrator.
- (2) The Plan Commission shall consider the final plat no later than thirty (30) days from the date that the complete final plat is received. The Plan Commission's recommendations on the final plat shall be recorded in the proceedings of the Plan Commission and transmitted to the Town Board.
- (3) Following final approval of any plat the owner shall submit the final plat to the Polk County Register of Deeds within the timeframes allotted in Chapter 236 of the WI State Statutes.

### ***SECTION 8. PRELIMINARY AND FINAL PLAT REQUIREMENTS***

8.1. The following information shall be submitted for preliminary plat review. Graphic scale for any maps shall not *be smaller* than one two hundred (200) feet to one (1) inch.

- (1) Identification and Description.
  - (A) Proposed name of the subdivision. This name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in the Town.
  - (B) Legal description of the general location of the property.
  - (C) Name and address of the record owner and any agent having control of the land; the name and address of the subdivider, land surveyor, engineer and designer of the plan.
  - (D) Narrative statement of how and to what extent the proposed subdivision has been conceived and designed to satisfy and further the Vision Statement and character of the Town.
  - (E) North point and vicinity map of area showing well known geographical points for orientation within a one-half (½) mile radius.
  - (F) Date of preparation.
- (2) Existing Conditions.
  - (A) Boundary lines shall be shown clearly and to such a degree of accuracy that conforms to the plat in that no major changes are necessary in preparing said plat.
  - (B) Existing zoning classifications for land in and abutting the subdivision.
  - (C) Approximate total acreage.
  - (D) Location, right-of-way width, and names of existing or platted streets or other public ways, parks and other public lands, significant physical features/natural resources, permanent buildings and structures, easements and section, corporate and school district lines within the plan and to a distance of three hundred (300) feet beyond.
  - (E) Location and size of existing sewers, water mains, culverts, wells, septic systems, drain tile, or other underground facilities within the preliminary plat are and to a distance of one hundred (100) feet beyond. Such data as grades and location of catch basins, manholes, hydrants, and street pavement width and type shall also be shown.
  - (F) Boundary lines of adjoining unsubdivided or subdivided land within one hundred (100) feet,

- identified by name and ownership, and including all contiguous land owned or controlled by the subdivider.
- (G) All wetlands shall be field delineated by a qualified and experienced wetlands delineator and shown appropriately on the preliminary plat. A copy of the wetland delineation report shall be submitted. Mapping must show surveyed location of all wetland boundary markers.
  - (H) Topographic data, including contours at vertical intervals of not more than two (2) feet, except in those areas where the slope is less than one percent (1%) a one (1) foot vertical interval shall be shown. Water courses, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown. National Geodetic Vertical Datum 1929 Adjustment or North American Vertical Datum of 1988 shall be used for all topographic mapping, except where benchmarks are not available within ½ mile of site. At the discretion of the Zoning Administrator, spot elevations may substitute for the one-foot contour intervals.
  - (I) A copy of all proposed private restrictions and covenants.
  - (J) Statement addressing all, if any, historical and cultural elements will be impacted due to the development of the subdivision.
  - (K) Identification of wildlife, if any, impacted and location of wooded areas.
  - (L) Soil borings shall be done every 300' to determine viability of the soil for on site waste disposal systems. In any case, holding tanks shall not be proposed unless no other sanitary system options are allowed.
  - (M) On all lakes, ponds and wetlands, all water surface elevations, ordinary high water elevation and shall be denoted unless deemed unnecessary by the Zoning Administrator.

(3) Subdivision Design Features.

- (A) Layout of proposed streets showing right-of-way widths and proposed names of streets. The name of any street shall conform to the Polk County Street Naming and Property Numbering System as applicable.
- (B) Locations and widths of proposed alleys, pedestrian ways and utility easements.
- (C) Lot and block numbers, preliminary dimensions of lots and blocks and area of each lot. The buildable area of each lot, excluding slopes over twenty-five percent (20%), required setbacks and drainage easements shall be noted.

(4) Other Information.

- (A) Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; style of dwelling units, minimum floor areas, and price points; type of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population.
- (B) Source of water supply.
- (C) Provisions for sewage disposal, surface water drainage, and flood control. Assurances will be required to prevent increased runoff onto adjacent lands.
- (D) Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Plan Commission may require the subdivider to submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions and land use. If the plat contains either a temporary or permanent cul-de-sac, a plan showing the potential for development of adjacent property may also be required.
- (E) Design elements which adhere to the Town Vision Statement and work to preserve the rural character of the Town, and implement the "Intent and Purpose" Section of this Ordinance. Such elements should be harmonious with the natural surroundings.
- (F) Where applicable, areas in which the existing natural features have been preserved should be

identified, and correlating acreage expressed where possible. Natural features include, but are not limited to, large trees, water courses, grasslands, prairies, scenic points, and historical spots.

(G) Such other information as may be requested by the Zoning Administrator, the Town Engineer, Town Planner, or the Plan Commission.

8.2. The following information shall be submitted for final plat review.

- (1) The final plat shall be prepared by a land surveyor who is licensed in the State of Wisconsin and shall comply with the provisions of Wisconsin State Statutes and these regulations.
- (2) The subdivider shall submit, with the final plat a current title insurance policy or commitment with a gap endorsement certified to within 30 days of submission of the final plat to the Town Board for approval.
- (3) On the final plat, the lowest floor elevation of the building shall be shown for all lots abutting a water body. Such elevation shall be at least two (2) feet above the 100 year flood elevation. A durable bench mark shall be established and shown on the map.
- (4) Private restrictions and covenants in a form suitable for recording.
- (5) Location and size of proposed sanitary sewer lines and water mains or proposed Town sewer and water systems.
- (6) Gradients of proposed streets and sewer lines. Plans and profiles showing locations and typical cross-sections of street pavement including curbs, gutters, sidewalks, drainage easements, servitude right-of-ways, manholes and catch basins.
- (7) Areas (other than streets, alleys, pedestrian ways and utility easements) intended to be dedicated or reserved for public use including the size of such area(s) in acres.
- (8) Grading and drainage plan for entire subdivision. If any fill or excavation is proposed in a wetland or lake, approval may be required from the Wisconsin Department of Natural Resources and Army Corps of Engineers.
- (9) Erosion and sediment control plan.

### ***SECTION 9. MINIMUM DESIGN STANDARDS***

9.1. Street Plan.

- (1) Proposed streets shall conform to the state, county, or local road plans or preliminary plans as have been prepared, adopted and/or filed as prescribed by-law.
- (2) Streets shall be logically related to the topography so as to produce useable lots and reasonable grades.
- (3) Access shall be given to all lots and portions of the tract in the subdivision and to adjacent un-subdivided parcels unless the topography clearly indicates that such connection is not feasible. Reserved strips and land-locked areas shall not be created.
- (4) The arrangement of streets in new subdivisions shall make provisions for the appropriate continuation of the existing streets into adjoining areas.
- (5) Private streets shall be prohibited except roads serving two (2) or fewer lots. Roads serving two (2) or fewer lots shall be identified on the face of the Certified Survey Map as private roads or streets. All such Certified Surveys shall contain a statement stating "The Town of St. Croix Falls incurs no obligation to maintain or repair the shown non-dedicated roadway." All other streets shall be dedicated for public use.
- (6) Where a subdivision abuts or contains an existing or planned principal arterial highway or railroad right-of-way, a street approximately parallel with and on each side of such thoroughfare and right-of-way may be required for adequate protection of residential properties and separation of through and local traffic. Such service streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial and

industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

- (12) The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

9.2. Cul-de-Sac Streets.

- (1) For the purposes of this Ordinance, whether a new cul-de-sac is proposed or an existing cul-de-sac is to be extended, the beginning of the cul-de-sac road shall be measured from the point at which there is no secondary access. The end is to be measured at the center of the cul-de-sac.
- (3) Temporary cul-de-sacs are those in which it can be clearly shown that the road could reasonably continue and would result in a through road at some time in the foreseeable future. A plan showing how the road could be extended into neighboring property shall be submitted.
- (4) Cul-de-sac streets, permanently designed as such, shall not exceed 600 feet in length in areas where lots are less than three (3) acres in size.
- (5) Where lots are three (3) acres in size or greater, cul-de-sacs permanently designed as such shall not exceed one quarter (1/4) mile in length.
- (5) Unless future extension is clearly practical or desirable, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to said property line in such a way as to permit future expansion of the street into the adjoining tract. At such time as a street is extended, the acreage covered by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owner fronting on the temporary turnaround. To assure such streets can be constructed according to these regulations, the street shall be rough graded or typical sections shall be submitted and approved by the Town Engineer to show construction can stay within the right-of-way.

9.3. Street Design. (For street design standards in Open Space Developments see 1.10, Performance Standards (5) for Open Space Development.)

- (1) Minimum right-of-way widths and pavement widths (face to face of curb) for each type of public street or road shall be as follows:

**URBAN DESIGN**

Type of Street	Minimum Right-of-Way Width	Minimum Roadway Width (including shoulders)
Minor Arterial	120 feet (36.6 m)	24 feet (13.4 m)
Collector	100 feet (30.5 m)	24 feet (13.4 m)
Local	66 feet (20.1 m)	24 feet (9.8 m)

**RURAL DESIGN**

Type of Street	Minimum Right-of-Way Width	Minimum Roadway Width	Shoulder Width
Minor Arterial	120 feet (36.6 m)	24 feet (12.2 m)	8 feet
Collector or Commercial – Industrial Street	100 feet (30.5 m)	24 feet (12.2 m)	8 feet
Local	66 feet (18.3)	24 feet (12.2 m)	4 feet

- (2) Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be provided to meet the above standards.
- (3) The minimum radius for a cul-de-sac shall be sixty (60) feet with islands.

- (4) Additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it or to provide parking space in areas of intensive use. Additional width may also be necessary due to topography in order to provide adequate earth slopes.
- (5) Access to streets shall be regulated as follows:
  - (A) Access of streets within the subdivision to other local streets shall meet the requirements of the Town of St. Croix Falls Zoning Ordinance.
  - (B) Access of streets within the subdivision to any public street or highway shall meet all requirements of the access spacing guidelines of the Town of St. Croix Falls Comprehensive Plan as provided below and shall be subject to all conditions of access permitting requirements of the Polk County Department of Highways or the Wisconsin Department of Transportation. At the discretion of the Town Engineer or Town Planner, a traffic study including trip generation figures may be required of commercial or industrial subdivisions as well as residential subdivisions of fifty (50) or more dwelling units. Commercial developments or residential developments with more than ten (10) dwelling units shall require turn or bypass lanes to be constructed on the County Road or County State Aid Highway. Such lanes shall conform to Wisconsin Department of Transportation design standards and all costs shall be borne by the developer.
  - (C) Access to Wisconsin Trunk Highways, U.S. routes, or Interstate Highways shall be subject to all regulations and permitting procedures of the Wisconsin Department of Transportation.
- (6) Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be allowed.
- (7) When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius of not less than two hundred (200) feet.
- (8) Centerline gradients shall be at least 0.5 percent and grades shall not exceed eight percent (8%).
- (9) Different connecting street gradients shall be connected with vertical curves. Minimum length of these curves shall be thirty times (30X) the algebraic difference in the percent of grade of the two adjacent slopes.
- (10) The angle formed by any intersection of streets shall not be less than seventy (70) degrees with ninety (90) degree intersections preferred.
- (11) Intersections having more than four (4) streets converging at a single intersecting point shall be prohibited.
- (12) Roadways of street intersections shall be rounded by a radius of not less than fifteen (15) feet. Roadways of alley-street intersections shall be rounded by a radius of not less than six (6) feet. Corners at the entrances of turn-around portions of the cul-de-sacs shall be rounded by a radius of not less than thirty (30) feet.

#### 9.4. Public Utilities.

- (1) Extensions of the public water supply system, when available, shall be designed to provide public water service to each lot.
- (2) Extensions of the public sanitary sewer system, when available, shall be designed to provide public sewer service to each lot.

#### 9.5. Easements.

- (1) Easements of at least twenty (20) feet wide, centered on rear and other lot lines as required, shall be provided for utilities where necessary. Where underground utilities are being installed, a 10-foot wide front or side yard easement is required. These easements shall be dedicated on the final plat.

- (2) Utility and drainage easements shall be designated for the required use.

9.6. Street Names and Signs.

- (1) Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing or platted street. In that event, it shall bear the same name of the existing or platted street. Street names shall conform to the Polk County Street Naming and Property Numbering system as applicable.
- (2) All street signs shall be provided and installed by the Town at the expense of the subdivider.

9.7. Lot Requirements.

- (1) The minimum lot size is defined in the St. Croix Falls Town Zoning Ordinance. Each unsewered lot meeting minimum lot size shall have a designated area of one (1) acre or more exclusive of road and railroad rights-of-way, wetlands, bodies of water, floodplains, slopes in excess of 20%, drainageway easements, driveway easements, and historic or archeological areas. The designated area need not be contiguous provided that there is at least one contiguous buildable area capable of accommodating the building site, well, and the entirety of the on-site waste disposal system and driveway connections which will serve the lot.
- (2) Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines or radial to lake or stream shores unless topographic conditions necessitate a different arrangement. Lots proposed with irregular lot lines for the sole purpose of meeting a specific zoning requirement are prohibited.
- (3) Each lot shall have frontage on an improved public street. Access to the lot shall be from the frontage of the lot.
- (4) The ratio of depth to width on lots shall not exceed 3:1.
- (5) Lots designed for commercial or industrial purposes shall provide adequate off-street service, loading and parking facilities.
- (6) Corner lots shall be platted at least twenty (20) feet wider than required.
- (7) Through or double frontage lots shall not be permitted except where such lots abut an arterial or highway or as a means to overcome specific disadvantage of topography and orientation. Such lots shall have an additional depth of ten (10) feet for screen planting along the rear lot line.
- (8) Lots abutting upon a water course, drainage way, channel, or stream shall have an additional depth or width, as required, to assure building sites that are not subject to flooding.
- (9) Lots with lakeshore frontage shall be designed so that the lot lines extended shall maintain the closest approximation to riparian right.
- (10) All remnants of lots below minimum lot size left over after subdividing a larger tract must be added to adjacent lots or a plan shown for future use, rather than allowed to remain as unusable parcels. A development agreement (major subdivision) shall be recorded restricting the use and ownership of said parcel.
- (12) No lot shall extend over a political subdivision boundary. No building shall extend over a school district line.
- (13) In any area where property is likely to become urbanized, a preliminary plan may be required showing a potential and feasible way in which the lot or lots may be replatted in future years for more intensive use on the land. The placement of buildings or structures upon such lots shall allow for potential re-subdivision.

***SECTION 10. ENGINEERING STANDARDS***

10.1. Streets.

- (1) All roads and driveways that provide access to three or more residences shall be designed and constructed according to all standards set forth in the Town of St. Croix Falls Ordinance entitled "Road Standards Ordinance".
- (2) Streets shall be graded in accordance with a plan approved by the Town engineer.
- (3) To determine subgrade soil classifications, soil samples shall be collected and analyzed by a qualified testing laboratory. Reports of the soil analysis shall be submitted to the engineer with the pavement plans. Soil samples shall be taken along the center line of the proposed road at intervals not exceeding three hundred (300) feet.
- (4) Concrete curb and gutter shall be constructed on both sides of urban designed streets and in areas where the road grade exceeds four percent (4%).
- (5) All boulevards shall have four (4) inches of top soil (black dirt) placed on them and then seeded or sodded.
- (6) All required walks shall be concrete four (4) inches thick placed on a four (4) inch gravel base. Grades shall be as approved by the Town engineer. Sidewalks shall be placed in the public right-of-way. Bituminous walks or alternative paving, such as paving stones, are allowed if approved by the Town engineer.

#### 10.2. Utilities.

- (1) All utilities shall be placed underground. All groundwork shall be completed prior to street surfacing.
- (2) Where a larger size water main, sanitary sewer, storm drain or similar facility is required to serve areas outside the subdivision, the larger facility required must be constructed. Additional cost is to be borne by the benefiting properties and the assessments are to be determined by the Town.
- (3) Utilities must be in accordance with Town Permitting Process.
- (4) Sewer - Urban Areas
  - (A) No public sanitary sewer facility shall be extended which is not in conformance with the Utility Staging Plan of the Town's Comprehensive Plan.
  - (B) In the event that such facilities are not available but, in the opinion of the Town, can be made available within a reasonable period of time, such sewers and all necessary laterals extending from the main sewer to the street curb shall be installed and capped for future connection as service becomes available.
  - (C) Construction and inspection of the sanitary sewer must be in conformance with the Town's specifications.
- (5) Water Supply - Urban Areas
  - (A) Construction and inspection of the water supply system must be in conformance with Town specifications.

#### 10.3. Storm Water Drainage.

- (1) All subdivisions shall have an appropriate stormwater management system as required by the Polk County Stormwater Management and Erosion Control Ordinance.

#### 10.4. Erosion Control During Construction.

- (1) Erosion control, when necessary, shall be done in accordance with the Polk County Stormwater Management and Erosion Control Ordinance.

### ***SECTION 11. REQUIRED IMPROVEMENTS***

- 11.1. No improvement within a subdivision shall take place until preliminary plat approval has been granted by both the Town and the County; a development agreement (major subdivision) has been signed outlining what work can be done; and a financial guarantee has been posted with the Town in accordance with this Chapter.

- 11.2. Construction plans for the required improvements shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Wisconsin. Construction plans shall contain his or her certificate. These plans, together with the quantities of construction items, shall be submitted to the Town engineer for his or her approval and for estimate of the total costs of the required improvements. Upon approval, the plans shall become a part of the required contract described in 11.6 below. The tracings of the plans approved by the Town engineer plus two (2) prints shall be furnished to the Town to be filed as a public record.
- 11.3. Required improvements are to be furnished and installed at the sole expense of the subdivider. However, if the cost of an improvement would, by general policy, be assessed only in part to the improved property and the remaining cost paid out of general tax levy, provision may be made for the payment of a portion of the cost by the Town.
- 11.4. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvements, representing the benefit to such lands, to be assessed against the same. In such a situation, the subdivider will be required only to pay for such portion of the whole cost of said improvements as will represent the benefit to the property within the subdivision.
- 11.5. Prior to the installation of any required improvements and prior to approval of the plat, the subdivider may be required to enter into a contract, in writing, with the Town requiring the subdivider to furnish and construct said improvements at his sole cost and in accordance with plans, specification and usual contract conditions. Included in such contract will be:
- (1) Provisions for supervision of details of construction by the Town and County and granting the Town and County authority to correlate the work to be done under said contract by any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the Town in the vicinity.
  - (2) A requirement for the subdivider to make an escrow deposit or, in lieu thereof, to furnish a performance bond as described in Section 10. On request of the subdivider, the contract may provide for completion of part or all of the improvements prior to the acceptance of the plat; in such event, the amount of the financial guarantee may be reduced in a sum equal to the estimated cost of improvements so completed prior to the acceptance of the plat.
  - (3) The time for connection of the work and the several parts thereof. Such time shall be determined by the Town and County upon recommendation of the Town and County after consultation with the subdivider. The time shall be reasonable with relation to the work to be done, the seasons of the year and proper correlation with construction activities in the plat and subdivision.
- 11.7. No subdivider shall be permitted to start work on any other subdivisions without special approval of the Town if he or she has previously defaulted on work or commitments.
- 11.8. All required improvements on the site that are to be installed under the provisions of this regulation shall be inspected during the course of construction by the Town engineer at the subdivider's expense. Acceptance by the Town shall be subject to the Town engineer's certificate of compliance with the contract.

## ***SECTION 12. FINANCIAL GUARANTEE***

- 12.1. The financial guarantee required as part of the subdivision agreement shall be one of the following:
- (1) A Cash Escrow Deposit may be made with the Town treasurer in a sum equal to one hundred twenty five percent (125%) of the total costs, as estimated by the county and Town engineers, of all the improvements to be furnished and installed by the subdivider pursuant to the



development agreement (major subdivision). The total costs shall include costs of inspection. The Town or County shall be entitled to reimburse itself out of such deposit for any cost or expense incurred by the Town for completion of the work in case of default by the subdivider or for any damages sustained on account of any breach thereof.

- (2) The subdivider may furnish a performance bond and payment bond with corporate surety in a penal sum equal to one hundred twenty five percent (125%) of the total cost, as estimated by the Town or County engineer, of all the improvements to be furnished and installed by the subdivider pursuant to the subdivision agreement. The total costs shall include costs for inspection by the county or Town engineer. The bond shall be approved as to form by both the Town and County attorneys and filed with the Town.
- (3) The subdivider may deposit an irrevocable letter of credit from a bank or other reputable institution or individual subject to the approval of the County. Such letter of credit shall certify the following:
  - (A) That the creditor does guarantee funds in an amount equal to one hundred twenty five percent (125%) of the total cost, as estimated by the Town engineer, for completing all required improvements.
  - (B) That in the case of failure on the part of the subdivider to complete the specified improvements within the required time period, the creditor shall pay to the Town immediately, and without further action, such funds as are necessary to finance the completion of those improvements up to the limit of credit stated in the letter.
  - (C) That this letter of credit may not be withdrawn or reduced in amount until released by the Town.
- (4) In the event the County elects to become a party to the development agreement (major subdivision), any financial guarantee shall run to the benefit of the Town and County.

#### ***SECTION 13. SEPARABILITY***

13.1. It is hereby declared to be the intent that the several provisions of this regulation are separable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provision of this regulation to be invalid, such judgment shall not affect any other provisions of this regulation not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this regulation to a particular property, building or structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

#### ***SECTION 14. EFFECTIVE DATE***

14.1. This Ordinance shall be effective upon enactment. Effective upon the effective date of this Ordinance, this Ordinance shall supersede the prior Subdivision Ordinances of the Town. The provisions of this Ordinance, insofar as they are substantively the same as those of the Subdivision Ordinance in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such prior Subdivision Ordinance and not as new enactments, and the effectiveness of such provisions shall date from the date of the adoption of the prior Subdivision Ordinance.

Adopted this 19<sup>th</sup> day of June, 2013, by Resolution 13-30.

\_\_\_\_\_  
/s/Steve Palmer, Town Chairman

Attest: \_\_\_\_\_  
/s/Janet Krueger, Town Clerk

Posted on June 24, 2013, and published June 26, 2013