

SUBDIVISION ORDINANCE FOR TOWN OF FOREST 2003-01

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SECTION 1 – Statement of Purpose

The purpose of this Ordinance is to promote the public health, safety and general welfare by assuring the lands are placed in their most appropriate use, 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 services required or affected by land Subdivisions.

SECTION 2 – Jurisdiction

This Ordinance shall apply to all land subdivisions as defined in Section 4, which occur or are proposed to occur within the geographic limits of the Town of Forest. However, in no instance shall the provisions of this ordinance apply to:

1. Transfers in interest in land by judicial partition or by other court action.
2. Leases for terms not exceeding 10 years, mortgages or easements.
3. Sales or exchanges of parcels of land between owners of adjoining property if additional lots are thereby not created and the result of the lots are not reduced below the minimum lot sizes required by this ordinance.

SECTION 3 – Compliance

- A. The approving authority of this town as to subdivisions, which require approval under this ordinance, is the Planning Commission of the Town of Forest.
- B. Approval by the Planning Commission and 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 by such division are a subdivision, as defined in Section 4, unless the division is included within one or more exemptions listed in the Wisconsin Statutes.
- C. The following activities are declared to be violations of this Ordinance:
 - 1. To convey, offer to convey or contract to convey a Subdivision or a lot, tract or parcel within such a Subdivision without having had the 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 Subdivision, without such Subdivision having been approved pursuant to this Ordinance;
 - 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 Subdivision.

SECTION 4 – Definition and Classification of Subdivisions

- A. For purposes of this Ordinance a Subdivision is a division of a lot, parcel or tract of land which existed on the effective date of this ordinance by the owner thereof or their agents for the purpose of transfer of ownership or building development where the act of division creates one or more new lots, parcels or tracts, if the lots, parcels or tracts are twenty (20) acres or smaller in area.
- B. Subdivisions, as defined above, are classified for purposes of this Ordinance as follows:
 - 1. Minor Subdivisions are those Subdivisions which

Fall within terms of Chapter 18 of the St. Croix County Subdivision Ordinance, which is adopted herein by reference.

2. Major Subdivisions are those Subdivisions, which fall within the terms of Chapter 18 of the St. Croix County Subdivision Ordinance, which is adopted herein by reference.

SECTION 5 – Procedures for Town Review of Subdivisions

- A. Procedures for review of minor subdivisions.

Applications for Minor Subdivisions shall be submitted to the Planning Commission in the same form submitted to the County. The application can be submitted to the Planning Commission by the subdivider prior to its submittal to the County. In the interim, the transmittal by the County Zoning Administrator of a copy of the application that was received pursuant to the St. Croix County Subdivision Ordinance shall constitute submittal to the Planning Commission. The Planning Commission shall receive, review and approve or disapprove the applications for Minor Subdivisions within forty-five (45) days of receipt. Applications shall be approved or disapproved based upon compliance with the standards of Sec. 6 of this Ordinance.

- B. Procedures for Review of Major Subdivisions

Applications for Major Subdivisions shall be received by the Planning Commission in the form of copies of County Applications sent to the Town by the County Zoning Administrator pursuant to the St. Croix County Subdivision Ordinance. The Planning Commission shall receive both preliminary and final versions of Major Subdivision plans 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 the St. Croix County Ordinance. The Town Board shall review and approve or disapprove the application within forty-five (45) days (fifty

days in the case of a final plat), based upon compliance with the standards of Section 6 of this Ordinance.

C. Additional Procedural Rules

1. Recording of approvals.

a. Minor Subdivisions. When the Town Board determines to approve a Minor Subdivision, the Secretary or Clerk of the Town Board shall certify the approval on the face of a certified survey map in a space provided for that purpose by the maker of the map. A copy of the map with the signed certificate shall be sent to the County Zoning Administrator.

b. Major Subdivisions; 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.

c. Major Subdivisions; Final Plats. When the Town Board determines to approve a final plat of a Major Subdivision, the secretary or clerk of the Town Board shall certify approval on the face of the plat in the space provided for that purpose by the maker of the map. A copy of the plat with the signed certificate shall be sent to the County Zoning Administrator.

2. Conditions of Approval

The Planning Commission may impose conditions upon its approval of a subdivision, provided that such conditions shall be stated in writing and given to the applicant and shall be limited to the required compliance of the 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 Planning Commission determines to disapprove a Subdivision it shall place a 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 5 (a) thru (c) of this ordinance may be extended by agreement with the applicant. The County Zoning Administrator shall be promptly notified of any such extensions.

5. Failure to Act Within Time Period

The failure of the Planning Commission to act within the time periods specified shall be deemed an approval of the application, unless said time period had been extended as provided therein. Upon written request by the applicant, the Clerk or Secretary of the Planning Commission 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 Planning Commission to approve a Subdivision may appeal the rejection to the courts as provided in the Wisconsin Statutes.

SECTION 6 – Subdivision Standards

A. Statement of Intent

Section 6 of this Ordinance contains standards for selected aspects of land subdivisions. 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 subdivisions than are addressed by the standards of Section 6 of this Ordinance, where the standards of Section 6 are more restrictive than the 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

land subdivision which are not addressed by standards of this Town Ordinance, the County Standards shall apply.

B. Suitability of Lands for Subdivision

No land shall be subdivided which is held unsuitable for its proposed use by the Planning Commission for reasons of flooding, inadequate drainage, adverse soil or rock formation, sewer erosion potential, unfavorable topography, inadequate water 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 subdivision or the community.

1. Buildable area is land suitable for the placement and construction of a dwelling, accessory buildings, a well and waste water treatment facilities, in total without restriction from:
 - a) Slopes of 20 percent or more, or slopes of 12 percent or more on highly erodible soils where evidence of erosion already exists;
 - b) Bedrock outcroppings, sink holes or closed depressions; and
 - c) Wetlands, natural drainageways or shorelands.
2. Each lot, parcel or tract created for the purpose of erecting a residential building or structure shall have a minimum of one-half acre of contiguous buildable area.
3. No more than fifty (50) percent of the contiguous buildable area may lie in the front, rear or side setbacks.
4. On-site wastewater treatment drainfields or mound systems may be placed on buildable areas other than the designated contiguous buildable area in cases where it can be demonstrated that such placement would minimize overall site disturbance and would not create a negative environmental impact.

C. Minimum Lot Standards

1. The size, shape and orientation of all lots shall be appropriate to the uses intended.
2. All buildings, structures or improvements on any lot shall be set back the following distances from the existing lot line: **a) Lots of 1.0 acre or less:** at least twenty-five (25) feet. **b) Lots of 2.5 acres or more:** at least seventy-five (75) feet.

3. In addition to containing sufficient area to satisfy all applicable setbacks, minimum width, and sanitary requirements for the uses intended, and to satisfy applicable zoning standards, all lots shall conform to the following minimum area requirements:

4. Minimum Lot Sizes

a. Lots with Private Sewer Systems (one sewer system per building).

1. Subdivisions of 20 acres or less require a 5.0 acre minimum lot size per dwelling unit.

2. Subdivisions of greater than 20 acres require an average lot size of 5.0 acres per dwelling unit with a minimum of 2.5 acres per dwelling unit. This average would be applied to the total acreage being divided at one time.

a. To insure that any future division of a lot does not create average lot sizes of less than 5 acres per dwelling unit from the land originally subdivided, the following procedure will be used: When the 5 acre average calculation is used on a subdivision, any lot of 5 acres or greater will be noted at the time of the division on the land map by the maker of the map as to whether the lot is dividable in the future or not. Lots dividable will be identified: “ **DIVIDABLE #** ” to indicate the maximum number of future lots possible out of that particular lot. Lots indicated “ **UNDIVIDABLE** ”, regardless of their total acreage would not be eligible for future division.

b. Lots connecting to the existing Forest Sanitary District (*Forest Sewer System*).

Such lots will require a 1.0 acre minimum lot size per dwelling unit. Connections to the Forest Sanitary District must be authorized by the Town Board and be based on a comprehensive inspection and approval by an engineer hired for such purpose before any additional connections are permitted.

This sewer inspection must determine the system’s total capacity and any improvements required prior to authorization of additional connections. The Town Board will determine the allocation of inspection costs, and improvement costs, if any, to be paid by the requesting party prior to authorizing the inspection and improvements of the existing Forest Sewer System.

c. Land adjacent to existing Forest Sewer System

In order to provide for an orderly growth of the area adjacent to the existing Forest Sewer System, and preserve the area for higher density use, any subdivision within 1,500 feet of the Forest Sewer System's physical pump station is limited to a maximum of 1 acre dwelling size unless otherwise approved by the Town Board.

5. The suggested minimum length to width ratio of a lot in its final state will be in a ratio of 3 to 1; length to width.
6. No lot in a Subdivision shall be located within one thousand (1000) feet of any property used as an approved refuse or garbage dump.

D. Approved Structures

Single Family A single-family structure is 1 building, requiring 1 tax parcel, with 1 dwelling unit.

Duplex A Duplex structure is 1 building, requiring 1 tax parcel, with sewer and water suitable for 2 dwelling units.

Twin Home A Twin Home structure is 1 building, requiring 2 tax parcels, for 2 dwelling units, requiring document approval by the Town Board of a shared wall and lot line agreement (including appropriate covenants).

E. Multi-family Structures Multi-family structures with 3 or more dwelling units must be located adjacent to, and connect to the existing or improved Forest Public Sewer System.

F. Road and Access Standards.

1. Each lot in a Subdivision shall have useable access to a street or road that connects the lot to an existing public street, road or highway. Said access shall meet the minimum specifications as set by St. Croix County and the Town of Forest (Forest Minimum Road Construction Standards).
2. All streets or roads which are proposed to be established within the 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 Sec. 86 of the Wisconsin Statutes.

3. 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 Sec. 86 of the Wisconsin Statutes as to roadway width or specified in (Forest Minimum Road Construction Standards).
4. The Town Board shall specify the requirements to be met as to street signs, street lights, culvert posts and guardrails, with the cost of such lights, signs, posts or rails, if any determined, to be paid by the subdivider.
5. The requirements of Paragraphs 2 through 4 above shall apply to all streets and roads specified in Paragraph 1 above. At the time of application to the Planning Commission for approval of a subdivision, the applicant shall identify the accesses, streets and roads within the subdivision which meet the definition of Paragraph 1 and shall submit a schedule for the required construction and surfacing identifying the accesses, streets and roads and the approximate timing of the required construction in relation to the final approval. The Planning Commission shall review this schedule. The schedule of access, 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 Planning Commission's approval of the subdivision. A financial guarantee, as specified in Section 7, shall be required to assure that construction will occur according to the approved schedule.
6. All roads and streets identified in the above Paragraph 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 Sec. 236 of the Wisconsin statutes.
7. Developers shall be required, at their expense, to install base and sub-base for each residential driveway from the edge of the proposed

roadway to the lot line of each lot according to Forest Minimum Road Construction Standards. All driveways shall be located as designated on the approved final plat unless unforeseen problems may require placement in another location in which case the new location would require Town Board approval. If a culvert is required for proper drainage, a steel culvert of appropriate size shall be installed by the developer at the developer's expense.

8. All roads and streets constructed which do not meet the (Forest Minimum Road Construction Standards), will be required to meet such standards prior to any lot sale. The financial guarantee defined in Section 7 may provide monetarily for any deficiencies in this area and meet this requirement to allow the sale of lots.

G. Storm Sewers and Sanitary Water.

1. 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, and any cost of such a system, if required, shall be borne by the subdivider.
2. The Town Board shall determine with the assistance of an engineer hired for such purpose, if necessary, whether a sanitary water system shall be required.

H. Central Sanitary Sewage Collection Systems

1. The Town Board may consider Central Sanitary Sewage Collection Systems having the approval of and meet all the standards of regulating State of Wisconsin and St. Croix county agencies. Any cost of such a system, if approved, will be borne by the subdivider.

- I. Consideration shall be given in the design of any subdivision to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourses, watersheds and ravines.

SECTION 7 – 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 Forest, 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 Board for such purpose to amply cover the cost of completing said facilities and improvements. The subdivider shall bear all costs of the engineer, and such guarantee shall be in effect for the duration of the time the performance is required.

SECTION 8 – Engineer's 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 Forest. All costs and expenses incurred regarding hiring of such engineer by the Town Board shall be borne by the subdivider.

SECTION 9 – Easements

The Town Board may require easements of width deemed adequate for electric power and communication facilities, storm and sanitary sewers, streets, roads, trees and gas, water or other utility lines. Where such easements are specifically located in the area being subdivided, they shall be so placed as to not interfere unreasonably with the use and enjoyment of the property for residential or other purposes. All easements shall be noted on the final plat filed by reference to the intended use.

SECTION 10 – Definitions

Definitions as to key words and phrases in this Ordinance shall be as defined in current St. Croix County Zoning Ordinance, unless otherwise defined in this Ordinance.

SECTION 11 – Variances

A. The Planning Commission may grant variances from the provisions of this Ordinance, but only after determining that:

1. Because of the unique conditions of the Subdivision involved, literal application of the Ordinance would impose exceptional and undue hardship;
2. The variance would not violate the purpose of this Ordinance or the provisions of Chapter 236 of Wisconsin Statutes.

B. The requirement of filing and recording a plat for subdivision shall not be waived.

SECTION 12 – 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 \$500.00 nor more than \$1,000.00 plus the costs of prosecution of these allegations. 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 13 – 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 14 – Effective Date

This Ordinance shall ~~become effective on~~ *take effect upon*

passage and publication as provided by law.

Adopted this 13th day of February, 2003.

Town of Forest

Leon Helgeson, Town Chairman

Terri Swanepod, Clerk

Voted For: 3

Voted Against: 0

Date Published:

2-19-2003