

# **ST. CROIX COUNTY CODE OF ORDINANCES ~~LAND USE AND DEVELOPMENT~~**

## **CHAPTER 13 LAND DIVISION**

**~~ENACTED JANUARY 1, 2006~~**

**~~AMENDED 9-1-06~~**

**~~AMENDED 3-30-07~~**

**~~AMENDED 12-31-10~~**

**~~AMENDED xxxx~~**

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## ST. CROIX COUNTY CODE OF ORDINANCES

### LAND USE AND DEVELOPMENT

## CHAPTER 13 – LAND DIVISION

*The Board of Supervisors of St. Croix County, Wisconsin, does ordain as follows: ~~The subdivision ordinance, Chapter 18 as amended, is repealed and recreated as follows:~~*

### 13.1 INTRODUCTION

#### A. TITLE, AUTHORITY AND EFFECTIVE DATE

##### 1. TITLE

- a. This ordinance shall be cited as the “St. Croix County Land Division Ordinance” and hereinafter referred to as the “ordinance.”

##### 2. AUTHORITY

- a. This ordinance is authorized by Wisconsin Statutes Chapters 236, 145, 92 and 281 and §§ 59.69, ~~59.54(4)~~, and 87.30, and Wisconsin Administrative Code ~~§Chapter~~ NR 151.
- b. Any amendments, repeals or recreations of the statutes relating to this ordinance are incorporated into this ordinance by reference as of the effective date of the amendment, repeal or recreation.
- c. The County planning agency also has the authority to require submittal of copies of a preliminary or final plat within a village or city to determine if it has any objection to the plat on the basis of conflict with park, parkway, expressway, major highways, airports, drainage channels, schools, or other planned public developments, pursuant to Wis. Stat. § Wisconsin Statutes § 236.12.
- d. In any town that has adopted a subdivision ordinance under Wis. Stat. § Wisconsin Statutes § 236.45, the County may enter into a cooperative agreement under Wis. Stat. §§ Wisconsin Statutes §§ 236.10(4) and 66.0301 for the cooperative exercise of authority to approve or review plats.

##### 3. EFFECTIVE DATE

- a. This ordinance shall be effective on January 1, 2006. Ordinance No. ~~715/2005 Repeal of Chapter 18 and Creation of~~ to amend Chapter 13.

##### 4. PURPOSE

- a. The purpose of this ordinance is to regulate and control land divisions within St. Croix County in order to promote the public health, safety, general welfare, esthetics, environmental quality and to implement the goals, objectives and policies of the adopted *St. Croix County ~~Comprehensive Development Management~~ Plan* and *St. Croix County Land and Water Management Plan*.

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- b. Among other ways, this can be accomplished by: requiring an orderly layout and use of land; preventing undue concentrations of population; preventing congestion on highways, roads and streets; securing safety from fire, panic and other dangers; requiring adequate light and air; providing for ~~c~~Conservation ~~d~~Design ~~d~~Development; facilitating ~~the~~ adequate ~~provision of~~ water, sewer, transportation, surface drainage, erosion and sediment control and stormwater management systems; and schools, parks, playgrounds and public facilities.
- c. These regulations are made with reasonable consideration of the character of St. Croix County with a view of conserving the value of the buildings placed upon the land, providing the best possible environment for human habitation and for encouraging the most appropriate use of land throughout the County.

## B. APPLICABILITY AND EXEMPTIONS

### 1. COMPLIANCE AND REQUIREMENTS

- a. No person, partnership, corporation or other entity shall subdivide any land in the unincorporated areas of St. Croix County subject to this ordinance without complying with all of the following:
  - 1) ~~Wisconsin Statutes Chapters~~Wis. Stat. Ch. 236, ~~and 144,~~ and §§ 59.69 and 87.30.
  - 2) Rules of the Wisconsin Department of Administration (WDOA) that administers ~~Wisconsin Statute~~Wis. Stat. §§ 236.13(2m), 236.15, 236.16, 236.20, and 236.21(1) and (2).
  - 3) Rules of Wisconsin Department of Transportation (~~Wis~~DOT) relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the ~~subdivider~~ abuts on a state trunk highway or connecting road (Wisconsin Administrative Code ~~§ Trans- 233~~).
  - 4) Rules of the Wisconsin Department of Natural Resources (WDNR), including ~~Wisconsin Statutes Chapter~~Wis. Stat. Ch. 30 and ~~Wisconsin Administrative Code~~Wis. Admin. Code §§ NR 102, 103, 115, 116, 118, and 151.
  - 5) All St. Croix County land use regulations, including this ordinance and all other applicable local and County regulations, including but not limited to:
    - a) § 17.36 Lower St. Croix Riverway Overlay District.
    - b) § 17.40 Floodplain Overlay District.
    - c) § 17.30 Shoreland Overlay Districts.
    - d) Chapter 12 Sanitary Ordinance.

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- 6) Dedication of lands for roads, highways, parkways, parks, playgrounds, waterways and public transit facilities. Whenever a parcel of land to be divided as part of a major subdivision within the jurisdiction of this ordinance encompasses all or any part of a road, highway, parkway, park, playground, waterway or public transit facility which has been designated on a duly adopted village, town or County comprehensive plan, it shall be made a part of the subdivision and dedicated in the locations and dimensions indicated in said plan and as set forth in **§ 13.7 B.1.** of this ordinance.

~~b. No land shall be subdivided which is found by the St. Croix County Zoning Administrator (Zoning Administrator) to be inappropriate for use by reason of significant flooding, poor drainage, unsuitable soil or rock formations, severe erosion potential, unfavorable topography, or any other feature likely to pose a significant threat to the health, safety or welfare of future residents or landowners in the proposed subdivision or of the community.~~

~~e.b. A condominium plat prepared pursuant to Wis. Stat. § Wisconsin Statutes § 703.11, and other applicable statutes, shall be reviewed by the Land Use Administrator, and subject to this ordinance to the extent feasible. The condominium plat shall be reviewed by the Zoning Administrator in the same manner as a subdivision plat, comply with applicable design standards and provide for the installation of required improvements.~~

**Commented [KB1]:** Reference back to Road Standards. Remove/modify?

**Commented [KB2]:** This seems like a very broad statement, what documentation or research does the ZA need to use this Section to deny subdivisions?

**Commented [KB3]:** Include additional standards specific to condo plats? We have a seen a few pop up recently.

## 2. ROUNDING RULE FOR CALCULATIONS

- a. The following rounding rule shall be applied to all calculations of standards and requirements in this ordinance: unless otherwise specifically provided, fractional values of a whole unit are rounded down to the nearest whole unit.

## 3. EXEMPTIONS

- a. The following are exempt from this ordinance:
  - 1) The creation of parcels by less than five parcels for purposes of executing terms of a will or court order. ~~The Zoning Administrator shall periodically request local courts to order parties to obtain advisory review of land divisions created by will or court order for compliance with this ordinance prior to the issuance of a court order.~~
  - 2) Leases ~~creating less than five parcels~~ for terms not to exceed ten years, easements or mortgages.
  - 3) The sale or exchange of parcels of land between owners of abutting property are exempt:
    - a) If additional lots are not thereby created;

- b) If the parcels resulting are not reduced below the minimum lot standards length, width and area dimensions required by this ordinance or other applicable laws or regulations; and
- c) Where a certified survey map is recorded to document and identify the modified parcels.
  - i. This certified survey map is not subject to the review process or any applicable fees associated with a minor subdivision, but must be reviewed by the Zoning Administrator for conformance with this exemption.
  - ii. ~~Where parcels will remain at 35 acres or more and an affidavit is recorded to properly adjoin the land being transferred to the original parcel, the Zoning Administrator may waive the certified survey map requirement.~~
    - 4) Cemetery plats made under Wis. Stat. § Wisconsin Statutes § 157.02.
    - 5) Assessors' plats made under Wis. Stat. § Wisconsin Statutes § 70.27.
- b. The document, plat or survey map shall identify the specific exemption claimed. ~~Anyone using an exemption described in this section shall be subject to prosecution under this ordinance if the Zoning Administrator subsequently determines that the exemption was not available.~~
- c. A parcel or lot created by virtue of any exemption under this section is not exempt from other applicable regulations.

**Commented [KB4]:** 2008 Interpretation from Renee Powers that we can only review "exempt CSMs" for lot size and width per 236.45(2)(am)3. Does this still stand?

**Commented [CH5R4]:** per our conversation last year and recent lawsuits in Eau Claire county we cannot require a this to be on a CSM. Numerous counties have removed this from their ordinance.

## C. INTERPRETATION

### 1. ABROGATION

- a. It is not intended that this ordinance repeal, abrogate, annul, impair or interfere with any easements, covenants, deed restrictions, agreements, regulations or permits. Furthermore, the County does not enforce easements, covenants, deed restrictions, and other agreements that the County is not named a party of. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

### 2. LIBERAL CONSTRUCTION

- a. The provisions of this ordinance shall be liberally construed in favor of St. Croix County and shall not be construed to be a limitation or repeal of any other power now possessed or granted to St. Croix County. ~~If there is a conflict between this ordinance and any other ordinance of the County, the provisions of this ordinance shall govern.~~

### 3. SEVERABILITY AND NON-LIABILITY

- a. If a court of competent jurisdiction adjudges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected.
- b. If any application of this ordinance to a particular parcel or lot of land, building, structure, water or air is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other land, building, structure, water or air not specifically included in said judgment.

- c. The [Land Use Zoning](#) Administrator does not guarantee, warrant or represent that only those areas delineated as floodplains on [plats](#) and [certified survey maps](#) will be subject to periodic inundation. Nor does the [Land Use Zoning](#) Administrator guarantee, warrant or present that the soils shown to be unsuitable for a given land use from tests required by this ordinance are the only unsuitable soils on the parcel. The [Land Use Zoning](#) Administrator asserts that there is no liability on the part of St. Croix County, its agencies or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon and conformance with this ordinance.

## 13.2 APPLICATION AND REVIEW OF PRELIMINARY PLATS FOR MAJOR SUBDIVISIONS

### A. ~~CONCEPT REVIEW~~

#### 1. ~~STANDARDS~~

- a. ~~Before applying for approval of a preliminary plat, the subdivider or agent shall contact the Zoning Administrator and go through concept review to receive advice and assistance, and review the procedures and requirements of this ordinance, other regulations, and any plans or data which may affect the proposed development~~
- b. ~~The principal function of the concept review is to review the concept of all proposed subdivisions, the characteristics of the parcel proposed to be subdivided and relevant adjacent land to identify and document suitability questions. Relevant adjacent land for purposes of this review shall generally mean other land within the watershed and other land between the perimeter edges of the proposed subdivision and the nearest public roads.~~
- c. ~~The subdivider shall submit at a minimum the following items for concept review:~~
  - 1) ~~A conceptual sketch of any proposed subdivision covering the entire contiguous area owned or controlled by the subdivider.~~
  - 2) ~~A USGS quadrangle map and St. Croix County soils map for the proposed subdivision and relevant adjacent land.~~
  - 3) ~~A copy of the recorded deed showing land ownership.~~
- d. ~~As part of the concept review, the proposal may be referred to WDNR or other appropriate state agencies for review and comment.~~
- e. ~~No land alteration activities to prepare the site for development shall occur from the initiation of concept review until the preliminary plat is approved.~~
- f. ~~Concept review procedures shall include a site visit by the Zoning Administrator or his/her designee unless waived.~~
- g. ~~Concept review procedures shall be completed within 45 days of submittal of the conceptual sketch plan and descriptive material unless extended by written agreement of the Zoning Administrator and subdivider.~~
- h. ~~Once concept review begins, the Zoning Administrator and/or his/her designee is authorized to gain entry to subject land, premises, water and air for the purpose of:~~
  - 1) ~~Review of applications and issuance of permits required by the subdivision, zoning, shoreland, floodplain and sanitary ordinances and any other St. Croix County land use ordinance.~~
  - 2) ~~Determining compliance with any permit issued pursuant to any of the subdivision, zoning, shoreland, floodplain and sanitary ordinances and any other St. Croix County land use ordinance.~~

**Commented [KB6]:** Doesn't seem necessary at concept, and we should be looking this up in Laredo ourselves.

- 3) ~~Determining compliance with the provisions of the subdivision, zoning, shoreland, floodplain and sanitary ordinances and any other St. Croix County land use ordinance.~~
- 4) ~~Determining whether land alterations have occurred or are occurring.~~
- i. ~~Access shall be allowed during the hours between 8:00 a.m. and 5:00 p.m. or other reasonable times, or any other time authorized by a court. If entry is refused after presentation of proper identification, the application will be denied.~~
- j. ~~A memorandum on the concept review shall be filed. A copy shall be sent to the applicant and the town in which the proposed subdivision is located. The concept review memorandum shall specifically identify any portions of the proposed subdivision that are unsuitable for subdivision or unsuitable for uses proposed.~~
- k. ~~Because the project submittal is conceptual, nothing communicated by Zoning Administrator or his/her designee in the course of the concept review shall be binding on the Zoning Administrator or the Committee.~~

## **B.A. PRELIMINARY PLAT APPLICATION**

### **1. STANDARDS**

- a. Preliminary plat application review begins after ~~the memorandum on the concept review~~ and a properly completed application is filed. ~~If a preliminary plat and accompanying materials are submitted prior to completion of concept review, the application shall be received, but preliminary plat review shall not commence until completion of the concept review.~~
- b. The preliminary plat shall cover the area owned or controlled by the subdivider and proposed for development.
- c. Each preliminary plat shall:
  - 1) Be based upon a boundary survey by a registered land surveyor.
  - 2) Comply with the standards of Wisconsin Administrative Code Chapter A-E\_7.
  - 3) Be drawn at a scale of not more than 100 feet to one inch.

### **2. DATA ON THE PLAT**

- a. Each preliminary plat shall show the data identified below ~~on its face~~:
  - 1) A scale drawing of the exterior boundaries of the proposed subdivision referenced to a line established in the U.S. Public Land Survey, and the total acreage encompassed thereby.
  - 2) The date, graphic scale and north point.
  - 3) The name of the proposed plat, prominently labeled.

**Commented [B87]:** The Concept Review section is removed above is this concept review still pertinent to the application?

- 4) The name and contact information of the subdivider, subdivider's agent, engineers, and surveyors, ~~and other contractors/subcontractors.~~
- ~~5) The owner of record and the identity of any proposed contract purchaser.~~
- ~~6) 5) The location of the plat by government lot, quarter-quarter section, section ~~/~~ township ~~/~~ and range, and the town, County and state of jurisdiction, noted immediate under the name of the subdivision.~~
- ~~7) 6) The location of the plat shall be indicated by bearing and distance from a boundary line of a quarter section in which the subdivision is located.~~
- ~~8) 7) The monumentation at the ends of the boundary line shall be described and the bearing and distance between them shown.~~
- ~~9) 8) The names, locations and right-of-way widths of any existing roads or other public or private ways, easements, railroad or utility rights-of-way included within or adjacent to the proposed plat, labeled and underscored with a dotted or dashed line.~~
- ~~10) 9) Existing road access restrictions and any existing access control limitations. These shall be explained within the application material and noted on the face of the plat.~~
- ~~11) 10) All proposed road names, which shall conform to Chapter 37 - St. Croix County Uniform Addressing and Road Naming System, § 13.7 B.4.~~
- ~~12) 11) Locations and widths for all driveway accesses and roads, ~~and construction plans and specifications for any proposed roads.~~~~
- ~~13) 12) The location of existing property lines, buildings, drives, streams and watercourses, ponds, lakes, rivers, ~~wetlands, rock outcrops, wooded areas, historic and archeological features, native prairie remnant~~ and any other significant limiting features or characteristics within the proposed subdivision.~~
- ~~14) 13) The water elevations of adjoining lakes, ponds or streams at the date of the survey, and the ordinary high water mark, ~~typical stream valley cross sections, stream channels, flood areas from NFIP maps or other floodplain zoning maps.~~~~

- a) ~~Ordinary high water marks shall be verified by WDNR, the Zoning Administrator or a designated agent. Surveyors are encouraged to work with zoning staff to determine the ordinary high water mark location or elevation for consistency purposes.~~
- ~~15)14) Wetlands, as defined by Wis. Stat. § Wisconsin Statutes § 23.32, and mapped by WDNR pursuant to that statute and any other wetlands as identified by a professional wetland delineator.~~
- a) All wetland depictions shall be ~~based on field identification and on-site staking~~ conducted by a professional wetland delineator and reviewed by the ~~Land Use~~Zoning Administrator or WDNR.
- ~~16)15) All floodplain boundaries.~~
- ~~a) Floodplain determination will be required for all drainage areas having a watershed greater than one square mile and in certain drainage areas having high flow depth as defined by FEMA.~~
- ~~b) The floodplain shall be identified using the WDNR Floodplain Study Checklist and shall satisfy all pertinent Wisconsin Administrative Code NR116 requirements.~~
- ~~c) The Zoning Administrator must approve any maps used in floodplain boundary determinations.~~
- ~~17)16) Private and municipal dumps, underground fuel or petroleum storage tanks, areas of known groundwater contamination, location of all existing wells, including advisory wells, and any WDNR designated Special Deep Casing Well Depth Requirement Areas.~~
- ~~18)17) The contours, on an established datum, at vertical intervals of not more than 2 feet.~~
- ~~19)18) The identification, location and dimensions, including acreage, of all parks, parkways, playgrounds, drainageways, stormwater ponds or other common areas whether proposed for dedication to the public or remaining privately owned.~~
- ~~a) In an accompanying document, the subdivider shall indicate how these areas are proposed to be owned, managed and maintained.~~
- ~~20)19) Dimensions, size and numbers of all lots and Outlots. Where applicable, size shall be indicated with inclusion and exclusion of rights-of-way and areas below the ordinary high water mark of navigable waters.~~
- ~~21)20) A list or depiction showing the following information for each proposed lot:~~
- ~~a) Existing and intended land use.~~
- ~~b) Existing and intended zoning, including overlay districts, i.e. Lower St. Croix Riverway district.~~

- ~~e) Required minimum lot area and lot widths under intended zoning.~~
- ~~d)a) Contiguous buildable area.~~ Identified in acres and differentially shaded. Identification that the contiguous buildable area extends to an abutting road sufficient enough for a driveway access.
- ~~e)b) Lowest Building Opening (L.B.O.) for lots affected by a High Water Elevation (H.W.E.), drainage easement or floodplain.~~
- ~~f) Identification that the contiguous buildable area extends to a portion of the lot abutting a road with such area being sufficient to carry a driveway access.~~
- ~~e)c) All required setbacks.~~
- ~~22) Identification of all proposed outlots.~~
- ~~a) Indicate proposed purpose and proposed ownership and control of each outlot.~~
- ~~b) All outlots that have deed restrictions, covenants or conservation easements shall be referenced on the plat and copies of such draft documents shall be provided~~
- ~~23)21) The location of any of the following items within 200 feet of the proposed subdivision:~~
- ~~a) The location and names of adjacent plats, certified survey maps, unplatted lands, publicly-owned lands, parks and cemeteries, all labeled and underscored with a dotted or dashed line.~~
- ~~b) Existing land use and zoning, including overlay districts, i.e. Lower St. Croix Riverway district.~~
- ~~e)b) Topography, waterbodies, watershed features, floodplains, wetlands, historic and archeological features and any other limiting features or characteristics.~~
- ~~d)c) Private and municipal dump sites, underground fuel or petroleum storage tanks or areas of known groundwater contamination.~~
- ~~24)22) Two-foot contour mapping on adjacent properties within 100 feet of the proposed subdivision.~~
- ~~25)23) Additional two-foot contour mapping may be required to evaluate stormwater management and road connections.~~

### 3. ADDITIONAL SUBMITTALS

- a. The following additional submittals shall be submitted as part of the Preliminary Plat Application:
- ~~1) Existing and intended land use/zoning districts.~~
- ~~2) Purpose and ownership of Outlots.~~
- ~~4)3) Construction plans and specifications for stormwater management, any proposed roads.~~
- ~~2)4) Ownership, management and maintenance plans for parks, parkways, playgrounds, drainageways, stormwater ponds or other common areas whether proposed for dedication to the public or remaining privately owned.~~
- ~~3)5) A report to address how sensitive areas shall be handled. The report shall include the following:~~

Commented [KB8]: Stormwater features and erosion control.

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- a) An aerial-photograph overlay map, prepared by a registered land surveyor, showing sensitive areas found in §§ ~~13.2 A.2.a.12)13.2 A.2.a.12)13.2 B.2.a.13) through 19)19)20) and 10)10)8) and 1)1)11)~~ below.
- b) ~~The data on sensitive areas found in §§ 13.2 B.2.a.13) through 20) and 8) and 11) below.~~
- e) ~~Zoning Administrator concept review comments and~~
- d) ~~Relevant design standards.~~
- e)b) These sensitive areas shall be placed within lots or common open space, consistent with the one-half acre or more contiguous buildable area standard of § 13.7 G.2. and Common Open Space Requirements for Conservation Design Development, and subject to with conservation easements, deed restrictions or covenants approved by and enforceable by St. Croix County.
  - 4)6) Required or proposed deed restrictions, covenants or conservation easements for subdivision, lot and outlot.
- a) ~~Deed restrictions, covenants or conservation easements shall be enforceable by St. Croix County against all lots and outlots within the subdivision.~~
- b) ~~The Zoning Administrator shall review such proposed deed restrictions, covenants or conservation easements and approve if acceptable.~~
- 5)7) Any proposed conservation easement for common open space protection.
- a) The Zoning Administrator may consider bona fide private conservation organizations, and/or the town wherein a Conservation Design Development is located, to be a joint holder of or have third-party enforcement rights in all conservation easements.
- b) ~~Such conservation easements are intended to only obligate St. Croix County to enforce the stated development restrictions on the common open space and County ordinances.~~
- 6)8) Grading, stormwater management and erosion and sediment control plans shall be submitted for all land disturbances and must include Best Management Practices in accordance with § 13.7 E.
- a) ~~Areas proposed for filling and grading within shoreland jurisdiction, and in close proximity to wetlands and floodplains shall be differentially shaded.~~
- 7)9) A draft maintenance plan for all designed stormwater ponds shall be submitted. The plan shall list all scheduled maintenance activities and the responsible party or parties.
- 8)10) Land areas with 12 to 19.9 percent, 20 to 24.9 percent, 25 to 29.9 percent and/or 30 percent and greater slope shall be differentially shaded and labeled or otherwise clearly indicated on a separate map with the road layout, lot lines, and driveway access locations.

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- 9) ~~All sloped areas to be developed, graded or stripped as described in §13.7 C, shall be differentially shaded on a separate exhibit of the preliminary plat's grading plan. The percentage of disturbance of these slopes shall be calculated and identified in a table on this exhibit.~~
- 10) ~~The Zoning Administrator shall require proof by certified mail return receipt that the subdivider has given written notice of the proposed locations of the roads to owners of all lands contiguous to the land division.~~
- 11) ~~Soils denominated in the St. Croix County Soil Survey and identified in the table below typically have bedrock or indicators of seasonal saturation within two to three feet of the surface and may be areas of concern for the location of on-site wastewater treatment systems or stormwater retention/detention ponds. If found on the site, the locations of these soils shall be differentially shaded. The Zoning Administrator may require additional soils information if deemed necessary.~~

**Commented [KB9]:** I have received complaints from surveyors that this is repetitive and unnecessary since the towns require notices to be sent as well, and the towns are reviewing road designs and connectivity.

SOILS WITH INFILTRATION LIMITATIONS			
Musym	Soil Series	Limitation	Depth to Limitation (inches)
Ad	Adolph sil/till	HGW	14
Ap	Arland sil/till	SSBR	35
Au	Auburndale sil/sl	HGW	13
Bp	Brill sil/s	HGW	20
Cy	Clyde sil/l	HGW	12
De	Derinda sil/siel	HGW & BR (30")	11
Du	Duelm ls/s	HGW	17
Ed	Floyd sil/l	HGW	23
Fe	Fluvaquents sil/fs/s	HGW	12
Fm	Fluvaquents, wet	HGW	0
Fn	Freeon sil/l	HGW	18
Ha	Halder sil/sel	HGW	9
Hu	Huntsville sil/l/sl	OM & HGW (55")	36
Je	Jewett sil/sl	OM	37
Le	Lawler sil/l/s&gr	HGW	13
Ma	Mangor sil/sl	HGW	10
Or	Orion sil	HGW	8
Rh	Rib sil/l/s&gr	HGW	8
Rn	Ritchey sil/sel	LSBR	18
Rp	Rockton sil/sl	LSBR	38
Sa	Santiago sil/sel	OM	34
Se	Saprist O	HGW	0
Sm	Seelyville saprie	Permeability	—
Sr	Skyberg sil/sel	HGW	8
Ud	Udifluvents	HGW	24
Va	Vlasaty sil/el	HGW	16
Wh	Whalen sil/el	LSBR	20

42)11) A location on each lot that will accommodate an on-site wastewater treatment system and its replacement as indicated by soil borings.

- a) When private on-site wastewater treatment systems are intended to serve serving single lots within a major plat or lots 5 acres or less in size are intended, a complete soil test including one pit and two borings or three pits is required. A minimum, one boring for every three acres throughout the plat is required to demonstrate soil suitability.
- b) Soil boring locations in reference to the locations of contiguous buildable areas shall be identified on a separate, scaled map, with cross-reference to test results as reported on a current State soil evaluation form.

**Commented [KB10]:** I think if we are going to require soil tests with plats, we should discuss requiring the full soil test for each lot be submitted with preliminary instead of final.

~~13.12)~~ When a common wastewater treatment system is proposed, a complete state approved site and design of the system evaluation for suitability of state approved common on site wastewater treatment systems that serve more than one dwelling shall be provided before final plat approval. ~~When a common water system is proposed, a complete site and design evaluation approved by the state shall be provided. A sewer and/or water supply management plan shall be provided, which estimates service contract needs, insurance requirements, replacement and other associated costs and defines the means for funding and enforcing the same on an on-going basis.~~

**C.B. ADDITIONAL APPLICATION AND REVIEW STANDARDS FOR CONSERVATION DESIGN DEVELOPMENT**

**1. ADDITIONAL SUBMITTAL REQUIREMENTS**

- a. To aid the Land Use Zoning Administrator in determining whether the applicant has accomplished the design objectives for Conservation Design Development (CDD) as described in § **13.7 K.2.** and has met the design standards for cluster groups and common open space in Conservation Design Development as described in § **13.7 K.613.7 K.613.7 K.7.** and **778.**, the preliminary plat application shall include the following information.
  - 1) All the information required in §§ **13.2 A.213.2 A.213.2 B.2.** and **3.**
  - 2) Vegetation of the site by general land cover type, including woodland, brush, hedgerows, grasslands, rowcrop, non-rowcrop, stand alone trees with a diameter at 4 1/2 feet from the ground of 18 inches or more, native prairie remnants, and other relevant land cover types. Plant community or predominant species present, relative age and general condition shall be described.
  - 3) A written description of existing wildlife habitat, and the likely species of birds, mammals, amphibians, fish, and reptiles present. The presence of rare or endangered species shall be noted.

- 4) ~~Visual resources, showing viewsheds onto the site from surrounding roads and public areas. Photographs can be used to demonstrate viewsheds. Areas of special natural resource interest, environmental corridors, and environmentally susceptible areas.~~

## 2. CONSERVATION DESIGN DEVELOPMENT SITE ANALYSIS

- a. The information required in §§ ~~13.2 A.213.2 A.213.2 B.2.~~ and 3. and ~~13.2 B.143.2 B.143.2 C.1.~~ shall be the basis for an analysis of the site to determine principal conservation areas, secondary conservation areas, and potential development areas.
- b. Each result, 1) through 3) below, shall be mapped at a scale of no less than one inch equals 100 feet, accompanied with a narrative describing the information on the maps.
  - 1) Principal conservation areas.
    - a) These are conservation lands that shall be protected. No structures, buildings or developed facilities, except approved Best Management Practices, are allowed in these areas.
    - b) All wetlands, ~~including a 75-foot buffer measured from the delineated wetland.~~
    - c) Floodplains.
    - d) All navigable waters, including a 75-foot buffer measured from the ordinary high water mark.
    - e) Perennial and intermittent streams, springs and drainageways ~~that contain running water during spring runoff, during storm events or when it rains, including a filter strip as defined in NRCS Filter Strip practice standard, Code 393.~~
    - f) Closed depressions, ~~including a 75-foot buffer measured landward from the determined high water elevation (H.W.E.) of the closed depression.~~
    - g) ~~Steep slopes 20 percent and greater.~~
    - h) Unique wildlife habitat areas.
  - 2) Secondary conservation areas.
    - a) These are features of the site that should be protected or integrated into the development to enhance open space values such as rural character, wildlife habitat, native vegetation and agricultural production.
    - b) Mature native woodlands.
    - ~~c) Hedgerows and rock or boulder fences or walls.~~
    - ~~d) Freestanding trees or groups of trees of native, non-invasive species.~~
    - ~~e) Grasslands, pastures, meadows and identified native prairie remnants.~~
    - ~~f) Farmland.~~
    - ~~g) Historic or archeological features.~~
    - ~~h) Old farmsteads and farm buildings.~~
    - ~~i) Scenic views onto the site.~~
    - ~~j) Geologic features.~~
    - ~~k) Steep slopes 12 percent to 19.9 percent.~~
    - ~~l) River or stream valleys.~~
    - ~~m) Other natural or cultural elements of the site that have enough significance or value to be spared from cleaning, clearing, grading and development.~~

- 3) Potential development areas.
  - a) These areas of the site completely avoid the principal conservation areas and are sensitive to the visual and physical impacts of development on the secondary conservation areas.
  - b) Potential development areas that do not comprise either principal or secondary conservation areas should be the first portions of the site to look to place development.
  - c) The remainder of the potential development area should be placed to meet minimum open-space area requirements, maximize open space views onto the site and protect the most significant natural and cultural features of the site.

### **3. CONSERVATION DESIGN DEVELOPMENT YIELD PLAN**

- a. ~~For the purposes of determining the number of allowable dwelling units and related lots for the Conservation Design Development, a yield plan is required. The applicant shall determine the yield plan using the following method, substantiated by sufficient plans and data to verify the calculations.~~

- 1) ~~The yield plan is a concept review sketch drawing of a conventional subdivision using the conventional subdivision and development regulations of St. Croix County as described in § 13.2 A. It will include: the sanitary, general zoning, shoreland overlay districts, floodplain overlay district and subdivision ordinances, minimum lot size, suitability of lands for subdivision, prescribed lot area for existing dwellings, contiguous buildable area, approximate building locations, and road layout. For sites that are in the Lower St. Croix Riverway District, the Lower St. Croix Riverway District regulations also apply to the yield plan.~~
- 2) ~~The number of allowable dwelling units and related lots under the conventional subdivision regulations determines the base number of allowable dwelling units and related lots of the Conservation Design Development subdivision.~~

### **4.3. RESTRICTIVE AGREEMENT ON COMMON FACILITIES AND COMMON OPEN SPACE**

- a. Common open space shall be restricted in perpetuity from further subdivision or land development by conservation easement pursuant to Wis. Stat. § Wisconsin Statutes § 700.40, and such conservation easement shall be recorded in the office of the St. Croix County Register of Deeds.
- b. To ensure the permanence of the legal instrument designed to restrict the division, use or development of common open space, St. Croix County shall be a joint holder of a conservation easement that prohibits, in perpetuity, ~~development of the common open space that does not conform to those uses allowed in St. Croix County Zoning Ordinance § 17.21(3)(b) and (4)(b).~~

- c. The Zoning Administrator may consider ~~bona fide private conservation organizations, and/or~~ the town wherein the Conservation Design Development is located, to be a holder of, ~~or have third party enforcement right in, all the~~ conservation easements.
- d. ~~A note on the plat shall indicate the uses allowed in the common open space pursuant to St. Croix County Zoning Ordinance § 15.325. The Zoning Administrator can consider other legal restrictive agreements for protecting common open space, such as deed restriction, only if such other restrictive agreements permanently restrict the use of common open space to those uses allowed in St. Croix County Zoning Ordinance § 17.21(3)(b) and (4)(b), and St. Croix County is only obligated to enforce the use restrictions of the restrictive agreement and County ordinances.~~

Commented [BB11]: Should be 15.325 ?

#### **5.4. OWNERSHIP OF COMMON FACILITIES AND OPEN SPACE**

- a. Ownership of common facilities and open space shall not be transferred to another entity except in compliance with this subsection.
- b. Documentation of the proposed ownership arrangement for the common facilities and open space shall accompany the preliminary plat, including any draft contracts, articles of incorporation, by-laws, etc.
- c. The following forms of ownership may be used, either singly or in combination, to own common facilities and open space:
- 1) Homeowners Association. Common facilities and open space are held in common ownership by the association, subject to the provisions set forth herein. The homeowners association shall be governed according to the following:
    - a) The members of a homeowners association shall hold common facilities and open space as undivided proportionate interests.
    - b) The Zoning Administrator shall be provided a description of the organization, including its bylaws, and all documents governing maintenance and use restrictions for common facilities and open space.
    - c) The organization shall be established by the owner or subdivider and shall be operating (with financial subsidy by the applicant, if necessary) prior to the sale of any dwelling units in the development.
    - d) Membership in the organization shall be mandatory for all purchasers of lots and/or dwelling units and their successors and assigns.
    - e) The organization shall be responsible for maintenance of and insurance for the common facilities and open space.
    - f) The organization shall have adequate assistance through its members or through contract to maintain and operate common facilities and open space.
    - g) Written notice of any proposed transfer of common facilities and/or common open space by the homeowners association or the assumption of maintenance of common facilities and/or open space must be given to all members of the organization and to the Zoning Administrator at least 30 days prior to such event.
  - 2) ~~Condominium. Common facilities and open space may be held as common elements described in condominium instruments.~~

- a) ~~The condominium instruments shall conform to the requirements of Wisconsin Statutes Chapter 703, as amended.~~
- b) ~~The applicant shall provide to the Zoning Administrator a description of the condominium association, including draft condominium instruments, and all documents governing maintenance and use of common facilities and common open space.~~
- c) ~~The condominium plat shall follow the same design and installation standards for the common open space that are found in this ordinance.~~
- d) ~~Written notice of any proposed transfer of common facilities and/or open space by the condominium association or the assumption of maintenance of common facilities and open space must be given to the Zoning Administrator at least 30 days prior to such event~~
  - 3) ~~Ownership retained by original landowner. Ownership of common open space may be retained by the original landowner or developer provided that:~~
    - a) ~~The requirements of § 13.2 C.4. and 6). are met.~~
    - b) ~~Resident access to the open space is limited by agreement between the owner of the common open space and property owners of the development, as indicated by documents signed at the time of purchase of lots or dwelling units.~~
    - c) ~~The open space may be retained by the owner for agricultural purposes.~~
    - d) ~~The original landowner or legal representative may transfer ownership to another person in compliance with this subsection.~~
  - 4) 2) Fee simple conveyance to St. Croix County, other public agency, private agency or utility approved by the Committee. The County, other public agency, private agency or utility approved by the Committee may, but shall is not be required to, accept any portion of the common facilities and open space, but may provided that:
    - a) There is no cost of acquisition and any maintenance obligations/costs must be approved by the County. The County is also not liable for common facilities on the open space.
    - b) Common facilities and open space so conveyed shall be accessible to the residents of the County, if the Committee or other public or private agency or utility so chooses.
    - c) The acquiring entity shall maintain such common facilities or open space.
  - 5) ~~Fee simple conveyance to a private conservation organization. With approval of the Committee, an owner may convey any portion of the common facilities and/or open space to a private, nonprofit conservation organization, provided that:~~
    - a) ~~The organization is acceptable to the Committee and is a bona fide conservation organization.~~



- ~~b) The conveyance contains appropriate provisions for reversion or reconveyance to the owner in the event that the organization becomes unwilling or unable to continue carrying out its functions.~~
- ~~c) A maintenance agreement acceptable to the Committee that is consistent with the Management Plan required in § 13.2 C.6. is entered into.~~
- ~~6)3) Granting of easement to St. Croix County; other public or private agency, or public utility approved by the Committee. The County, other public or private agency, or public utility, acceptable to the Committee may, but shall not be required to, may accept easements for public purposes on any portion of the common facilities and/or open space, title to which is to remain in private ownership, provided that:~~
  - a) There is no cost to the County of acquiring the easement.
  - b) A maintenance agreement acceptable to the owner and the Committee that is consistent with the Management Plan required in § ~~13.2 B.513.2 B.513.2 C.6.~~
  - c) Lands may or may not be accessible to the public.
- ~~7) Assignment of restrictive agreements to a private conservation organization. After due consideration the Committee may transfer restrictive agreements on common facilities and open space to a private, nonprofit conservation organization, provided that:~~
  - ~~a) The organization is acceptable to the Committee and is a bona fide conservation organization.~~
  - ~~b) The assignment contains appropriate provisions for reversion or reconveyance back to St. Croix County in the event that the organization becomes unwilling or unable to continue carrying out its functions.~~
  - ~~c) A maintenance agreement acceptable to the Committee that is consistent with the Management Plan required in § 13.2 C.6. is entered into.~~

#### **6.5. MAINTENANCE OF COMMON FACILITIES AND COMMON OPEN SPACE**

- a. To ensure adequate management, operation and/or maintenance of common facilities and open space a Management Plan shall be prepared and approved.
  - 1) A draft Management Plan shall be submitted at the time of preliminary plat review and a final Management Plan at final plat approval. It shall:
    - a) Define ownership.
    - b) Define the use.
    - c) Establish necessary regular and periodic operation and maintenance activities which may need to include:
      - i. Mowing schedules.
      - ii. Weed control program.
      - iii. Planting schedules.
      - iv. Clearing and cleanup program.
      - v. Prescribed burns.

- vi. Facilities maintenance.
- d) Include a stormwater management plan.
- ~~e) Estimate service contract needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.~~
- ~~f) Include a section specifically focusing on the long-term management of common open space. This shall include a narrative, based on the site analysis required in § 13.2 B.213.2 B.213.2 C.2, describing:~~
  - i. Existing conditions, including all natural, cultural, historic, and scenic elements in the landscape.
  - ii. Objectives for each common open space area, including the proposed end state for the area, and the measures proposed for achieving the end state.
  - iii. Proposed restoration measures, including measures for correcting increasingly destructive conditions, such as erosion; and measures for removing non-native, invasive plant species and restoring historic features and habitats or ecosystems.
    - 2) Any cutting of healthy trees, grading or regrading, topsoil removal, altering, diverting or modifying watercourses or waterbodies must be done in compliance with the approved Management Plan and other applicable laws.
    - ~~3) At the Zoning Administrator's discretion, the applicant may be required to provide a financial assurance as provided for in § 13.1 for the maintenance and operation costs of common facilities and open space.~~
    - ~~4) The Zoning Administrator can require that a construction bond or letter of credit be secured by the applicant or the owner of the common facilities and open space to cover the costs of corrective action if development or maintenance of common facilities and open space does not occur.~~
- ~~5)3) Modification of the Management Plan after final plat approval may be allowed by the land use staff. Committee.~~
- b. Sewer and Water Supply Facilities in Conservation Design Development.
  - 1) Sewer and water-supply facilities in a Conservation Design Development may consist of any system meeting the requirements of the Wisconsin Department of- Safety and Professional Services~~Commerce~~, the Wisconsin Department of Natural Resources, the St. Croix St. Croix County Sanitary Ordinance, and this ordinance.
  - 2) Common open space may be used for locating some or all of the permitted sewer and water-supply facilities.

- c. Stormwater Management Facilities in Conservation Design Development.
  - 1) Every Conservation Design Development (CDD) shall have a stormwater management plan, which shall be part of the Management Plan described in § ~~13.2 B.513.2 B.513.2 C.6.~~ above and consistent with the stormwater management provisions of this ordinance.
  - 2) Stormwater management [Best Management Practices](#), such as ponds or basins, may be located within common open space areas.

#### **D.C. ADDITIONAL INFORMATION**

- 1. ~~CONCEPT,~~ PRELIMINARY AND CONSERVATION DESIGN DEVELOPMENT REVIEW
  - a. The approving authority, either the Zoning Administrator or [Committee](#), may require any additional data or detail relevant to review. Descriptive data shall be sufficiently precise to allow the approving authority to determine compliance.
  - b. Existing features shall be shown as such by distinctive underscoring or other identifiers.

### 13.3 PROCEDURE FOR PRELIMINARY PLAT REVIEW AND DECISION

#### A. MAJOR SUBDIVISIONS

##### 1. SUBMITTALS

- a. The subdivider shall submit one legible ~~and one electronic~~ copy of the preliminary ~~plat for the Zoning Administrator and additional legible copies for each of the reviewing agencies listed, as specified in 2. a. and b. below, to the Zoning Administrator.~~
- b. ~~To be considered a valid submittal, the application shall include a written response from the subdivider to all issues and concerns raised during concept review.~~

**Commented [HA12]:** Do you want this to indicate Land Use Administrator versus Zoning Administrator to be consistent throughout the chapter? (Several times indicated in this section).

##### 2. REVIEW PROCESS

- a. The Zoning Administrator, for any subdivision requiring approval as a ~~"State Subdivision,"~~ shall transmit two copies to the Wisconsin Department of Administration (DOA).
- b. The Zoning Administrator shall transmit copies of the preliminary plat ~~to the following:~~ as follows:
  - 1) ~~Two copies to the~~ Wisconsin Department of Natural Resources (WDNR).
  - 2) ~~One copy to any e~~City or village having ~~extraterritorial plat approval jurisdiction.~~
  - 3) ~~One copy to the t~~Town(s) within which the proposed subdivision is located.
  - 4) ~~One copy to the~~ County Land and Water Conservation Department.
  - 5) ~~One copy to the~~ County Highway Department engineer.
  - 6) ~~One copy to the~~ County surveyor.
- c. The Zoning Administrator shall notify each agency listed in a. and b. above when the copies are sent that it has 45 days from receipt to submit comments to the Zoning Administrator.
- d. ~~The County or designated agent Land and Water Conservation Department~~ shall review and approve the erosion ~~and sediment~~ control and stormwater management plans for the preliminary plat.
- e. ~~The Zoning Administrator shall issue a written evaluation report on all relevant aspects of the preliminary plat within 30 days of submittal, with copies provided to the applicant, town(s) in which the proposed subdivision is located, and the Committee. The Zoning Administrator shall provide a summary on all applications for preliminary plats at a meeting of the Committee prior to approval.~~

**Commented [KB13]:** Designated Consultant or county staff?

##### 3. DECISION

- a. The preliminary plat shall conform to the standards in this ordinance. Within 90 days from the date of submittal, the Zoning Administrator shall approve, approve conditionally, or reject the preliminary plat.
- b. Applicable state agency approvals may be required by the Zoning Administrator prior to plat approval.

- c. Action by the Zoning Administrator may be postponed past the 90-day limit by written agreement between the Zoning Administrator and the subdivider, or upon a determination by the Zoning Administrator that additional information is required.
- d. Postponements shall not constitute approval.
- e. Plats meeting the statewide definition of subdivision in ~~Wisconsin Statutes~~ Wis. Stat. § 236.02(12) shall be subject to the provisions of ~~Wis. Stat.~~ Wisconsin Statutes § 236.11 with respect to time available for review and approval of the preliminary plat.
- f. If the Zoning Administrator determines that a question or issue that arises during review is a question or issue of policy, and not merely the application of the provisions of this ordinance, the matter will be referred to the [Committee](#) for a decision.
- g. The written determination of the Zoning Administrator shall be sent to the applicant and the town(s) in which the proposed subdivision is located.

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## 13.4 APPLICATION AND REVIEW OF FINAL PLATS

### A. MAJOR SUBDIVISIONS

#### 1. SUBMITTALS

- a. The subdivider shall submit ~~two one~~ legible ~~and one electronic~~ copies of the final plat and accompanying materials to the Zoning Administrator, ~~and additional legible copies for each of the agencies referred to in § 13.3 A.2.a. and b., to the Zoning Administrator.~~
- b. One copy of the preliminary plat with signatures of approval from the town in which the plat is located and any other applicable authorities.

#### 2. STANDARDS

- a. The final plat shall conform to all conditions placed on the preliminary plat.
- b. Final plat layout features shall substantially conform to the approved preliminary plat.
- c. Final plat depictions of wetlands shall be based upon field identification and on-site staking conducted by a professional wetland delineator contracted by the subdivider and reviewed by the Zoning Administrator or DNR.
- d. Final plat descriptions of contiguous buildable areas shall also be based upon on-site staking by a registered surveyor if requested by the Zoning Administrator for specific lots.
- e. All road names shall be shown on the final plat and shall conform to Chapter 37 – St. Croix County Rural Address and Road Naming Ordinance, § 13.7 B.4.
- f. All easements shall be shown on the final plat.
- ~~g. A complete soils evaluation shall be done on each lot to determine suitability for an on-site wastewater treatment system for a dwelling on a single lot, or a complete site and design evaluation for suitability of state approved common on-site wastewater treatment systems that serve more than one dwelling.~~
- ~~h. Soil boring locations in reference to the locations of contiguous buildable areas shall be identified on a separate, sealed map with cross reference to test results as reported on a current State soil evaluation form.~~
- ~~i.g.~~ The subdivider shall submit final versions of all proposed restrictive covenants, conservation easements or deed restrictions with the final plat.
- ~~j.h.~~ The subdivider shall submit a final maintenance plan for all designed stormwater ponds.
- ~~k.i.~~ The subdivider shall submit a final wastewater treatment system and/or water supply management plan for all common systems.
- ~~l.j.~~ The subdivider shall submit drawings showing substantial conformance with all improvements on the preliminary plat, including stormwater management and erosion ~~and sediment~~ control measures as required in **13.7 E.**

#### 3. LEGIBILITY STANDARDS

- a. The following standards apply to the legibility of documents.

**Commented [KB14]:** Need to define substantial conformance. Application requires engineer's certification.

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- 1) Plats shall be prepared to comply with the current provisions of ~~Wisconsin Statutes~~ Wis. Stat. §§ 236.20 through 236.21 and follow the layout guidelines of the Wisconsin Platting Manual as compiled and updated by the Wisconsin Department of Administration.
- 2) The recorded plat shall be on media approved by the St. Croix County Register of Deeds.
- 3) Drawings shall have exterior boundaries and block boundaries drawn with 0.50 millimeter or heavier lines.
- 4) Lot boundaries, outlot boundaries, easement boundaries and other required platting features shall be drawn with 0.30 millimeter or heavier lines.
- 5) Other graphically represented information which is not required to be shown pursuant to this ordinance or other statute, regulation or code, may be drawn in lighter weight lines.
- 6) All required lettering and numbering shall be no smaller than 0.08 inches in height.
- 7) No lettering or numbering shall be smaller than 0.05 inches in height.
- 8) All information on plats shall be clear and legible enough to be capable of legible photocopying and microfilming by equipment used in the St. Croix County Register of Deeds office.
- 9) The plat shall bear the dated seal and signature of the surveyor who prepared the plat.
- 10) When more than one sheet is used for any plat, each sheet shall be consecutively numbered, shall show the relation of that sheet to the other sheets; and the location of the subdivision by government lot, quarter-quarter section, section, town~~ship~~, range; and town, county and state of jurisdiction shown below the name or heading.

#### 4. APPROVAL PROCESS

- a. If the final plat is not submitted within 36 months of the approval of the preliminary plat, the Zoning Administrator may refuse to approve the final plat based on major land use changes affecting the plat, significant ordinance revisions or legal implications.
- b. The Zoning Administrator shall transmit copies to the agencies listed, as specified, under § 13.3 A.2.a. and b.
- c. The agencies to whom the final plat is sent shall be notified in writing that their comments or reviews must be submitted to the Zoning Administrator within 30 days of receipt unless a shorter deadline is established for "objecting agencies" under state law.

- d. If the final plat is submitted within 36 months of the approval of the preliminary plat, the Zoning Administrator shall examine the final plat for conformance with the approved preliminary plat, any conditions of approval of the preliminary plat, this ordinance, and all laws, rules, regulations, comprehensive plans and comprehensive plan components which apply to it.
- e. The Zoning Administrator shall approve, approve conditionally or reject the plat within 45 days of its submission. Failure of the Zoning Administrator to take action on the plat within 45 days shall be deemed approval ~~unless other agencies have not responded within the allowable time, there remain unsatisfied objections by other agencies, or~~ unless the review time has been extended by written agreement with the subdivider.
- f. Applicable state agency approvals may be required by the Zoning Administrator prior to plat approval.
- g. The Zoning Administrator shall, at the time he/she approves, approves conditionally, or rejects the plat, give written notice of the decision to the town(s) where the proposed plat is located and any municipality having extraterritorial subdivision approval jurisdiction.
- ~~h. If all the conditions are not satisfied within 90 days from the date of any approval, the final plat approval is void. Notice of these deadlines shall be provided. If the notice is inadvertently omitted, however, the deadlines shall still be effective.~~
- h. After the final plat has been approved and required improvements have either been installed, or an agreement and sureties insuring their installation acceptable to the Zoning Administrator have been filed and all conditions have been satisfied, the Zoning Administrator shall certify the approval upon the plat.
- j.i. The subdivider shall then record the plat and related documents, including conservation easements, ~~deed restrictions~~ homeowners association, bylaws, management plans, and covenants, with the St. Croix County Register of Deeds. The subdivider shall provide written notice to the Zoning Administrator that the plat and related documents; ~~including conservation easements, deed restrictions and covenants,~~ have been recorded.
- ~~k.i.~~ j. The final plat (and related documents) must be recorded within 12 months after the last approval and 36 months from the first approval. If the final plat and related documents are not recorded within the time frames listed above the approval is void. If the applicant fails to record and there are no changes to the final plat as approved, the Zoning Administrator may allow the applicant to resubmit the final plat upon payment of a resubmittal fee. If there are any changes to the final plat a new ~~concept and~~ preliminary plat application and associated fees must be submitted.

**Commented [KB15]:** Practice has been to collect an additional LOC/Bond to total 100% of bid amount if final plat application is received and improvements are not substantially complete due to late construction season.



## 13.5 MINOR SUBDIVISIONS

### A. APPLICATION AND PROCEDURES

#### 1. STANDARDS

- a. [Minor subdivisions](#) shall be processed following the same application and review procedures of a [major subdivision](#).
- b. The application for a [minor subdivision](#) shall show or identify the original [parcel](#) of which the proposed subdivision was part of five years prior to the date of application.
- c. The fact that a proposed division creates four or fewer parcels does not automatically create eligibility to employ the minor subdivision procedure if prior or concurrent division of the parcel, that existed five years prior to the date of application, precludes additional divisions through the minor subdivision procedure.
- d. Complete minor subdivision applications will not be accepted until one day after the date of eligibility, which is five years after the recording of an applicable minor subdivision. For example: A parcel has a minor subdivision recorded on February 1, 1999 and is eligible for subsequent minor subdivision application on February 2, 2004.
- e. One existing lot split into two lots is considered to be a ~~two~~one-lot subdivision relating to eligibility for a minor subdivision.

Commented [KB16]: How to interpret number of lots

#### 2. LEGIBILITY STANDARDS

- a. Requirements of ~~Wisconsin Statute~~ Wis. Stat. § 236.34 and § 13.4 A.3. on legibility standards apply to [certified survey maps](#), except that:
  - 1) A certified survey map shall follow the provisions of Wisconsin Statute § 236.34 and the Wisconsin Platting Manual as compiled and updated by the Wisconsin Department of Administration.
  - 2) The recorded certified survey map shall be on media approved by the St. Croix County Register of Deeds.

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#### 3. APPROVAL PROCESS

- a. ~~A concept review shall be required between the subdivider and Zoning Administrator or his/her designee. The Zoning Administrator may authorize a waiver of the concept review conference in full or in part, if no public improvements or stormwater facilities are required.~~
- ~~b. a~~ A preliminary certified survey map and accompanying application materials shall be submitted to the Zoning Administrator for review.
- ~~e. b~~ The content of the submittal shall be the same as for a preliminary [plat](#), when public improvements or stormwater facilities are required. ~~The Zoning Administrator may authorize a waiver of a portion of the submittal requirements when public improvements or stormwater facilities are not required or the proposed lot contains an existing building site.~~

~~d.c.~~ The process of review by the Zoning Administrator shall be the same as for a preliminary plat, except that the process shall not include referral to state agencies. The procedures and standards of § 13.3 and the standards of ~~Wisconsin Statutes~~ Wis. Stat. § 236.34 shall apply to a minor subdivision.

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~~e.d.~~ A final certified survey map shall be submitted for each minor subdivision.

~~f.e.~~ The procedures and standards of § 13.4 A. shall apply to a minor subdivision, except that the Zoning Administrator shall approve, approve conditionally or reject the certified survey map within 90 days of its submission. Failure of the Zoning Administrator to take action on the certified survey map within 90 days shall be deemed approval ~~unless other agencies have not responded within the allowable time, there remain unsatisfied objections by other agencies, or~~ unless the review time has been extended by written agreement with the subdivider.

~~g.~~ The form of the certified survey map shall comply with Wisconsin Statutes § 236.34 and shall also contain any additional information required by the Zoning Administrator at either the preliminary or final review stage.

~~h.~~ The certified survey map shall contain a certificate of the St. Croix County Treasurer stating that there are no unpaid taxes or unpaid special assessments on any of the lands included in the certified survey map.

~~i.f.~~ If approved, the Zoning Administrator shall certify the approval on the final certified survey map.

~~j.g.~~ The certified survey map shall be recorded within 6 months after the last approval and 24 months from the first (preliminary) approval.

## 13.6 REPLATS

### A. APPLICATION AND PROCEDURES

#### 1. STANDARDS

a. ~~Pursuant to Wis. Stat. § 236.02(11), a~~ replat is ~~the change in the exterior boundaries of a previously platted subdivision. Add definition from statute: the process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.~~

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~~b.~~ Changing the interior boundaries within a subdivision is a subdivision if the change creates one or more parcels or lots of less than 35 acres and is not a replat.

~~e.b.~~ A replat that does not alter areas dedicated to the public, or lots or outlots owned in common by the owners of lots within the subdivision, shall be processed as a subdivision under this ordinance. ~~Whether it is processed as a minor subdivision or a major subdivision depends upon the number of lots created.~~

~~d.c.~~ A replat that proposes to alter lands dedicated to the public, or lots or outlots owned in common by the owners of lots within the subdivision, shall be similarly processed. The approval of the replat by the Zoning Administrator shall be conditioned upon approval by a court order of the alterations of the areas dedicated to the public, or pursuant to ~~Wisconsin Statutes~~ Wis. Stat. §§ 236.3640 - 236.44.

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## 13.7 DESIGN STANDARDS FOR MAJOR AND MINOR SUBDIVISIONS

### A. PURPOSE AND REQUIREMENTS

#### 1. PURPOSE

- a. The purpose of subdivision design is to create a functional and attractive development, to minimize adverse effects on persons and land, and to ensure that a subdivision will be an asset to the community.
- b. To promote this purpose, a subdivision shall conform to the standards of this section.
- c. In addition to standards set forth in this ordinance, the Zoning Administrator shall determine compliance of plats that are not reviewed by the Wisconsin Department of Administration with ~~Wisconsin Statutes §§~~ Wis. Stat. §§ 236.15, 236.16, 236.20, and 236.21.

#### 2. GENERAL DESIGN STANDARDS

- a. Subdivision design shall take into consideration existing local, County and regional plans and existing and proposed developments in the surrounding areas.
- b. Design shall be based on a site analysis. To the maximum extent practicable, as determined by the Zoning Administrator, the design shall:
  - 1) Preserve the natural features of the site.
  - 2) Avoid areas of environmental sensitivity.
  - 3) Avoid adverse effects on ground water and aquifer recharge.
  - 4) Avoid unnecessary impervious cover.
  - 5) Prevent flooding.
  - 6) Minimize adverse effects of shadow, noise, odor, traffic, drainage, artificial light and utilities on the site and on neighboring properties.
  - 7) Minimize negative impacts on and alteration of natural features and adverse effects of cutting and filling.
  - 8) Avoid risk of harm to persons and land.
  - 9) Provide adequate access to lots.
- c. Topsoil stripped from within the subdivision may not be removed from the subdivision until final land contours, topsoil finishing and seeding is successfully completed.
- ~~d. A soil evaluation shall be done to determine suitability for an on-site wastewater treatment system for a dwelling on a single lot, or a complete site and design evaluation for suitability of state approved common on-site wastewater treatment systems that serve more than one dwelling.~~
- ~~e.d.~~ In reviewing a subdivision, the Zoning Administrator may require that sensitive areas of the subdivision be placed within non-buildable portions of lots and must be either offered for dedication or protected by conservation easements, ~~deed restrictions~~ or covenants dealing with use and management of these areas.

Commented [KB17]: Moving this to preliminary requirements?

**B. ROADS****1. DESIGN OBJECTIVES AND JURISDICTION**

- a. The road system shall be designed to meet the following objectives: to permit the safe, efficient, and orderly movement of traffic; to meet the needs of the present and future population with a simple and logical pattern; to respect natural features and topography; minimize local road maintenance and replacement costs; minimize private roads and private residential driveway accesses to public roads; and to present an attractive appearance.
- b. ~~In the course of a subdivision review, the Zoning Administrator shall designate roads as arterial, collector, subcollector, or access roads. This decision shall be based upon County or town comprehensive plans or official maps.~~
- c. ~~The Zoning Administrator may require any road to be constructed to the boundary of the subdivision.~~
- d. ~~b. The Zoning Administrator may require special setbacks, screening, and other buffers along roads, and may limit access along such roads.~~
- e. ~~The road standards in this section for both Conventional Development and Conservation Design Development may be applied to Conservation Design Development as provided for in § 13.7 K. The road standards in this section for Conservation Design Development may only be applied to Conservation Design Development.~~
- f. ~~c. All road rights-of-way that are included within the design of a subdivision and that serve three or more lots shall be offered for dedication and accepted by the town or other designated local unit of government. The Zoning Administrator shall approve such designation. Once dedicated, the unit accepting the dedication may control vegetation within the right-of-way.~~
- g. ~~The affected town must agree to accept the responsibility for maintenance of the public road and road-related facilities.~~

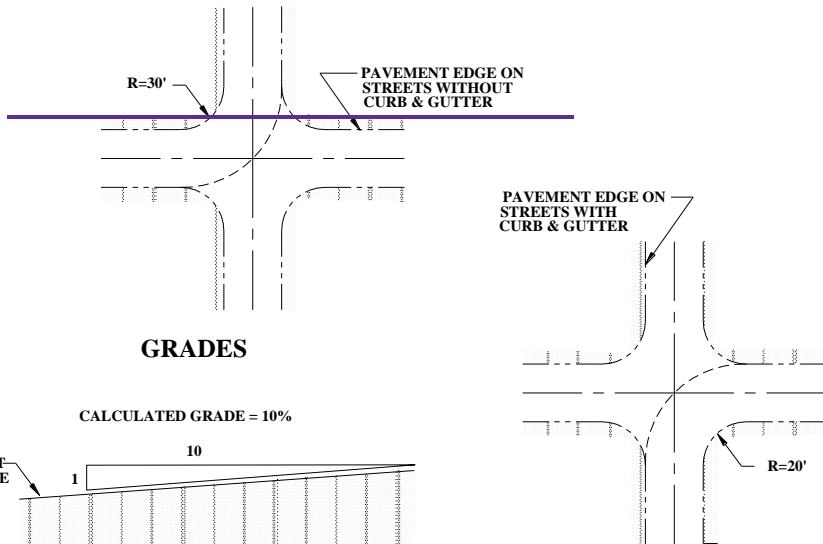
**2. DESIGN AND CONSTRUCTION STANDARDS**

- a. ~~The minimum standards in this section shall apply to all roads, unless the town with jurisdiction establishes its own standards for town roads.~~
- b. ~~a. Roads shall be designed and constructed in accordance with the minimum standards in the following tables or to standards established by the town.~~

RURAL ROAD CONSTRUCTION STANDARDS				
ROAD TYPE	Arterial & Collector Roads	Subcollector & Access Roads	Conservation Design Access Road	One-Way Access Road Conventional & Conservation Design
Traffic Lanes	2	2	2	1 <sup>1</sup>
R.O.W.	80'	66'	50'	50'
Road Width Before Gravel or Base Course	34'	31'	29'	26'
Road Width after Gravel or Base Course	30'	27'	25'	23'
Road Surface, excluding shoulders	24'	22'	20'	18'
Shoulders, paved or gravel	3'	2'	2'	2'
Culverts	18" <sup>2</sup>	18" <sup>2</sup>	18" <sup>2</sup>	18" <sup>2</sup>
Compacted Sand Sub Base <sup>3</sup>	12"	12"	12"	12"
Compacted Base <sup>3</sup>				
Crushed Limestone or	6"	6"	6"	6"
Wisconsin Grade #2 Gravel	7"	7"	7"	7"
Shoulder Slopes & Fill Slopes on fills to 3'	4:1 desirable, 3:1 maximum	4:1 desirable, 3:1 maximum	4:1 desirable, 3:1 maximum	4:1 desirable, 3:1 maximum
Shoulder Slopes & Fill Slopes below top 3'	2:1 maximum	2:1 maximum	2:1 maximum	2:1 maximum
Back Slopes	4:1 desirable, 3:1 average, 2:1 maximum	4:1 desirable, 3:1 average, 2:1 maximum	4:1 desirable, 3:1 average, 2:1 maximum	4:1 desirable, 3:1 average, 2:1 maximum
Minimum Radius of Curvature in ft. from Centerline for Deflections of 7" or More <sup>4</sup>	300	200	100	100
Maximum Grade <sup>4</sup>	8%	10%	10%	10%
Maximum Grade within 50' of the Center of an Intersection	2%	2%	2%	2%
Corner Radii <sup>4</sup>	30'	30'	30'	30'

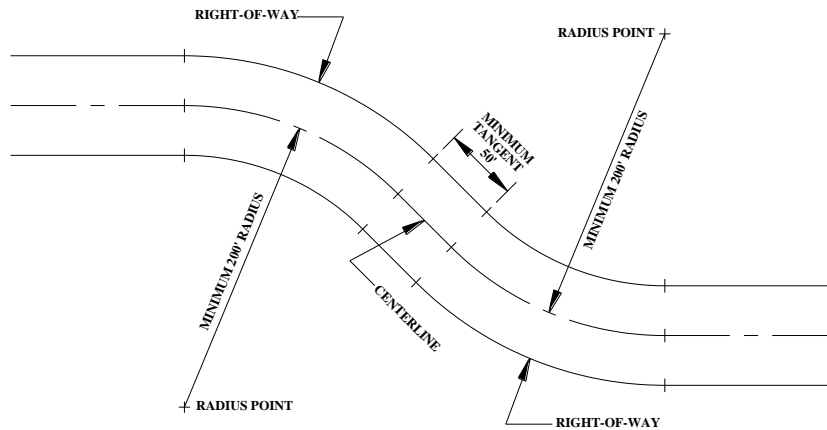
<sup>1</sup>—Counter clockwise movement.<sup>2</sup>—Or as otherwise specified, with a minimum cover of one foot to the top of the sand lift. All culverts shall be galvanized, corrugated steel pipe, pipe arch, plate, or reinforced concrete pipe in conformity with American Association of State Highway Transportation Officials' (AASHTO) specifications.<sup>3</sup>—Decomposable materials shall not be used in construction.<sup>4</sup>—See diagrams below.

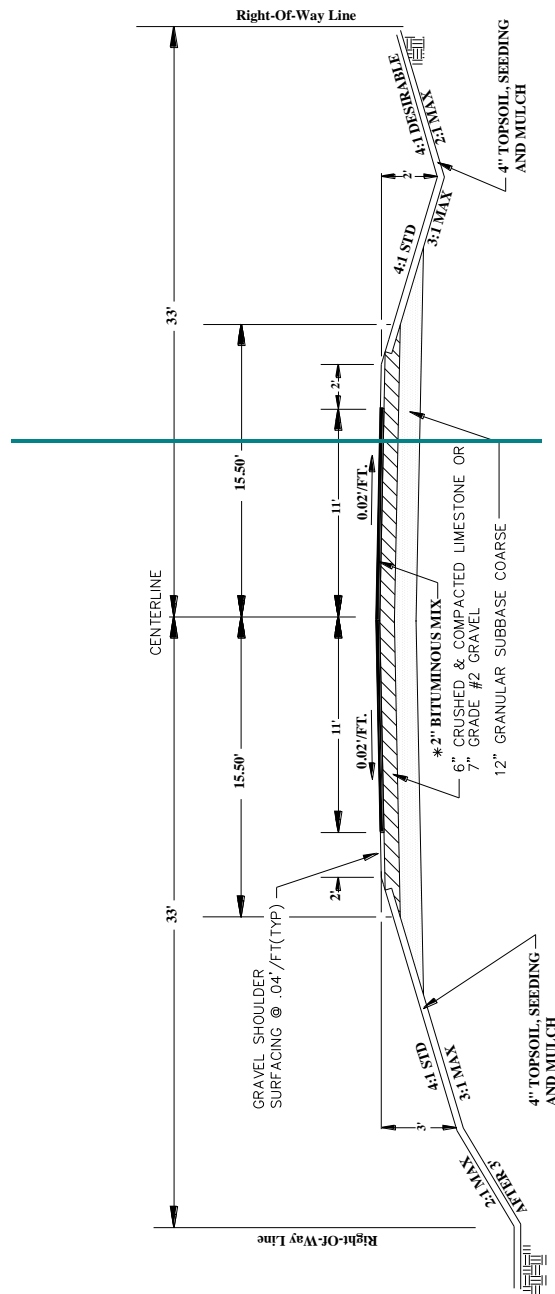
### CORNER RADII



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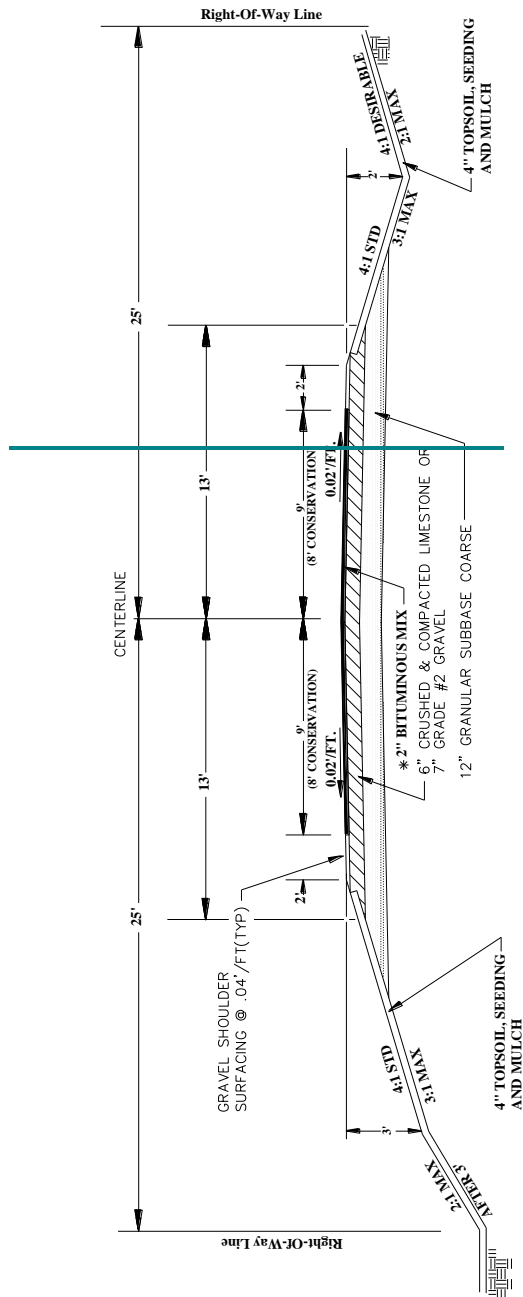
### MINIMUM ROAD ALIGNMENT STANDARDS FOR CURVES AND TANGENTS





\* EXACT PAVEMENT WIDTHS AND THICKNESSES MAY BE ADJUSTED BY SPECIFIC TOWNSHIP STANDARDS.

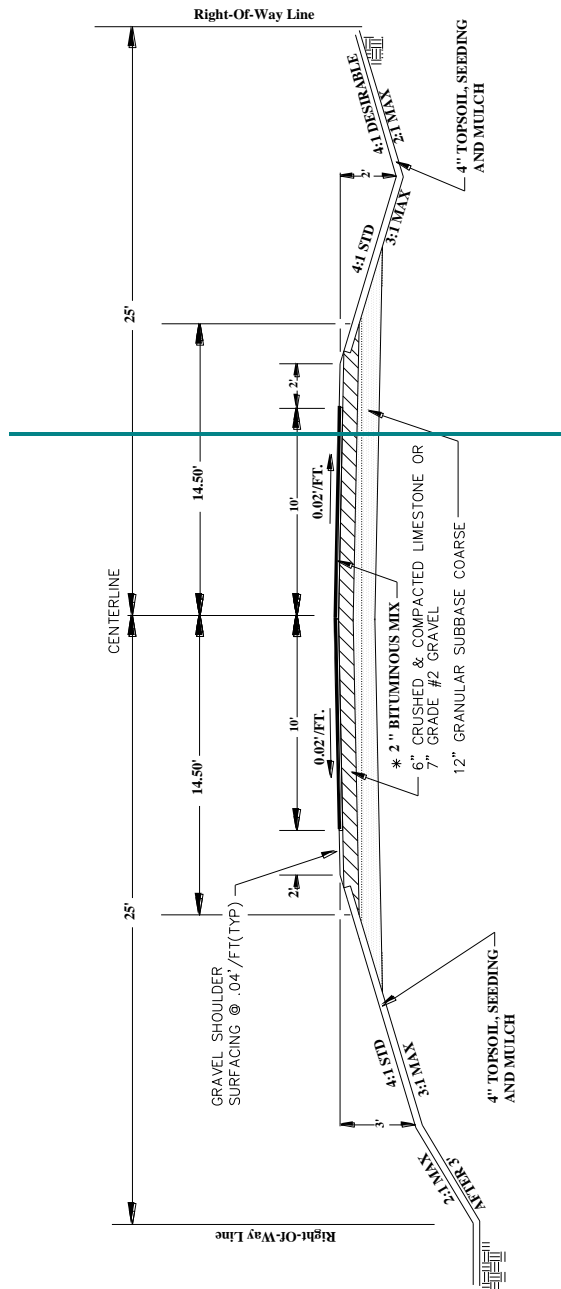
### TYPICAL FINISHED SECTION STANDARD SUBCOLLECTOR AND ACCESS ROADWAY



\* EXACT PAVEMENT WIDTHS AND THICKNESSES MAY BE ADJUSTED BY SPECIFIC TOWNSHIP STANDARDS.

### TYPICAL FINISHED SECTION ONE WAY ACCESS ROAD & LOOP ROAD





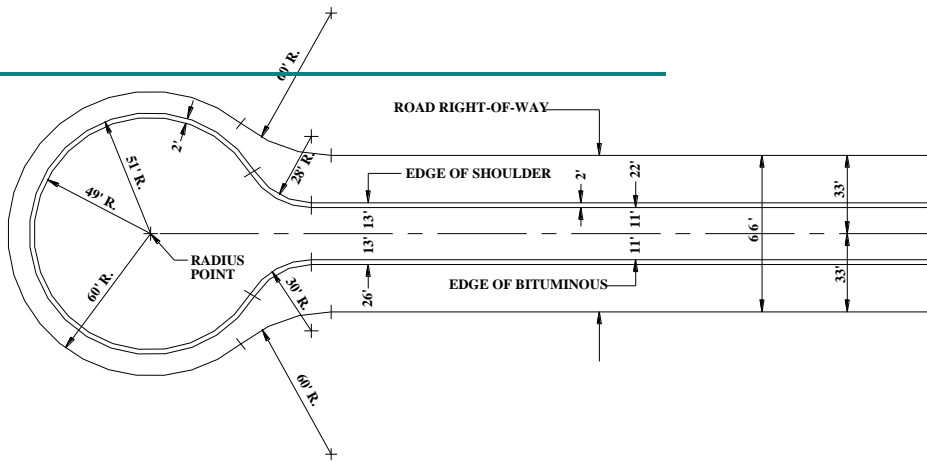
\* EXACT PAVEMENT WIDTHS AND THICKNESSES MAY BE ADJUSTED BY SPECIFIC TOWNSHIP STANDARDS.

### TYPICAL FINISHED SECTION CONSERVATION DESIGN ACCESS ROAD

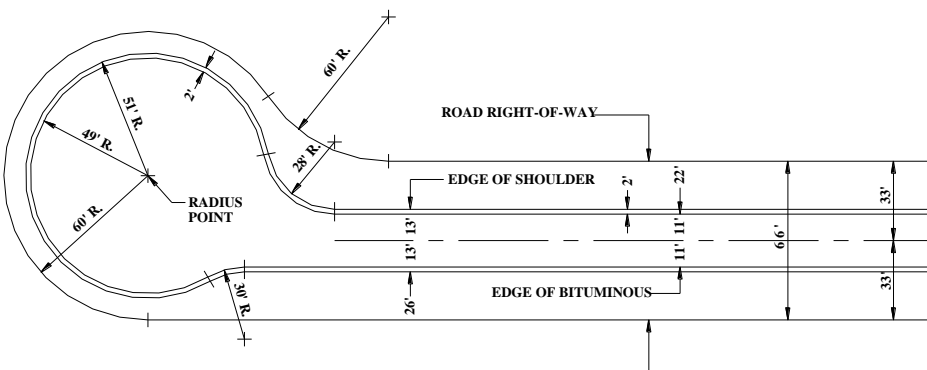
RURAL CUL-DE-SAC BULB AND LOOP END STANDARDS						
Standards	Conventional Development			Conservation Design Development		
ROAD TYPE	Cul-de-sac without Island	Cul-de-sac with Island	Loop Road	Cul-de-sac without Island	Cul-de-sac with Island	Loop Road
Traffic Lanes	2	1	1	1	1	1
One-Way Counter Clockwise Movement	NA	Yes	Yes	Yes	Yes	Yes
Vegetated Center Island <sup>1</sup>	No	Yes	Yes	No	Yes	Yes
R.O.W.	60'-radius	80'-radius	50'-width or 80'-radius	50'-radius	60'-radius	50'-width or 80'-radius
Outside Pavement Radius, edge of pavement or face of curb	49'	69'	64'	35'	47'	63'
Center Island Radius, edge of pavement or face of curb	NA	47'	46'	NA	47'	47'
Road Width—Radius—Before Gravel or Base Course	54'	74'	69'	40'	52'	68'
Road Width—Radius—After Gravel or Base Course	51'	71'	66'	37'	34'	20'
Road Surface, no curb excluding shoulders	98'	22'	18'	70'	30'	16'
Paved Road Surface curbed			20'	Contact St. Croix County Highway Dept.		20'
Shoulders paved or gravel (no shoulder necessary with curb <sup>2</sup> )	2'	2'	2'	2'	2'	2'
Culverts	18" <sup>3</sup>	18" <sup>3</sup>	18" <sup>3</sup>	18" <sup>3</sup>	18" <sup>3</sup>	18" <sup>3</sup>
Shoulder Slopes & Fill Slopes on fills to 3'	4:1 desirable 3:1 maximum	4:1 desirable 3:1 maximum	4:1 desirable 3:1 maximum	4:1 desirable 3:1 maximum	4:1 desirable 3:1 maximum	4:1 desirable 3:1 maximum
Shoulder Slopes & Fill Slopes below top 3'	2:1 maximum	2:1 maximum	2:1 maximum	2:1 maximum	2:1 maximum	2:1 maximum
Back Slopes	4:1 desirable 3:1 average 2:1 maximum	4:1 desirable 3:1 average 2:1 maximum	4:1 desirable 3:1 average 2:1 maximum	4:1 desirable 3:1 average 2:1 maximum	4:1 desirable 3:1 average 2:1 maximum	4:1 desirable 3:1 average 2:1 maximum
Minimum Radius of Curvature in feet from Centerline for Deflections of 7° or More <sup>4</sup>	NA	NA	100	NA	NA	100
Maximum Grade <sup>4</sup>	6%	6%	6%	6%	6%	6%
Corner Radii <sup>4</sup>	30'	69'	30'	30'	30'	30'

<sup>1</sup> See Landscape Screening, 13.7 H.<sup>2</sup> Mountable or surmountable concrete curb optional.<sup>3</sup> Or as otherwise specified, with a minimum cover of one foot to the top of the sand lift. All culverts shall be galvanized, corrugated steel pipe, pipe arch, plate, or reinforced concrete pipe in conformity with American Association of State Highway Transportation Officials' (AASHTO) specifications.<sup>4</sup> See diagrams above.

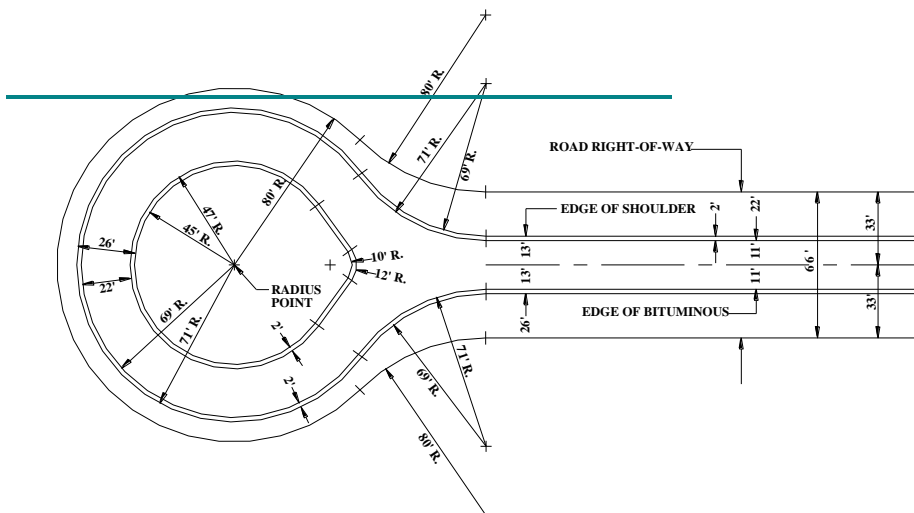
## CONVENTIONAL DEVELOPMENT TYPICAL NON-ISLAND CUL-DE-SAC



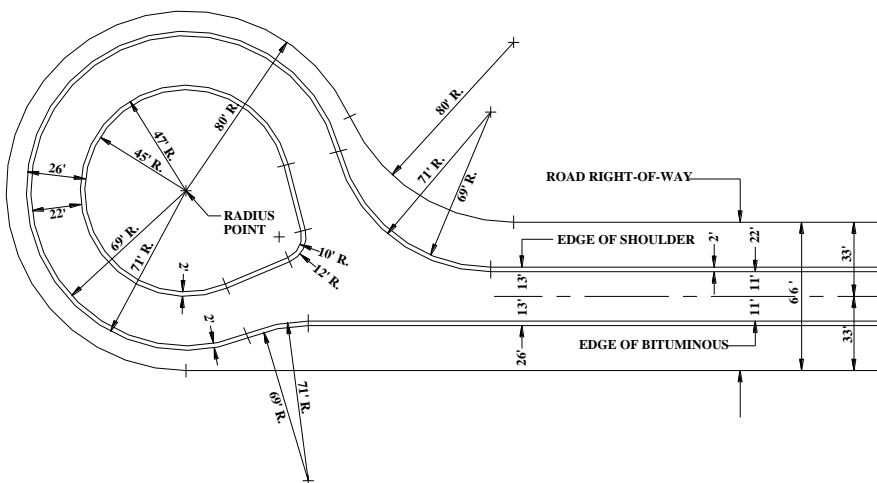
## CONVENTIONAL DEVELOPMENT OFFSET NON-ISLAND CUL-DE-SAC



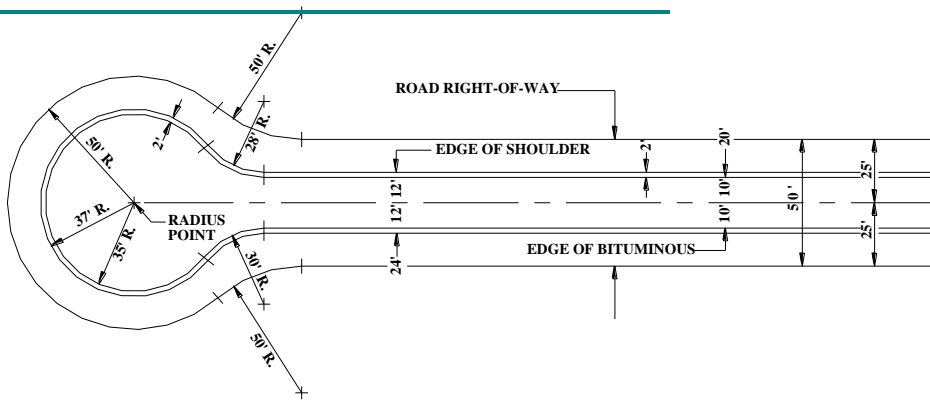
### CONVENTIONAL DEVELOPMENT TYPICAL ISLAND CUL-DE-SAC



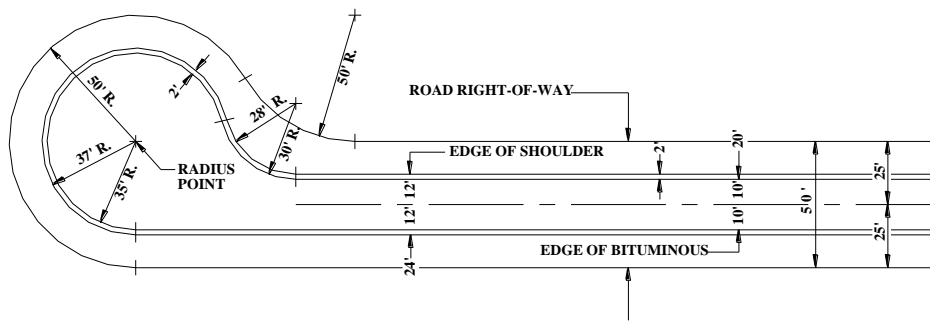
### CONVENTIONAL DEVELOPMENT OFFSET ISLAND CUL-DE-SAC



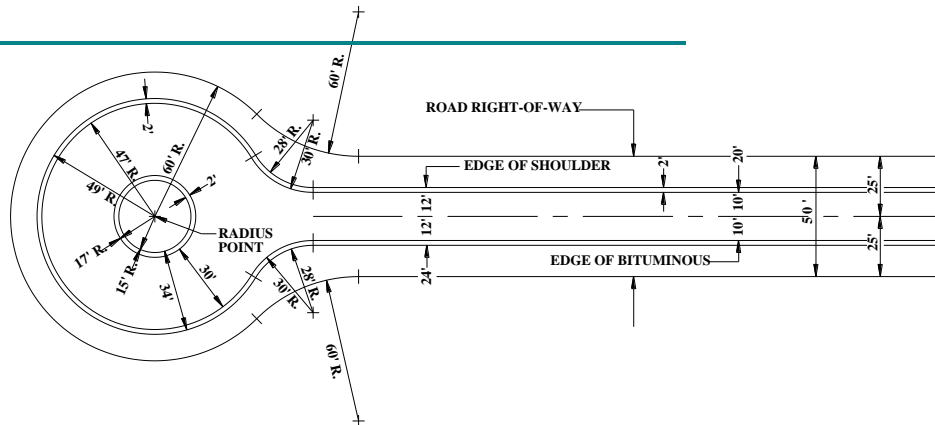
## CONSERVATION DESIGN TYPICAL NON-ISLAND CUL-DE-SAC



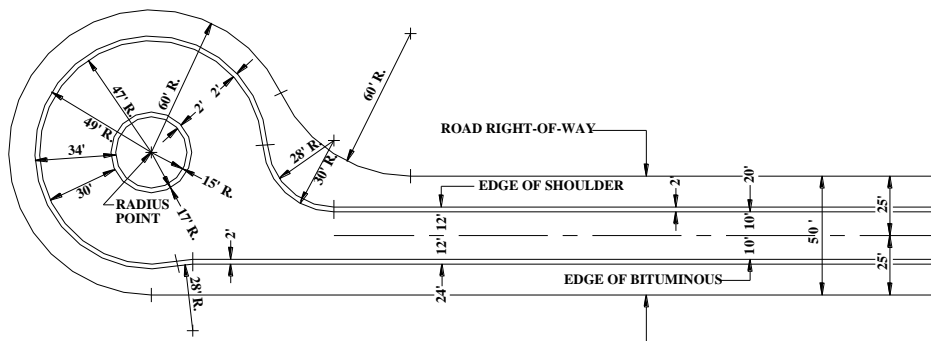
## CONSERVATION DESIGN TYPICAL NON-ISLAND OFFSET CUL-DE-SAC



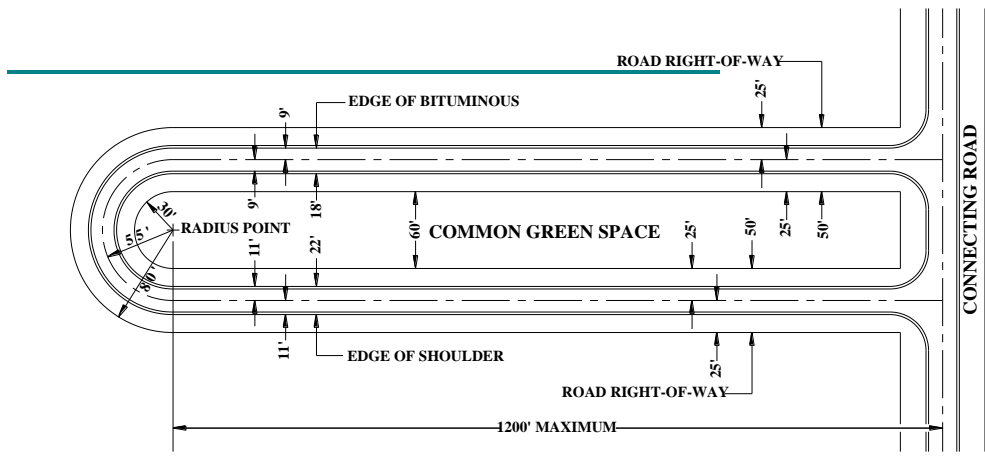
## CONSERVATION DESIGN TYPICAL ISLAND CUL-DE-SAC



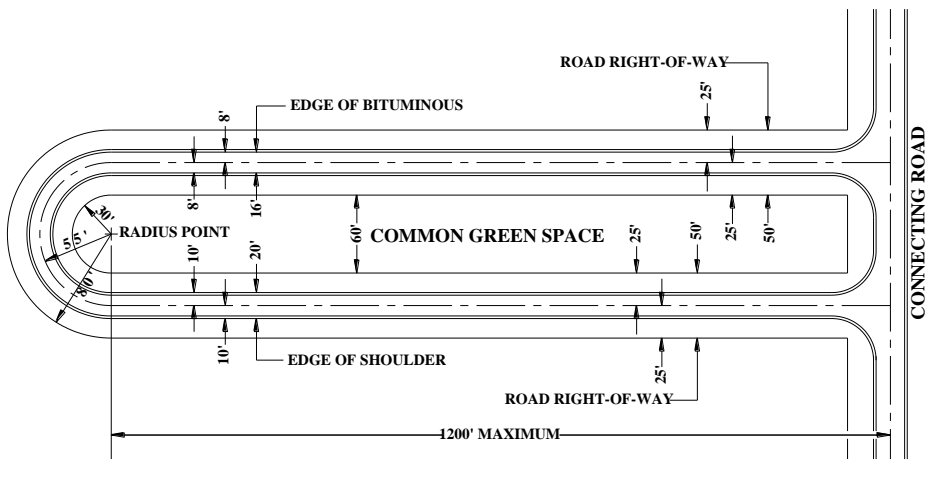
## CONSERVATION DESIGN OFFSET ISLAND CUL-DE-SAC



## CONVENTIONAL DEVELOPMENT LOOP ROAD



## CONSERVATION DESIGN LOOP ROAD



- e. As an alternative to the rural design and construction standards, urban design (curbed) roads may be used if designed and constructed in accordance with the "Wisconsin Department of Transportation Standard Specifications for Highway and Structure Construction", the "Facilities Development Manual of the Wisconsin Department of Transportation" and the standards in the following table:

URBAN ROAD, LOOP AND CUL-DE-SAC CONSTRUCTION STANDARDS					
Standards	Conventional Development		Conservation Design or Traditional Neighborhood	Conventional Development	
	Subcollector & Access Roads	One-Way Road	Access Road	Cul-de-sac without Island	Cul-de-sac or Loop Road with Island
Traffic Lanes	2	1	2	2	1
One-Way Counter-Clockwise Movement	NA	NA	NA	NA	Yes
Vegetated Center Island	NA	NA	NA	No	Yes
R.O.W.	66'	50'	50'	60' radius	80' radius
Outside Pavement Radius, edge of pavement or face of curb	NA	NA	NA	49'	71'
Center Island Radius, edge of pavement or face of curb	NA	NA	NA	NA	48'
Road Width Before Gravel or Base Course	NA	NA	NA	53' radius	74' radius
Road Width After Gravel or Base Course	NA	NA	NA	51' radius	72' radius
Road Surface Paved	26'	20'	20'	49' radius	20' width
Slope Towards Centerline for 4 feet beyond high point of curb	2%	2%	2%	NA	2%
Compacted Sand Sub-Base <sup>1</sup>	12"	12"	12"	12"	12"
Compacted Base <sup>1</sup>					
Crushed Limestone or	6"	6"	6"	6"	6"
Wisconsin Grade #2 Gravel	7"	7"	7"	7"	7"
Fill Slopes and Back Slopes	4:1	4:1	4:1	4:1	4:1
Minimum Radius of Curvature in ft. from centerline for deflections of 7" or more <sup>2</sup>	200	100	100	NA	100
Design Speed for Vertical Alignment	25 m.p.h.	25 m.p.h.	25 m.p.h.	25 m.p.h.	25 m.p.h.
Maximum Grade within 50' of the Center of the Intersection	2%	2%	2%	2%	2%
Curb and Gutter Required	Yes	Yes	Yes	Yes	Yes
Curb & Gutter Design <sup>2</sup>	2'	2'	2'	2'	2'
Corner Radii <sup>3</sup>	20'	20'	20'	20'	20'

<sup>1</sup>—Decomposable material shall not be used in construction.

<sup>2</sup>—Mountable or surmountable concrete curb optional.

<sup>3</sup>—See diagrams above.

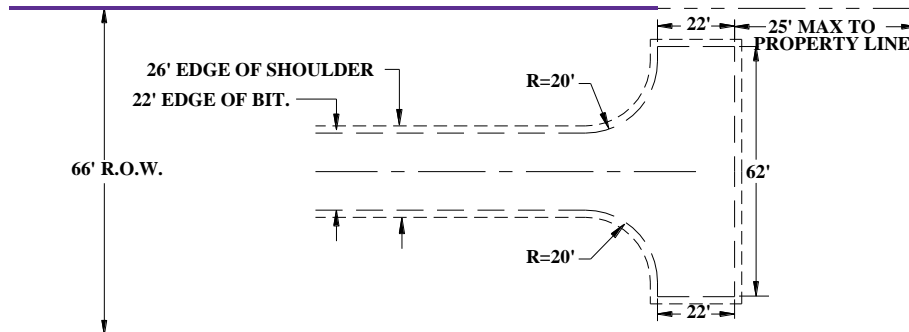
### 3. ROAD LAYOUT STANDARDS

- a. The Zoning Administrator shall examine the design of roads and driveway accesses to assure that lots are laid out in a way that will produce intersections, grades and other features satisfying the following standards:



- ~~1) The number of intersections along arterial, collector and subcollector roads shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than 1000 feet along these roads.~~
  - ~~2) Road intersection jogs with centerline offsets of less than 150 feet on existing or proposed roads are not allowed.~~
  - ~~3) Not more than two roads shall intersect at one point.~~
  - ~~4)1) The intersection angle of a driveway access to a road, and a road to a road, shall not be less than 75 degrees measured from the centerline of the road or driveway access to the right-of-way of the intersecting road or driveway access.~~
  - ~~5)2) The Zoning Administrator may require intersection vision clearances.~~
- b. Subdivision roads shall provide connection to existing or planned road extensions and adjacent unplatted property.
- ~~e. All road layout design shall be consistent with any applicable policies adopted in the town comprehensive plan or official map.~~
- ~~d.c.~~ Proposed roads shall extend to the boundary lines of the lot, parcel, or site being subdivided or developed unless prevented by topography or other physical conditions or unless, ~~in the opinion of the Zoning Administrator~~, such extension is not necessary or desirable for the coordination of the layout of the land division or for the advantageous development of adjacent ~~lands or Conservation Design Development~~.
- ~~e.d.~~ All arterial and collector roads shall be built to the boundary of the subdivision.
- ~~f. All road extensions shall be constructed at the time of the development's initial road construction.~~
- ~~g.c.~~ Temporary termination of roads intended to be extended at a later date shall be accomplished with the construction of a temporary "T"-shaped turnabout contained within the road right-of-way. ~~The T shall be constructed as shown in the figure below:~~

## TYPICAL TEMPORARY TERMINATION "T" - SHAPED TURNABOUT



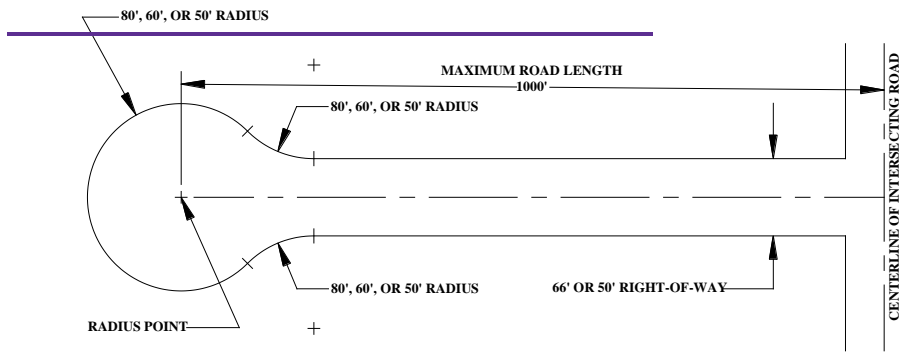
~~h.f.~~ Narrow strips of land between the road and the subdivision boundary (spite strips) shall not be permitted, ~~unless conditions under which the adjacent parcel can be connected to the road are established.~~

~~i.~~ The vertical alignment of the centerline shall be based on the minimum safe stopping sight distance in accordance with the design standards of the AASHTO.

~~j.g.~~ A permanent, platted dead-end road shall end in a cul-de-sac.

~~k.~~ The total length of a cul-de-sac road shall not exceed 1000 feet unless otherwise provided for in the town comprehensive plan or official map. The total length shall be measured from the centerline of the intersecting road to the radius point. The Zoning Administrator may allow a cul-de-sac road in Conservation Design Development to exceed 1000 feet if it is not possible to intersect with another road in the development without occupying a principal conservation area.

## RIGHT-OF-WAY STANDARDS FOR CUL-DE-SAC ROADS



- l. A loop road shall not exceed 1,200 feet from the intersecting road centerline to the radius point in length unless otherwise provided for in the town comprehensive plan or official map.
- m. A one-way access road shall not exceed 2,400 feet in length unless otherwise provided for in the town comprehensive plan or official map. The length shall be measured from the centerline of each intersecting road.
- n. The planning, location and designations of roads in an area shall not allow the continuation of traffic from residential developments directly into commercial or industrial developments or vice versa. The Zoning Administrator may grant a waiver if no other option is available and appropriate buffering is provided.
- ~~e-h.~~ The Zoning Administrator may require joint driveway accesses, where deemed necessary.
- p. All driveway accesses that abut a proposed road shall be constructed through the right-of-way concurrent with the road construction.
- q. The Zoning Administrator may require additional driveway access construction beyond the right-of-way where deemed necessary to prevent erosion.

#### 4. ROAD NAMES

- a. ~~Existing St. Croix County or town policies~~ New addresses and road names shall comply with Chapter 37 of the St. Croix County Code of Ordinances Chapter 37-Uniform Addressing and Road Naming System. for naming and/or numbering shall be used. ~~The Land Information staff Zoning Administrator shall approve the naming and/or numbering of roads.~~
- b. Approved road names shall be placed on the final plat or certified survey map.
- e. Approval of road names on a preliminary plat or preliminary certified survey map will not reserve the road name, nor shall it be mandatory for the Zoning Administrator to accept it at the time of final plat or certified survey map approval.

Commented [KB18]: Can or should we keep this?

Commented [KB19]: Separate ordinance?

- d. ~~Road names prefixes shall not duplicate any name which has already been used elsewhere in St. Croix County, is similar to a name used elsewhere, is a name which may cause confusion or which is difficult to spell or pronounce. This prohibition includes roads with different ending or suffix nomenclature but the same first word or words or prefix. For example Smith Drive and Smith Circle will not both be allowed. Only one of the following would be allowed: Wildwood Trail, Wildtree Trail or Wylde Woode Road.~~
- e. ~~Road naming suffix nomenclature shall follow the standards in the following table:~~

ROAD NAMING STANDARDS		
Type of Road	Straight	Curvilinear
North/South Roads	Street	Drive or Lane
East/West Roads	Avenue	Road or Trail
Permanent Turnabout Roads, Loop Roads or Cul-de-sacs	Circle or Court	Circle or Court

- f. ~~Where a road maintains the same general direction except for curvilinear changes for short distances, the same name shall be used for the entire length of the road.~~
- g. ~~A road, which will potentially connect to another road, shall use the same name for all existing and planned sections.~~
- h. ~~The name of the projection of a road shall use the same prefix as the road even if the projection terminates in a cul-de-sac.~~

## 5. BICYCLE AND PEDESTRIAN WAYS

- a. Bicycle and pedestrian ways shall meet the following standards:
- 1) A ~~easement right-of-way~~ width of not less than 20 feet may be required where deemed necessary by the Zoning Administrator to provide adequate bicycle and pedestrian circulation or access to schools, parks, shopping centers, churches, and other places of public assembly or transportation facilities.
  - 2) The bicycle and pedestrian way will be constructed with 10 to 12 feet of paved or limestone surface and a five to four-foot buffer on each side.
  - 3) Bicycle and pedestrian ways in wooded and wetland areas shall be so designed and constructed as to minimize the removal of trees, shrubs, and other vegetation, and to preserve the natural beauty of the area.

## C. LAND DISTURBANCE RESTRICTIONS

### 1. STANDARDS

- a. Development shall incorporate [Best Management Practices](#) for erosion and sediment control and stormwater management.
- ~~b. Land disturbance shall be minimized wherever practicable so as to avoid excessive grading, the extensive removal of ground cover and tree growth, and general leveling of the topography.~~
- ~~e.b. On slopes of 25 percent or greater, no disturbance shall be permitted for activities other than public improvements, except to correct a pre-existing erosion problem on slopes up to 35 percent.~~
- ~~d. On slopes of 30 percent or greater, no disturbance shall be permitted for public improvements, except to correct a pre-existing erosion problem on slopes up to 35 percent.~~
- ~~e. The maximum disturbance allowed in slope areas between 20 percent to 29.9 percent shall be 10 percent of the total slope area of the proposed subdivision between 20 to 29.9 percent.~~
- ~~f. The maximum disturbance allowed in slope areas between 12 to 19.9 percent shall be 50 percent of the total slope area of the proposed subdivision between 12 to 19.9 percent.~~
- ~~g.c. Slopes shall be measured as the change in elevation over a the horizontal distance of 50 feet between consecutive contour lines and expressed as a percent.~~
- ~~h. For the purposes of application of these regulations slope shall be measured over a horizontal distance of 50 feet.~~
- ~~i.d. All slope measurements shall be determined by a topographic survey signed and sealed by a registered surveyor or engineer licensed to practice in the State of Wisconsin or zoning staff.~~
- ~~j. The Zoning Administrator may authorize exceptions to these standards for corrective measures on actively eroding sites.~~

**Commented [KB20]:** Remove? I don't think this is something we have been enforcing in practice.

## D. UTILITY EASEMENTS

### 1. STANDARDS

- a. Utility easement areas shall be identified on the plat or [certified survey map](#).
- b. As a general rule, [utility easements shall be placed the width of easements shall be 12 feet, six feet of which shall be on each side of the easement running along a joint lot line or along/within the road right-of-way.](#)
- c. ~~Any utility lines carried overhead on poles shall be placed in utility easements. Lots shall be served by underground electric, gas, telephone, and cable television lines, if available. The property owner/subdivider is responsible for stabilizing any land disturbance for the installation of utilities.~~
- d. To allow for the installation of underground utilities, excavation materials shall not be stored on the easement. ~~Where utility lines are to be installed underground, the easement shall be graded to within six inches of the final grade by the subdivider.~~

- ~~e. Utility lines and equipment within an easement, whether overhead or underground, shall not be closer than one foot to a lot line or three foot to any survey monument.~~
- ~~f.e. The subdivider shall coordinate the installation of utilities with the installation of erosion control measures. The subdivider is responsible for stabilizing any land disturbance for the installation of erosion control measures. The deposits for a financial assurance for erosion control work shall be held until all utility work is done.~~

## **E. STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PLANS**

### **1. DESIGN STANDARDS**

- a. Stormwater Management and Erosion and Sediment Control plans shall meet or exceed the design criteria, standards and specifications and [Best Management Practices](#) identified in b. through j. below and in the following documents or their subsequent revisions:
- 1) [Wis. Admin. Code § NR 151](#) Subchapters I, III and V.
  - 2) The Wisconsin DNR Stormwater Construction and Post Construction Technical Standards.
  - 3) The Wisconsin Department of Transportation Erosion Control Product Acceptability List.
  - 4) The Wisconsin Department of Transportation Standard Specifications for Highway and Structure Construction Manual.
  - 5) Wisconsin Department of Transportation Facilities Development Manual, Chapter 10.
  - 6) The United States Department of Agriculture Technical Guide 4.
- b. Stormwater management and erosion ~~and sediment~~ control plans shall be certified by a registered professional engineer.
- ~~e. The Developer's Agreement shall contain a provision which requires t~~ The registered professional engineer ~~to shall~~ do the following:
- 1) Commit to oversee installation of all stormwater management and erosion and sediment control features shown on the approved plans.
  - 2) Submit a set of ~~as-built record~~ drawings upon construction completion.
  - 3) Certify that all required improvements have been installed in substantial conformance with the approved plans.

**Commented [KB21]:** See separate doc with Stantec opinions

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- 4) ~~This certification shall not release the subdivider from the responsibility to construct in accordance with approved plans until town and County inspections have been made, and approval of the substantial conformance condition has been given by the public agencies.~~

- ~~e.c.~~ Post development runoff volume must be maintained or reduced compared to pre-development conditions for the 25 year, 24 hour, Type II storm event.
- ~~e.d.~~ Peak runoff discharge rates must be maintained or reduced compared to pre-development conditions for the 2, 10, 100 year, 24 hour, Type II storm event.
- ~~f.~~ Runoff volumes and peak discharge rates shall be calculated using Technical Release-55 (TR-55) or an equivalent methodology, developed by the U.S. Department of Agriculture. ~~When pre-development land cover is cropland, rather than using TR-55 values for cropland, the runoff curve numbers in the table below shall be used.~~

<del>MAXIMUM PRE-DEVELOPMENT RUNOFF CURVE NUMBERS FOR CROPLAND AREAS</del>				
<del>Hydrologic Soil Group</del>	<del>A</del>	<del>B</del>	<del>C</del>	<del>D</del>
<del>Runoff Curve Number</del>	<del>56</del>	<del>70</del>	<del>79</del>	<del>83</del>

- ~~g.c.~~ A maintenance plan shall be submitted for all designed stormwater ponds. The plan shall list all scheduled maintenance activities and the responsible party or parties.
- ~~h.f.~~ All stormwater management facilities shall be designed to remove 60 percent of the total phosphorus contained in the runoff water. Pollutant loading computer models such as Source Load And Management Model (SLAMM), P8, or equivalent methodology may be used to evaluate the total phosphorus removal efficiency.
- ~~i.g.~~ Perennial and intermittent streams, springs, and drainageways that contain concentrated flow water during spring runoff or during a 10-year, 24-hour, Type II storm event shall be required to have a minimum filter strip for sediment trapping as defined in Natural Resource Conservation Service (NRCS) Filter Strip practice standard, Code 393.
- ~~j.h.~~ Constructed drainage swales shall be designed at a minimum to accommodate a ~~2540~~ year, 24-hour, Type II storm event.

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## F. DRAINAGE EASEMENTS

### 1. STANDARDS

- a. Drainage easements may be required to accommodate preexisting and post-development runoff identified in the stormwater management plan under § 13.2 A.3.a.8)13.2 A.3.a.8)13.2 B.3.a.6).
- b. Drainage easements may include designed stormwater ponds, drainage swales, closed depressions and other natural watercourses.

- e. ~~In most instances, the property covered by a drainage easement shall be privately owned as part of a lot(s) or in Conservation Design Development as part of the common open space.~~
- d.c. ~~All~~ Regional stormwater ponds ~~may shall~~ be located on outlots.
- e.d. The Zoning Administrator shall approve the terms of a drainage easement, but the responsible parties shall maintain the drainage easement according to the management plan.
- f. ~~The County shall be granted the authority to enforce easement rights, covenants, and/or deed restrictions regarding drainage easements.~~

**Commented [KB22]:** Require separate document to create per talk with Britta?

## G. LOTS

### 1. GENERAL DESIGN STANDARDS

- a. The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- b. Lots shall be designed to provide aesthetically pleasing, safe and convenient building sites, and proper architectural settings for buildings.
- e. ~~Development on slopes shall incorporate § 13.7 E. Stormwater Management and Erosion and Sediment Control Plans.~~
- d. ~~Land disturbance shall be minimized wherever practicable so as to avoid excessive grading, the extensive removal of ground cover and tree growth, and general leveling of the topography.~~
- e.c. The Zoning Administrator may require that the plat or certified survey map contain notice to prospective purchasers that wetlands, floodplains, or steep slopes within lots may limit building or driveway access locations.
- f.d. Each lot affected by a High Water Elevation (H.W.E.) established for a closed depression or constructed stormwater pond without a designed outlet shall have a Lowest Building Opening (L.B.O.) set at a minimum of four feet higher than the H.W.E. calculated using the Critical 100-Year Storm Event.
- g.e. Each lot affected by a H.W.E established for a constructed stormwater pond with a designed outlet shall have a L.B.O. set at a minimum of two feet higher than the H.W.E. calculated using the Critical 100-Year Storm Event.
- h. ~~All lots in major subdivisions shall be served by new, interior public roads. An exception may be made by the Zoning Administrator.~~
- i. ~~Subdivisions with 30 lots or more shall have two or more interconnected accesses onto a public road existing prior to the development of the subdivision unless otherwise provided for in the town comprehensive plan or official map. When counting lots under this provision, all existing and proposed lots shall be counted.~~
- j.f. All lots shall be numbered consecutively throughout the plat.

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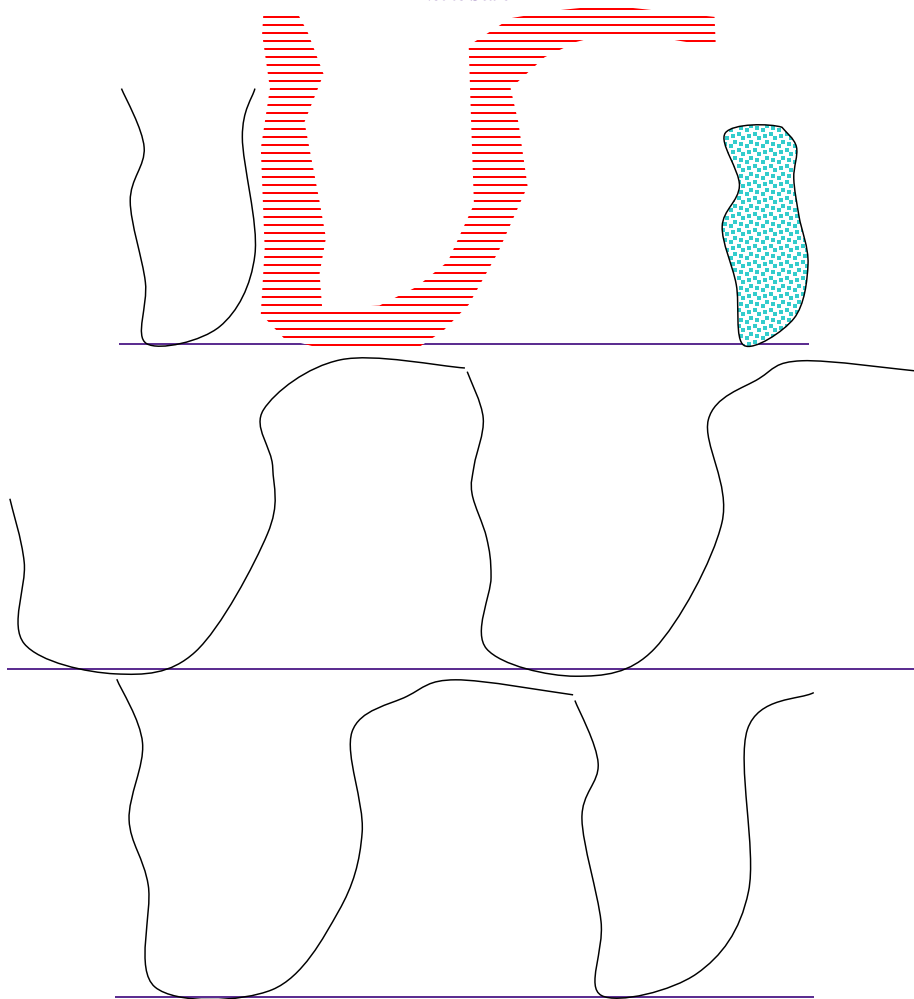


## 2. LOT AREA STANDARDS

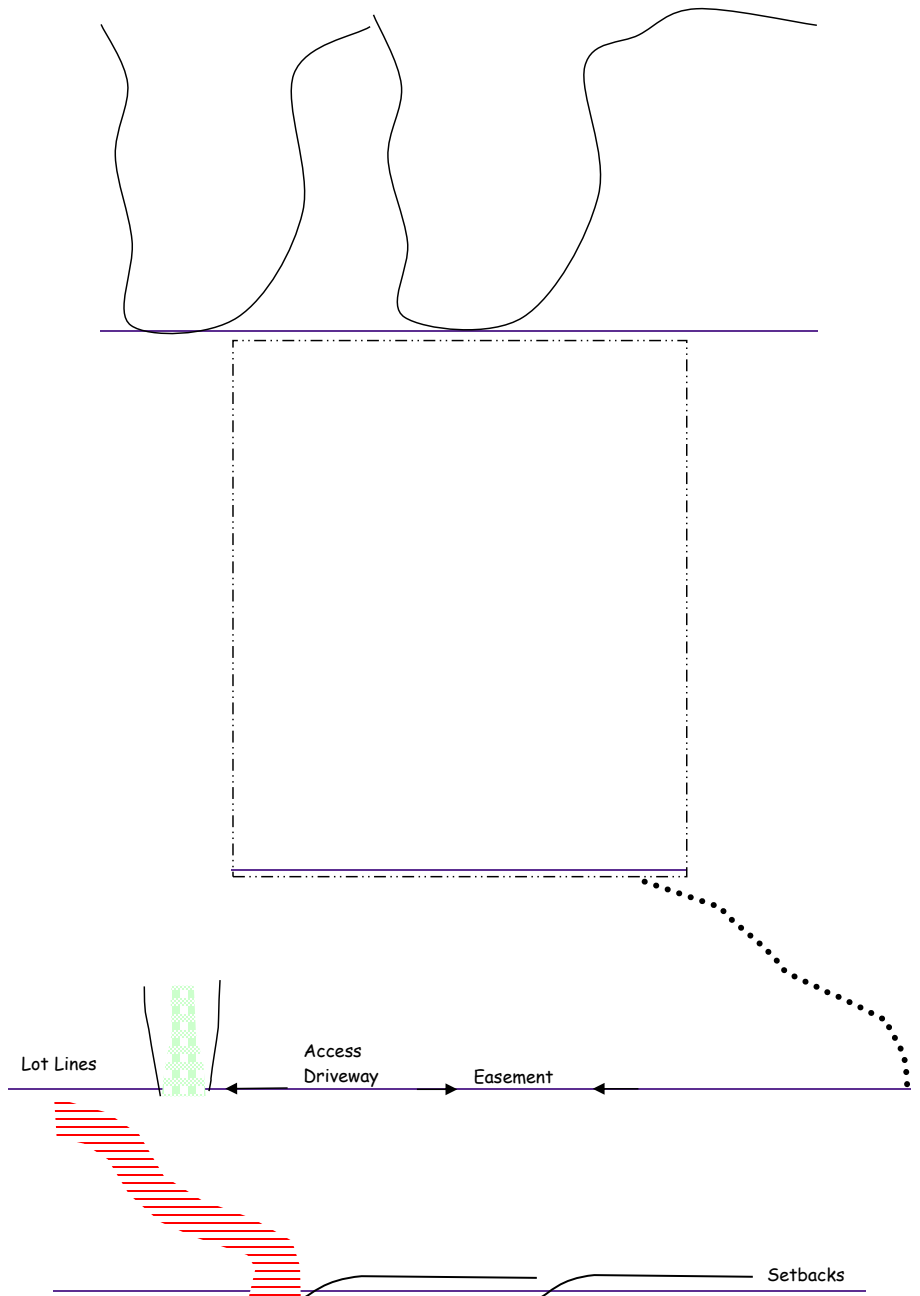
- a. Each lot must contain a net contiguous buildable area of one-half acre or more. ~~Each net contiguous buildable area must be capable of accommodating the building site without disturbing areas of 25 percent and greater slope that existed prior to concept review. Conservation Design Development lots must have a contiguous buildable area of 15,000 square feet, are exempt from contiguous buildable area standards unless onsite wastewater treatment systems are proposed.~~
- b. Each lot must contain an area suitable for the entire on-site wastewater treatment system and its replacement. ~~The area for the on-site wastewater treatment system must be in addition to the contiguous buildable area under a. above. This standard may be waived for Conservation Design Development with an approved, appropriate common wastewater treatment system plan.~~
- c. Lot area shall be calculated excluding rights-of-way and lands below the ordinary high water mark.

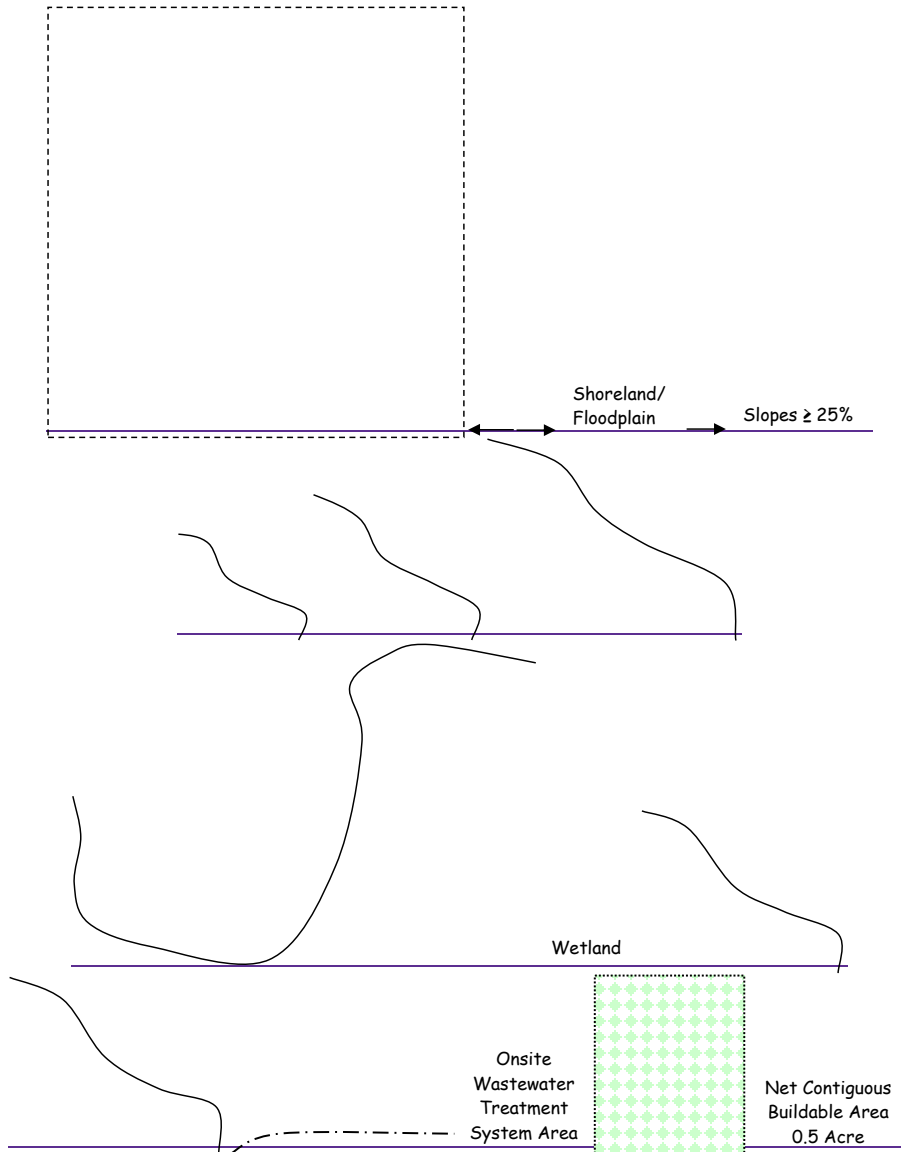
**Commented [KB24]:** Keep half an acre? Need to better define contiguous

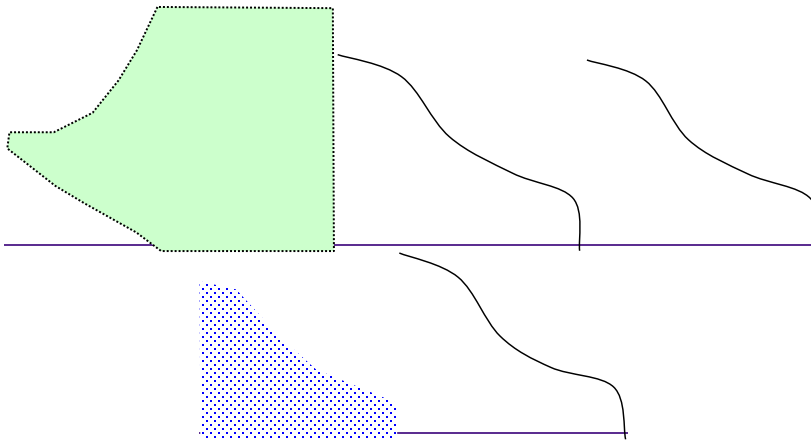
**Contiguous Buildable Area**  
**Illustrative Diagram**  
Not to Scale



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- d. Lot area for improvements and lot width, as measured from the building setback line through the depth of the lot, shall conform to the requirements of St. Croix County's land use regulations but shall not be less than the following table: [Add table](#)

LOT AREA AND LOT WIDTH		
TYPE OF DEVELOPMENT	AREA	MINIMUM WIDTH
Subdivision within an <u>Unincorporated area under county zoning</u>	Refer to Chapter 15 zoning district lot size	125'
Subdivision within a town under town zoning	Refer to Town ordinance standards	Refer to Town ordinance standards
Conservation Design Development	½ acre minimum	75'
On the bulb of a cul-de-sac	See above	50'

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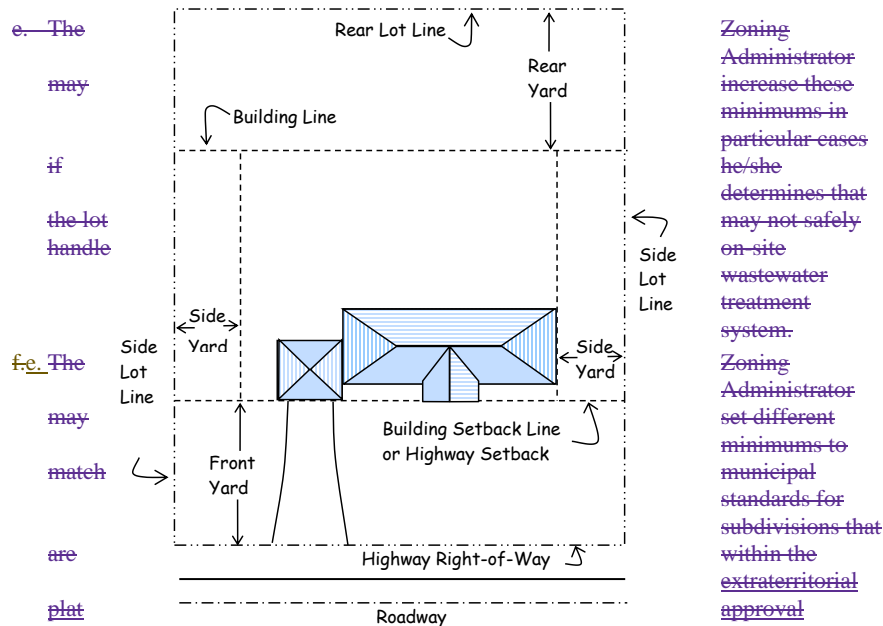
LOT AREA AND LOT WIDTH		
Type of Development	Area	Minimum Width
Subdivision served by Publicly-owned Wastewater Treatment System	40,000 Sq. Ft. minimum	75'
Subdivision in an Urban or Transitional Planning Area not served by Publicly-owned Wastewater Treatment System	1-acre minimum <sup>1</sup>	120'
Subdivision in a Rural Planning Area not Served by Publicly-owned Wastewater Treatment System	1-½ acres minimum 2 acres average <sup>2</sup>	148' 170' <sup>2</sup>
Conservation Design Development	½ acre minimum	86'
On the bulb of a cul-de-sac or on horizontal curves having a radius less than 100 feet	See Above	50'

**Commented [KB25]:** Need definition for Urban or Transitional Planning area? Towns of Hudson & Troy?

**Commented [KB26]:** Do we want to keep an average lot size?

- <sup>1</sup> The average shall be calculated based on the approved preliminary plat or certified survey map (C.S.M); not on subsequent phases of the final plat.
- <sup>2</sup> Applicable to lots two acres and greater.

### Typical Lot Setbacks Illustrative Diagram Not to Scale



Zoning Administrator increase these minimums in particular cases he/she determines that may not safely on-site wastewater treatment system. Zoning Administrator set different minimums to municipal standards for subdivisions that within the extraterritorial approval jurisdiction of

- e. The may if the lot handle
- f.e. The may match are plat
- g. The Zoning Administrator may set different minimums in a town that has adopted a subdivision ordinance with cluster provisions prior to the adoption of this ordinance, provided the average density of the underlying zoning district is maintained.
- f. The ratio of depth to width of a lot shall not exceed 3:1 for lots less than 10 acres. The ratio of depth to width of a lot shall not exceed 4:1 for lots 10 acres or greater inclusive of right-of-way. The width measurement shall be the average distance parallel to the public road. The depth measurement shall be the average distance perpendicular to the public road. These averages shall be calculated using at least 3 calculations and shall include the minimum and maximum widths/depts. The ratio measurement shall be determined starting at the point where the lot abuts the public road and the Zoning Administrator shall determine conformance. See examples below for depth to width calculations.
- h.g. The "pole" portion of a flag lot is not included in the depth to width ratio above.
- i.h. Side lot lines shall be substantially at right angles or radial to road lines.
- j.i. Lot lines shall follow local jurisdictional boundaries, when practical, and zoning boundary lines rather than cross them.

**Commented [KB27]:** Need to discuss if this standard should be kept or at least clarified.

k. ~~Lots having frontage on two non-intersecting roads shall have their access on the non-arterial road, be avoided except:~~

1) ~~Where essential to provide separation of residential development from arterial land roads or to overcome specific disadvantages of topography and orientation. If this type of frontage is allowed, a landscaped buffer at least 10 feet wide shall be provided parallel with and outside the utility easement abutting the arterial road.~~

2) ~~Direct access from an arterial road to a lot with double frontage is prohibited.~~

### 3. LOT ACCESS STANDARDS

a. No lot shall be approved that does not have road access ~~as specified in this ordinance.~~

b. ~~Each lot shall front upon a public road.~~

e. ~~All lots or parcels shall have a minimum of 66 feet of road frontage, however a lot or parcel on the bulb of a cul-de-sac or loop end of a loop road shall have a minimum of 33 feet of road frontage.~~

d.b. ~~Each lot shall have a driveway access that connects the contiguous buildable area to the road in conformance with all other land use regulations, from which the lot takes access. The applicant shall demonstrate that the driveway access shall not disturb wetlands, ponds, lakes, other sensitive areas and slopes 25 percent and greater that existed prior to concept review.~~

e.c. ~~All accesses serving three or more lots or parcels shall be named and addressed as dedicated public roads.~~

f.d. ~~Any private road existing prior to the effective date of this ordinance that had served serves two or more lots or parcels shall meet the town's road requirements be dedicated in its entirety if any additional lots or parcels will take access from the private road.~~

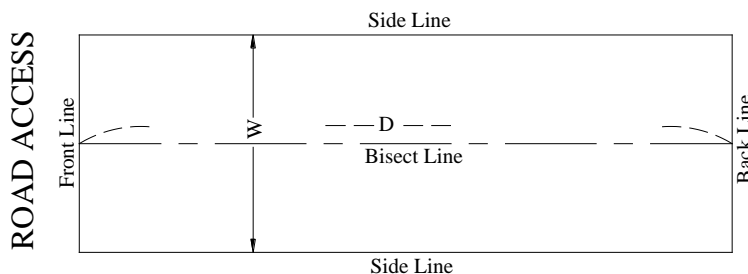
g. ~~If a proposed driveway access location is located on a road other than an access road, the adjoining parcel must be examined to determine if driveway separation standards can be met. If not, the Committee may require a waiver of driveway access from the owner of the adjoining parcel, or may require the applicant to change the location of the proposed driveway access. All driveway access points shall comply with required standards and be approved by appropriate units of government.~~

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Commented [KB28]: Remove? Not sure how/if we want to enforce landscaping in this case.

### Lot Ratio Measurement of Parallel Side Lot Lines Illustrative Diagram

Not to Scale



~~**W = Lot Width:** The perpendicular distance between the parallel side lines of the lot.~~

### Illustrative Diagram

~~Not to Scale~~



See insets Curvilinear  
Front Lot Line below.

~~**D=Lot Depth:** The sum of the bisect lines of the two rectangles determined as shown.~~

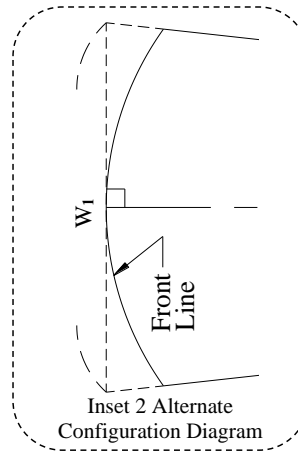
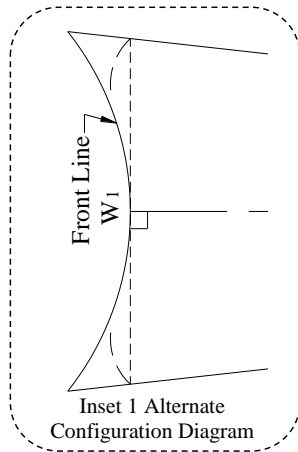
**$W_{avg}$  = Average Lot Width:** The average of base  $W_1$  and base  $W_2$  of the trapezoid determined as shown.

$$W_{avg} = \frac{W_1 + W_2}{2}$$

## Illustrative Diagrams

~~Not to Scale~~

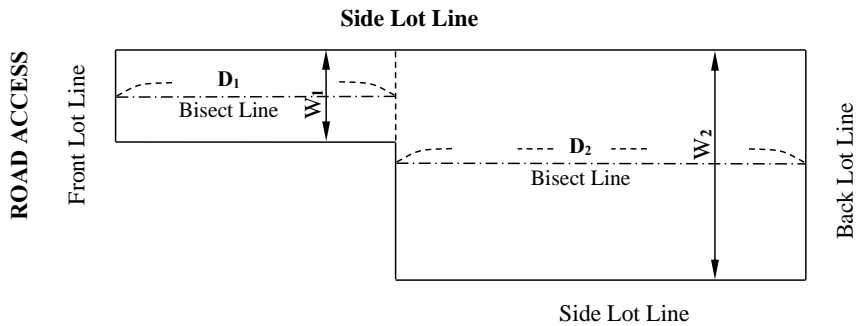




### Lot Ratio Measurement of 2 Parallel Side Lot Lines

#### Illustrative Diagram

Not to Scale



Side Lot Line

**D = Lot Depth:** The sum of the bisect lines of the two rectangles determined as shown.

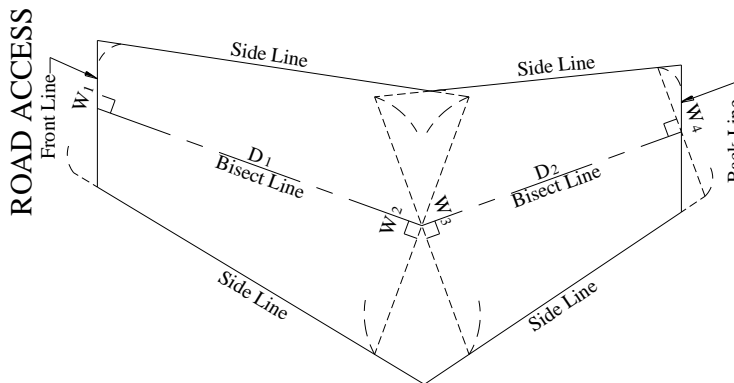
**W<sub>avg</sub> = Average Lot Width:** The sum of the proportional widths of those determined rectangles as shown.

$$D = D_1 + D_2 \quad W_{avg} = \left( \frac{D_1}{D_1 + D_2} \right) \times W_1 + \left( \frac{D_2}{D_1 + D_2} \right) \times W_2$$

### Lot Ratio Measurement of 2 Nonparallel Side Lot Lines

#### Illustrative Diagram

Not to Scale



**D = Lot Depth:** The sum of the bisect lines of the side lines of the two trapezoids determined as shown.

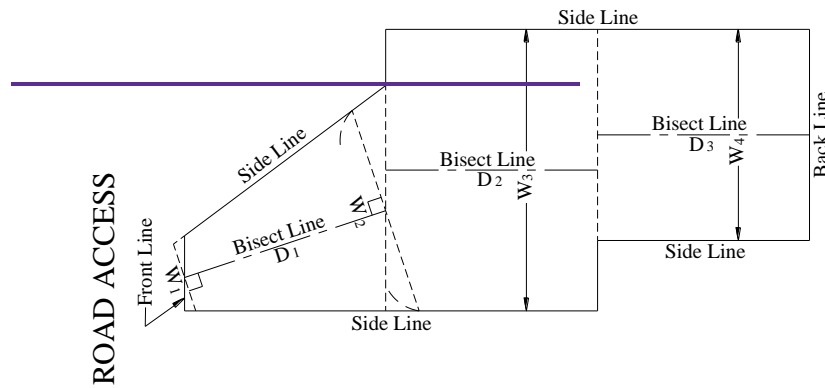
**W<sub>avg</sub> = Average Lot Width:** The sum of the proportional width averages of those determined trapezoids as shown.

$$D = D_1 + D_2 \quad W_{avg} = \left( \frac{D_1}{D_1 + D_2} \right) \times \frac{W_1 + W_2}{2} + \left( \frac{D_2}{D_1 + D_2} \right) \times \frac{W_3 + W_4}{2}$$

### Lot Ratio Measurement of Combination Side Lot Lines

#### Illustrative Diagram

Not to Scale



**D = Lot Depth:** The sum of the bisect lines of the side lines of the trapezoid and rectangles determined as shown:

**$W_{avg}$  = Average Lot Width:** The sum of the proportional width or width average of those rectangles and the trapezoid determined as shown:

$$D = D_1 + D_2 + D_3$$

$$W_{avg} = \left( \frac{D_1}{D_1 + D_2 + D_3} \times \frac{W_1 + W_2}{2} \right) + \left( \frac{D_2}{D_1 + D_2 + D_3} \times W_3 \right) + \left( \frac{D_3}{D_1 + D_2 + D_3} \times W_4 \right)$$

## H. LANDSCAPE SCREENING AND BUFFER AREA

### 1. PURPOSE AND APPLICATION

- a. Landscaping and buffer requirements are established to promote aesthetically pleasing developments that will protect and preserve the appearance, character, health, safety and welfare of the community.
- b. These standards are intended to: increase compatibility with adjacent land uses by requiring a buffer or screen between uses, minimize the harmful impact of noise, dust, debris, motor vehicle headlight glare or other artificial light intrusions, and other objectionable activities or impacts conducted or created by an adjoining or nearby use; and preserve scenic views and/or otherwise enhance the rural landscape as seen from perimeter roads.
- c. These landscaping and buffer standards apply to new commercial and industrial development, new residential development adjoining and across from commercial or industrial development, ~~new Conservation Design Development and any unique circumstances identified by Developer's Agreements.~~
- d. The buffer area shall be landscaped to screen any commercial or industrial lot that abuts or is across from any area that is not commercial, industrial or other incompatible development.

### 2. GENERAL STANDARDS

- a. The buffer shall consist of an area of land located within and along the outer perimeter of a lot or boundary line. The buffer may overlap drainage ~~and/or utility~~ easements; however, plantings should not impede the flow of water within a drainage easement nor should they be located on any portion of an existing or dedicated public road or right-of-way.
- b. Landscaping within the buffer area shall consist of native plant species. It should include a mix of trees and shrubs and can also include herbaceous materials such as grasses, vines, aquatic plants, wild flowers and other vegetative materials.
- c. Where space allows, landscape plantings shall be placed in an informal, random pattern to create a naturalized landscape.
- d. The landscape plantings shall include low-maintenance, heat, drought, and salt tolerant species.
- e. Preserving existing healthy, native, non-invasive vegetation should always take precedence over planting new vegetation and should be encouraged by crediting such preservation toward these landscaping requirements.
- f. Existing healthy trees and shrubs shall be properly protected from construction activities in accordance with sound conservation practices.
- g. The landscaped buffer area may contain any combination of preserved natural vegetation or newly installed plantings, and, ~~It~~ may include berms, fences, or walls.
- h. If a berm, fence or a wall is used, it shall be visually dominated by planted vegetation and attain 50 percent opacity/coverage within 12 months of planting. The newly planted vegetation should be growing on the residential or existing use side of the fence or wall.
- i. The Zoning Administrator may waive part or all of the landscaping requirements where there is an opportunity to preserve a unique native landscape, such as a native prairie, oak savannah or woodland.

- j. Any new hedges or shrubs should be at least 18 inches in height at the time of planting.
- k. A buffer shall achieve 80% opacity at the vegetation's maturity.
- ~~h-l.~~ A combination buffer with vegetation and raingardens can be used to satisfy the requirements of this section as long as the purpose above is achieved.

### 3. MINIMUM LANDSCAPING STANDARDS

- a. Unless otherwise indicated, the landscaped buffer area ~~requirement is a minimum of 80 plants per area of land 10 feet in width by 100 feet in length. Add standards/examples~~
- b. ~~A combination of preserved plants or installed plants may be used. If plants are preserved they must be shrubs or trees in order to count toward the requirement.~~
- ~~e-b.~~ A landscaped buffer is required in the following locations:
  - 1) Along perimeter road rights-of-way/~~pavements.~~
    - a) A landscape buffer at least 10 feet in width shall abut the road right-of-way/~~pavements~~ for at least half of the road right-of-way frontage. ~~If only new plantings are used, the landscaped buffer shall include a hedge of shrubs with a minimum height of 18 inches at time of planting. Shrubs shall be appropriately spaced according to growth requirements of the species, for the hedge to attain 80 percent opacity at maturity, and shall not exceed a height of 4 feet.~~
    - b) No landscaped buffer over 2 feet in height that might block any driver's view shall be permitted within the vision clearance triangle of a driveway access or road/railroad intersection.
    - ~~c) The landscaped buffer may include berms, fences or walls.~~
  - 2) Around the perimeter of parking lots ~~or pavements.~~
    - a) A landscaped buffer at least 10 feet in width shall abut the perimeter of parking lots/~~pavements.~~ ~~If an area is newly planted, the landscaped buffer shall include plants with a minimum height of 18 inches at the time of planting. If plants are preserved they must be shrubs or trees in order to count toward the requirement. The buffer shall attain 80 percent opacity at maturity.~~
  - 3) Along property lines abutting residential development or other incompatible uses.
    - a) A landscaped buffer at least 10 feet in width and at least ~~5-~~6 feet in height at time of planting shall abut the neighboring use. ~~The landscaped buffer shall attain 80 percent opacity at maturity~~
- ~~d-c.~~ If berms are used to supplement or replace some of the planting requirements the width of the buffer area must be adequate to accommodate the size of the berm, based on the berm slope, crown, height and form. However, the subdivider shall demonstrate that any reduction in required new plantings shall not reduce the effectiveness of the buffer area screen.
- ~~e-d.~~ Berms shall contain side slopes not exceeding ~~3~~4 feet of horizontal distance to one foot of vertical distance (~~4~~3:1) ~~with a maximum height of 6 feet~~ and shall be natural in appearance and undulating wherever possible.

~~f.e.~~ If a hedge or hedge/berm combination is used, the shrubs shall be at least 3 feet in height at time of planting. Shrubs of sufficient screening density shall be spaced according to growth needs of the species for the hedge to attain at least 6 feet in height, ~~and 80 percent opacity at maturity.~~

~~g.f.~~ ~~Preserved trees and shrubs used as the landscaped buffer must also meet an opacity of at least 80 percent. They shall be at least 6 feet in height.~~

~~h.g.~~ The Zoning Administrator may permit alternative landscape treatments, which shall have a buffering or screen capacity equal to or greater than the requirements set forth here.

#### 4. LANDSCAPING PLAN

a. A Landscaping Plan for the buffer area(s) shall be provided by a landscape professional ~~licensed landscape architect~~ and approved by the Zoning Administrator. It shall include and address:

- 1) Existing vegetation that will be preserved.
- 2) Quantity, size, species and root condition of proposed plant materials.
- 3) Proposed locations for plant materials.
- 4) Planting method and schedule.
- 5) An ongoing ownership and maintenance plan for the landscape plantings and existing vegetation.

~~b.~~ ~~If plantings are not installed prior to approval of a final plat, a landscaping schedule shall be specified in a Developer's Agreement.~~

~~e.b.~~ Appropriate financial assurances shall be required to cover the cost of installation of plant materials and replacement of all dead, dying, defective or diseased plant material for a period of 18 months.

#### 5. LANDSCAPE MATERIALS

- a. All plant materials must meet the minimum standards set by the American Association of Nurserymen.
- b. Landscape species shall be indigenous or proven adaptable to the climate, but shall not be invasive on native species.
- c. Plant materials shall comply with the following standards:
  - 1) Minimum plant size shall be as specified in the following table. For the purpose of determining trunk size, caliper inches shall be measured 6 inches above ground level.

Plant Type		Minimum Size
<b>Trees:</b>	Evergreen	<del>6-4</del> feet in height
	Deciduous Overstory	<del>2-1</del> ½" caliper inches
	Deciduous Ornamental	<del>1-4</del> " caliper inches
<b>Shrubs:</b>	Evergreen or Deciduous	18" in height

- 2) ~~Landscape materials shall be tolerant of specific conditions, including but not limited to heat, drought and salt.~~
- 3) ~~Existing healthy plant material may be utilized to satisfy landscaping requirements, provided it meets minimum plant size specified in the table above.~~
- 4) ~~Landscape materials shall be of a size that allows growth to the desired height and opacity.~~

#### **~~6. INSTALLATION~~**

- a. ~~Areas to be landscaped shall be prepared, improved and planted as specified by current Wisconsin Department of Transportation standards.~~

### **I. PARKS AND PARKWAYS**

#### **1. STANDARDS**

- a. ~~The Zoning Administrator may require the subdivision to have parks, parkways or trails and based on County or local plans/maps.~~
- b. ~~The Zoning Administrator shall determine whether such areas are to be shown as lots, outlots or dedicated areas.~~
- ~~a.c.~~ ~~upon a finding that duly adopted regional, County or local plans, or official maps, call for provision of such parks or parkways, or upon a determination that the parks or parkways are reasonably required to serve the needs generated by the subdivision or by subdividing within the area.~~
- d. ~~The Zoning Administrator shall designate the site, configuration and shape of parks and parkways within the subdivision.~~
- ~~b.e.~~ ~~Pursuant to ~~er Wisconsin Statute Section~~ Wis. Stat. § 236.16(3)(a), all subdivisions abutting on a lake or a navigable stream shall provide public access at least 60 feet wide providing access to the water's edge so that there will be public access, which is connected to existing public roads, at not more than one-half mile intervals as measured along the lake or the navigable stream shore except where greater intervals and wider access is agreed upon by the department of natural resources and the department, and excluding shore areas where public parks or open-space streets or roads on either side of the navigable stream are provided.~~

**Commented [KB29]:** Insert section clarifying Dedicating access for plats abutting lakes or navigable streams per [236.16\(3\)\(a\)](#)?

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### **J. DESIGN STANDARDS FOR SUBDIVISIONS INTENDED FOR COMMERCIAL OR INDUSTRIAL USE**

#### **1. PURPOSE**

- a. It is the intent of this section to assure that the layout and construction of commercial or industrial subdivisions satisfy the following standards in addition to the other requirements of this ordinance because these developments can create heavier traffic and more intensive use characteristics than residential land use.

- b. The appropriateness of a commercial or industrial use within unincorporated portions of St. Croix County is primarily addressed through land use planning and zoning. This ordinance nonetheless requires a suitability evaluation of the proposed subdivision and relevant adjacent land.

- 1) The evaluation determines suitability and serves as a basis for project design and review of a proposed subdivision.
- 2) ~~§ 13.2 shall apply to a proposed subdivision and at least 1320 ft. of road frontage on each side of the proposed subdivision and equal frontage across the road to depths equal to the greater of the depth of the proposed subdivision or 1000 ft. Plan shall identify compatibility with surrounding land uses within 1320 feet.~~
- 3) The evaluation shall address site characteristics and limitations, road and traffic conditions and similar features.
- 4) ~~If the Zoning Administrator determines that it is possible that the area will develop beyond the confines of the proposed subdivision, the concept review and the subdivision review application shall include a general plan for the area as a context for decisions on the proposed subdivision.~~

**Commented [KB30]:** Is this practical if our minimum lot size is 1.5 acres?

## 2. GENERAL SUPPLEMENTAL DESIGN AND IMPROVEMENT STANDARDS

- a. The widths, lengths and shapes of lots shall be suited to the planned use of the land, zoning requirements, and the need for convenient access to roads, control of traffic, the potential phasing or staged growth of the proposed subdivision and the limitations and opportunities presented by the topography.
- b. Lot layouts shall facilitate assembly of smaller lots into larger parcels. ~~Generally, the overall topography of lots shall not exceed slopes of 6 percent.~~
- c. ~~The Zoning Administrator may require deed restrictions for architectural control and appearance consistent with guidelines established by the local community.~~

## 3. SUPPLEMENTAL UTILITY STANDARDS

- a. ~~All utilities, including electric, cable television, telephone, gas, water and storm and sanitary sewers, except electric power lines exceeding 1200 volts, shall be underground.~~
- b. The site layout shall allow for provision of future connection to municipal services for sewer, water and stormwater.

## 4. SUPPLEMENTAL ROAD STANDARDS

- a. ~~Minimum road rights of way shall be 80 feet unless the right of way pre-exists adoption of this ordinance. In this case, the Zoning Administrator, in his/her discretion, may authorize a reduced minimum right of way based on the criteria listed in i) below.~~
- b. Minimum pavement width shall be 24 feet.



- ~~e.b.~~ Minimum turn radii shall be sufficient to handle the size of vehicles likely to use the site.
- ~~d.c.~~ Where the subdivision and/or development of the area will likely involve multiple parcels and/or buildings, the design shall include frontage roads, shared driveway accesses or other means of reducing direct access to arterial roads.
- ~~e.~~ ~~The subdivision review process shall include specification of the internal road network and internal driveway access arrangements to assure that spacing of access points, queuing distances, turn radii, and the like are appropriate to the volumes of traffic and types of vehicles and vehicular movement likely to be associated with the development.~~
- ~~f.~~ ~~The Zoning Administrator shall designate a professional engineer to review road plans and submit comments.~~
- ~~g.d.~~ Roads shall be constructed and paved meeting designs approved by appropriate local units of government or access authority. ~~a professional engineer designated by the Zoning Administrator.~~
- ~~h.e.~~ The Zoning Administrator may require cross easements where commercial lots are side-by-side to allow linking of parking areas.
- ~~i.f.~~ ~~Road standards for commercial or industrial developments may be increased by the Zoning Administrator. An increase of these standards will be based on relevant information such as town comprehensive plan or official map, driveway access widths, speed limit, number and types of vehicles using the road, parking availability, sound engineering judgment, and any other pertinent information.~~

## 5. SUPPLEMENTAL LOT STANDARDS

- a. In the case of a commercial or industrial subdivision the contiguous buildable area shall be one ~~and one-half~~ acre.
- b. Site plans shall be submitted that identify the contiguous buildable area and landscaping areas.
- c. Subdivision review shall include specifications that follow the landscaping screening requirements of **§ 13.7 H.** of this ordinance, ~~for landscaping along the perimeter, entrance and any public roads.~~
- ~~d.~~ ~~Any commercial or industrial lot that abuts or is across from any area that is not commercial or industrial shall have perimeter landscape screening that follows the landscaping requirements of this ordinance.~~
- ~~e.d.~~ In design of the subdivision, every effort should be made to protect and retain existing trees, shrubbery and grasses not actually located in rights-of way, drainageways, vision triangles, and the like. Trees should be protected and preserved during construction to the extent practical.

## K. CONSERVATION DESIGN DEVELOPMENT FOR MAJOR SUBDIVISIONS

### 1. APPLICABILITY

- a. Conservation Design Development (CDD) provides an alternative set of design objectives and standards for major subdivision for residential development.

### 2. PURPOSE

- a. The purposes of Conservation Design Development (CDD) are as follows:

- 1) To provide for the unified and planned development of clustered, residential uses which are designed and located to reduce the perceived density of development, while still providing privacy for dwellings, and incorporate large areas of permanently protected common open space.
- 2) To allow for the continuation of agricultural uses in those areas best suited for such activities and when adjoining residential uses are compatible with such activities.
- 3) To maintain and protect St. Croix County's rural character by preserving one or more of these ~~important landscape elements, including but not limited to those areas containing such~~ unique and environmentally sensitive natural features ~~such~~ as woodlands, river and stream corridors, drainageways, wetlands, ~~closed depressions~~, floodplains, ~~shorelands~~, prairies, ridgetops, steep slopes, critical species habitat, and productive farmland by setting them aside from development. Such areas contained in primary and secondary environmental corridors, independent environmental resources and potentially productive agricultural land, as identified by the *St. Croix County Comprehensive Development Management Plan*, are given particular significance for conservation.
- ~~4) To connect common open space areas between adjacent properties and create environmental corridors throughout St. Croix County, areas contained in primary and secondary environmental corridors, independent environmental resources and potentially productive agricultural land, as identified by the *St. Croix County Development Management Plan*, are of particular significance for conservation.~~
- 5) ~~4)~~ To preserve scenic views and to minimize views of new development from existing homes and roads.

- ~~6)5)~~ To provide greater design flexibility in siting dwellings and other development features than would be permitted by the application of standard use regulations in order to minimize the disturbance of rural landscape elements and sensitive areas, scenic quality, and overall aesthetic value of the landscape.
- ~~7)6)~~ To increase flexibility and efficiency in the siting of services and infrastructure by altering road length, utility requirements, drainage requirements, and the amount of paving required for residential development, where possible.
- ~~8)7)~~ To create groups of dwellings with direct visual and physical access to common open space.
- ~~9)8)~~ To permit active and passive recreational use of common open space by residents of the developments and/or by the public.
- ~~10)9)~~ To reduce erosion and sedimentation by retaining existing vegetation and minimize development on steep slopes.
- ~~11)10)~~ To permit various means for owning common open space, preserved landscape elements, agricultural land, and to protect such areas from development in perpetuity.
- ~~12)11)~~ To create a stewardship approach to common open space by requiring a land management plan for the common open space.

### 3. DENSITY STANDARDS

- a. The total number of dwelling units that are allowed in a Conservation Design Development is referred to as the Residential Gross Density. See St. Croix County Zoning Ordinance § ~~15.3257.21 (6).~~

#### ~~4.b.~~ Residential Base Density

- ~~a.c.~~ The base density or the base number of allowable dwelling units is determined by the yield plan pursuant to § ~~13.1 A.113.1 A.113.2 C.3.~~ Existing dwellings that may or may not be part of a farmstead that will be retained shall be counted toward the base density.

#### ~~5.4.~~ RESIDENTIAL GROSS DENSITY

- a. The residential gross density, or the total number of dwelling units that are allowed in a Conservation Design Development, is the residential base density plus 25 percent of the number of dwelling units prescribed by the residential base density.

CONSERVATION DESIGN DENSITY ALLOCATION EXAMPLES					
Yield Plan	Base Density	Gross Density	Dwelling Units Mix	Sample Breakdown	Totals

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18 Lots	18 D.U.	22 D.U.	22 S.F.D.U.	22 –1-Family Detached D.U.	22 D.U.
50 Lots	50 D.U.	62 D.U.	47 S.F.D.U. 15 M.F.D.U. 62 D.U.	47 –1-Family Detached D.U. 5 –3-Family Attached D.U.	47 D.U. 15 D.U. 62 D.U.
100 Lots	100 D.U.	125 D.U.	94 S.F.D.U. 31 M.F.D.U. 125 D.U.	94 –1 Family Detached D.U. 7 –2-Family Attached D.U. 3 –3-Family Attached D.U. 2 –4-Family Attached D.U.	94 D.U. 14 D.U. 9 D.U. 8 D.U. 125 D.U.

Commented [BB32]: Compare to table 15.325.1 for consistency

D.U.=Dwelling Units

S.F.D.U.=Single Family Detached Dwelling Units

M.F.D.U.=Multi Family Attached Dwelling Units

**6.5. PRESCRIBED LOT AREA**

- The lot size allowed under Conservation Design Development (CDD) is called the prescribed lot area.
- For an existing or new farmstead on a site used for Conservation Design Development, the prescribed lot area shall be large enough to accommodate all structures within a building envelope created by a ~~50~~100-foot setback from all sides of the lot. ~~For barnyards or buildings that contain or will contain livestock or poultry, the setback shall be increased to 300 feet.~~
- The prescribed lot area of new lots shall be that which results from meeting all of the standards and requirements of Conservation Design Development and Chapter ~~17~~15, St. Croix County Zoning Ordinance. The prescribed lot area cannot be less than one-half acre.

**7.6. MINIMUM COMMON OPEN SPACE AREA**

- For Conservation Design Development, the minimum amount of common open space shall be:
  - In the County ~~R-1 or R-2~~Residence District, ~~50~~40 percent of the total site area excluding existing rights-of-way and utility easements.
  - ~~In the County Agricultural Residential District, 65 percent of the total site area excluding existing rights of way and utility easements.~~
  - ~~On other lands not covered in 1) or 2) above Conservation Design Development is permitted as follows:~~
    - ~~50 percent of the total site area excluding existing rights of way and utility easements if the site is in the Urban or Transitional Planning Areas identified in the St. Croix County Development Management Plan.~~
    - ~~65 percent of the total site area excluding existing rights of way and utility easements if the site is in the Rural Planning Area identified in the St. Croix County Development Management Plan.~~

- ~~b. The required common open space designated in 7. a. above can be reduced by the minimum amount necessary to prevent any allowable lot from being reduced to an area less than one-half acre in the attempt to meet those common open space requirements.~~

**8.7. DESIGN AND DIMENSIONAL STANDARDS FOR CLUSTER GROUPS**

- a. All dwelling units shall be in cluster groups.
- b. The number of dwelling units in each cluster group shall be determined as follows:
  - 1) For Conservation Design Developments on a site 40 acres or smaller, each cluster group shall be no more than 40 percent of the total number of dwelling units in the development and no less than 15 percent of the total number of dwelling units in the development, except as provided in 3), below.
  - 2) For any Conservation Design Developments over 40 acres, each cluster group shall be between 6 and 16 dwelling units.
  - 3) A Conservation Design Development with a total number of 16 dwelling units or less may contain a single cluster group if all other standards in § 13.7 K. are met.
  - 4) The number of dwelling units in a cluster group may be decreased or increased and each cluster group may be assembled into smaller or larger groupings, provided that the applicant can demonstrate that such an alternative design is more appropriate for the site, and will meet both the general intent and design objectives of this ordinance and the goals and objectives of the *St. Croix County Development Management Comprehensive Plan*.
- c. A plat may contain one or more cluster groups.
- d. All lots in a cluster group shall take access from interior roads.
- e. Each cluster group shall be defined by the outer perimeter of contiguous lots or abutting roads and may contain lots, roads, and cluster group interior open space. When the development does not include individual lots, such as a condominium, the outer perimeter shall be defined as an area encompassed by a line drawn around the units, no point of which is closer to any unit than 75 feet.
- f. The outer boundaries of the lot lines of each cluster group shall conform to the separation distances in the following table:

LIMITING FACTOR	SEPARATION DISTANCE
1. From other cluster group outer boundaries	100 feet
2. From existing and proposed rights-of-way of arterial or collector highways or from state designated scenic roads	100 feet

LIMITING FACTOR	SEPARATION DISTANCE
3. From all other existing or proposed external highway or road rights-of-way	50 feet
4. From all subdivision site boundaries	<del>100</del> 50 feet
5. From cropland or pastureland	<del>100</del> 50 feet
6. From existing buildings housing livestock or poultry or barnyards	<del>300</del> 150 feet
7. From wetlands, floodplains, watercourses or drainageways	75 feet
8. From active recreation areas, such as courts, playing fields or pools	<del>100</del> 50 feet

Commented [BB33]: Consistency with K.6.b above?

~~g. The dimensional standards specified in § 13.7 K.8.f. may be reduced under the following circumstances:~~

- ~~1) The separation distances along existing or proposed arterial roads and site boundaries may be reduced to a minimum of 50 feet only if the applicant can demonstrate that existing vegetation, topography or a combination of these form an effective visual screen. The Zoning Administrator may accept constructed berms and planted native vegetation for these reduced separation distances if such items will form an effective visual screen and maintenance is included in the CDD management plan.~~
- ~~2) Separation distances in § 13.7 K.8.f. 1-6 and 8 may be reduced up to 50 percent if the applicant can demonstrate that such reduced setbacks are more appropriate for the site concerned and will improve the project's conformance with the design objectives in § 13.7 K.2., the intent of this ordinance, and the goals, objectives and policies of the St. Croix County Development Management Plan.~~

~~h.g.~~ All separation areas for cluster groups along existing roads shall be landscaped in accordance with §§ 13.7 H. and ~~13.7 K.9~~ ~~13.7 K.9~~ ~~13.7 K.10~~.

~~i.h.~~ All cluster groups shall be surrounded by open space.

~~j.i.~~ All lots in a cluster group shall abut common open space to the front or rear. Cluster group internal open space and common open space across from a road shall qualify for this requirement.

~~k.j.~~ Cluster groups shall be defined and separated by common open space in order to provide direct access to common open space and privacy to individual lots or yard areas. Roads may separate cluster groups if the road right-of-way is designed as a vegetated center median.

~~h.k.~~ Cluster groups containing 11 or more dwelling units must provide internal open space at a minimum rate of 2,000 square feet per dwelling unit. Such open space shall meet the following standards:

- 1) Internal common open space located within cluster groups shall be counted toward meeting the overall minimum common open-space area requirement.
- 2) The internal open space should be configured as a cul-de-sac island, a loop lane, an island within a larger loop or an “eyebrow” (a semi-circular loop), an island in a center median road, a common green area, or other configurations that yield internal open space within cluster groups. Common green areas surrounded by lots on up to three sides shall be designed as a common space for use by all residents within the cluster group.
- 3) Internal open space may contain pervious surface parking areas, but these shall not be included in the required minimum 2,000 square feet of internal open space per dwelling unit or minimum common open space area requirement.

~~m. Cluster groups smaller than 11 dwelling units may contain internal open space that is consistent with § 13.7 K.8.1.2). Such internal open space may be included in the minimum common open space area requirement if it contains at least 2000 square feet. Such internal open space may contain parking areas, but these shall not be included in the minimum common open space area requirement.~~

~~n.l.~~ Internal open space within cluster groups is not subject to the design standards for common open space areas in § ~~13.7 K.8.13.7 K.8.13.7 K.9.~~

~~o.m.~~ In locating cluster groups, disturbance to woodlands, hedgerows, and individual mature trees shall be minimized. When the objective is to preserve productive agricultural land and large areas of contiguous land suitable for agricultural use, dwellings may be located within woodlands, provided that some of the canopy on individual wooded lots is maintained. See § ~~13.1 A.1.a.1)13.1 A.1.a.1)13.7 K.9.b.8)~~

#### **9.8. DESIGN STANDARDS FOR COMMON OPEN SPACE AREAS**

- a. On all sites developed under the Conservation Design Development regulations, the minimum amount of common open space area, as set forth in § ~~13.7 K.6.13.7 K.6.13.7 K.7.~~, shall be set aside as protected common open space.
- b. Common open space shall comply with the following design standards:
  - 1) The location of common open space shall be consistent with the design objectives in § ~~13.7 K.2., and the goals, objectives and policies of the St. Croix County Development Management Plan.~~

- 2) All open space areas shall be part of a larger continuous and integrated open space system. At least 75 percent of the common open space areas shall be contiguous to another common open space area. For the purposes of this section, contiguous shall be defined as either physically touching or located within 100 feet across a public right-of-way, for example, on opposite sides of an internal road.
- 3) ~~Common open space shall, to the greatest extent possible, protect site features identified in the site inventory and analysis as having particular value in preserving rural character and conserving natural resources in compliance with the intent of this ordinance and consistent with the goals, objectives and policies of the St. Croix County Development Management Plan.~~
  - a) ~~The protection of primary and secondary environmental corridors, independent natural resources and potentially productive agricultural land as identified in the St. Croix County Development Management Plan is particularly significant.~~
  - b) ~~It is recognized that there may be different open space preservation objectives that will result in different areas being set aside as open space. Developments designed to preserve rural character values may look much different from developments striving to preserve viable agricultural land.~~
- e)a) Applicants must provide an explanation of the open space objectives achieved with their proposed development.
  - 4)3) Natural features shall generally be maintained in their natural condition. If recommended by a professional with pertinent qualifications, the Zoning Administrator may authorize a modification to improve the natural features' appearance or restore their overall condition and natural processes, in compliance with an approved management plan, as described in § ~~13.2 B.5.a~~~~13.2 B.5.a~~~~13.2 C.6.a~~. Permitted modifications may include:
    - a) Woodland or forest management.
    - b) Reforestation.
    - c) Meadow or prairie management.
    - d) Wetlands management.
    - e) Streambank protection.
    - f) Establishing native, non-invasive vegetation in buffer areas.



- 5) ~~All wetlands, floodplains, unique wildlife habitat areas, slopes 25 percent or greater, closed depressions and at least 80 percent of a primary environmental corridor, as identified in the *St. Croix County Development Management Plan*, shall be contained in common open space. The requirement that at least 80 percent of a primary environmental corridor be contained in common open space can be reduced under the following conditions:~~
- a) ~~The site is predominantly primary environmental corridor and development at the permitted density would not be possible without encroaching further on the primary environmental corridor.~~
  - b) ~~It can be demonstrated that additional development within the primary environmental corridor meets the overall objectives of this ordinance.~~
- e)g) ~~All wetlands, floodplains, unique wildlife habitat areas, slopes 25 percent or greater, environmental corridors and closed depressions ~~remain are~~ in common open space unless it cannot be made contiguous.~~
- d) ~~Any reduction of a primary environmental corridor included in common open space below 80 percent shall be the minimum needed to achieve maximum permitted density or a stated open space objective.~~
- 6)4) ~~Common boundaries with existing or future open space on adjacent sites shall be maximized.~~
- 7)5) ~~In order to preserve scenic views, ridgetops and hilltops should be contained within common open space wherever possible.~~
- 8) ~~At least 80 percent of the area of existing woodlands shall be contained within common open space; 20 percent of the area of existing woodlands may be used for lots and residential development. This limitation may be exceeded under the following conditions:~~
- a) ~~The site is primarily wooded, and development at the permitted density would not be possible without encroaching further on the woodlands.~~
  - b) ~~It can be demonstrated that additional development within the woodlands meets the overall objectives of this ordinance.~~
  - c) ~~The stated objective is to preserve productive agricultural land.~~
  - d) ~~Any encroachment on the woodlands beyond 20 percent shall be the minimum needed to achieve maximum permitted density or a stated open space objective.~~

- ~~9)6)~~ Any development of woodlands 40 acres or larger with at least one quarter mile of width shall have cluster groups arranged around the periphery of the woodlands to preserve as much of the woodlands interior habitat as possible. The arrangement of the cluster groups around the periphery shall preserve natural undisturbed corridors to the interior.
- ~~40)7)~~ No common open space area shall be less than 10,000 square feet in area ~~and not less than 30~~ feet at its smallest dimension, with the exception of internal open space within cluster groups, as described in § ~~13.7 K.7.k13.7~~ 13.7 K.7.k13.7 K.8.1 and ~~aan~~. Open space not meeting this standard shall not be counted toward the total required minimum common open space area.
- ~~11)8)~~ ~~Under no circumstances shall all common open space be isolated in one area of the development.~~ Common open space shall be distributed appropriately throughout the development to properly serve and enhance all dwelling units, cluster groups, and other common facilities.
- ~~12)~~ Common open space shall include lands located along existing public roads in order to preserve existing rural landscape character as seen from these roads, and shall, in no case, contain less than the required buffer, setback area, or separation distance.
- ~~13)9)~~ To ensure adequate protection of natural and cultural features, no more than 25 percent of common open space shall be used for active recreational purposes. When doing this calculation, it is not the total acres affected, but is only the acreage of the improvements. (trails, track, parking, etc.)

- ~~44)10)~~ When common open space is utilized for some or all of the permitted sewer and water facilities, then an easement shall be granted which describes the right of the individual property owner to have access to the common open space to construct, maintain, gain access and/or replace a private sewer or water facility. ~~Additionally, the restrictive agreement on the common open space utilized for sewer or water facilities will include appropriate limitations to prevent compaction of the soils used for sewage treatment.~~
- c. Safe and convenient pedestrian access and access for maintenance and emergency purposes shall be provided to common open space areas that are not used for agricultural purposes, in accordance with the following:
- 1) At least one access point per cluster group shall be provided, having a width equal to or greater than ~~1650~~ feet within the cluster group.
  - ~~2) This width may be reduced to no less than 16 feet if the applicant can demonstrate that, due to natural site conditions, meeting the above requirement would run counter to the objectives of this ordinance.~~
  - ~~3)2)~~ This access may be in the form of an easement.
  - ~~4)3)~~ Access to common open space used for agriculture ~~or wastewater treatment~~ may be restricted for public safety and to prevent interference with ~~agricultural~~ operations.
- d. The following areas shall not be included in common open space areas:
- 1) Private lot areas.
  - 2) Road and highway rights-of-way, public or private.
  - ~~3) Railroad and utility rights of way, except underground pipeline rights of way.~~
  - ~~4) Parking areas.~~
  - ~~5)3)~~ Areas not meeting the requirements of § ~~13.7 K.8.b.7)13.7 K.8.b.7)13.7 K.9.b.10).~~ 13.7 K.8.b.7)
  - ~~6) Farmsteads.~~

#### **10.9. LANDSCAPING FOR CONSERVATION DESIGN DEVELOPMENT**

- a. Preservation of existing native vegetation.
- 1) For the purpose of conserving native vegetation and in recognition of the time value of existing native vegetation, the preservation of existing native, non-invasive vegetation shall generally be preferred to the installation of new plant material, and the excavation of sites shall be minimized.

- ~~2) Within all required separation areas between cluster groups and external roads and site boundaries, existing woodlands and hedgerows shall be retained to the maximum extent possible.~~
- ~~3) Suitable existing native vegetation shall be credited toward the landscaping requirements of this ordinance when it would equal or exceed the desirable visual impact of the new required plant material after two years of growth.~~
- ~~4) All new landscaping to be installed and existing native vegetation to be preserved shall be protected in accordance with the standards specified in this ordinance.~~

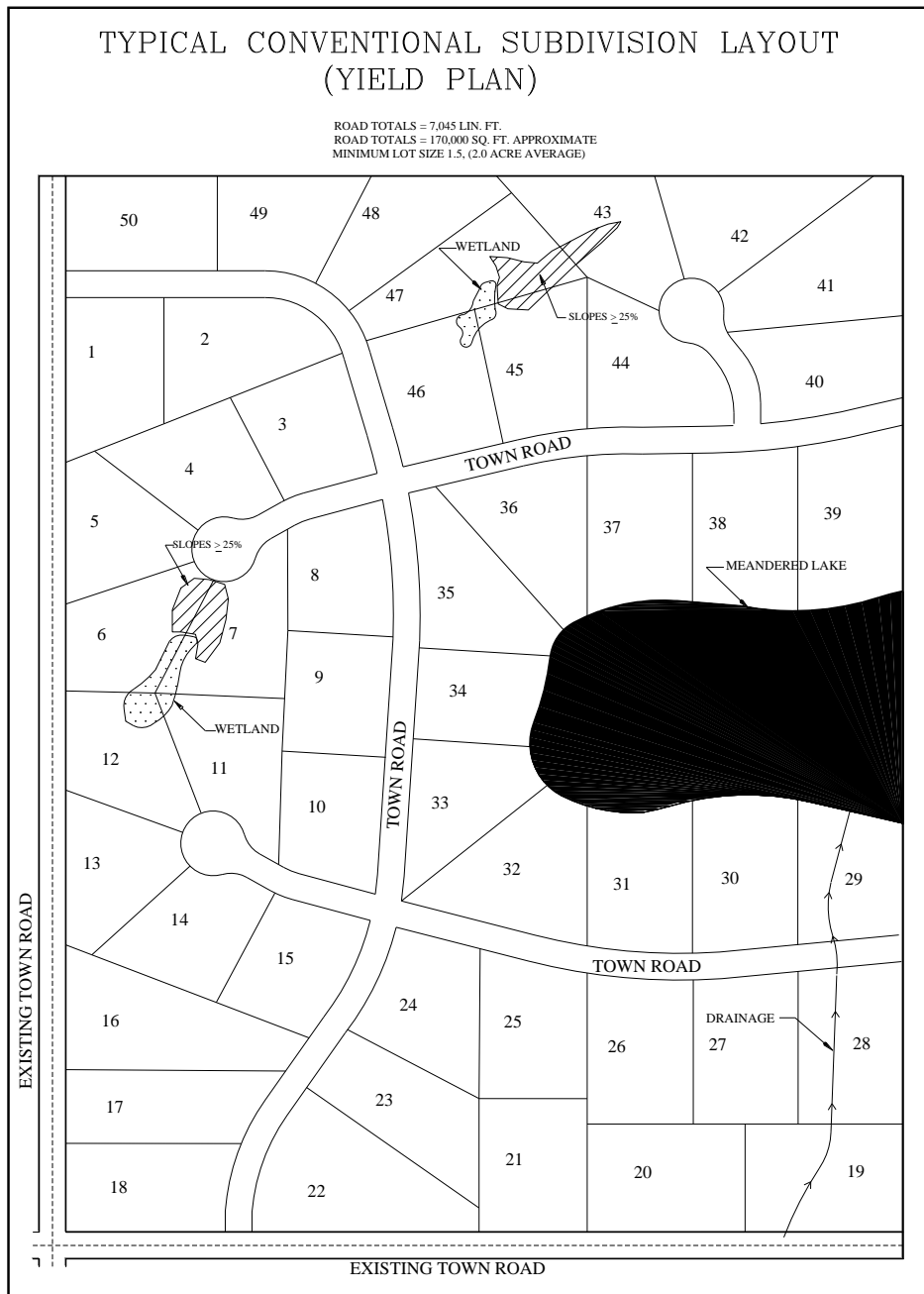
b. Trees Along Roads.

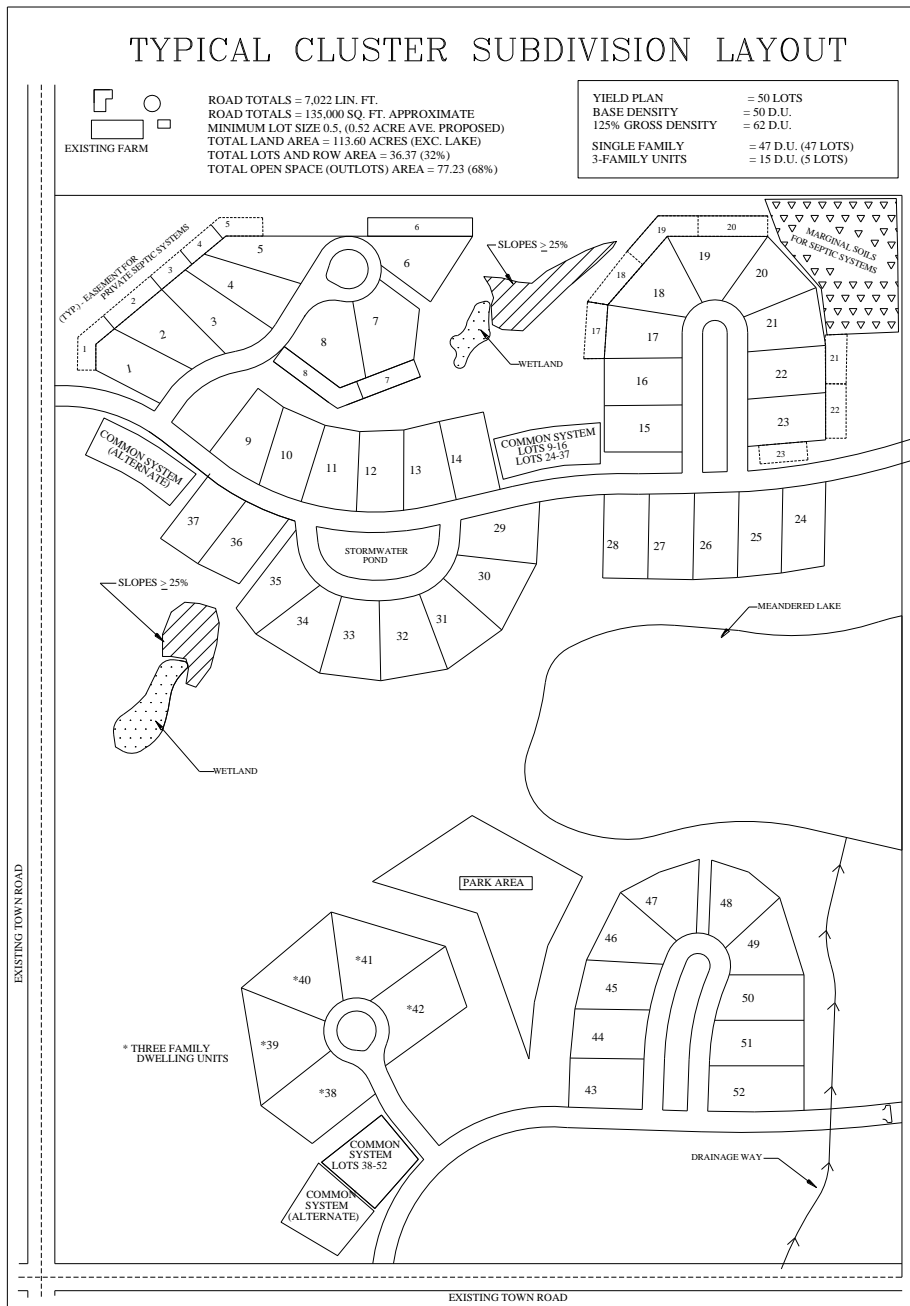
- 1) Trees of native species shall be planted along internal roads within cluster groups.
- 2) Trees may be planted, but are not required, along internal roads passing through common open space.
- 3) Informal, irregular or natural arrangements are encouraged for trees along roads, to avoid the urban appearance that regular spacing may evoke.
- 4) Trees shall be located so as not to interfere with the installation and maintenance of utilities and paths, trails, or sidewalks that may parallel the road.
- ~~5) Tree plantings shall comply with all applicable regulations in this ordinance.~~

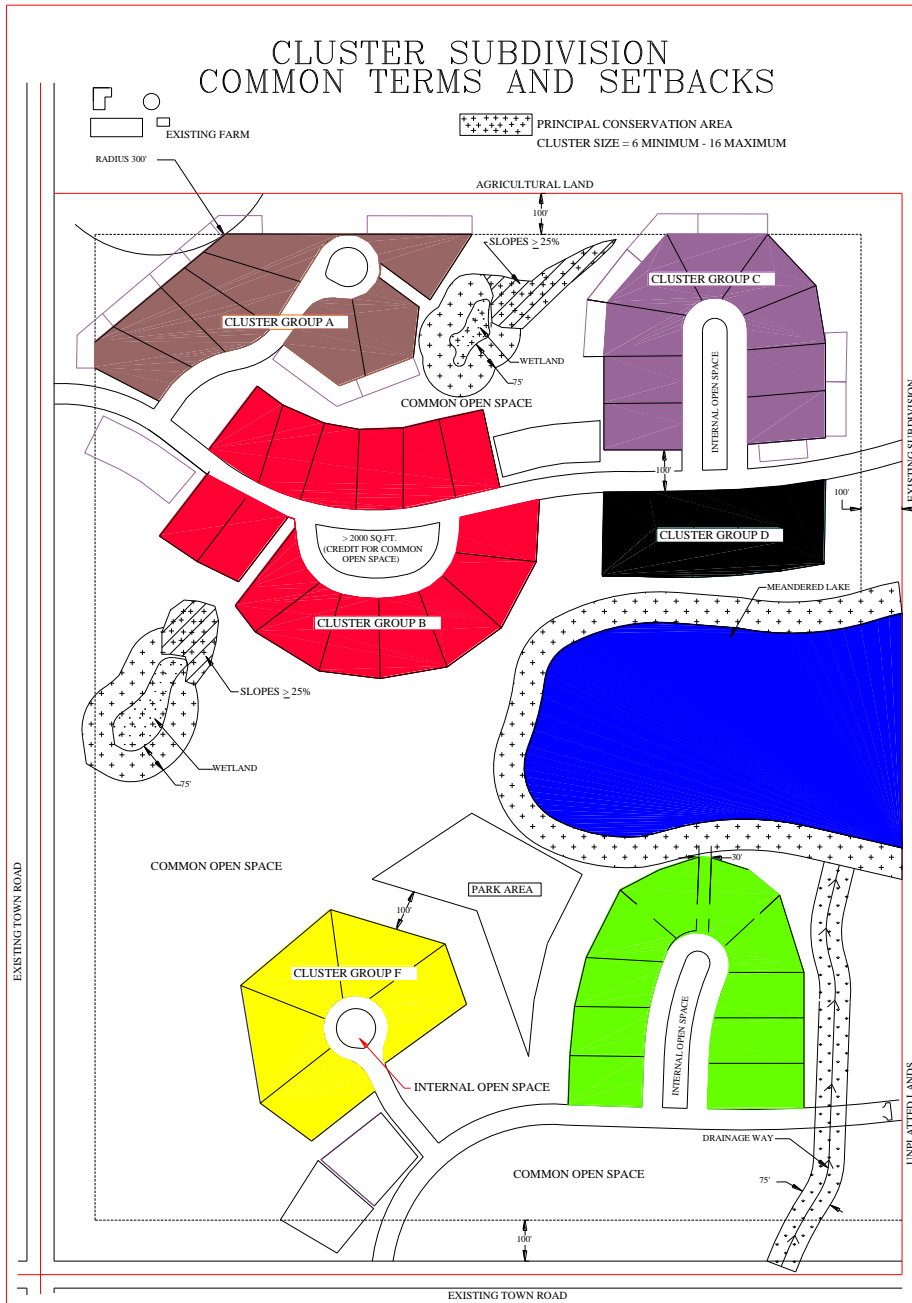
c. Buffers

- 1) Within all required separation areas between external roads and cluster groups or two cluster groups, a vegetated buffer area at least 25 feet in width shall be maintained or established. Where no natural trees and shrubs exist, native plant materials shall be planted.
- ~~2) Where native vegetated buffers do not exist within separation areas between cluster groups, planted buffers using native species are encouraged, to enhance privacy and a rural appearance between cluster groups.~~

- 3)2) Required Vegetation buffers around wetlands, all waterbodies, and drainageways, and closed depressions shall be preserved; unless proposed use is allowed by other ordinances, must be naturally vegetated or planted with native plant species appropriate to the surrounding landscape.
- 4)3) Buffers consisting of an informal, irregular or natural arrangement of native plant species combined with infrequent or prescriptive mowing are strongly encouraged, to create a low-maintenance, naturalized landscape.









## 13.8 CONSTRUCTION WITHIN SUBDIVISIONS AND FINANCIAL ASSURANCE

### A. CONSTRUCTION INITIATION

#### 1. STANDARD

- a. All land grading, site preparation and improvements required by the approved preliminary plat, shall not occur prior to approval of the final plat or final certified survey map.

### B. REQUIRED INSTALLATIONS

#### 1. STANDARDS

- a. Any public improvements required by this ordinance must be required by the town in which the subdivision lies under the authority of Wisconsin Statutes Wis. Stat. § 236.13(2)(am).
- b. The subdivider shall have survey monuments installed in accordance with the requirements of Wisconsin Statutes Wis. Stat. § 236.15 and Wis. Admin. Code § A.E. 7, as may be required by the Zoning Administrator.
- c. The subdivider shall install all required stormwater drainage features as required in the stormwater management plan.
- d. The subdivider shall construct or install all erosion ~~and sediment~~ control measures specified in the erosion ~~and sediment~~ control and stormwater management plan. If the erosion ~~and sediment~~ control features are damaged or altered by any means, the restoration of them shall be the responsibility of the subdivider ~~unless the subdivider has, by written agreement, assigned responsibility for maintenance to the owner of the lot on which the damage or alteration occurred or property owner~~.
- e. ~~Any road intersecting with a public road, and any road serving more than two lots, shall be improved by the subdivider, including necessary bridges, culverts and ditches, to standards established by the town or standards found within § 13.7 B13.7 B13.7 B.~~

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#### 2. TIMEFRAME

- a. The installation of the required improvements or removal of existing features and temporary management structures will be identified in the construction plans and/or preliminary plat supporting documentation, ~~or a Developer's Agreement~~.
- b. All required improvements shall be installed and completed in ~~substantial~~ conformance with the approved plans ~~and as specified in the construction plans or a Developer's Agreement~~ within ~~two~~ one year following the effective date of the initial financial assurance.
- c. ~~A Developer's Agreement may contain provisions to address the failure to install required improvements within one year, such as penalties and the use of financial assurances to pay those penalties.~~
- d. ~~If the required improvements are not installed within one two years, then the Zoning Administrator may subject the subdivider to forfeitures and use the financial assurance to stabilize the site.~~

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## C. FINANCIAL ASSURANCE

### 1. PURPOSE

- a. A financial assurance shall be provided to ensure the proper construction, installation and maintenance of required ~~roads, utilities,~~ stormwater management and erosion ~~and sediment~~ control measures, required landscaping and other improvements, removal of existing features, and temporary erosion and sediment control and stormwater management structures.
- ~~b. A financial assurance may be required to ensure the proper construction and installation of required survey monuments.~~

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### 2. ASSURANCE

- a. The owner or the subdivider shall be responsible for providing the assurance.
- ~~a. The assurance shall be in the form of a surety bond from a bonding company authorized to do business in Wisconsin, an irrevocable letter of credit from a bank or lending institution, cash or similar.~~
- ~~b. The nature and duration of the assurance shall be structured to achieve installation and maintenance without adding unnecessary costs to the responsible party.~~
- ~~e.b. The Zoning Administrator may extend the time allowed for installation of an improvement for which the assurance has been provided.~~
- ~~d.c. The assurance shall be required before the construction of required improvements and as a condition of the final preliminary subdivision approval.~~
  - 1) The assurance ~~shall be secured for~~ ~~shall be 50~~ ~~1205~~ percent of the estimated cost of installing an improvement based on a professional engineers estimate or an average of 2 contractors estimates.
  - 2) The assurance shall be held until as-built is completed, staff verified completion by inspection, and permanent vegetation established, valid until substantial completion of all required improvements and released by the Zoning Administrator.
  - 3) ~~The assurance shall be retained upon completion of the required improvements for maintenance purposes.~~
- ~~a) The retained assurance shall be for a period not to exceed~~ not be held more than 12 years after final acceptance of an improvement. permanent vegetation is established.
- ~~a) If improvements are not installed and stabilized according to plan, a corrective action plan shall be completed between property owner and staff. If corrective measures are not completed within the specified time, the Zoning Administrator may utilize the assurance to complete the corrective action.~~
- ~~b) In the event that other governmental agencies or public utilities obtain title to the improvement, or the improvement is covered by a maintenance agreement or other assurance to another governmental agency, no assurance shall be retained.~~

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**Commented [KB36]:** Need to define substantial completion vs substantial conformance.

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**3. — MAINTENANCE OF COMMON FACILITIES AND OPEN SPACE**

- a. ~~In the event that the common facilities and open space of a Conservation Design Development are not maintained in reasonable order and condition in accordance with the Management Plan and all applicable laws, rules, and regulations, the Zoning Administrator may serve written notice upon the responsible person or organization and upon the residents and property owners in the development setting forth the reasons constituting the failure to maintain the common facilities and open space in reasonable condition.~~
- b. ~~Such notice shall set forth the nature of the corrections required and the time within which the corrections shall be made.~~
- c. ~~Upon failure to correct within the time specified, the following provisions will apply:~~
  - 1) ~~The Zoning Administrator may take corrective action in the event a person or organization fails to maintain open space or common facilities according to the Management Plan as outlined in § 13.2 C.6.~~
  - 2) ~~The Zoning Administrator may take corrective action, in consultation with the town or towns in which the open space or common facilities are located, and bill the town for the work.~~
  - 3) ~~The town, following Wisconsin Statutes § 66.0703 can levy special charges upon property within the development.~~
  - 4) ~~Any additional corrective action taken by the Zoning Administrator shall be pursuant to § 13.12 of this ordinance.~~

**4.3. FORM**

- a. ~~The assurance shall be secured.~~
- b. ~~The Zoning Administrator may select from a variety of secure means including, but not limited to, the following:~~
  - 1) ~~A surety bond from a bonding company authorized to do business in this state.~~
  - 2) ~~An irrevocable letter of credit from a reputable bank or lending institution acceptable to St. Croix County.~~
  - 3) ~~Cash or an instrument readily convertible into cash.~~

**D. RELEASE OF ASSURANCE****1. — DECISION PROCESS**

- a. ~~Upon substantial completion of all required improvements, the responsible party shall notify the Zoning Administrator of the completion of and cost of the improvements in writing, by certified mail.~~

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- b. ~~The Zoning Administrator, in consultation with appropriate persons, shall inspect the improvements and shall authorize approval, partial approval, or rejection of such improvements.~~
  - e. ~~A statement of reasons for rejection and corrective action shall be provided in writing.~~
  - d. ~~The responsible party shall correct the condition specified by the stated corrective action within the time stated.~~
  - e. ~~If the corrective action is not completed within the specified time, the Zoning Administrator may utilize the assurance to complete the corrective action.~~
  - f. ~~If the Zoning Administrator takes no action to approve, partially approve, or reject the improvements within 45 days of receipt of the notice of substantial completion, the improvements shall be deemed to have been approved, and the responsible party and/or surety, if any, shall be released from the assurance for such improvements, less any amount retained under § 13.8 C.2.d. above~~
- ~~2. Partial Approval or Denial~~
- a. ~~Where partial approval of the improvement is granted, the responsible party shall be released from liability under the assurance to the extent of the approval.~~
  - b. ~~If approval of the improvement is denied, the Zoning Administrator shall utilize the assurance to see that improvements are properly completed.~~

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## 13.9 DEVELOPER'S AGREEMENT

### A. AUTHORITY AND PURPOSE

#### 1. AUTHORITY

- a. The Zoning Administrator may require and enter into agreements, called [Developer's Agreements](#), concerning the development and use of land within St. Croix County with the owner and subdivider of such property, and with the other governmental units with jurisdiction.

#### 2. PURPOSE

- a. Provide a method for the Zoning Administrator and owners and subdividers of land to create agreements specific to the land being developed.
- ~~b.~~ Describe in detail the terms, conditions, and other provisions relating to the development.
- ~~b.c.~~ Serve the public interest.
- ~~e.~~ Include terms, conditions, and other provisions that are mutually agreed to but may not otherwise be specified within this ordinance, provided the public interest is served.
- ~~d.~~ Provide a more certain set of terms and conditions for the development than provided by this ordinance, which simplifies enforceability by the Zoning Administrator, other governmental units, and the owner and subdivider of the land.

### B. STANDARDS

#### 1. PROCESS

- a. The Developer's Agreement shall be:
  - 1) Approved by the Zoning Administrator prior to ~~the start of construction~~ [final plat approval](#).
  - 2) Recorded, by the owner or subdivider in the office of the St. Croix County Register of Deeds within 30 days of its approval and before construction commences.
  - 3) Binding upon and enforceable by St. Croix County, the owner and subdivider and all subsequent owners of the property for the term of the agreement.

#### 2. REQUIREMENTS

- a. The [Developer's Agreement](#) shall be mutually developed by the parties, be in writing, and include:
  - 1) A statement identifying the ~~owner and the subdivider~~ responsible parties to satisfy and/or enforce the terms of the Developer's Agreement.
  - ~~2) The names of the parties to the Developer's Agreement.~~
  - ~~3) 2)~~ A description of the property being developed.

- ~~4)3)~~ A statement detailing how the Developer's Agreement is consistent with the County and local comprehensive development plans.
- ~~5)4)~~ The effective date of the Developer's Agreement.
- ~~6)5)~~ The term of the Developer's Agreement and termination procedure.
- ~~7)6)~~ Identification of and a timeline for the installation/removal of required temporary and permanent improvements.
- ~~8)~~ Identification of and a timeline for the removal of existing features and temporary erosion and sediment control and stormwater management structures.
- ~~9)7)~~ Identification of and a timeline for maintenance to be performed.
- ~~10)~~ The parties contracted with for the installation and maintenance of improvements.
- ~~11)8)~~ The details of the financial assurance required by this ordinance.
- ~~12)~~ A reiteration in full of the provisions of § 3. below.

### ~~3.~~ **TERMINATION**

~~a. A Developer's Agreement may be canceled or revised at any time by:~~

- ~~1) The mutual written consent of the parties; or~~
- ~~2) The Zoning Administrator if he/she finds that a hazard or other unexpected situation that threatens the public health, safety or welfare exists on or near the land that was unknown at the time the agreement was adopted, and the owner or subdivider is unable or unwilling to immediately correct the situation.~~

~~b. The Zoning Administrator shall notify the other parties in writing that a situation exists that would threaten the public health, safety or welfare if development were to commence or continue and all development activities shall cease.~~

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## 13.10 ~~WAIVER, SETBACK REDUCTION VARIANCE~~ AND ADMINISTRATIVE APPEAL

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### A. ~~WAIVER OF VARIANCE TO DESIGN STANDARDS~~

#### 1. PURPOSE

- a. If a subdivider can clearly demonstrate that one or more unique conditions affecting the land to be divided make the literal application of one or more of the design standards impracticable or unduly burdensome, the applicant can apply to the Board of Adjustment for a variance. Committee may waive such standards as may be reasonable. provided that the proposal waiver is not contrary to the general intent and purposes of this ordinance and the health, safety, general welfare and aesthetics of the neighborhood.

#### 2. ~~VARIANCE APPLICATION~~ APPLICATION FOR WAIVER

- a. An application for a variance waiver of design standards shall be made by the subdivider on a form provided by the Zoning Administrator.
- b. It shall be filed with the Zoning Administrator at or before filing the preliminary plat or, if the unique condition is discovered later, at the time of discovery.
- c. The application shall fully state all facts relied upon to support the variance waiver and shall include drawings, studies, plans, or other information that will aid the Committee Board in reviewing the application.
- d. The Board of Adjustment Committee shall hold a public hearing on the application.

#### 3. CONDITIONS

- a. The Board of Adjustment's Committee action shall comply with the following conditions:
  - 1) A variance waiver shall not violate the general intent and purposes of this ordinance or be detrimental to the health, safety, general welfare or aesthetics of the neighborhood.
  - 2) The condition for which a waiver from a design standard is sought must be unique to the property.
  - 3) A variance waiver may not be based on mere inconvenience or financial hardship to the subdivider or a self-created hardship of the subdivider.
  - 4) A variance waiver is necessary for the preservation and enjoyment of substantial property rights possessed by the subdivider.
  - 5) A variance waiver shall provide only the minimum relief necessary to alleviate the hardship.

#### 4. APPROVAL PROCESS

- a. A Class 2 notice shall be published for the hearing.

- b. Additionally, notice shall be mailed to the town(s) in which the proposed subdivision is located, any municipality with extraterritorial plat approval jurisdiction, and adjacent landowners.
- c. The Zoning Administrator shall be responsible for providing all notices.

## 5. DECISION

- a. The Board of Adjustment Committee shall approve, deny, or approve with conditions an application for a variance waiver within 60 days of filing the application with the Zoning Administrator.
- b. If a decision is not made within the 60 days, the variance waiver shall be deemed approved, unless the time for making a decision is extended in good faith.
- c. The decision shall be in writing and shall explain the reasons for the decision.
  - 1) The original decision shall be filed in the Zoning Administrator's office.
  - 2) The Zoning Administrator shall provide the subdivider a copy of the decision within five business days of the decision.
  - 3) A copy of the decision shall be mailed to the subdivider, the town(s), and municipality(ies).
- d. A variance waiver application decision is an administrative decision that may be reviewed by the St. Croix County Circuit Court. Board of Adjustment under §13.10 C. below.

## B. ROAD SETBACK REDUCTION

### 1. STANDARDS

- a. The Committee may approve reduction of the road setback on an approved final plat or certified survey map to that specified in the applicable governing zoning ordinance, if the following standards are met:
  - 1) The setback(s) in a recorded subdivision are changed by a corrective instrument prepared by a Wisconsin registered land surveyor and recorded.
  - 2) A setback reduction shall only be allowed in the unusual circumstance where a reduction of the setback will allow the lot or structure(s) on the lot to be in greater compliance with the objectives and standards of this ordinance and Chapter 17, St. Croix County Zoning Ordinance and will not negatively impact the layout, design, continuity and/or aesthetics of the neighborhood.
- b. The request for a setback reduction shall be processed using the procedures found in § ~~AAA~~ above.

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## C. ADMINISTRATIVE APPEAL

### 1. DECISIONS APPEALABLE

- a. All administrative decisions shall be in writing.
- b. Any person, company, partnership, corporation or government unit aggrieved by a written administrative decision made by the Zoning Administrator, or his/her designee, or the Committee may appeal the decision to the Board of Adjustment.
- c. The Board of Adjustment shall have the power to hear and decide appeals where it is alleged there is error in any decision, interpretation, or determination made by the Zoning Administrator, or his/her designee, ~~or the Committee~~ in the administration of this ordinance, following ~~Wisconsin Statutes~~ Wis. Stat. § 59.694.

### 2. PROCEDURE FOR APPEAL

- a. An aggrieved person may appeal a decision to the Board of Adjustment within 30 days of the date of a written decision.
- b. An appeal of a decision shall be in writing and shall be made on a form provided by the Zoning Administrator and shall be filed with the ~~Planning and Zoning~~ Community Development Department.
- c. The ~~Community Development~~ Planning and Zoning Department will prepare notices and schedule the appeal with the Board of Adjustment.

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## 13.11 FEES

### A. STANDARDS

#### 1. STANDARD FEES

- a. ~~Any person applying for a land division, shall pay~~ All land division fees shall be submitted ~~to the St. Croix County Community Development Planning and Zoning Department for the cost of administration, review, inspection, advertising, legal review and processing according to the Committee approved fee schedule. Refunds shall comply with approved fee schedule, but should take into account incurred costs.~~
- b. ~~Any person requesting a waiver to the standards of this ordinance shall pay a fee to the St. Croix County Planning and Zoning Department for the cost of the hearing, advertising and processing.~~
- c. ~~All fees shall be established by the Committee and published by the Zoning Administrator in a fee schedule.~~
- d. ~~Preliminary and final plats, which are submitted in a digital form approved by the Zoning Administrator and using St. Croix County Coordinates, may be eligible for discounted fees as determined by the Zoning Administrator.~~
- e. ~~No refund of fees paid for a valid application shall be made after any costs have been incurred by the Planning and Zoning Department in processing the application.~~

#### 2. EXTRAORDINARY FEES

- a. The subdivider shall ~~pay a fee equal to the cost to~~ reimburse St. Croix County ~~of any~~ extraordinary legal, administrative or fiscal work done in connection with the plat or certified survey map before final plat approval. These fees may also include the cost of obtaining professional work or opinions including, but not limited to, attorneys/lawyers, title companies, engineers, surveyors, foresters, hydrogeologists, landscape architects or land planners.
- b. The subdivider may be required to reimburse the County for the expense of a legal opinion from the St. Croix County Corporation Counsel or outside counsel confirming title or sufficiency of deed restrictions, covenants, conservation easements, condominium instruments Developer's Agreements or other documents related to the subdivision.
- c. These fees may also include the cost of obtaining professional work or opinions including, but not limited to, engineers, surveyors, foresters, hydrogeologists, landscape architects or land planners.

#### 3. IMPACT FEES

- a. If the St. Croix County Board enacts an ordinance authorizing impact fees, such fees shall be paid as a condition of subdivision approval as provided in the ordinance.

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## 13.12 VIOLATIONS AND FORFEITURES

### A. AUTHORITY

#### 1. STANDARDS

- a. Any person, partnership, corporation or other entity that fails to comply with the provisions of this ordinance shall, upon adjudication of violation, be subject to penalties and forfeitures as provided in ~~Wisconsin Statutes~~ Wis. Stat. §§ 236.30, 236.31, 236.32, 236.335, and 236.35. These sections provide penalties for:

- 1) Improperly recording or causing to be recorded a final plat that does not comply with submittal requirements of Wisconsin Statutes or County regulations.
- 2) Offering for sale lots in a final plat that has not been recorded unless the offer or contract for sale includes language making the sale contingent upon approval of the final plat, and the sale void if the plat is not approved.
- 3) Disturbing survey monuments in violation of state law or County regulations, or not placing survey monuments as prescribed by state law or County regulations.
- 4) Subdividing lots that fail to conform to ~~Wisconsin Statutes Chapter~~ Wis. Stat. Ch. 236 or any applicable ~~Department of Commerce administrative rules, state requirements~~ or this ordinance.
- 5) ~~Selling land which abuts on a road which has not been accepted as a public road unless the seller informs the purchaser in writing that the road is not a public road and maintenance is not required to be performed by the County or town.~~

- b. Any failure to take action on past violations shall not operate as a waiver of the right to take action on present violations.

#### 2. PROCEDURES

- a. The Zoning Administrator may institute any appropriate action or proceeding against violators of this ordinance as provided by law or this ordinance, including issuing citations [St. Croix County Chapter 1 - Citation Ordinance] or commencing a lawsuit seeking forfeitures and/or injunctive relief.
- b. In general, the Zoning Administrator shall use the following, in the order listed, to address violations of this ordinance:
- 1) Issue a notice of violation and order that specifies the corrective action to be taken
  - 2) Issue a citation for a violation.

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- 3) Refer the matter to legal counsel for evaluation and commencement of a lawsuit when the violation merits such action.
- c. The Zoning Administrator is not mandated to follow the order of possible action if, in the Zoning Administrator's discretion, a situation requires different action.

### 3. FORFEITURES

- a. Any person, firm or corporation who is adjudicated for violating this ordinance shall pay a forfeiture of not less than \$10 per violation nor more than \$1,000 per violation per day -and/or be subject to injunctive relief.
- ~~b. Each day a violation exists is a separate violation.~~
- ~~e.b.~~ Additionally, the person adjudicated for violation of this ordinance shall pay court costs and reasonable attorney's fees. The remedies provided herein shall not be exclusive of other remedies.

## 13.13 DEFINITIONS

### A. PURPOSE

#### 1. INTERPRETATION

- a. For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows:
  - 1) Words used in the present tense include the future; in the singular include the plural and in the plural include the singular.
  - 2) The word "shall" is mandatory, not permissive.
  - 3) All distances, unless otherwise specified shall be measured horizontally.
  - 4) All definitions that refer to Wisconsin Statutes shall incorporate any revisions or amendments to statutory language.
  - 5) All definitions other than those referenced below shall be as the normal definition found in a standard dictionary.

### B. DEFINITIONS

1. ~~Error! Reference source not found.~~ **Best Management Practices (BMPs):** Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in stormwater runoff to waters of the state. BMP's may be utilized for days, weeks, months or years and are removed from the site when no longer needed.
- ~~2. **Bulb of Cul-de-sac:** The arc of the terminating radius, not including the reverse curves onto the tangents of the uniform road width.~~
- ~~3.2.~~ **Certified Survey Map (C.S.M.):** A map showing division of land prepared in accordance with ~~Wisconsin Statutes~~ Wis. Stat. § 236.34 and this ordinance.

- 4.3. Closed Depression:** A natural geological formation in the earth's surface characterized by having no direct overland surface water outlet. ~~Closed depressions commonly found in St. Croix County have developed through two distinct geological processes, karst development and glaciation. Sinkholes and enlarged bedrock fractures are examples of closed depressions found in karst while kettles or kettleholes are typical of glacial formed closed depressions. Refer to Closed Depression Map of St. Croix County, WI. 1991.~~
- 4. Committee:** The St. Croix County ~~Planning and Zoning Committee.~~ Community Development Committee. ~~The Committee is the County planning agency under Wisconsin Statutes § 236.45(2)(a) and has professional staff charged with administering planning legislation described in Wisconsin Statutes § 236.10.~~
- 5. Contiguous:** Land that is immediately adjacent to and/or is connected by a 25' strip for access purposes.
- 6. Contiguous Buildable Area:** The area of a lot for structures exclusive of wetlands, floodplains, shoreland setbacks, ponds, lakes, drainageways, road rights-of way, easements, applicable structure setbacks, slopes of 25 percent and greater, ~~and other sensitive areas.~~
- 7. Critical 100-Year Storm Event:** The 100-year back-to-back storm event or the 10-day snowmelt event, whichever is more restrictive.
- 8. Developer's Agreement:** An agreement between St. Croix County, alone or with other governmental units with jurisdiction, and the owners or subdividers of property within the County regarding the subdivision and subsequent development and use of said property.
- 8.9. Environmental Corridor:** The areas defined in the St. Croix County Comprehensive Plan as environmental corridor.
- 9.10. Extraterritorial Plat Approval Jurisdiction:** The unincorporated area within 3 miles of the corporate limits of a city of the first, second or third class ~~if the city has a subdivision ordinance or official map~~, or within 1-1/2 miles of the corporate limits of a city of the fourth class, ~~or a village if the city or village has a subdivision ordinance or official map.~~
- 10.11. High Water Elevation (H.W.E.):** The peak water elevation of a closed depression or stormwater pond during a 100-year storm event. The H.W.E. shall be calculated, assuming developed conditions, using the Critical 100 Year Storm Event for closed depressions and stormwater ponds.
- 11.12. Homeowners Association:** An association of homeowners in a particular subdivision, planned unit development (PUD), condominium or other development organized to manage the common area of the development, provide community facilities and services for the common enjoyment of the residents, and/or to enforce the association rules, regulations and/or recorded restrictive covenants, ~~which rules, regulations and/or restrictive covenants shall be recorded. Each lot or homeowner in the development shall be a member of the association subject to a proportionate charge for the expenses of the association.~~
- 12.13. Land Divisions:** A subdivision, minor subdivision, major subdivision, re-subdivision, or replat to which this ordinance applies, ~~or parcel add-on.~~

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~~13.14.~~ **Lot:** ~~A parcel of land numbered in sequence with other parcels shown on a plat or certified survey map. A parcel of land occupied or designed to provide space necessary for one dwelling and its accessory buildings or uses, including the open spaces required by this chapter and abutting on a public street or other officially approved means of access. A lot also includes a: (1) parcel designated in a plat or described in a conveyance recorded in the office of the county register of deeds, and/or (2) any part of a parcel when such part complies with the requirements of this chapter as to width and area for the district in which it is located.~~

~~14.15.~~ **Lowest Building**  
**Opening (L.B.O.):** The lowest window, door or other inlet elevation at which water may enter a building.

~~15.16.~~ **Major Subdivision:** A subdivision resulting in the creation of five or more lots from a [parcel](#) that existed 5 years prior to the date of the application.

~~16.17.~~ **Minor Subdivision:** A subdivision resulting in the creation of four or less [lots](#) from a [parcel](#) that existed 5 years prior to the date of application.

~~17.18.~~ **Native Vegetation:** Those species of vegetation that occurred naturally in pre-settlement Wisconsin. [Refer to the Original 1830's Vegetation Map of Wisconsin.](#)

~~18.19.~~ **Navigable Waters:** All natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are determined to be navigable under Wisconsin Statutes § 30.10.

~~19.20.~~ **Ordinary High Water**  
**Mark:** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

~~20.21.~~ **Outlot:** A [lot](#) remnant or [parcel](#) of land [that doesn't meet the ordinance requirements for a lot within a plat remaining after platting](#), which is intended for open space use, for which no development is intended other than that which is accessory to the open space use. [An outlot may not be developed for any use or structure that requires a private, onsite wastewater treatment system.](#)

~~21.22.~~ **Parcel:** Contiguous land under single ownership, not separated by public roads or railroad rights-of-way. ~~Creation of private or public roads after April 19, 1991, does not create separate parcels eligible for treatment under the minor subdivision provisions of this ordinance.~~

~~22.23.~~ **Plat:** A map of a [major subdivision](#) prepared in accordance with [Wis. Stat. Ch. Wisconsin Statutes § 236](#) and this ordinance.

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**Commented [KB39]:** We have previously interpreted that a road or driveway should not be placed on an outlot. Does the definition need to clarify this if we want to uphold this interpretation?

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**23-24. Professional Wetland**

**Delineator:** A Professional Wetland Scientist (PWS), Wetland Professional In Training (WPIT), Assured Wetland Delineator, or a Licensed Soil Scientist or Professional Engineer with demonstrated experience and training in the procedures and methodology outlined in the 1987 Army Corps of Engineers Manual for Wetland Delineation.

**24-25. Rare, Threatened or**

**Endangered Species:** Species and natural communities that are listed as Endangered or Threatened on a Federally protected list or have a State Rank of S1, S2 or S3 on the Wisconsin Natural Heritage Inventory.

- a. ~~**Endangered:** Any species whose continued existence as a viable component of this state's wild animal or wild plant population is determined by the Wisconsin Department of Natural Resources to be in jeopardy on the basis of scientific evidence.~~
- b. ~~**Threatened:** Any species that appears likely to become, within the foreseeable future, on the basis of scientific evidence endangered as determined by the Wisconsin Department of Natural Resources or the U.S. Department of Interior.~~
- c. ~~**Rare:** Those species about which some problem of abundance or distribution is suspected but not yet proved. The main purpose of this category is to focus attention on certain species before they become threatened or endangered.~~

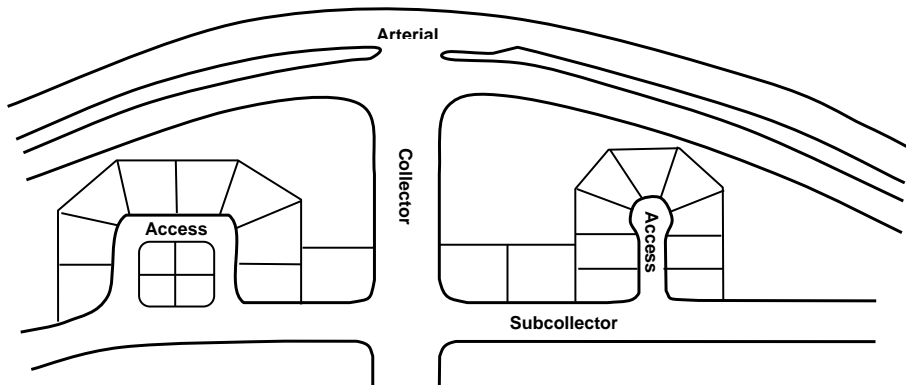
**25-26. Road: A public or**  
~~private~~ way for vehicular traffic. ~~and~~ T~~his~~ term includes highways.

**26. Road Classification System:** Roads are classified based on many factors, including speed and volume of traffic. Road classifications fall into a four category hierarchy. The classifications, in descending order are arterial, collector, subcollector and access roads (see diagram below). The Wisconsin Department of Transportation (WisDOT) and the St. Croix County Highway Department determine arterial and major and minor collector road status on their respective systems and the current functional classification will be used. The St. Croix County Planning and Zoning Department, in conjunction with the appropriate municipal jurisdiction, determines subcollector and access roads. Classifications are shown on the St. Croix County Official Functional Classification Road Map. Residential roads may fall into any of these classifications except arterial. The functional descriptions of each of these classifications follow:

- a. ~~**Arterials:** Provide for rapid speed and movement of high volumes of traffic between areas. An arterial road should have no private accesses on it. Its function is to conduct traffic between communities and activity centers and to connect communities to major state and interstate highways. There are two types of arterials, principal arterials and minor arterials. Principal arterials are those highway corridors that have trip length and travel density characteristics of an interstate or interregional nature. Principal arterials, in general, serve all urban areas greater than 5,000 population and may include: interstate highways, freeways, expressways, four lane divided highways and two lane highways. Minor arterials are those highways, which in combination with principal arterials, serve cities, communities and other major traffic generators providing intra regional and inter area travels. Minor arterials may include four lane divided highways, two lane highways and county trunk highways.~~

- b. **Collectors:** Provide for moderate speed and movement of medium volumes of traffic and distribute traffic from arterial roads. There are two types of collector roads, major collectors and minor collectors. As the principal road within residential or commercial areas, these collectors carry relatively high traffic volumes and convey traffic from arterial roads to lower order roads. A collector's function is to promote the free flow of traffic; as such, the roads should not have parking or private residential access. A collector's secondary function is to serve abutting land uses. Major collectors provide service to moderate sized communities and other intra-area traffic generators and link those generators to larger population centers and higher function highways. Minor collectors provide service to all remaining smaller communities and tie local traffic generators with the rural surrounding area. Minor collectors are spaced consistent with population density so as to collect traffic and bring all developed areas within a reasonable distance of a higher order road.
- e. **Subcollectors:** Connect with access roads and convey traffic to major and minor collectors. Like an access road, a subcollector provides frontage and access to residential lots but also carries some through traffic to access roads. A subcollector is a relatively low-speed, low volume road. Subcollectors include all roads not identified as major or minor arterials, major or minor collectors or access roads. Generally, subcollectors are all town roads in the original town road grid system and town roads identified as through roads or subcollectors on a town comprehensive plan or official map. Some roads in a subdivision may be subcollectors instead of access roads if the two ends of the road extend beyond the boundary of the subdivision and one end of the road eventually connects to another subcollector or higher order road.
- d. **Access Roads:** Roads designed to conduct traffic between individual parcels or lots and higher order roads. Access roads provide for low speeds and low volumes of traffic and convey traffic to subcollector, collector and arterial roads. As the lowest order road in the hierarchy, the access road usually carries little through traffic and includes short roads, cul-de-sacs, and courts. Access roads include local roads within conventional subdivisions, local roads within Conservation Design Development subdivisions, cul-de-sacs, loop roads, lakeshore roads that existed prior to 1974, and roads not otherwise classified located in unincorporated hamlets, including Boardman, Burkhardt, Cylon, Emerald, Erin Corners, Forest, Hersey, Houlton, Huntington, Jewett, Johannesburg and New Centerville.
1. **Cul-de-sac:** Roads closed at one end with turn-arounds, not platted for extension.
  2. **Loop:** Short, one-way through roads that turn back to the originating road.
  3. **Temporary Dead-end:** Roads that terminate in a "T" turn-around and are platted for future extension.



**Functional Classification System Diagram**

27. **Shoreland:** Lands within the following distances from the [ordinary high water mark](#) of [navigable waters](#): 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
28. **State Subdivision:** The division of a [lot](#), [parcel](#) or tract of land by the owners thereof, or their agents, ~~for the purpose of transfer of ownership or building development~~ where the act of division creates 5 or more parcels or building sites of 1-1/2 acres each or less in area, ~~or where the act of division creates 5 or more parcels or building sites of 1-1/2 acres each or less in area by successive division~~ within a period of 5 years.
29. **Subdivider:** Any person, partnership, corporation, or other entity creating a subdivision.
- ~~30. Subdivision:~~ A division of a [lot](#), [parcel](#) or tract of land by the owner or the owner's agent for the purpose of transfer of ownership or building development where the act of division creates or results in one or more [new lots](#), ~~parcels or building sites of less than 35 acres in area. A subdivision can be created by the following means:~~
- ~~a. Recording a plat or certified survey map.~~
  - ~~b. Recording any other document or instrument that creates a parcel not previously created pursuant to this ordinance or its predecessor.~~
  - ~~c. Foreclosure of a mortgage or a land contract if the foreclosure creates and/or conveys a parcel not previously created pursuant to this ordinance or its predecessor. This subsection is not to be construed as endorsing a policy encouraging rezoning or subdividing of a parcel as a prerequisite to obtaining a mortgage when inconsistent or incompatible with surrounding zoning or uses.~~

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~~31.~~**30.** **Unique Wildlife Habitat**

**Areas:** Aquatic and/or terrestrial communities that:

- a. Are composed of physical attributes and/or vegetation that are not common in St. Croix County and that therefore support species or certain life functions of species that are not supported in other locations of the County;
- b. Are specific locations known to support endangered, threatened or rare species or communities; or,
- c. Serve as linkages to important habitat in adjoining areas.

~~32.~~**31.** **Watershed:** The land area that drains to a common point.

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