

PROPOSED ST. CROIX COUNTY CODE OF ORDINANCES

CHAPTER 13 LAND DIVISION

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ST. CROIX COUNTY CODE OF ORDINANCES

CHAPTER 13 – LAND DIVISION

The Board of Supervisors of St. Croix County, Wisconsin, does ordain 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 Statute Chapters 236, 145, 92 and 281 and §§ 59.69, and 87.30, and Wisconsin Administrative Code § 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. § 236.12.
- d. In any town that has adopted a subdivision ordinance under Wis. Stat. § 236.45, the County may enter into a cooperative agreement under Wis. Stat. §§ 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 **XXX** Ordinance No. **XX** 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 Plan and St. Croix County Land and Water Management Plan.
- 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 conservation design development; facilitating adequate 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) Wis. Stat. Ch. 236, 144, and §§ 59.69 and 87.30.
 - 2) Rules of the Wisconsin Department of Administration (WDOA) that administers Wis. Stat. §§ 236.13(2m), 236.15, 236.16, 236.20, and 236.21(1) and (2).
 - 3) Rules of Wisconsin Department of Transportation (WisDOT) 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 Wis. Stat. Ch. 30 and 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.
 - 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.
- b. A condominium [plat](#) prepared pursuant to Wis. Stat. § 703.11, and other applicable statutes, shall be reviewed by the Land Use Administrator, and subject to this ordinance to the extent feasible.

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 court order.
 - 2) Leases 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 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 Land Use Administrator for conformance with this exemption.
- 4) Cemetery plats made under Wis. Stat. § 157.02.
- 5) Assessors' plats made under Wis. Stat. § 70.27.
- b. The document, plat or survey map shall identify the specific exemption claimed.
- c. A parcel or lot created by virtue of any exemption under this section is not exempt from other applicable regulations.

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.

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 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 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 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. PRELIMINARY PLAT APPLICATION

1. STANDARDS

- a. Preliminary [plat](#) application review begins after a completed application is filed.
- 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:
 - 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.
 - 4) The name and contact information of the [subdivider](#), subdivider's agent, engineers, and surveyors.
 - 5) The location of the plat by government [lot](#), quarter-quarter section, section/township/range, and the town, County and state of jurisdiction, noted immediate under the name of the subdivision.
 - 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.
 - 7) The monumentation at the ends of the boundary line shall be described and the bearing and distance between them shown.
 - 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.
 - 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](#).
 - 10) All proposed road names, which shall conform to Chapter 37 - St. Croix County Uniform Addressing and Road Naming System.
 - 11) Locations and widths for all driveway accesses and roads.
 - 12) The location of existing property lines, buildings, drives, streams and watercourses, ponds, lakes, rivers, and any other significant limiting features or characteristics within the proposed subdivision.
 - 13) The water elevations of adjoining lakes, ponds or streams at the date of the survey, and the [ordinary high-water mark](#).
 - a) Surveyors are encouraged to work with zoning staff to determine the ordinary high water mark location or elevation for consistency purposes.

- 14) Wetlands, as defined by Wis. Stat. § 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 conducted by a professional wetland delineator and reviewed by the Land Use Administrator or WDNR.
- 15) All floodplain boundaries.
- 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.
- 17) The contours, on an established datum, at vertical intervals of not more than 2 feet.
- 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.
- 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](#).
- 20) A list or depiction showing the following information for each proposed lot:
 - 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.
 - b) [Lowest Building Opening](#) (L.B.O.) for lots affected by a [High Water Elevation](#) (H.W.E.), drainage easement or floodplain.
 - c) All required setbacks.
- 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) Topography, waterbodies, [watershed](#) features, floodplains, wetlands, and any other limiting features or characteristics.
 - c) Private and municipal dump sites, underground fuel or petroleum storage tanks or areas of known groundwater contamination.
- 22) Two-foot contour mapping on adjacent properties within 100 feet of the proposed subdivision.
- 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.
 - 3) Construction plans and specifications for stormwater management.
 - 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.

- 5) A report to address how sensitive areas shall be handled. The report shall include the following:
 - a) An aerial-photograph overlay map, prepared by a registered land surveyor, showing sensitive areas found in §§ 13.2 A.2.a.12) through and below.
 - b) These sensitive areas shall be placed within [lots](#) or common open space, with conservation easements, deed restrictions or covenants approved by St. Croix County.
- 6) Required or proposed deed restrictions, covenants or conservation easements for subdivision.
- 7) Any proposed conservation easement for common open space protection.
 - a) The Land Use Administrator may consider the town wherein a Conservation Design Development is located, to be a holder of conservation easements.
- 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.
- 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.
- 10) Land areas with 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.
- 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 single lots within a major plat or lots 5 acres or less in size, a complete soil test including one pit and two borings, or three pits is required.
 - 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.
- 12) When a common wastewater treatment system is proposed, a complete state approved design of the system shall be provided before final plat approval. A sewer and/or water supply management plan shall also be provided.

B. ADDITIONAL APPLICATION AND REVIEW STANDARDS FOR CONSERVATION DESIGN DEVELOPMENT

1. ADDITIONAL SUBMITTAL REQUIREMENTS

- a. To aid the Land Use 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.6. and ., the preliminary [plat](#) application shall include the following information.
 - 1) All the information required in §§ 13.2 A.2. and 3.
 - 2) Vegetation of the site by general land cover type,
 - 3) A written description of existing wildlife habitat.

2. AREAS OF SPECIAL NATURAL RESOURCE INTEREST, ENVIRONMENTAL CORRIDORS, AND ENVIRONMENTALLY SUSCEPTIBLE AREAS. CONSERVATION DESIGN DEVELOPMENT SITE ANALYSIS

- a. The information required in §§ 13.2 A.2. and 3. and 13.2 B.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
 - 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
 - f) [Closed depressions](#),
 - g) [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) Freestanding trees or groups of trees of native, non-invasive species.
 - d) Grasslands, pastures, meadows and identified native prairie remnants.
 - e) Farmland.
 - f) Historic or archeological features.
 - g) Scenic views onto the site.
 - h) Geologic features.
 - i) 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. 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. § 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.
 - c. The Land Use Administrator may consider the town wherein the Conservation Design Development is located, to be a holder of the conservation easement.
4. **A NOTE ON THE PLAT SHALL INDICATE THE USES ALLOWED IN THE COMMON OPEN SPACE PURSUANT TO ST. CROIX COUNTY ZONING ORDINANCE § 15.325. 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 homeowner's association shall be governed according to the following:
 - a) The members of a homeowner's association shall hold common facilities and open space as undivided proportionate interests.
 - b) The Land Use 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 Land Use Administrator at least 30 days prior to such event.
 - 2) Fee simple conveyance to St. Croix County approved by the [Committee](#). The County is not required to accept 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 so chooses.

- 3) Granting of easement to St. Croix County approved by the [Committee](#). The County 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.5.
 - c) Lands may or may not be accessible to the public.

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) 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.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) Modification of the Management Plan after final [plat](#) approval may be allowed by the land use staff.
- 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, 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.5. 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.

C. ADDITIONAL INFORMATION

1. PRELIMINARY AND CONSERVATION DESIGN DEVELOPMENT REVIEW

- a. The approving authority, either the Land Use 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](#) to the Land Use Administrator.

2. REVIEW PROCESS

- a. The Land Use Administrator, for any subdivision requiring approval as a “[State Subdivision](#),” shall transmit two copies to the Wisconsin Department of Administration (DOA).
- b. The Land Use Administrator shall transmit copies of the preliminary plat to the following:
 - 1) Wisconsin Department of Natural Resources (WDNR).
 - 2) City or village having [extraterritorial plat approval jurisdiction](#).
 - 3) Town(s) within which the proposed subdivision is located.
 - 4) County Land and Water Conservation Department.
 - 5) County Highway Department engineer.
 - 6) County surveyor.
- c. The Land Use 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 Land Use Administrator.
- d. The County or designated agent shall review and approve the erosion control and stormwater management plans for the preliminary plat.

3. DECISION

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

- c. Action by the Land Use Administrator may be postponed past the 90-day limit by written agreement between the Land Use Administrator and the subdivider, or upon a determination by the Land Use Administrator that additional information is required.
- d. Postponements shall not constitute approval.
- e. Plats meeting the statewide definition of subdivision in Wis. Stat. § 236.02(12) shall be subject to the provisions of Wis. Stat. § 236.11 with respect to time available for review and approval of the preliminary plat.
- f. If the Land Use 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 Land Use Administrator shall be sent to the applicant and the town(s) in which the proposed subdivision is located.

13.4 APPLICATION AND REVIEW OF FINAL PLATS

A. MAJOR SUBDIVISIONS

1. SUBMITTALS

- a. The subdivider shall submit one legible and one electronic copy of the final [plat](#) and accompanying materials to the Land Use 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 Land Use 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 Land Use 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.
- f. All easements shall be shown on the final plat.
- g. The subdivider shall submit final versions of all proposed restrictive covenants, conservation easements or deed restrictions with the final plat.
- h. The subdivider shall submit a final maintenance plan for all designed stormwater ponds.
- i. The subdivider shall submit a final wastewater treatment system and/or water supply management plan for all common systems.
- j. The subdivider shall submit drawings showing conformance with all improvements on the preliminary plat, including stormwater management and erosion control measures as required in **13.7 E**.

3. LEGIBILITY STANDARDS

- a. The following standards apply to the legibility of documents.
 - 1) Plats shall be prepared to comply with the current provisions of 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, 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 Land Use 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 Land Use 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 Land Use 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 Land Use 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 Land Use Administrator shall approve, approve conditionally or reject the plat within 45 days of its submission. Failure of the Land Use Administrator to take action on the plat within 45 days shall be deemed approval unless the review time has been extended by written agreement with the subdivider.
- f. Applicable state agency approvals may be required by the Land Use Administrator prior to plat approval.
- g. The Land Use 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. After the final plat has been approved and required improvements have either been installed, or an agreement and sureties ensuring their installation acceptable to the Land Use Administrator have been filed and all conditions have been satisfied, the Land Use Administrator shall certify the approval upon the plat.
- i. The subdivider shall then record the plat and related documents, including conservation easements homeowners association, bylaws, management plans, and covenants, with the St. Croix County Register of Deeds. The subdivider shall provide written notice to the Land Use Administrator that the plat and related documents have been recorded.
- 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 Land Use 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 preliminary plat application and associated fees must be submitted.

13.5 MINOR SUBDIVISIONS

A. APPLICATION AND PROCEDURES

1. STANDARDS

- a. [Minor subdivision](#)s 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-lot subdivision relating to eligibility for a minor subdivision.

2. LEGIBILITY STANDARDS

- a. Requirements of Wis. Stat. § 236.34 and § 13.4 A.3. on legibility standards apply to [certified survey maps](#).

3. APPROVAL PROCESS

- a. A preliminary certified survey map and accompanying application materials shall be submitted to the Land Use Administrator for review.
- b. The content of the submittal shall be the same as for a preliminary [plat](#), when public improvements or stormwater facilities are required.
- c. The process of review by the Land Use 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 Wis. Stat. § 236.34 shall apply to a [minor subdivision](#).
- d. A final [certified survey map](#) shall be submitted for each minor subdivision.
- e. The procedures and standards of § 13.4 A. shall apply to a [minor subdivision](#), except that the Land Use Administrator shall approve, approve conditionally or reject the [certified survey map](#) within 90 days of its submission. Failure of the Land Use Administrator to take action on the certified survey map within 90 days shall be deemed approval unless the review time has been extended by written agreement with the subdivider.
- f. If approved, the Land Use Administrator shall certify the approval on the final certified survey map.
- 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 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.
- 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.
- c. A replat that proposes to alter lands dedicated to the public shall be conditioned upon approval by a court order, or pursuant to Wis. Stat. §§ 236.36 - 236.44.

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 Land Use Administrator shall determine compliance of plats that are not reviewed by the Wisconsin Department of Administration with 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 Land Use 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. In reviewing a subdivision, the Land Use 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 or covenants dealing with use and management of these areas.

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. The Land Use Administrator may require setbacks, screening, and other buffers along roads.

2. DESIGN AND CONSTRUCTION STANDARDS

- a. Roads shall be designed and constructed in accordance with the minimum standards established by the town.

3. ROAD LAYOUT STANDARDS

- a. The Land Use Administrator shall examine 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 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.
 - 2) The Land Use Administrator may require intersection vision clearances.
- b. Subdivision roads shall provide connection to existing or planned road extensions and adjacent unplatted property.
- 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 such extension is not necessary or desirable for the coordination of the layout of the land division or for the advantageous development of adjacent.
- d. All arterial and collector roads shall be built to the boundary of the subdivision.
- e. 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.
- f. Narrow strips of land between the road and the subdivision boundary (spite strips) shall not be permitted.
- g. A permanent, platted dead-end road shall end in a cul-de-sac.
- h. The Land Use Administrator may require joint driveway accesses, where deemed necessary.

4. ROAD NAMES

- a. New addresses and road names shall comply with Chapter 37 of the St. Croix County Code of Ordinances -Uniform Addressing and Road Naming System.

5. BICYCLE AND PEDESTRIAN WAYS

- a. Bicycle and pedestrian ways shall meet the following standards:
 - 1) An easement width of not less than 20 feet may be required where deemed necessary by the Land Use 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.
- c. Slope shall be measured as the change in elevation over a horizontal distance of 50 feet expressed as a percent.
- d. All slope measurements shall be determined by a topographic survey signed and sealed by a surveyor/engineer licensed to practice in the State of Wisconsin or zoning staff.

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 along a joint lot line or along/within the road right-of-way.
- c. The property owner 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.

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 control plans shall be certified by a registered professional engineer. The registered professional engineer 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 drawings upon construction completion.
- 3) Certify that all required improvements have been installed in substantial conformance with the approved plans.
- 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.
- 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.
- e. 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. 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.
- 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.
- 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.
- h. Constructed drainage swales shall be designed at a minimum to accommodate a 25-year, 24-hour, Type II storm event.

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).
- b. Drainage easements may include designed stormwater ponds, drainage swales, [closed depressions](#) and other natural watercourses.
- c. Regional stormwater ponds may be located on Outlots.
- d. The Land Use Administrator shall approve the terms of a drainage easement, but the responsible parties shall maintain the drainage easement according to the management plan.

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.

- c. The Land Use 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.
- 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](#).
- 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.
- f. All lots shall be numbered consecutively throughout the plat.

2. LOT AREA STANDARDS

- a. Each lot must contain a [contiguous buildable area](#) of one-half acre or more. Conservation Design Development lots must have a contiguous buildable area of 15,000 square feet.
- b. Each lot must contain an area suitable for the entire on-site wastewater treatment system and its replacement.
- c. Lot area shall be calculated excluding rights-of-way and lands below the [ordinary high-water mark](#).
- 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:

| LOT AREA AND LOT WIDTH | | |
|---|--|-----------------------------------|
| TYPE OF DEVELOPMENT | AREA | MINIMUM WIDTH |
| Subdivision within an Unincorporated area under county zoning | 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' |

- e. . The ratio of depth to width of a lot shall not exceed 4:1 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/depths.
- f. The "pole" portion of a flag lot is not included in the depth to width ratio above.
- g. Side lot lines shall be substantially at right angles or radial to road lines.
- h. Lot lines shall follow local jurisdictional boundaries, when practical.
- i. Lots having frontage on two non-intersecting roads shall have their access on the non-arterial road.

3. LOT ACCESS STANDARDS

- a. No lot shall be approved that does not have road access.
- 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.
- c. All accesses serving three or more lots or parcels shall be named and addressed as roads.
- d. Any private road existing prior to the effective date of this ordinance that serves two or more lots or parcels shall meet the town's road requirements if any additional lots or parcels will take access from the private road.
- e. All driveway access points shall comply with required standards and be approved by appropriate units of government.

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.
- 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 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, wildflowers 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 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 Land Use Administrator may waive part or all of the landscaping requirements where there is an opportunity to preserve a unique native landscape.
- 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.
- 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. A landscaped buffer is required in the following locations:
 - 1) Along perimeter road rights-of-way
 - a) A landscape buffer at least 10 feet in width shall abut the road right-of-way for at least half of the road right-of-way frontage. Shrubs shall be appropriately spaced according to growth requirements of the species.
 - 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.
 - 2) Around the perimeter of parking lots
 - a) A landscaped buffer at least 10 feet in width shall abut the perimeter of parking lots.
 - 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.
- b. 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.
- c. Berms shall contain side slopes not exceeding 3 feet of horizontal distance to one foot of vertical distance (3:1) and shall be natural in appearance and undulating wherever possible.
- d. 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.
- e. The Land Use 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 and approved by the Land Use 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. 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 |
|----------------------|------------------------|---------------------|
| Trees: | Evergreen | 4feet in height |
| Deciduous Overstory | | 1 ½" caliper inches |
| Deciduous Ornamental | | 1" caliper inches |
| Shrubs: | Evergreen or Deciduous | 18" in height |

I. PARKS AND PARKWAYS

1. STANDARDS

- a. The Land Use Administrator may require the subdivision to have parks, parkways or trails based on County or local plans/maps.
- b. The Land Use Administrator shall determine whether such areas are to be shown as lots, Outlots or dedicated areas.
- c. The Land Use Administrator shall designate the site, configuration and shape of parks and parkways within the subdivision.
- d. Pursuant to 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 no 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.

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) Plan shall identify compatibility with surrounding land uses within 1320 feet. The evaluation shall address site characteristics and limitations, road and traffic conditions and similar features.

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.

3. SUPPLEMENTAL UTILITY STANDARDS

- a. The site layout shall allow for provision of future connection to municipal services for sewer, water and stormwater.

4. SUPPLEMENTAL ROAD STANDARDS

- a. Minimum turn radii shall be sufficient to handle the size of vehicles likely to use the site.
- b. 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.
- c. Roads shall be constructed and paved meeting designs approved by appropriate local units of government or access authority.
- d. The Land Use Administrator may require cross easements where commercial lots are side-by-side to allow linking of parking areas.

5. SUPPLEMENTAL LOT STANDARDS

- a. In the case of a commercial or industrial subdivision the [contiguous buildable area](#) shall be one 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.

- 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 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 Plan, are given particular significance for conservation.
 - 4) To preserve scenic views and to minimize views of new development from existing homes and roads.
 - 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.
 - 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.
 - 7) To create groups of dwellings with direct visual and physical access to common open space.
 - 8) To permit active and passive recreational use of common open space by residents of the developments and/or by the public.
 - 9) To reduce erosion and sedimentation by retaining existing vegetation and minimize development on steep slopes.
 - 10) To permit various means for owning common open space, preserved landscape elements, agricultural land, and to protect such areas from development in perpetuity.

- 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 § 15.325.
- b. Residential Base Density
- c. The base density or the base number of allowable dwelling units is determined by the yield plan pursuant to § 13.1 A.1. Existing dwellings that may or may not be part of a farmstead that will be retained shall be counted toward the base density.

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

D.U.=Dwelling Units

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

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

5. PRESCRIBED LOT AREA

- a. The lot size allowed under Conservation Design Development (CDD) is called the prescribed lot area.
- b. 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-foot setback from all sides of the lot.
- c. 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 15, St. Croix County Zoning Ordinance. The prescribed lot area cannot be less than one-half acre.

6. MINIMUM COMMON OPEN SPACE AREA

- a. For Conservation Design Development, the minimum amount of common open space shall be:
 - 1) In the County R-1 or R-2 District, 40 percent of the total site area excluding existing rights-of-way and utility easements.

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

- g. All separation areas for cluster groups along existing roads shall be landscaped in accordance with §§ 13.7 H. and 13.7 K.9.
- h. All cluster groups shall be surrounded by open space.
- 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.
- 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.
- 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.
- l. Internal open space within cluster groups is not subject to the design standards for common open space areas in § 13.7 K.8.
- 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)

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., 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.,
 - 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.

- a) Applicants must provide an explanation of the open space objectives achieved with their proposed development.
- 3) Natural features shall generally be maintained in their natural condition. If recommended by a professional with pertinent qualifications, the Land Use 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. 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.
 - g) All wetlands, floodplains, unique wildlife habitat areas, slopes 25 percent or greater, environmental corridors and closed depressions are in common open space unless it cannot be made contiguous.
- 4) Common boundaries with existing or future open space on adjacent sites shall be maximized.
- 5) In order to preserve scenic views, ridgetops and hilltops should be contained within common open space wherever possible.
- 6) No common open space area shall be less than 10,000 square feet in area feet at its smallest dimension, with the exception of internal open space within cluster groups, as described in § 13.7 K.7.k. and . Open space not meeting this standard shall not be counted toward the total required minimum common open space area.
- 7) Common open space shall be distributed appropriately throughout the development to properly serve and enhance all dwelling units, cluster groups, and other common facilities.
- 8) 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.)
- 9) 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.
- 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 16 feet within the cluster group.
 - 2) This access may be in the form of an easement.
 - 3) Access to common open space used for agriculture or wastewater treatment may be restricted for public safety and to prevent interference with 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.

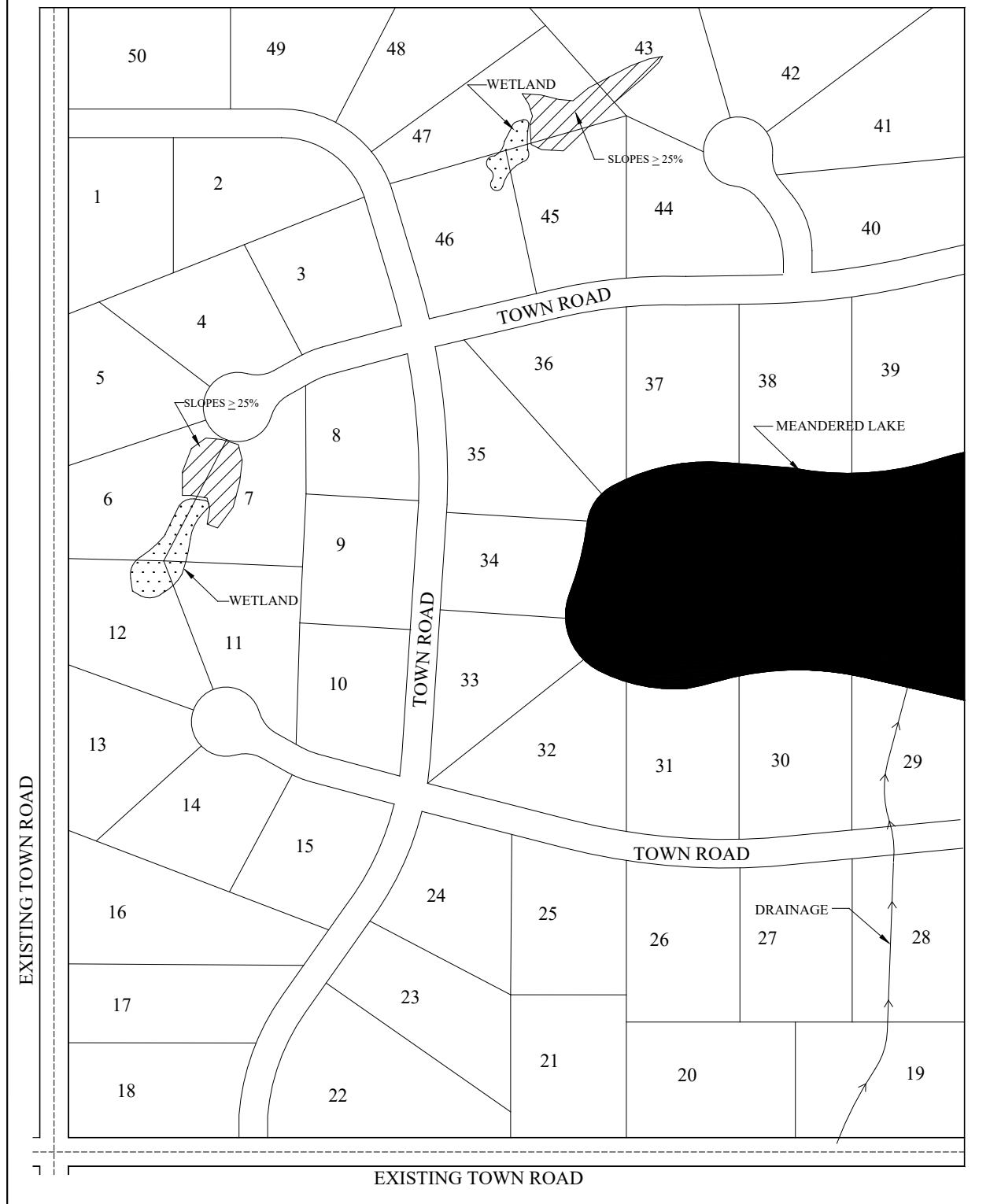
- 3) Areas not meeting the requirements of § 13.7 K.8.b.7).

9. LANDSCAPING FOR CONSERVATION DESIGN DEVELOPMENT

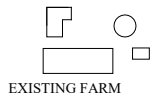
- a. Preservation of existing [native vegetation](#).
 - 1) For the purpose of conserving native vegetation and in recognition of the time value of existing native vegetation, the preservation of existing native, non-invasive vegetation shall generally be preferred to the installation of new plant material, and the excavation of sites shall be minimized.
- 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.
- 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) Vegetation buffers around wetlands, waterbodies, drainageways, and [closed depressions](#) shall be preserved, unless proposed use is allowed by other ordinances.
 - 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.

TYPICAL CONVENTIONAL SUBDIVISION LAYOUT (YIELD PLAN)

ROAD TOTALS = 7,045 LIN. FT.
ROAD TOTALS = 170,000 SQ. FT. APPROXIMATE
MINIMUM LOT SIZE 1.5, (2.0 ACRE AVERAGE)

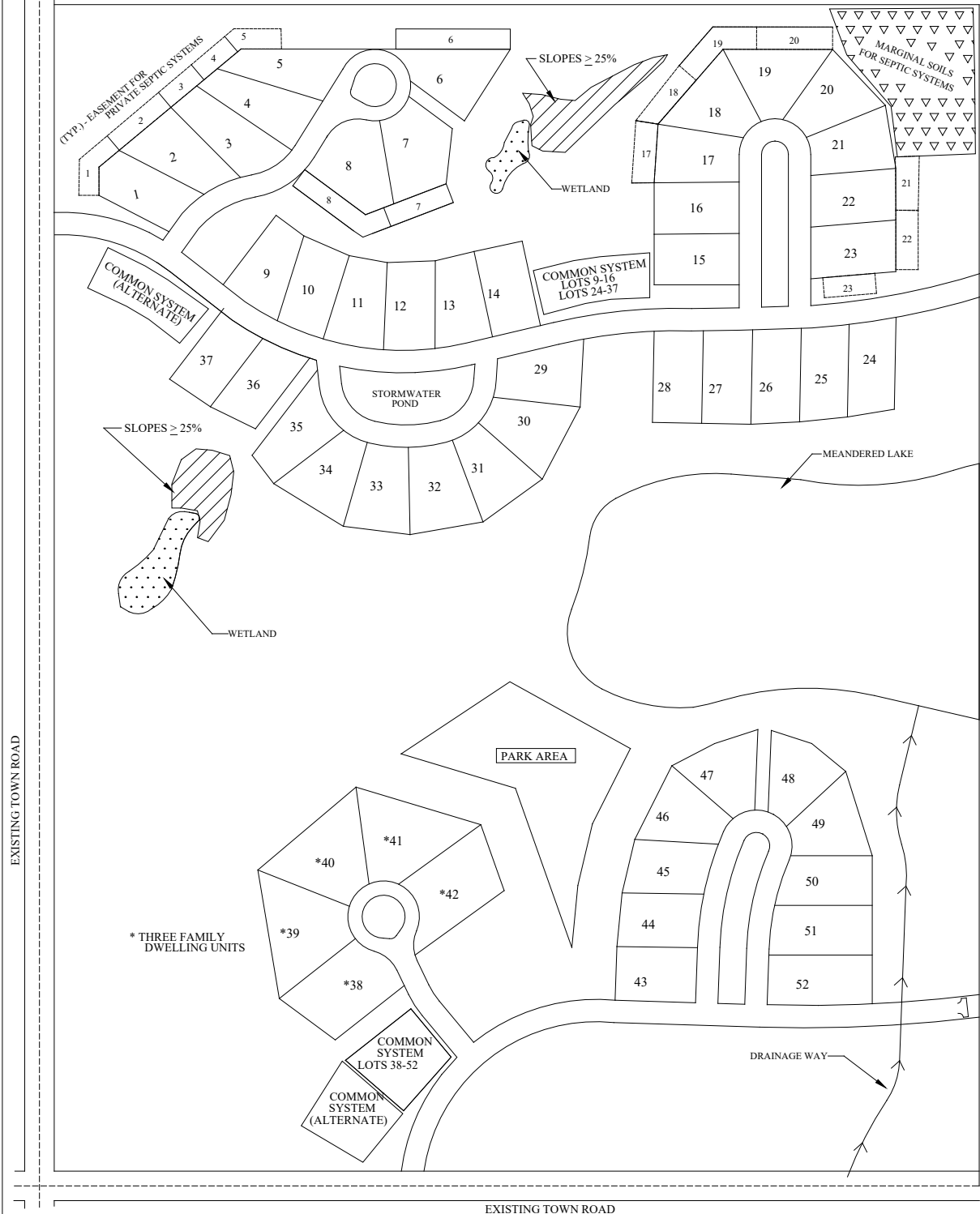


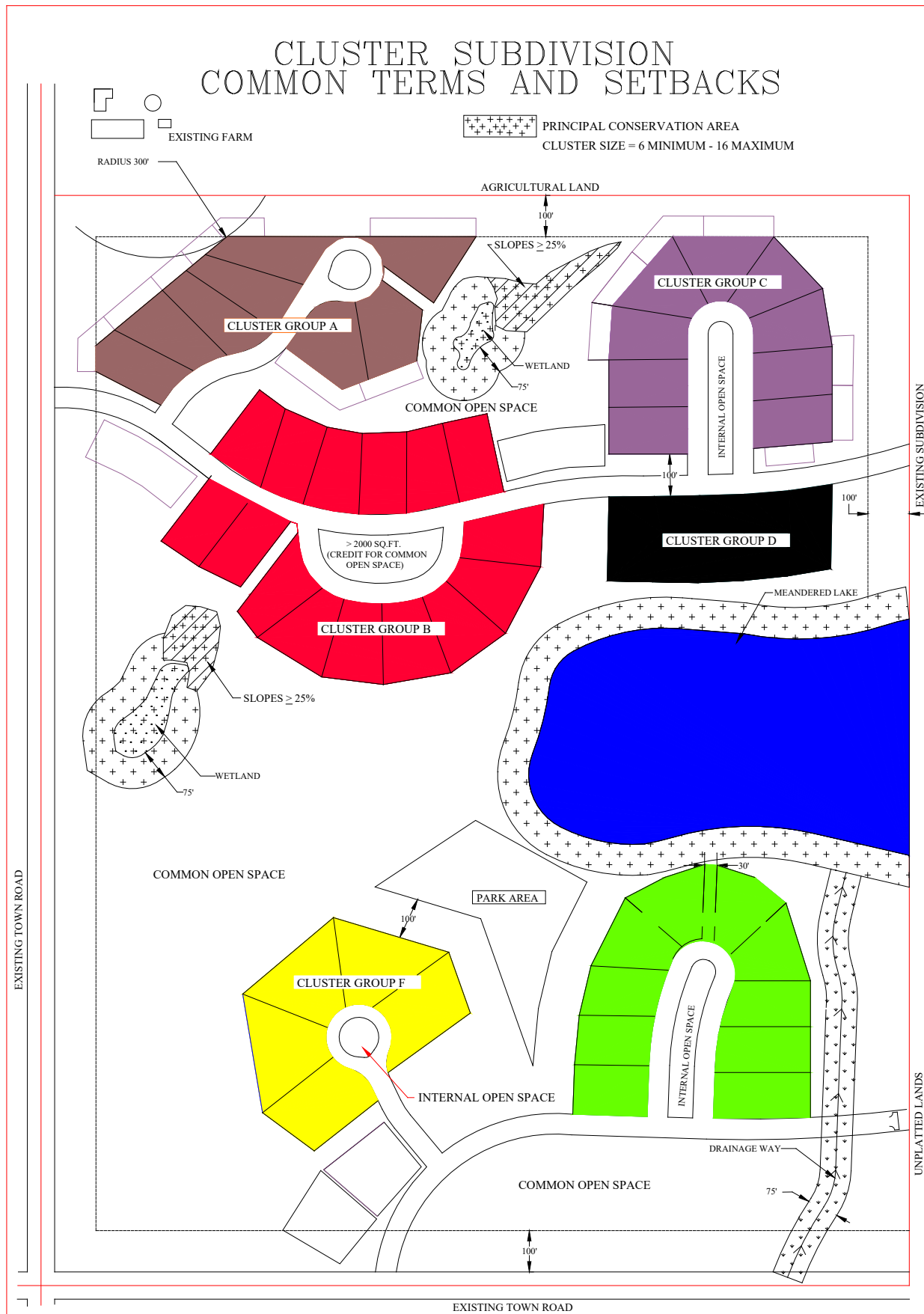
TYPICAL CLUSTER SUBDIVISION LAYOUT



ROAD TOTALS = 7,022 LIN. FT.
 ROAD TOTALS = 135,000 SQ. FT. APPROXIMATE
 MINIMUM LOT SIZE 0.5, (0.52 ACRE AVE. PROPOSED)
 TOTAL LAND AREA = 113.60 ACRES (EXC. LAKE)
 TOTAL LOTS AND ROW AREA = 36.37 (32%)
 TOTAL OPEN SPACE (OUTLOTS) AREA = 77.23 (68%)

YIELD PLAN = 50 LOTS
 BASE DENSITY = 50 D.U.
 125% GROSS DENSITY = 62 D.U.
 SINGLE FAMILY = 47 D.U. (47 LOTS)
 3-FAMILY UNITS = 15 D.U. (5 LOTS)





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 Wis. Stat. § 236.13(2)(am).
- b. The subdivider shall have survey monuments installed in accordance with the requirements of Wis. Stat. § 236.15 and Wis. Admin. Code § A.E. 7.
- 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 control measures specified in the erosion control and stormwater management plan. If the erosion control features are damaged or altered by any means, the restoration of them shall be the responsibility of the subdivider or property owner.

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.
- b. All required improvements shall be installed and completed in conformance with the approved plans within two years following the effective date of the initial financial assurance.
- c. If the required improvements are not installed within two years, the Land Use Administrator may subject the subdivider to forfeitures and use the financial assurance to stabilize the site.

C. FINANCIAL ASSURANCE

1. PURPOSE

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

2. ASSURANCE

- a. The owner or the subdivider shall be responsible for providing the assurance.

- 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. The nature and duration of the assurance shall be structured to achieve installation and maintenance without adding unnecessary costs to the responsible party.
- b. The Land Use Administrator may extend the time allowed for installation of an improvement for which the assurance has been provided.
 - c. The assurance shall be required before the construction of required improvements and as a condition of the final subdivision approval.
 - 1) The assurance shall be secured for 120 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.
 - a) The retained assurance shall not be held more than 1 year after permanent vegetation is established.
 - d. 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 Land Use Administrator may utilize the assurance to complete the corrective action.

13.9 DEVELOPER'S AGREEMENT

A. AUTHORITY AND PURPOSE

1. AUTHORITY

- a. The Land Use 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 Land Use 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.
- c. Serve the public interest.

B. STANDARDS

1. PROCESS

- a. The Developer's Agreement shall be:
 - 1) Approved by the Land Use Administrator prior to 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 responsible parties to satisfy and/or enforce the terms of the Developer's Agreement.
 - 2) A description of the property being developed.
 - 3) A statement detailing how the Developer's Agreement is consistent with the County and local comprehensive development plans.
 - 4) The effective date of the Developer's Agreement.
 - 5) The term of the Developer's Agreement and termination procedure.
 - 6) Identification of and a timeline for the installation/removal of required temporary and permanent improvements.
 - 7) Identification of and a timeline for maintenance to be performed.
 - 8) The details of the financial assurance required by this ordinance.

13.10 VARIANCE AND ADMINISTRATIVE APPEAL

A. 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, provided that the proposal 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

- a. An application for a variance shall be made by the subdivider on a form provided by the Land Use Administrator.
- b. It shall be filed with the Land Use 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 and shall include drawings, studies, plans, or other information that will aid the Board in reviewing the application.
- d. The Board of Adjustment shall hold a public hearing on the application.

3. CONDITIONS

- a. The Board of Adjustment's action shall comply with the following conditions:
 - 1) A variance 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 may not be based on mere inconvenience or financial hardship to the subdivider or a self-created hardship of the subdivider.

- 4) A variance is necessary for the preservation and enjoyment of substantial property rights possessed by the subdivider.
- 5) A variance 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 Land Use Administrator shall be responsible for providing all notices.

5. DECISION

- a. The Board of Adjustment shall approve, deny, or approve with conditions an application for a variance within 60 days of filing the application with the Land Use Administrator.
- b. If a decision is not made within the 60 days, the variance 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 Land Use Administrator's office.
 - 2) The Land Use 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 application decision is an administrative decision that may be reviewed by the St. Croix County Circuit Court.

B. 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 Land Use 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 Land Use Administrator, or his/her designee in the administration of this ordinance, following 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 Land Use Administrator and shall be filed with the Community Development Department.
- c. The Community Development Department will prepare notices and schedule the appeal with the Board of Adjustment.

13.11 FEES

A. STANDARDS

1. STANDARD FEES

- a. All land division fees shall be submitted to the St. Croix County Community Development 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.
- a. The subdivider shall reimburse St. Croix County 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.

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 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 Wis. Stat. Ch. 236 or any applicable state requirements or this ordinance.
- 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 Land Use 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 Land Use 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.

- 3) Refer the matter to legal counsel for evaluation and commencement of a lawsuit when the violation merits such action.
- c. The Land Use Administrator is not mandated to follow the order of possible action if, in the Land Use 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. Additionally, the person adjudicated for violation of this ordinance shall pay court costs and reasonable attorney fees. The remedies provided herein shall not be exclusive of other remedies.

13.13 DEFINITIONS

A. PURPOSE

1. INTERPRETATION

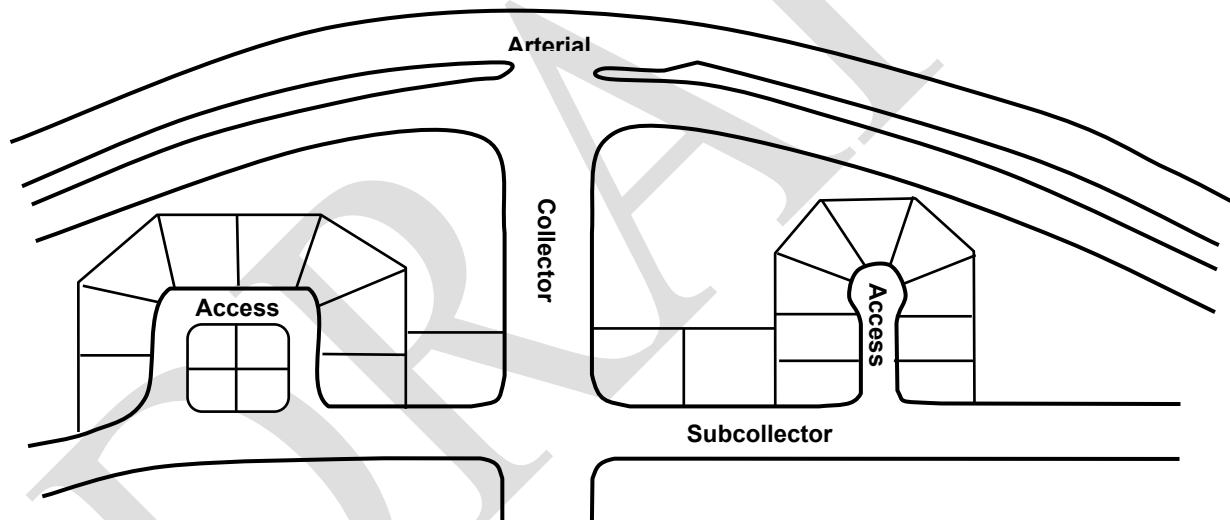
- a. For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows:
 - 1) Words used in the present tense include the future; in the singular include the plural and, in the plural, include the singular.
 - 2) The word "shall" is mandatory, 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. **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. **Certified Survey Map (C.S.M.):** A map showing division of land prepared in accordance with Wis. Stat. § 236.34 and this ordinance.
- 3. **Closed Depression:** A natural geological formation in the earth's surface characterized by having no direct overland surface water outlet.
- 4. **Committee:** The St. Croix County Community Development Committee.
- 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, connected by a strip of land at least 16' in width.

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.
9. **Environmental Corridor:** The areas defined in the St. Croix County Comprehensive Plan as environmental corridor.
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, or within 1-1/2 miles of the corporate limits of a city of the fourth class, if the city or village has a subdivision ordinance or official map.
11. **High Water Elevation (H.W.E.):** The peak water elevation of a closed depression or stormwater pond during a 100-year storm event.
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,
13. **Land Divisions:** A subdivision, [minor subdivision](#), [major subdivision](#), or replat to which this ordinance applies.
14. **Lot:** 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.
15. **Lowest Building Opening (L.B.O.):** The lowest window, door or other inlet elevation at which water may enter a building.
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.
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.
18. **Native Vegetation:** Those species of vegetation that occurred naturally in pre-settlement Wisconsin.
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.
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.

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21. **Outlot:** A lot remnant or parcel of land that doesn't meet the ordinance requirements for a lot, 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.
 22. **Parcel:** Contiguous land under single ownership, not separated by public roads or railroad rights-of-way.
 23. **Plat:** A map of a [major subdivision](#) prepared in accordance with Wis. Stat. Ch. 236 and this ordinance.
 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.
 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.
 26. **Road:** A public or private way for vehicular traffic. This term includes highways.



27. **Sensitive Area:** Lands within the shoreland, floodplain, St. Croix Riverway overlays and/or identified as wetlands or environmental corridors in the County Comprehensive Plan.
28. **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.
29. **State Subdivision:** The division of a [lot](#), [parcel](#) or tract of land by the owners thereof, or their agents, where the act of division creates 5 or more parcels or building sites of 1-1/2 acres each or less in area within a period of 5 years.
30. **Subdivider:** Any person, partnership, corporation, or other entity creating a subdivision.

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