

MAJOR SUBDIVISION ORDINANCE FOR TOWNSHIP OF KINNICKINNIC

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SECTION 1 - Statement of Purpose

The purpose and intent of this Ordinance is to promote the public health, safety, and general welfare by assuring that land used for Major Subdivisions is placed in its most appropriate use, that Major Subdivisions occur in a well designed and orderly manner so as to provide the best possible environment for human habitation, and that adequate provisions are made for public service required or affected by Major Subdivisions.

SECTION 2 - Jurisdiction

This Ordinance shall apply to all Major Subdivisions, which occur or are proposed to occur within the geographic limits of the Town of Kinnickinnic. A Major Subdivision shall be defined, per St. Croix County's Zoning Ordinance 5.2.3, as the creation of five or more parcels or building sites of 20 acres or smaller in size or the creation of five (5) or more parcels or building sites of

20 acres or smaller in area by successive divisions within a period of five (5) years.

SECTION 3 - Compliance

(a) The approving authority shall be the Town Board of the Town of Kinnickinnic.

(b) Approval by the Town Board shall be required prior to the division of a lot or parcel or tract of land within the jurisdiction of this Ordinance into one or more new lots, parcels or tracts when the lots, parcels or tracts being created are Major Subdivisions, unless the Major Subdivision is included within one or more exemptions listed in WIS. STAT. 236.03 (2) or 236.45 (a) 1-3.

(c) The following activities are declared to be violations of this Ordinance:

1. To convey, offer to convey or contract to convey a Major Subdivision or a lot, tract or parcel within such a Major Subdivision without having had the Major Subdivision approved pursuant to this Ordinance; or
2. To record a survey map, a plat, or a metes and bounds description of a lot, parcel or tract, thereby creating a Major Subdivision without such Major Subdivision having been approved pursuant to this Ordinance; or
3. To fail to comply with all standards of this Ordinance and all conditions which are imposed by the Town Board in the course of its review and approval of a Major Subdivision.

SECTION 4 - Procedure for Town Review of Major Subdivisions

(a) Applications for Major Subdivisions shall be received by the Town Board in the form of transmittal of copies of county applications sent to the Town by the County Zoning Administrator pursuant to Sec. 5.3.4 (3) of the St. Croix County Subdivision Ordinance. The Town Board shall receive both preliminary

and final versions of Major Subdivisions plats pursuant to the above procedure. The Town Board shall reject any plats which have not had review and action by objecting agencies prior to being submitted to the Town Board. Such rejection shall be without prejudice and the subdivider shall be advised to submit the plat pursuant to this Section and section 5.3.4 (3) of the County Ordinance. The Town Board shall review and approve or disapprove the application within 31 days (50 days in the case of the final plat), based upon compliance with the standards of Section 5 of this Ordinance.

(b) Additional procedural rules.

1. Recording of approvals.

(a) As to preliminary plats, when the Town Board determines to approve a preliminary plat of a Major Subdivision, the decision shall be stated in a letter sent to the applicant with a copy sent to the County Zoning Administrator.

(b) As to final plats, when the Town Board determines to approve a final plat of a Major Subdivision, the Clerk of the Town Board shall certify the approval on the face of the plat in a space provided for that purpose. A copy of the plat with the signed certificate shall be sent to the County Zoning Administrator.

2. Conditions of approval.

The Town Board may impose conditions upon its approval of a Major Subdivision, provided that such conditions shall be stated in writing and given to the applicant and shall be limited to requiring compliance of the Major Subdivision with the standards of this Ordinance, other Town Ordinances, St. Croix County Ordinances or Chapter 236 of the Wisconsin Statutes.

3. Disapprovals.

When the Town Board determines to disapprove a Major Subdivision, it shall place the written statement of the reasons for the rejection in the

minutes of the meeting at which the decision was made and shall supply the applicant with a copy of the minutes or a written statement of the reasons contained therein.

4. Extension of time periods.

The time periods provided for in Section 4 (a) of this Ordinance may be extended by agreement with the subdivider. The County Zoning Administrator shall be promptly notified of any such extensions.

5. Failure to act within time period.

The failure of the Town Board to act within the time periods specified shall be deemed an approval of the application. Upon written request by the applicant, the Clerk of the Town Board shall issue a letter or execute a certificate of approval following an approval under this paragraph.

6. Appeals.

Any person aggrieved by the failure of the Town Board to approve a Major Subdivision may appeal the rejection to the courts as provided in Section 236.13 (5) of the Wisconsin Statutes.

SECTION 5 - Subdivision Standards

(a) Statement of Intent.

Section 5 of this Ordinance contains standards for selected aspects of major subdividing of land. The Town is governed by the St. Croix County Subdivision Ordinance. That Ordinance is comprehensive in character and addresses more features or aspects of land subdivision than are addressed by the standards of Section 5 of this Ordinance. Where the standards of Section 5 are more restrictive than standards of the County Ordinance, the more restrictive standards shall apply. Where the County Ordinance is more restrictive or where the County Ordinance sets standards for aspects of major subdividing which are not addressed by standards of this Town Ordinance, the County Standards shall apply.

(b) Suitability of lands for major subdividing.

No land shall be used for a Major Subdivision which is held unsuitable for such use by the Town Board for reason of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage capabilities, or any other feature or circumstance likely to result in the imposition of unreasonable costs to remedy severe and avoidable problems or to be harmful to the health, safety or general welfare of the future residents of the Major Subdivision or the community.

(c) The Major Subdivision shall be designed, executed and constructed in such a manner as will protect the public safety, health and general welfare and permit the economical and efficient provision of public services, and the Town Board may impose standards and conditions upon any Major Subdivision to accomplish these objectives.

(d) Road Standards.

(1) Each lot in a Major subdivision shall have usable access to a street or road which connects the lot to an existing public street, road or highway.

(2) All streets or roads which are proposed to be established within the Major Subdivision to meet the requirements of Paragraph 1 above shall have right-of-way width and grade characteristics as would qualify the street or road for allotment of state highway funds pursuant to Sections 86.30 and 86.31 of the Wisconsin Statutes.

(3) (i) All such roads shall be designed, graded and constructed at the expense of the subdivider in such a manner as will fully satisfy the standards of Section 86.26 of the Wisconsin Statutes as to roadway width, surface width, bridge widths and design loads and shall be paved with hot mix blacktopping material of a type and quality equivalent to hot mix blacktopping used on roads constructed by the Town.

(ii) The Town Board shall specify the requirements to be met as to street signs, street lights, culvert posts and guard rails, with the cost of such lights, signs, posts or rails to be paid by the subdivider.

(4) The requirements of the above paragraphs (2) and (3) shall apply to all streets and roads specified in above paragraph (1), regardless of whether the street or road in question will be dedicated to the Town. At the time of application to the Town Board for approval of a Major Subdivision, the applicant shall identify the streets and roads within the Major Subdivision which meet the definition of paragraph (1) and shall submit a schedule for the required construction and surfacing, identifying for all streets and roads whether the required construction will occur: (a) before final approval is proposed to be given to the Major Subdivision; or (b) shortly after such final approval (such as during the next construction season); or (c) at a later time. The Town Board shall specifically review this schedule. The schedule of road and street construction shall be approved as submitted or with modifications. The schedule of construction so approved shall be a binding and enforceable condition of the Town's approval of the Major Subdivision. A financial guarantee, as specified in Section 6, shall be required to assure that construction will occur according to the approved schedule.

(5) All roads and streets identified in the above paragraph (1) shall be offered for dedication to the Town. Dedications which are to be accepted by the Town shall be accomplished pursuant to the provisions of Section 236.10 (3) and 236.29 of the Wisconsin Statutes.

(6) All the roads and streets which are not to be dedicated to the Town, for reason of their not meeting the identification under the above paragraph (1), or because the Town Board declined to accept an offer of dedication, shall be identified on the face of the plat as private roads or streets. The Town Board may also require that the plat contain a statement warning lot

purchasers that town obligations as to maintenance do not extend to such non-dedicated roadways.

(e) Storm Sewers.

The Town Board shall determine with the assistance of an engineer hired for such purpose, if necessary, whether a storm sewer system shall be required, and if so, the type and size thereof. All costs and expenses incurred regarding hiring of such engineer by the Town Board shall be borne by the subdivider.

(f) Sanitary Water and Sewer Requirements.

(1) Every Major subdivision shall have a central sanitary sewage collection system, with an adjoining or connected treatment plant or facility or be hooked up to such a system; and every Major subdivision shall have a central water distribution system or be hooked up to such a system. A "central sanitary sewage collection system" is defined as a sewage system whereby the sewage of each lot is collected into one system. "Hooked-up" is defined as connecting into an existing system of a similar nature. The facilities herein required shall have the approval of and meet all the standards of all regulating agencies. These services and facilities shall be in operation and available on or before such date as the first home in the Major Subdivision will be occupied. The applicant shall submit plans and specifications, letters or other indications of regulatory approval or written agreements with any governmental entity which would be involved in providing the required services.

(2) The Town Board shall have the authority to review the distribution of costs and expenses of sewage facilities, treatment facilities and water supply systems, and may reject a proposal which would unreasonably burden land owners who are not to be immediately served by the system.

(g) Dedications and Payments in Lieu of Dedication.

As a condition of approval of every Major Subdivision, the subdivider

may be required to offer to the Town government either: (1) a cash payment of 10 per cent of the sale price of each lot sold within the Major Subdivision, or (2) dedication of lands with a market value equal to the amount of cash payment which could be required for the Major Subdivision; or (3) a combination of land dedication and cash payments. The decision as to whether lands or cash will be required and the decision as to what lands will be dedicated, if any, shall rest with the Town Board following discussions and negotiations with the subdivider. The purpose of the dedications or cash payments required in this Section shall be to accommodate the needs generated by the future residents of the Major Subdivision for recreational facilities, drainage ways and facilities, and school sites. Lands dedicated under this Section shall be used for such purposes. Monies accepted under this Section shall be used for such purpose and shall be held in special accounts from the time accepted until such time as the monies are used.

SECTION 6 - Financial Guarantee

If the facilities and improvements required under this Ordinance have not been fully installed at the time the plat is submitted for final approval, the subdivider shall file with the Town Treasurer, a surety bond executed by the subdivider as principal and a responsible bonding company duly licensed and authorized to do business in the State of Wisconsin as surety, payable to the Town of Kinnickinnic, and conditioned upon the faithful performance and payment of any and all work to be performed by the subdivider pursuant to this Ordinance; or other satisfactory financial guarantee for this purpose. Such bond or such other financial guarantee shall be approved by the Town Attorney and shall be of an amount determined by an engineer hired by the Town for such purpose to amply cover the cost of completing said facilities and improvements.

SECTION 7 - Engineers Approval

The adequacy of any facilities or improvements and the proper installation

thereof shall be subject to the approval of an engineer hired for such purpose by the Town of Kinnickinnic. All costs and expenses incurred regarding hiring of such engineer by the Town Board shall be borne by the subdivider.

SECTION 8 - Definitions

Definitions as to key words and phrases in this Ordinance shall be as defined in Chapter 12 of the St. Croix County Zoning Ordinance, adopted October 22, 1974, unless otherwise defined in this Ordinance.

SECTION 9 - Enforcement

Any activity which fails to satisfy the standards of this Ordinance shall be a violation of the Ordinance, regardless of whether knowledge of intent to violate was present, and shall subject the party or parties who were responsible for non-compliance or who aided or abetted the non-compliance to an injunction action which demands that the condition constituting the violation be ceased or cured and that remedial actions to achieve compliance be undertaken, and/or a forfeiture in an amount of not less than \$500 nor more than \$1,000. Each day during which such violation exists is a separate offense. In addition, the Town Board may order an assessor's plat pursuant to the provision of Section 70.27 of the Wisconsin Statutes whenever the conditions specified in that Section are found to exist.

SECTION 10 - Severability

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION 11 - Effective Date

This Ordinance shall become effective on April 14, 1976.