

TITLE 14

Subdivision and Platting

Chapter 1

Land Division and Subdivision Code

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Land Division and Subdivision Code

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Article A: Adoption; Introduction

Sec. 14-1-1 Introduction and Purpose.

- (a) **Introduction.** In accordance with the authority granted by Sec. 236.45 of the Wisconsin Statutes and for the purposes listed in Sections 236.01 and 236.45 of the Wisconsin Statutes, the Town Board of the Town of Warren, St. Croix County, Wisconsin, does hereby ordain as follows:
- (1) The provisions of this Chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Town of Warren.
 - (2) This Chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.
- (b) **Statement of Purpose.** The primary purpose of this Chapter is to regulate and control land division within the Town of Warren to achieve the following goals:
- (1) To implement the policies of the Comprehensive Plan of the Town of Warren.
 - (2) To allow limited subdivision of land for residential uses while encouraging continued agricultural use of prime farmland.
 - (3) To encourage the use of conservation design in major subdivisions to preserve open space, protect rural character, and allow compatible agricultural uses.
 - (4) To encourage the use of shared drives and internal roads rather than multiple lots and driveway accesses along road frontages, in order to maintain rural vistas and avoid potential safety problems.
 - (5) To preserve the right to farm, including large-scale agricultural practices and smaller, more intensive or specialty agricultural practices.
 - (6) To preserve and protect the drinking water aquifers in the Town of Warren from further degradation through the infiltration of nitrates for the health and welfare of present and future Town residents.

State Law Reference: Chapter 236, Wis. Stats.

Sec. 14-1-2 Abrogation and Greater Restrictions.

It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

Sec. 14-1-3 Interpretation.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town of Warren and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

Sec. 14-1-4 Severability.

If any provision of this Chapter is invalid or unconstitutional, or if the application of this Chapter to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Chapter which can be given effect without the invalid or unconstitutional provision or application.

Sec. 14-1-5 Repeal.

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Chapter, to the extent of the inconsistency only, are hereby repealed.

Sec. 14-1-6 Title.

This Chapter shall be known as, referred to, or cited as the "Town of Warren Subdivision Ordinance" or "Town of Warren Land Division and Subdivision Ordinance."

Sec. 14-1-7 through Sec. 14-1-9 Reserved for Future Use.

Sec. 14-1-10 Definitions.

(a) The following definitions shall be applicable in this Chapter:

- (1) **Affordable Housing.** Housing now available to low- and moderate-income households paying no more than thirty percent (30%) of household income for such housing. As defined by the U.S. Department of Housing and Urban Development, low-income households are those with incomes between fifty percent (50%) and eighty percent (80%) of the area median household income. Moderate-income households have incomes between eighty percent (80%) and ninety-five percent (95%) of the area median household income.
- (2) **Block.** An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or water bodies.
- (3) **Certified Survey Map (C.S.M.).** A map showing a division of land prepared in accordance with Sec. 236.34, Wis. Stats., and Section 14-1-42 of this Chapter. See also "Subdivision, Minor".
- (4) **Common System ("POWTS").** A Private Onsite Wastewater Treatment System (POWTS) serving more than two (2) dwelling units in a major subdivision.
- (5) **Comprehensive Development Plan.** A comprehensive plan prepared by the Town indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the Town and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
- (6) **Conservation Design Development.** Unified and planned development of clustered residential uses that are designed and located to reduce the perceived density of development while providing privacy for dwellings, to incorporate large areas of permanently protected open space, to protect natural resources and rural character, and to allow for continuation of agricultural uses in appropriate areas.
- (7) **Conservation Easement.** As provided in Section 700.40, Wis. Stats., a holder's nonpossessory interest in real property imposing any limitation or affirmative obligation the purpose of which includes retaining or protecting natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, preserving a burial site, as defined in Section 157.70(1)(b), Wis. Stats., or preserving the historical, architectural, archaeological or cultural aspects of real property.
- (8) **Developer's Agreement.** An agreement between the Town, alone or with other governmental units with jurisdiction, and the owners or subdividers of property within

the Town regarding the subdivision or subsequent development and use of said property.

- (9) **Cul-de-sac.** A short street having but one (1) end open to traffic and the other end being permanently terminated in a vehicular turnaround.
- (10) **Division of Land.** A subdivision, minor subdivision, major subdivision, re-subdivision, replat or parcel add-on.
- (11) **Easement.** The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.
- (12) **Extraterritorial Plat Approval Jurisdiction.** The unincorporated area within one and one-half (1-1/2) miles of a fourth-class city or a village and within three (3) miles of all other cities.
- (13) **Final Plat.** Shall be as described in Sec. 236.20, Wis. Stats.
- (14) **Frontage Street.** A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (15) **Improvement, Public.** Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.
- (16) **Lot.** A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter and any applicable zoning ordinance.
- (17) **Lot, Area.** The area contained within the exterior boundaries of a lot excluding streets, and land under navigable bodies of water.
- (18) **Lot, Corner.** A lot abutting intersecting streets at their intersection.
- (19) **Lot, Reversed Corner.** A corner lot which is oriented so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
- (20) **Lot, Through.** A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a "through lot," both street lines shall be deemed front lot lines.
- (21) **Lot Lines.** The peripheral boundaries of a lot as defined herein.
- (22) **Lot Width.** The average length of four (4) lines running parallel to the public road and dividing the lot into four (4) approximate equal parcels.
- (23) **Open Space.** Land within a conservation design development that is dedicated and permanently restricted by conservation easement as undeveloped acreage to provide walking paths, wildlife habitat, parks, farmland, buffer areas, and similar undeveloped areas.
- (24) **Owner.** Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these.

- (25) **Pedestrian Pathway.** A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.
- (26) **Plan Commission.** The Town of Warren Plan Commission.
- (27) **Plat.** A map of a subdivision.
- (28) **Preliminary Plat.** A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.
- (29) **Protective Covenants.** Contracts entered into between private parties or between private parties and public bodies pursuant to Sec. 236.293, Wis. Stats., which constitute a restriction on the use of all private or platted property within a subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
- (30) **Replat.** The process of changing, or a 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.
- (31) **Shorelands.** Those lands within the following distances: one thousand (1,000) feet from the high-water elevation of navigable waters, ponds and flowages or three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.
- (32) **Street/Road Classifications.** Streets and roads in the Town of Warren shall be as defined and classified pursuant to Section 17.60(3) of the St. Croix County Code of Ordinances.
- (33) **Subdivider.** Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.
- (34) **Subdivisions, Major.** The division of a lot, outlot, parcel, or tract of land by the owner thereof or his/her agent for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of thirty-five (35) acres or less in area from a parcel that existed five (5) years prior to the date of application, or where the act of division creates five (5) or more parcels or building sites by successive division within a period of five (5) years, whether done by the original owner or a successor owner.
- (35) **Subdivision, Minor.** The division of land by the owner or subdivider resulting in the creation of four (4) or less lots, parcels or building sites from a parcel that existed five (5) years prior to the date of application.
- (36) **Town.** The Town of Warren, St. Croix County, Wisconsin.
- (37) **Town Board.** The Town Board of the Town of Warren, St. Croix County, Wisconsin.
- (38) **Town Engineer.** An engineer contracted with or hired by the Town for the purpose of development review and such other responsibilities as the Town Board may determine.

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- (39) **Wetlands.** An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. (Sec. 23.32(1), Wis. Stats.)
- (40) **Wisconsin Administrative Code.** The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by Sec. 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.
- (41) **Yield Plan.** A method for determining the number of allowable dwelling units and related lots for a conservation design subdivision, as prescribed by Sec. 13.2(c)(3) of the St. Croix County Code of Ordinances.

Sec. 14-1-11 through Sec. 14-1-19 Reserved for Future Use.

Article C: General Provisions

Sec. 14-1-20 General Provisions.

- (a) **Types of Land Division.** Pursuant to Ch. 236, Wis. Stats., and this Chapter, land divisions may be created by:
- (1) Subdivision, following approval of preliminary and final plats; or
 - (2) Certified survey map, sometimes referred to as a "minor subdivision".
- (b) **Compliance With Other Regulations.** No person shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division or a replat as defined herein; no such subdivision, land division or replat shall be entitled to record; and no street shall be laid out or improvements made to land without compliance with all requirements of this Chapter and the following (if applicable and/or when adopted):
- (1) The provisions of Ch. 236 and Sec. 80.08, Wis. Stats.
 - (2) The rules of the Division of Health, Wisconsin Department of Commerce, contained in Wis. Adm. Code Chapter H85 for subdivisions not served by public sewer.
 - (3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Adm. Code Chapter HY 33 for subdivisions which abut a state trunk highway or connecting street.
 - (4) The rules of the Wisconsin Department of Natural Resources contained in the Wis. Adm. Code for Floodplain Management Program.
 - (5) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Town Board.
 - (6) All applicable Town and county regulations, including zoning, sanitary, building and official mapping ordinances.
 - (7) The Town of Warren Master Plan, Smart Growth Plan, or components thereof, and applicable ordinances of any city or village whose extraterritorial jurisdiction extends into the Town.
 - (8) Applicable provisions of the Zoning Code(s) applicable in the Town of Warren.
 - (9) All applicable rules contained in the Wisconsin Administrative Code not listed in this Subsection.
- (c) **St. Croix County Land Division Ordinance Provisions; Amendments.** Specific provisions of the St. Croix County Land Division Ordinance are cited and cross-referenced in places in this Chapter, and such County provisions are incorporated herein by reference. When a St. Croix County ordinance cross-referenced in this Chapter is amended, that amendment shall be effective in the Town of Warren only to the extent such amendment is more restrictive than an existing Town of Warren ordinance. Such amendments shall also be effective in the Town of Warren to the extent that the Town ordinance is silent as to the subject matter of the County ordinance amendment. If an existing Town of Warren

ordinance is more restrictive than the amended St. Croix County ordinance, then the Town of Warren ordinance shall remain in full force and effect.

- (d) **Jurisdiction.** Jurisdiction of these regulations shall include all lands within the corporate limits of the Town of Warren. The provisions of this Chapter, as they apply to all land divisions, shall not apply to:
 - (1) Transfers of interests in land by will or pursuant to court order;
 - (2) Leases for a term not to exceed ten (10) years, mortgages or easements;
 - (3) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by applicable zoning laws or ordinances.
 - (4) Cemetery plats made under Sec. 157.07, Wis. Stats.
 - (5) Assessor's plats made under Sec. 70.27, Wis. Stats.
- (e) **Certified Survey.** Any division of land other than a subdivision as defined in Sec. 236.02(8), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in Sec. 236.34, Wis. Stats.
- (f) **Sale of Lots/Issuance of Building Permits.** No lots shall be sold and no building permits issued until all improvements identified in the plat, certified survey map and/or developer's agreement applicable to the lot in question have been completed, inspected and approved, final plat approval has been given, and the final plat is recorded in the Register of Deeds Office for St. Croix County.
- (g) **Applicability to Condominiums.** This Chapter is expressly applicable to condominium developments within the Town's jurisdiction, pursuant to Section 703.27(1), Wis. Stats. For purposes of this Chapter, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision.

Sec. 14-1-21 Land Suitability.

- (a) **Suitability.** No land shall be subdivided for residential, commercial or industrial use which is held unsuitable for such use by the Town Board for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. The Town Board, in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for residential use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he/she so desires. Thereafter the Town Board may affirm, modify, or withdraw its determination of unsuitability.
- (b) **Additional Considerations.**
 - (1) Areas of archaeological and/or historical interest shall be designated by the State Historical Society.

- (2) Areas of geological interest shall be designated by the State Geological and Natural History Survey.
- (3) Suitability of land for private sewerage systems shall be determined in accordance with Ch. COMM 83, Wis. Adm. Code and Chapter 12, Sanitary Code of the St. Croix County Code of Ordinances.

Sec. 14-1-22 Condominium Developments.

(a) Purpose.

- (1) The Town Board hereby finds that certain issues arise in condominium developments that require limited applicability of this Chapter to condominium developments. The State Legislature has recognized that subdivision ordinances may apply to condominiums, but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.
- (2) The factor that makes this Chapter applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate "parcels", with each property entity having different ownership and management. The Town determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management and control.
- (3) Thus, the Town Board hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:
 - a. Additional population density;
 - b. Possibility of use of particular land in a manner unsuitable to the land's characteristics;
 - c. Additional demands upon Town area parks, recreation areas, utility facilities and schools;
 - d. Additional traffic and street use.

(b) Portions of Chapter Applicable to Condominium Developments. The following sections of this Chapter shall apply to condominium developments:

- (1) Sections 14-1-21, relating to land suitability and construction practices;
- (2) Sections 14-1-30 through 14-1-32, relating to concept and preliminary plat approval. This stage of approval shall be the only approval required for a condominium development. The technical requirements for preliminary plats set forth in Section 14-1-40 shall not apply, since condominiums have separate technical standards set forth in Chapter 703, Wis. Stats.
- (3) Section 14-1-90, relating to fees for review;

- (4) Article F, relating to required improvements;
- (5) Article G, relating to design standards for improvements;
- (6) Article H, relating to dedication requirements.
- (c) This Section shall not apply to the following condominiums:
 - (1) Any condominium plat recorded prior to the effective date of this Chapter;
 - (2) Any conversion of a structure or structures in existence on the effective date of this Chapter to a condominium after the effective date of this Chapter.

Sec. 14-1-23 Homeowner, Property Owner or Condominium Associations; Common Areas and Facilities.

Common areas or facilities within a land division, subdivision or condominium shall be held in common ownership as undivided proportionate interests by the members of a homeowners, property owners or condominium association, subject to the provisions set forth herein and applicable provisions contained in any pertinent development agreement and deed restriction. Included within the definition of, but not limited to, "common areas or facilities" are: common area open space, conservancy and recreation areas; stormwater detention/retention facilities; and shared community private septic systems. The homeowners, property owners or condominium association shall be governed by the following:

- (a) **Documents To Be Submitted.** The subdivider shall provide the Town with a description of the homeowners, property owners or condominium association, including its bylaws, and all documents and restrictive covenants governing maintenance requirements and use restrictions for common areas and facilities. These documents shall be subject to review as to form by the Town Attorney at the subdivider's expense. The documents required by this Section shall be filed with the Town at the time of preliminary plat submittal.
- (b) **Timetable For Creation.** The association shall be established by the owner or applicant of the land division/condominium, and such association shall be operating prior to the sale of any lots or units in the subdivision, land division or condominium.
- (c) **Mandatory Membership.** Membership in the association shall be mandatory and on-going for all purchasers of lots or units within the subdivision, land division or condominium and their successors and assigns.
- (d) **Maintenance Responsibilities.**
 - (1) The association shall be responsible for maintenance of and insurance for common areas and facilities. Included in such responsibilities is on-going maintenance of any stormwater detention/retention system facilities or shared community private septic system for that subdivision or condominium, pursuant to a maintenance plan approved by the Town and incorporated in the development agreement; such requirement is only inapplicable where the Town has expressly determined to have, in the alternative, the Town maintain such facilities and areas.

- (2) The members of the association shall share equitably the costs of maintaining, insuring, and operating common areas and facilities. The subdivider shall arrange with the Town a method of assessment of any common areas and facilities which will allocate to each lot, parcel or unit within the land division or condominium a share of the total assessment of costs for such common areas and facilities; the services of the Town Assessor or Town Engineer may be utilized in developing such methodology, at the subdivider's expense.
- (3) Common open spaces in conservation subdivisions are governed additionally by Section 14-1-71.
- (e) **Plan For Natural Areas.** A land stewardship plan for any common open space to be maintained in, or restored to, a natural state shall be included in the submittal of association documents, consistent with the requirements of Section 14-1-71 as applicable.
- (f) **Notice Of Transfer Of Common Areas.** The Town shall receive written notice of any proposed transfer of common areas or facilities by the association or the assumption of maintenance of common areas or facilities. Such notice shall be given by the association to all members of the association and the Town at least thirty (30) days prior to such transfer.
- (g) **Failure To Maintain.** In the event that the association established to own and maintain common areas and facilities, or any successor organization thereto, fails to properly maintain all or any portion of the aforesaid common areas or facilities, the Town may serve written notice upon such association setting forth the manner in which the association has failed to maintain the aforesaid common areas and facilities. Such notice shall set forth the nature of corrections or maintenance required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the association, or any successor association, shall be considered in violation of this Chapter, in which case the Town shall have the right to enter the premise and take the needed corrective or maintenance actions. The costs of corrective or maintenance actions by the Town shall be assessed against the properties that have the right of enjoyment of and/or are served by the common areas and facilities.

Cross-Reference: Sections 14-1-59, 14-1-71 and 14-1-74(f).

Sec. 14-1-24 through Sec. 14-1-29 Reserved for Future Use.

Article D: Plat Review and Approval

Sec. 14-1-30 Preliminary Consultation.

Concept plan submittals and review procedures shall be as specified in Section 13.2(A) of the St. Croix County Code of Ordinances. Submittals required under that section shall also be submitted to the Town of Warren for review and comment. The Town Board may require submission of additional data or detail it deems necessary to evaluate the proposed development.

Sec. 14-1-31 Submission of Preliminary Plat.

Preliminary plat application requirements shall be as specified in Section 13.2(B) and (C) of the St. Croix County Code of Ordinances. Ten (10) copies of the submittals required under that section shall be submitted to the Town of Warren for review and approval. The Town Board may require submission of additional data or detail it deems necessary to evaluate the proposed development. If required plans and specifications are incomplete or deficient as required by this Chapter, such materials shall be returned without review and prejudice and official review shall not commence until such deficiencies are corrected.

Sec. 14-1-32 Preliminary Plat Review and Approval.

(a) **Plan Commission Recommendation.**

- (1) After review of the Preliminary Plat and negotiations with the subdivider on changes and the kind and extent of public improvements which will be required, the Plan Commission shall recommend to the Town Board disapproval, approval or conditional approval of the Preliminary Plat within forty-five (45) days of the filing date. [Note: Sec. 236.11(1)(a), Wis. Stats., states that extensions of time or a decision to hold a matter in abeyance may only be made by agreement between the subdivider and Town Board, not the Plan Commission.]
- (2) The Town Clerk-Treasurer shall give notice of the Plan Commission's review of the Preliminary Plat by listing it as an agenda item in the Commission's meeting notice published in the official Town newspaper or legally posted. The notice shall include the name of the applicant, the location of the property in question and the requested action.

- (b) **Town Board Review.** The Town Clerk-Treasurer shall give notice of the Town Board's review and consideration of the Preliminary Plat by listing it as an agenda item in the Town Board's meeting notice published in the official Town newspaper or legally posted. The

notice shall include the name of the applicant, the address of the property in question and the requested action. Property owners within two hundred (200) feet of the proposed land division shall receive written notice of the public hearing.

- (c) **Town Board Action.** After receipt of the Plan Commission's recommendation, the Town Board shall, within ninety (90) days of the date the plat was filed with the Town Clerk-Treasurer, approve, approve conditionally or reject such plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the Town Board to act within ninety (90) days or extension thereof shall constitute an approval of the Preliminary Plat, unless other authorized agencies object to the plat. The Town Clerk-Treasurer shall communicate to the subdivider the action of the Town Board. If the plat is approved, the Town Clerk-Treasurer shall endorse it for the Town Board.
- (d) **Effect of Preliminary Plat Approval.** Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat if inconsistent with the Preliminary Plat, except that if the Final Plat is submitted within twenty-four (24) months of Preliminary Plat approval and conforms substantially to the Preliminary Plat layout, the Final Plat shall be entitled to approval with respect to such layout. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat, which will be subject to further consideration by the Plan Commission and Town Board at the time of its submission.
- (e) **Preliminary Plat Amendment.** Should the subdivider desire to amend the Preliminary Plat as approved, he/she may resubmit the amended plat which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the Town Board, of such scope as to constitute a new plat, in which such case it shall be refiled.

Sec. 14-1-33 Submission of Final Plat.

Final plat application requirements shall be as specified in Section 13.4(A)(1), (2) and (3) of the St. Croix County Code of Ordinances. Ten (10) copies of the submittals required under that section shall be submitted to the Town of Warren for review and approval. The Town Board may require submission of additional data or detail it deems necessary to evaluate the proposed development.

Sec. 14-1-34 Final Plat Review and Approval.

- (a) **Referral to Other Agencies.** The Town Clerk-Treasurer shall refer two (2) copies of the Final Plat to the Plan Commission, one (1) copy to the Town Engineer, and a copy each to the telephone and power and other utility companies. The abstract of title or title report

may be referred to the Town Attorney for his/her examination and report. The Town Clerk-Treasurer shall also refer the final plans and specifications of public improvements to the Town Engineer for review. The recommendations of the Plan Commission and Town Engineer shall be made within forty-five (45) days of the filing of the Final Plat. The Town Engineer shall examine the plat or map and final plans and specifications of public improvements for technical details and, if he/she finds them satisfactory, shall so certify in writing to the Plan Commission. If the plat or map or the plans and specifications are not satisfactory, the Town Engineer shall return them to the owner and so advise the Plan Commission.

(b) **Plan Commission Review.**

- (1) The Town Clerk-Treasurer shall give notice of the Plan Commission's review of the Final Plat by listing it as an agenda item on the Plan Commission's meeting notice published in the official Town newspaper or legally posted.
- (2) The Plan Commission shall examine the Final Plat as to its conformance with the approved Preliminary Plat, any conditions of approval of the Preliminary Plat, this Chapter and all applicable ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval, conditional approval or rejection of the Plat to the Town Board.
- (3) If the Final Plat is not submitted within twenty-four (24) months of the last-required approval of the Preliminary Plat, the Town Board may refuse to approve the Final Plat.
- (4) The Plan Commission shall, within thirty (30) days of the date of filing of the Final Plat with the Town Clerk-Treasurer, recommend approval, conditional approval or rejection of the Plat and shall transmit the Final Plat and application along with its recommendations to the Town Board. Provided the time limits in Subsection (c) below are complied with, the Plan Commission may hold the matter in abeyance if there is incomplete or inadequate information.

(c) **Board Action.**

- (1) The Town Clerk-Treasurer shall give notice of the Town Board's review and consideration of the Final Plat by listing it as an agenda item in the Town Board's meeting notice published in the official Town newspaper or legally posted.
- (2) The Town Board shall, within ninety (90) days of the date of filing the original Final Plat with the Town Clerk-Treasurer, approve or reject such Plat unless the time is extended by agreement with the subdivider. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider.
- (3) The Town Board shall, when it determines to approve a Final Plat, give at least ten (10) days' prior written notice of its intention to the Municipal Clerk of any municipality within one thousand (1,000) feet of the Final Plat.
- (4) Failure of the Town Board to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.

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- (5) After the Final Plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk-Treasurer shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the subdivider for recording with the county register of deeds. The register of deeds cannot record the Plat unless it is offered within six (6) months from the date of last approval.
- (6) The subdivider shall file eight (8) copies of the Final Plat with the Town Clerk-Treasurer for distribution to the approving agencies, affected utility districts, and other affected agencies for their files.
- (d) **Partial Platting.** The Final Plat may, if permitted by the Town Board, constitute only that portion of the approved Preliminary Plat which the subdivider proposes to record at the time.

Sec. 14-1-35 Replat.

- (a) Except as provided in Section 70.27(1), Wis. Stats., when it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. The subdivider or person wishing to replat shall then proceed, using the procedures for Preliminary and Final Plats.
- (b) The Town Clerk-Treasurer shall schedule a public hearing before the Town Board when a Preliminary Plat of a replat of lands within the Town is filed, and shall cause notices of the proposed Replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed Replat and to the owners of all properties within two hundred (200) feet of the exterior boundaries of the proposed Replat.
- (c) Where lots are more than double the minimum size required for the applicable zoning district, the Town Board may require that such lots be arranged so as to allow resubdivision of such parcels into normal lots in accordance with the provisions of the Chapter.

Sec. 14-1-36 through Sec. 14-1-39 Reserved for Future Use.

Article E: **Technical Requirements for Plats and
Certified Survey Maps; Certified Survey Map
Approval Process**

Sec. 14-1-40 Technical Requirements for Preliminary Plats.

Preliminary Plats shall satisfy the technical requirements of Sec. 13.2(B) and (C) of the St. Croix County Code of Ordinances.

Sec. 14-1-41 Technical Requirements for Final Plats.

Final Plats shall satisfy the technical requirements of Sec. 13.4(A)(1), (2) and (3) of the St. Croix County Code of Ordinances.

**Sec. 14-1-42 Technical Requirements for Certified Survey Map
Land Divisions; Review and Approval.**

(a) **Certified Survey Requirements.**

- (1) For any land division creating up to four (4) parcels or lots of thirty-five (35) acres or less in size, such certified survey map (minor subdivision) shall not contain more than four (4) parcels or lots which are thirty-five (35) acres each or less, or lots within a recorded subdivision plat without changing the exterior boundaries of the block, lot or outlot, the subdivider shall subdivide by use of a certified survey map, prepared in accordance with Section 236.34, Wis. Stats., and this Chapter.
- (2) The application for a minor subdivision by certified survey map shall show or identify the original parcel or lot of which the proposed subdivision was part of five (5) years prior to the date of application.
- (3) The fact that a proposed division by minor subdivision creates four (4) or fewer parcels or lots does not automatically create eligibility to employ the minor subdivision procedure if prior or concurrent division of the parcel, that existed five (5) years prior to the date of application, precludes additional divisions through the minor subdivision procedure.
- (4) Complete minor subdivision applications shall not be accepted until one (1) day after the date of eligibility, which is five (5) years after the recording of an applicable minor subdivision. (Example: A parcel has a minor subdivision recorded on February 1, 1999 and is eligible for subsequent minor subdivision application on February 2, 2004.)
- (5) One (1) existing lot split into two (2) lots is considered to be a one-lot subdivision relating to eligibility for a minor subdivision.

- (6) Each lot created by certified survey map shall be a minimum of two (2) acres in size.
- (b) **Technical Requirements.** Certified survey maps shall satisfy the technical requirements of Sec. 13.5(A)(2) of the St. Croix County Code of Ordinances. In addition, the Town of Warren may require additional application and technical information.
- (c) **Submission.** The subdivider shall file seven (7) copies of said certified survey map with the Town Clerk-Treasurer.
- (d) **Plan Commission Review and Recommendation.**
 - (1) After review of the certified survey map and negotiations with the subdivider on changes and the kind and extent of public improvements which will be required, the Plan Commission shall recommend to the Town Board disapproval, approval or conditional approval of the certified survey map within forty-five (45) days of the filing date. [Note: Sec. 236.11(1)(a), Wis. Stats., states that extensions of time or a decision to hold a matter in abeyance may only be made by agreement between the subdivider and Town Board, not the Plan Commission.]
 - (2) The Town Clerk-Treasurer shall give notice of the Plan Commission's review of the certified survey map by listing it as an agenda item in the Commission's meeting notice published in the official Town newspaper or legally posted. The notice shall include the name of the applicant, the address of the property in question and the requested action.
- (e) **Town Board Review.** The Town Clerk-Treasurer shall give notice of the Town Board's review and consideration of the certified survey map by listing it as an agenda item in the Town Board's meeting notice published in the official Town newspaper or legally posted. The notice shall include the name of the applicant, the address of the property in question and the requested action. Property owners within two hundred (200) feet of the proposed land division shall receive written notice of the public hearing.
- (f) **Town Board Action.** After receipt of the Plan Commission's recommendation, the Town Board shall, within ninety (90) days of the date the certified survey map was filed with the Town Clerk-Treasurer, approve, approve conditionally or reject such certified survey map and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the Town Board to act within ninety (90) days or extension thereof shall constitute an approval of the certified survey map, unless other authorized agencies object to the certified survey map. The Town Clerk-Treasurer shall communicate to the subdivider the action of the Town Board. If the certified survey map is approved, the Town Clerk-Treasurer shall endorse it for the Town Board.
- (g) **Additional Information.** The Certified Survey Map shall show correctly on its face, in addition to the information required by Sec. 13.5(A)(2) of the St. Croix County Code of Ordinances and Sec. 236.34, Wis. Stats., the following:
 - (1) **All Existing Buildings,** watercourses, drainage ditches and other features pertinent to proper division.

- (2) **Setbacks or Building Lines** required by the Town/County ordinances and specifically the pertinent Zoning Code.
- (3) **All Lands Reserved** for future acquisition.
- (4) **Date of the Map.**
- (5) **Graphic Scale.**
- (6) **Name and Address** of the owner, subdivider and surveyor.
- (7) **Square Footage** of each parcel.
- (8) **Present Zoning** for the parcels.
- (h) **Wisconsin Coordinate Reference System, St. Croix County.** The location of the Certified Survey Map shall be indicated by bearing and distance from a boundary line of a quarter section in which the subdivision is located. The monumentation at the ends of the boundary line shall be described and the bearing and distance between them shown.
- (i) **Certificates.** The surveyor shall certify on the face of the certified survey map that he/she has fully complied with all the provisions of this Chapter. The Town Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
- (j) **Street Dedication.** Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.
- (k) **Recordation.**
 - (1) The subdivider shall record the map with the St. Croix County Register of Deeds within thirty (30) days of its approval by the Town Board and any other approving agencies. Failure to do so shall necessitate a new review and reapproval of the map by the Town Board.
 - (2) Three (3) additional copies of the final approved map shall be forwarded to the Town of Warren. The volume and page number of the recording file shall be noted on the final approved map copies.
- (l) **Requirements.** To the extent reasonably practicable, the certified survey shall comply with the provisions of this Chapter relating to general requirements, design standards and required improvements. Conveyance by metes and bounds shall be prohibited where the lot(s) involved is less than one and one-half (1-1/2) acres or three hundred (300) feet in width.

Sec. 14-1-43 through Sec. 14-1-49 Reserved for Future Use.

Article F: Required Improvements

Sec. 14-1-50 Improvements Required.

- (a) **Required Improvements; County Standards.** The St. Croix County Land Division Ordinance is comprehensive in character, and addresses many improvements requirements not listed in this Chapter. Where improvements requirements are not specified in this Chapter, St. Croix County standards shall apply.
- (b) **Payment for Improvements.** The improvements prescribed in this Chapter are required as a condition of approval of a land division. The required improvements described in this Chapter shall be installed, furnished and financed at the sole expense of the subdivider. However, in the case of required improvements in a commercial or industrial area, the cost of such improvements may, at the sole discretion of the Town Board, be financed through special assessments or other financing arrangements permitted by state laws.
- (c) **General Standards.** The following required improvements in this Chapter shall be installed in accordance with the engineering standards and specifications which have been adopted by the Town Board. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good engineering practices, approved prior to the start of construction by the Town Engineer or Town Board.
- (d) **Use of Utility Districts.** The Town Board may effectuate the provision of needed services through the creation of Town utility districts pursuant to Sec. 66.0827, Wis. Stats., and Title 9, Ch. 2 of this Code of Ordinances.

Sec. 14-1-51 Required Agreement Providing for Proper Installation of Improvements.

- (a) **Developer's Agreement/Contract.** Prior to installation of any required improvements and prior to the meeting at which the Final Plat is approved, the subdivider shall enter into a written contract with the Town requiring the subdivider to furnish and construct said improvements at his/her sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for inspection of construction details by the Town Engineer or Town Board. The developer's agreement shall determine when the letter of credit or escrow amount will be released, and may contain provisions for periodic reduction in amounts held as work progresses, but always under terms that protect the Town's interests at the time. The specific language and terms of the developer's agreement are subject to the approval of the Town Attorney.
- (b) **Financial Guarantees; Town's Drawing on Security.**
 - (1) The developer's agreement shall require the subdivider to make an escrow deposit or in lieu thereof to furnish an irrevocable letter of credit equal to one hundred twenty-

five percent (125%) of the Town Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection. The agreement covering the escrow deposit or the specific language of the letter of credit shall be subject to the approval of the Town Attorney.

- (2) On request of the subdivider, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat, and in such event the amount of the escrow deposit or letter of credit may be reduced in a sum equal to the estimated cost of the improvements so completed prior to acceptance of the plat only. The amount of any reduction in an escrow account or letter of credit shall be at the sole discretion of the Town Board, upon the recommendation from the Town Engineer and Town Attorney. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider. The Town Board, at its option, may extend the escrow, deposit or letter of credit, period for additional periods not to exceed two (2) years each period.
- (3) The Town Board shall have the authority to draw upon the letter of credit or escrow account if at any time:
 - a. The developer is in default under this Chapter in any aspect of the developer's agreement with the Town of Warren; or
 - b. The developer does not complete the installation of improvements within the time established in the developer's agreement, unless otherwise extended by agreement or action of the Town Board; or
 - c. The letter of credit on file with the Town is dated to expire in the next sixty (60) days and has not been extended, renewed or replaced or the escrow deposit is seventy-five (75%) exhausted; or
 - d. The developer otherwise fails to maintain the letter of credit in the amount approved by the Town Engineer and agreed to in the developer's agreement.
- (4) The time for completion of the work and the several parts thereof shall be determined by the Town Board upon recommendation of the Town Engineer after consultation with the subdivider. The completion date shall be a component of the contract.
- (5) The subdivider shall pay the Town for all costs incurred by the Town for review and inspection of the subdivision. This would include review, and preparation at the Town Board's discretion, of plans and specifications by the Town Engineer, Planner, and Attorney, as well as other costs of a similar nature.
- (6) If the subdivider and the individual or entity holding title to the property on which the development is to occur are different entities or individuals, then both shall sign the development contract. If either or both the subdivider or titleholder to the development property are a corporate or legal entity, then all of the owners of that entity (or entities if both the subdivider and the title holder are legal entities) shall sign the development contract on behalf of the corporate or legal entity and in their individual capacities.

Sec. 14-1-52 Required Construction Plans; Town Review; Inspections.

- (a) **Engineering Reports, Construction Plans and Specifications.** The Town Board will make an independent review of the plans, specifications and engineering reports submitted to St. Croix County, and the Town may require additional information as it deems necessary. As required by Section 13.2(B) and (C) of the St. Croix County Code of Ordinances, general engineering reports, plans and proposed specifications shall be submitted simultaneously with the filing of the Preliminary Plat. At the Final Plat stage, detailed construction plans for the required improvements conforming in all respects with the standards of the Town Engineer and the ordinances of the Town shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Wisconsin, and said plans shall contain his/her seal. Such plans, together with the quantities of construction items, shall be submitted to the Town Board or Town Engineer for their approval and for their estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. Simultaneously with the filing of the Final Plat with the Town Clerk-Treasurer, or as soon thereafter as practicable, copies of the construction plans and specifications, where applicable, shall be furnished for the following public improvements, with a copy sent to the appropriate utility district, if involved:
- (1) **Street Plans and Profiles** showing existing and proposed grades, elevations and cross sections of required improvements.
 - (2) **Storm Water and Open Channel** plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
 - (3) **Erosion and Sedimentation Control** plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with the County's or Town's Erosion Control Ordinance.
 - (4) **Planting Plans** showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
 - (5) **Additional** special plans or information as required by Town officials.
- (b) **Action by the Town Engineer.** The Town Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Chapter and other pertinent Town ordinances and design standards recommended by the Town Engineer and approved by the Town Board. If the Town Engineer rejects the plans and specifications, he/she shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Town Engineer shall approve the plans and specifications for transmittal to the Town Board. The Town Board shall approve the plans and specifications before the improvements are installed and construction commenced.
- (Note:** Town Engineer review is optional at the discretion of the Town Board.)

(c) **Construction and Inspection.**

- (1) Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Town Board upon receipt of all necessary permits and in accordance with the construction methods of this Chapter. Building permits shall not be issued until all improvements required by this Chapter are satisfactorily completed.
- (2) Construction of all improvements required by this Chapter shall be completed within two (2) years from the date of approval of the Final Plat by the Town Board, or as otherwise prescribed in the developer's agreement, unless good cause can be shown for the Town Board to grant an extension.
- (3) During the course of construction, the Town Engineer shall make such inspections as the Town Board deems necessary to insure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the Town for such inspections. This fee shall be the actual cost to the Town of inspectors, engineers and other parties necessary to insure satisfactory work.

- (d) **Record Plans.** After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made three (3) copies of record plans showing the actual location of all improvements and such other facilities as the Town Engineer shall require. These plans shall be prepared on the original mylars of the construction plans and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the record plans shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion. Two (2) copies shall be retained by the Town and one (1) copy of such record plans shall be forwarded to the appropriate sanitary or utility district.

Sec. 14-1-53 Easements.

- (a) **Utility Easements.** The Town Board, on the recommendation of appropriate agencies serving the Town, shall require utility easements for poles, wire, conduits, storm sewers, gas, water and head mains or other utility lines. It is the intent of this Chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.
- (b) **Drainage Easements.** Where a subdivision is traversed by a watercourse, drainage way, channel or stream:
- (1) There shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Section; or

- (2) The watercourse, drainage way, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Section.
- (3) Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such water course shall be of a minimum width established at the high-water mark or, in the absence of such specification, not less than thirty (30) feet. If, in the opinion of the Town Engineer, the easement will be for a major drainage swale, the easement shall be of sufficient width to contain a USDA-NRCS design storm based on a one hundred (100) year return period, twenty-four (24) hour duration, Type II distribution with average soil moisture conditions (AMC-2). The hydrograph methods and models currently approved are the USDA-NRCS, TR20, TR55, and HydroCAD. Other hydrologic methods or models must be submitted to the Town Engineer for approval. If the drainage easement is located in an established floodway or flood fringe district, the entire floodplain area shall be included within the drainage easement.
- (c) **Retention Pond Maintenance Easements.** In order to provide proper access for maintenance of retention/detention pond facilities, the retention/detention areas of such facilities shall be fully surrounded by a forty (40) foot easement, with a twenty (20) foot wide gravel way around the upper perimeter of the easement for maintenance equipment use.
- (d) **Easement Locations.** Such easements shall be at least twelve (12) feet wide, or wider where recommended by the Town Engineer, and may run across lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished the Town Board that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

Sec. 14-1-54 Engineer's Approval.

The Town's acceptance of all proposed public facilities or improvements, its approval of all stormwater management or other facilities for which private homeowners' associations will accept responsibility, and the proper construction and installation thereof shall be subject to the approval of the Town Engineer. All costs and expenses incurred through the Town Engineer's oversight of such development projects shall be born by the developer.

Sec. 14-1-55 through Sec. 14-1-69 Reserved for Future Use.

Article G: Design Standards

Sec. 14-1-70 Required Design Standards; County Standards.

The St. Croix County Land Division Ordinance is comprehensive in character and contains many required design standards regarding, but not limited to, streets, lot and block design and drainage systems. Where required design standards are not specified in this Chapter, St. Croix County requirements shall apply. Road and street construction shall meet the specifications of Section 6-2-2.

Sec. 14-1-71 Conservation Design Development Standards.

- (a) **Conservation Design Required.** Major subdivisions shall be developed only under the Conservation Design Standards of this Chapter and the St. Croix County Land Division Ordinance.
- (b) **Sewer and Water Systems.**
 - (1) Each major subdivision shall have a common sanitary sewage collection and treatment system and a common water distribution system, such systems to meet applicable standards of all regulating agencies.
 - (2) Such systems shall consist of one (1) sanitary sewage system and one (1) water distribution system, except that the Town Board may approve more than one (1) system if environmentally advantageous or beneficial to the health, safety or welfare of future residents.
 - (3) All systems shall be designed and sized to accommodate the maximum build-out of the site, as approved as part of the Final Plat.
 - (4) Sewage collection and treatment systems shall be designed according to the standards of COMM 83, Wis. Adm. Code, and Ch. 283, Wis. Stats. [Note: When such system is owned by a public entity, the Wisconsin Department of Natural Resources (DNR) has authority to enforce discharge permit requirements.]
- (c) **Density and Number of Lots.**
 - (1) Density shall not exceed one (1) dwelling unit per two (2) acres, unless bonuses are awarded under Subsection (d) below. The number of lots on a given parcel shall be based on a yield plan, as specified in Section 13.2(C)(3) of the St. Croix County Land Division Ordinance.
 - (2) Minimum open space shall constitute sixty-five percent (65%) of the tract.
 - (3) Minimum lot size shall be one-half (1/2) acre.
 - (4) No more than one (1) principal building shall be placed on a single lot, unless a designed as a condominium meeting State law requirements.
- (d) **Bonus Lots.** The number of lots calculated under the yield plan for a given tract may be increased by up to twenty-five percent (25%) as a bonus for the following, with all bonus lots being subject to approval of the Town Board:

- (1) Creation of endowment lot(s), the proceeds from which shall be used to establish a permanent source of funding for monitoring of conservation easements.
 - (2) Dedication of public parkland or recreation facilities.
 - (3) Development of trails linking the development to parks and community activity centers.
 - (4) Other community amenities to be determined by the Town Board.
 - (5) Provision of affordable housing, which may be achieved through inclusion of two-family or attached units, use of a community land trust to keep units affordable, or other means acceptable to the Town Board.
- (e) **Site Design and Building Placement.** Major subdivisions shall be designed to:
- (1) Preserve environmentally sensitive and/or scenic areas such as, but not limited to, streams, ponds, wetlands, native prairie or wooded areas, and wildlife habitat to the greatest extent practicable.
 - (2) Preserve natural terrain by minimizing cutting and filling for the construction of roads, house lots, and other required infrastructure improvements.
 - (3) Avoid locating lots immediately adjacent to existing collector and/or arterial roads, unless adequately screened by landscape materials.
 - (4) Avoid locating houses on prominent ridgetop locations unless well-screened by existing or proposed vegetative cover. As a guideline, approximately seventy-five percent (75%) of a ridgeline should remain as open space or be screened with vegetation. The Town Board may adopt ridgeline protection plans/policies designating particular ridgelines and view corridors for protection.
- (f) **Landscaping.** A minimum of four (4) trees per lot shall be placed on each new lot created, unless existing vegetation fulfills this requirement. Trees shall be of a species approved by the Town Board and shall meet the size requirements and other standards in Section 13.7(H)(5) of the St. Croix County Land Division Ordinance. At least two (2) trees shall be placed within the front yard setback.
- (g) **Landscape Buffers.** The landscape standards of Sections 13.7(H) and 13.7(K)(10) of the St. Croix County Land Division Ordinance shall apply, with the following exceptions [Note: Section 13.7(K)(10) requires a landscape buffer twenty-five (25) feet in width along external roads and emphasizes the use of native plant materials; Section 13.7(H) specifies that berms, fences, etc., may be used along road rights-of-way]:
- (1) Berms shall not be used as part of landscaped buffers.
 - (2) Fences and walls shall only be used in combination with landscape materials along boundaries with commercial, industrial, or other higher intensity uses.
- (h) **Block and Lot Design of Neighborhood Clusters.**
- (1) Dwellings shall be located within cluster groups or existing farmstead complexes.
 - (2) For subdivisions on sites forty (40) acres or smaller, each cluster group shall be no less than forty percent (40%) of the total number of dwellings in the development and no more than fifteen percent (15%) of the total number of dwellings in the

development, with the exception that a conservation design subdivision with sixteen (16) or fewer dwellings may contain a single cluster group if the other standards of this Section are met.

- (3) For subdivisions on sites forty acres or larger, each cluster group shall be between six (6) and sixteen (16) dwellings. The maximum number of dwellings in a cluster group may be increased to thirty-two (32) in order to achieve improved open space design, street connectivity, or preservation of sensitive natural areas.
- (4) Block lengths should normally not exceed one thousand five hundred (1,500) feet, unless otherwise dictated by exceptional topography or other limiting factors.
- (5) 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 or proposed rights-of-way of arterial or collector highways or 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	100 feet
5. From cropland or pastureland	100 feet
6. From existing buildings housing livestock or poultry or barnyards	300 feet
7. From wetlands, floodplain, watercourses or drainageways	75 feet
8. From active recreation areas such as courts, playing fields or pools	100 feet

- (6) Separation distances in the Table, with the exception of the item governing wetlands/floodplains/watercourses/drainageways, may be reduced by up to fifty percent (50%) if the applicant can demonstrate that existing vegetation, topography, or a combination of these form an effective visual screen, or that such reduced setbacks are more appropriate for the site concerned and will improve the project's conformance with the intent of this Chapter.
- (i) **Permitted Uses in Neighborhood Clusters.** Permitted uses in neighborhood clusters are allowed as specified in Section 17.21 in the St. Croix County Zoning Ordinance [Note: The

St. Croix County Zoning Ordinance allows up to twenty-five percent (25%) of housing units to be attached two-, three- or four-unit dwellings by Special Exception].

- (j) **Access to Roads.** All parcels, with the exception of existing farmsteads with prior road access, shall take access from interior roads. Access to external road(s) may also be permitted to provide public access to a park, recreational facility, or other community amenity on the site. The Town Board may require additional access points to external roads for safety considerations.
- (k) **Design of Open Space Areas.** The standards of Section 17.3(K)(9) of the St. Croix County Land Division Ordinance shall govern the design of open space areas.
- (l) **Permitted Uses in Open Space Areas.** Permitted used in open space areas are allowed as specified in Section 17.21 in the St. Croix County Zoning Ordinance; agricultural activities shall also be considered a permitted use.
- (m) **Protection of Open Space.**
 - (1) Common open space shall be restricted in perpetuity from further subdivision or land development by conservation easement. The conservation easement shall be drafted by an attorney licensed to practice law in the State of Wisconsin and shall be subject to the review and approval of the Town Attorney.
 - (2) The Town of Warren shall be a joint holder of the conservation easement, along with St. Croix County.
 - (3) A bona fide private conservation organization may be authorized by the Town Board to be a joint holder of, or have third-party enforcement rights in, any conservation easement in the Town of Warren.
- (n) **Ownership and Management of Open Space Areas.** Ownership and management of open space areas shall be as specified in Section 13.2(C)(5) and (6) of the St. Croix County Land Division Ordinance. Ownership may include:
 - (1) Homeowners' association.
 - (2) Condominium association.
 - (3) Retained by original landowner.
 - (4) Conveyance to County, Town or other agency or utility, if accessible to the public (and may be used to satisfy public park dedication requirements under Article H).
 - (5) Private conservation organization.
- (o) **Ownership and Management of Common Wastewater Treatment Systems.**
 - (1) Common wastewater treatment systems shall be owned by the Town of Warren or a utility district authorized by the Town of Warren pursuant to Section 9-2-1.
 - (2) Common wastewater treatment systems shall be managed by the Town of Warren or utility district(s) authorized by the Town of Warren. Management may be contracted by such a utility to a private management entity, with utility oversight. Such management entity shall be a registered POWTS maintainer meeting the standards of COMM 83, Wis. Adm. Code, and Section 12.7 of the St. Croix County Sanitary Ordinance.

Sec. 14-1-72 Non-Residential Subdivisions.

(a) **General.**

- (1) If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall meet such provisions as the Town may require.
- (2) A non-residential subdivision shall also be subject to all the requirements of site plan approval set forth in the Town Building Code. A non-residential subdivision shall be subject to all the requirements of this Chapter, as well as such additional standards required by the Town and shall conform to the land use standards established by any Town Comprehensive Plan.

(b) **Standards.** In addition to the principles and standards in this Chapter, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Town Board that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
- (2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
- (3) Special requirements may be imposed by the Town Board with respect to street, curb, gutter and sidewalk design and construction.
- (4) Special requirements may be imposed by the Town Board with respect to the installation of public or private on-site utilities, including water, sewer and storm water drainage.
- (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.
- (6) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

(c) **Buffer Requirements.** The buffering standards of Sec. 13.7(H) of the St. Croix County Code of Ordinances shall be complied with.

Sec. 14-1-73 Street Lighting.

A planning objective of the Town of Warren is to maintain its rural character. Street lights serving new developments shall minimize artificial light intrusion. New street lighting in the Town of Warren shall be limited to what is reasonably necessary for public safety. All street

lighting provided by a developer shall be of a design approved by the Town Board prior to installation. The provisions of this Section shall be applicable only for major (conservation design) subdivisions and non-residential subdivisions.

Sec. 14-1-74 through Sec. 14-1-79 Reserved for Future Use.

Article H: Park and Public Land Dedications

Sec. 14-1-80 General Park and Public Land Dedication Requirements.

- (a) **Dedication Requirement.** In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas, such as but not limited to, parks, recreation areas and public schools may be equitably apportioned on the basis of additional need created by the subdivision development, each subdivider shall be required to dedicate land for park or other public uses.
- (b) **General Design.** In the design of a subdivision, land division, planned unit development or development project, provision shall be made for suitable sites of adequate area for parks, playgrounds, open spaces, drainage-ways and other public purposes. Such sites are to be shown on the Preliminary Plat and Final Plat, and shall comply with the Town of Warren Master Plan or component of said Plan. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.

Sec. 14-1-81 Land Dedication.

- (a) **Dedication Calculation.** In non-conservancy subdivision, all subdividers shall be required to dedicate developable land to the Town for park, school or other public uses, other than streets or drainageways, at a rate of four-hundredths (.04) acres (1,742 square feet) per dwelling unit if the project exceeds ten (10) dwelling units or as negotiated by developer's agreement. Whenever a proposed playground, park, or other public area, other than streets or drainageways, designated in the Master Plan or Master Plan component of the Town of Warren is embraced, all or in part, in the tract of land to be subdivided, these lands shall be made part of the required land dedication. The Town Board shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. The Town Board may reduce the dedication requirement depending on the particular or unique circumstances of the subdivision. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.
- (b) **Minimum Size of Park, Athletic Field, and Playground Dedications.**
 - (1) **Size.** In general, land reserved for recreation purposes shall have an area of at least two (2) acre. Where the amount of land to be dedicated is less than two (2) acres, the Town Board may require that the recreation area be located at a suitable place on

the edge of the proposed land division, subdivision or certified survey so that additional land may be added at such time that the adjacent land is subdivided. In no case shall an area of less than one (1) acre be reserved for recreational purposes if it will be impractical or impossible to secure additional lands in order to increase its area.

- (2) **Frontage.** Land reserved for recreation, non-lake access purposes shall be of a character and location suitable for use as a playground, athletic field, or for other recreation purposes, and shall be relatively level and dry. A recreation site shall have a total frontage on one (1) or more streets of at least sixty-six (66) feet, and no other dimension of the site shall be less than sixty-six (66) feet.
- (c) **Park/Recreation Impact Fees.**
- (1) **Impact Fee Payment.** When Town officials determine that an impact fee payment will serve the public interest, the Town Board shall require the subdivider to make a park impact fee payment according to the provisions of any applicable Town of Warren park impact fee ordinance and supporting needs assessment, which are incorporated into this Section by reference.
 - (2) **Park Impact Fee Fund.** Funds paid to the Town under any park impact fee provision or contributed from other sources for park development and improvement are to be placed in a separate account designated for park development and improvement projects. The Town Board shall have the final right to approve or reject such projects. Said account shall be a continuing account and shall not lapse at the end of a budget period. Such account shall comply with statutory accounting and refunding provisions.
 - (3) **Payment of Impact Fees and Issuance of Permits.** A permit (including, but not limited to, a building permit) for a development or subdivision that causes an impact fee, including but not limited to park/recreational impact fees, to be due shall expire fifteen (15) days from issuance if such impact fee(s) is not paid to the Town. In the alternative, the Town and subdivider/developer may agree in a development agreement that permits will have a delayed effective date, that date being the day required impact fees are paid to the Town of Warren.
- (d) **Suitability of Lands.** The Town Board, upon the recommendation of the Plan Commission, shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.
- (e) **Shoreland.**
- (1) **Lake and Stream Shore Plats.** All subdivisions abutting on a navigable lake or stream shall provide public access at least thirty (30) feet wide providing access to the low watermark so that there will be public access, which is connected to existing public roads, at not more than one-half (1/2) mile intervals as measured along the lake or stream shore except where greater intervals and wider access is agreed upon by the Wisconsin Department of Natural Resources and the Wisconsin Department of

Administration, and excluding shore areas where public parks or open-space streets or roads on either side of a stream are provided. No public access established under this Chapter may be vacated except by Circuit Court action. This Subsection does not require the Town to improve land provided for public access.

- (2) **Lake and Stream Shore Plats.** The lands lying between the meander line, established in accordance with Section 236.20(2)(g), Wis. Stats., and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream. This Subsection applies not only to lands proposed to be subdivided but also to all lands under option to the subdivider or in which the subdivider holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.
- (f) **Unknown Number of Dwelling Units.** Where the plat does not specify the number of dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by the County Zoning Chapter and this Chapter, except to the extent required otherwise by conservation design requirements.
- (g) **Deeded to the Town.** Land dedicated for public purposes shall be deeded to the Town at the time the Final Plat is approved.
- (h) **Utility Extensions.** The subdivider shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.

Sec. 14-1-82 Reservation of Additional Land.

When public parks and sites for other public areas as shown on the Master Plan or Master Plan component lie within the proposed area for development and are greater in area than required by Section 10-2-81, the owner shall reserve for acquisition by the Town, through agreement, purchase or condemnation, the remaining greater public area for a period of one (1) year of Final Plat approval unless extended by mutual agreement.

Sec. 14-1-83 Development of Park Area.

- (a) When parklands are dedicated, the subdivider is required to:
 - (1) Properly grade and contour for proper drainage;
 - (2) Provide surface contour suitable for anticipated use of area; and
 - (3) Cover areas to be seeded with a minimum of four (4) inches of quality topsoil and good quality grass seed, fertilizer and mulch.
- (b) The Town Board may require certification of compliance by the Town Engineer. The cost of such report shall be paid by the subdivider.

14-1-83

- (c) Development of parklands is to be completed as soon as ten percent (10%) of the planned lots in the subdivision are sold, as determined by the Town Board.
- (d) If the subdivider fails to satisfy the requirements of this Section, the Town Board may contract said completion and bill such costs to the subdivider, following a public hearing and written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.

Sec. 14-1-84 through Sec. 14-1-89 Reserved for Future Use.

Sec. 14-1-90 Administrative and Other Fees.

(a) **General.**

- (1) The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Town of Warren in connection with the plat or certified survey map. Legal work shall include the drafting of contracts between the Town of Warren and the subdivider. These fees may also include the cost of obtaining professional opinions including, but not limited to attorneys, engineers, landscape architects, and land planners, requested by the Town Board, Plan Commission, or Town staff in connection with the land division being considered.
- (2) The Town may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the Town's review of a proposal coming before the Town Board. The submittal of a development proposal application or petition by a subdivider, shall be construed as an agreement to pay for such professional review services applicable to the proposal. The Town may charge the costs for these services to the subdivider. The Town may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until such fees are paid by the subdivider. Review fees which are charged to a subdivider, but which are not paid, may be levied by the Town as a special assessment against the subject property. The subdivider shall be required to provide the Town with an executed copy of an Agreement as to Costs, as set forth in the Appendix, to pay for said consulting services as a prerequisite to the processing of the development application.
- (3) At the time of submission of a plat or certified survey, the Plan Commission or Town Board, at their sole discretion, may require the subdivider to make a good faith deposit with the Clerk-Treasurer to cover, in all or part, the expenses anticipated to be incurred by the Town because of the land division. Unused portions of such fund may be refunded to the subdivider.

- (b) **Engineering Fee.** The subdivider shall pay a fee equal to the actual cost to the Town for all engineering work incurred by the Town in connection with the plat or certified survey map, including inspections required by the Town pursuant to this Chapter. The subdivider shall pay a fee equal to the actual cost to the Town for such engineering work and inspection as the Town Board and/or Town Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town or any other governmental authority. Engineering work shall include the preparation of construction plans, standard specifications and administration of the engineering work.

- (c) **Administrative Fee.** The subdivider shall pay a fee to the Town equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Town in connection with the plat or certified survey map.

- (d) **Concept Plan.** There shall be no fee for the Town's review of a concept or sketch plan of a proposed land division. However, such reviews shall be conducted only as staff time permits.
- (e) **Preliminary Plat.**
 - (1) A subdivider who submits a Preliminary Plat for the Town Plan Commission and the Town Board shall file said Preliminary Plat with the Town Clerk-Treasurer and shall deposit with the Town Clerk-Treasurer a fee to cover the costs of reviewing said application. The fee for a Preliminary Plat shall be as prescribed in Section 1-3-1 for up to and including six (6) lots plus an additional fee per each additional lot over six (6). If the plat is rejected, no part of the fee shall be returned to the petitioner.
 - (2) A reapplication fee as prescribed in Section 1-3-1 shall be paid to the Town Clerk-Treasurer at the time of reapplication for approval or amendment of any Preliminary Plat which has previously been reviewed.
- (f) **Final Plat Review Fee.**
 - (1) The subdivider shall pay a fee as prescribed in Section 1-3-1 per lot within the Final Plat to the Town Clerk-Treasurer at the time of first application for Final Plat approval of said plat to assist in defraying the cost of review.
 - (2) A reapplication fee as prescribed in Section 1-3-1 shall be paid to the Town Clerk-Treasurer at the time of a reapplication for approval or amendment of any Final Plat which has previously been reviewed.
- (g) **Certified Survey.**
 - (1) The subdivider shall pay an application fee as prescribed in Section 1-3-1 for each certified survey map.
 - (2) Should the subdivider submit an amended or revised certified survey map, the resubmittal fee shall be as prescribed in Section 1-3-1 for each amended or revised certified survey map.
- (h) **Objecting Agency Review Fees.** The subdivider shall transmit all fees required for state agency review to the Town Clerk-Treasurer at the time of application. Said review fees shall be retransmitted to the proper state review agency by the Town Clerk-Treasurer. Said fees shall be applicable, where appropriate, to review fees required by the Wisconsin Department of Transportation, Wisconsin Department of Commerce and the Wisconsin Department of Natural Resources.
- (i) **Public Site Fee.** If the subdivision does not contain lands to be dedicated as required in this Chapter, the Town Clerk-Treasurer shall require a fee pursuant to Section 14-1-84 for the acquisition and development of public sites to serve the future inhabitants of the proposed subdivision.
- (j) **Improvement Review Fee.** The subdivider shall pay a fee or present a bond, certified check, or irrevocable letter of credit equal to five percent (5%) of the cost of the required public improvements as estimated by the Town Engineer at the time of the submission of improvement plans and specifications to partially cover the cost to the Town of checking

and reviewing such plans and specifications. Fee may be recomputed, upon demand of the subdivider or Town Engineer, after completion of improvement construction in accordance with the actual cost of such improvements and the difference, if any, shall be paid by or remitted to the subdivider. At the Town Board's sole discretion, this procedure may be used as an alternative to the escrow account in Subsection (l) below. Evidence of cost shall be in such detail and form as required by the Town Engineer.

- (k) **Assessments.** All outstanding assessments due to the Town shall be due prior to the signing of the Final Plat or Certified Survey by the Town.

(l) **Administrative Costs.**

- (1) **Cost Determination.** The subdivider of land divisions within the Town shall reimburse the Town for its actual cost of design, inspection, testing, construction and associated legal, real estate and other fees incurred by the Town in connection with the preliminary plat, final plat, replat or certified survey. The Town's costs shall be determined as follows:

- a. The cost of Town employees' time engaged in any way with the land division based on the hourly rate paid to the employee multiplied by a factor determined by the Town Clerk-Treasurer to represent the Town's cost for expenses, benefits, insurance, sick leave, holidays, vacation and similar benefits.
- b. The cost of Town equipment employed.
- c. The cost of mileage reimbursed to Town employees which is attributed to the land division.
- d. The actual costs of Town materials incorporated into the work, including transportation costs plus a restocking and/or handling fee not to exceed ten percent (10%) of the cost of the materials.
- e. All consultant fees, including but not limited to legal and engineering fees, at the invoiced amount plus administrative costs. Unless the amount totals less than Fifty Dollars (\$50.00), the Town shall draw against the escrow account or bill the subdivider monthly for expenses incurred by the Town. Statements outstanding for more than thirty (30) days shall accrue interest at the rate of one and one-half percent (1-1/2%) per month. Bills outstanding for more than ninety (90) days shall be forwarded to the subdivider's surety agency for payment. Amounts less than Fifty Dollars (\$50.00) shall be held for billing by the Town until amounts total more than Fifty Dollars (\$50.00) or until the conclusion of project activities.

(2) **Escrow for Fees.**

- a. At such time as the subdivider submits a Preliminary Plat or Certified Survey Map for review by the Town, it shall deposit with the Clerk-Treasurer, in escrow, the sum required by the following schedule to guarantee the timely payment of the Town's administrative costs:
 1. Minor Subdivision (Certified Survey Map): Three Hundred Dollars (\$300.00).

2. Subdivisions: One Thousand Dollars (\$1,000.00) for each five (5) lots or units, up to a maximum of Five Thousand Dollars (\$5,000.00).
 - b. In the event the amount deposited with the Clerk-Treasurer falls below twenty-five percent (25%) of the amount required to be deposited, the subdivider agrees, as a condition of application, to replenish the escrow to the original amount required hereunder. The subdivider agrees to deposit such additional sum within fifteen (15) days of written demand by the Town Clerk-Treasurer or the consideration and/or approval of the proposed land division may be delayed or rejected. The Town is not under any obligation at any time to provide notice to the subdivider that the escrow funds under this provision are insufficient. Statements outstanding for more than thirty (30) days shall accrue interest at the rate of one and one-half percent (1-1/2%) per month. In the event the subdivider withdraws his/her plat or certified survey map, or the same is approved, and money remains in escrow over and above the Town's fees, the excess shall be refunded to the subdivider. The escrow account shall not draw interest for the benefit of the subdivider. The Clerk-Treasurer, with the approval of the Town Board, shall have the right to draw upon the escrow to reimburse the Town for the fees it has incurred in reviewing the minor subdivision or subdivision on a periodic basis.
 - c. An accounting of all fees incurred by the Town and the status of the escrow shall also be provided to the subdivider periodically. The Town will provide the subdivider with amounts paid from any such escrow account and copies of invoices it receives for any professional review services for the subdivider's proposed subdivision. In the event the subdivider defaults in establishing or replenishing the escrow, the Town shall not be required to act further upon the subdivider's request. Failure to replenish the escrow shall be sufficient cause to reject the minor subdivision or subdivision.
- (m) **Payment of Impact Fees.** Impact fees shall be paid as prescribed in Section 14-1-81(c)(3) and Title 14, Chapter 2 of this Code of Ordinances..

Sec. 14-1-91 through Sec. 14-1-99 Reserved for Future Use.

APPENDIX

Sample Agreement as to Costs With the Town of Warren

_____ The applicant/petitioner
for _____ dated _____,
(nature of application/petition)

agrees, in addition to those normal costs payable by an applicant/petitioner (e.g. filing, or permit fees, publication expenses, recording fee, etc.), that in the event the action applied or petitioned for requires the Town of Warren, in the judgment of its staff, to obtain additional professional services(s) (e.g. engineering, surveying, planning, environmental, recreational, legal) than normally would be routinely available "in house" to enable the Town to properly address, take appropriate action on, or determine the same, applicant/petitioner shall reimburse the Town for the costs thereof.

Dated this _____ day of _____,

(Signature of Applicant/Petitioner)

Sec. 14-1-100 Variances and Exceptions.

- (a) Where the subdivider alleges that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, he/she may request variances or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this Chapter. Application for any such variance shall be made in writing by the subdivider to the Town Clerk-Treasurer at the time when the Preliminary Plat or certified survey map is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans, or other additional data which may aid Town officials in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan. The Town Clerk-Treasurer may request that the Town Engineer, Town Attorney or other officials review each situation to insure that the request is consistent with the requirements and standards of this Chapter. The Plan Commission shall make a recommendation to the Town Board. The previous granting of variances or exceptions in the same or similar circumstances shall not of itself constitute grounds for the granting of a variance or exception, nor shall strictly financial rationale.
- (b) The Plan Commission shall not recommend, nor shall the Town Board grant, variations or exceptions to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:
 - (1) Failure to grant the variation may be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property;
 - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.
 - (4) There would be no costs (present or future) to the Town resulting from the granting of the variance or exception.
- (c) Any recommendations for variances or exceptions by the Plan Commission must be approved by a majority vote of the Plan Commission and shall be so endorsed by the Secretary and transmitted to the Town Board. The Town Board, if it approves, shall do so by resolution adopted by majority vote and shall instruct the Town Clerk-Treasurer to notify the Plan Commission and the subdivider.

- (d) Variances from the strict application of this Chapter may also be granted in accordance with this Chapter in the case of Planned Unit Developments provided the Town Board, upon review and recommendations from the Plan Commission, shall find that the proposed development is fully consistent with the purpose and intent of this Chapter and any Town comprehensive plan.
- (e) Because subdivision dwelling unit densities and the protection of open space under this Chapter are central to the regulation of major subdivisions in the Town of Warren, no application for waivers or variances from such requirements will be considered or approved.

Sec. 14-1-101 Enforcement, Penalties and Remedies.

- (a) **Violations.** It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Chapter or the Wisconsin Statutes and no person shall be issued a building permit by the Town authorizing the building on, or improvement of, any subdivision, land division, certified survey, or replat with the jurisdiction of this Chapter not of record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully met. The Town of Warren may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.
- (b) **Penalties.**
 - (1) Any person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) and the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.
 - (2) Recordation improperly made has penalties provided in Sec. 236.30, Wis. Stats.
 - (3) Conveyance of lots in unrecorded plats has penalties provided for in Sec. 236.31, Wis. Stats.
 - (4) Monuments disturbed or not placed have penalties as provided for in Sec. 236.32, Wis. Stats.
 - (5) Assessor's plat made under Sec. 70.27 of the Wisconsin Statutes may be ordered by the Town at the expense of the subdivider when a subdivision is created by successive divisions.
- (c) **Revocation of Permits and/or Approvals.**
 - (1) The Town Engineer, Town Chairperson or Building Inspector may revoke or suspend any permit or approval issued under the regulations of this Chapter and may stop construction or use of approved materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 - a. Whenever the Town Engineer shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the subdivider or his contractor has refused to conform after written warning or instruction has been issued to him.

- b. Whenever the continuance of any construction becomes dangerous to life or property.
 - c. Whenever there is any violation of any condition or provisions of the application for permit, or of the permit or of any approval.
 - d. Whenever, in the opinion of the Town Engineer, Town Chairperson or Building Inspector, the subdivider has provided inadequate management of the project.
 - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Town Engineer, Town Chairperson or Building Inspector for the use of all materials, equipment, methods of construction, devices or appliances.
- (2) The notice revoking a permit or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his/her agent, if any, and/or on the person having charge of construction.
 - (3) A revocation placard shall also be posted upon the premises in question by the Town Engineer, Town Chairperson or Building Inspector.
 - (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Town Engineer, Town Chairperson or Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he/she may require for the preservation of life and safety.
 - (5) Any appeals of such revocations or suspensions must be made in writing and within seven (7) calendar days to the Town Clerk-Treasurer for consideration by the Town Board at its next regularly scheduled meeting, provided the appeal is filed not less than seven (7) days prior to the meeting date.
 - (6) The Building Inspector is hereby directed to withhold the issuance of building permits within the land division until compliance with the provisions of this Chapter is obtained.
 - (7) The Building Inspector is hereby directed to withhold the issuance of occupancy permits within the land division if violations of this Chapter may result in health or safety problems for the occupants.
- (d) **Appeals.** Any person aggrieved by an objection to a plat or certified survey, or a failure to approve a plat or certified survey, may appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e)10, 14 and 15 of the Wisconsin Statutes, within thirty (30) days

of notification of the rejection of the plat or certified survey. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court may direct that the plat or certified survey be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

Sec. 14-1-102 Disclaimers on Approvals.

- (a) The purpose of requiring approvals under this Chapter is to insure the health, safety, morale, comfort, prosperity and general welfare of the Town of Warren. This Article shall not be interpreted as placing any responsibility or liability on any Town official, Town employee, or the Town as a municipal corporation for the granting of approval, or the denial of any approval. All approvals rendered as part of this Chapter shall be considered as being approved conditionally based on the information and circumstances apparent at that time.
- (b) Approvals issued by the Town shall not be construed as an assumption or expression of any responsibility, warranty, or guarantee, for the design or construction of any improvements within the land division.
- (c) The Town does not guarantee, warrant, or represent that only those areas delineated as floodlands on plats and certified survey maps will be subject to periodic inundation, nor does the Town guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests required by this Chapter are the only unsuited soils within the jurisdiction of this Chapter; and thereby asserts that there is no liability on the part of the Town Board, 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 Chapter.

Sec. 14-1-103 Restrictions for Public Benefit.

Pursuant to Sec. 236.293, Wis. Stats., any restriction placed on platted lands by covenant, grant of easement, land division, certified survey, or consolidation approval, which was required by the Town and which names a public body or public utility as grantee, promisee or beneficiary, vests in the public body or utility the right to enforce the restriction by law or in equity against anyone who has interest in the land subject to the restriction. The restriction may be released or waived by resolution of the Town Board.

Title 14 ► Chapter 2

Impact Fees

14-2-1	Title
14-2-2	Introduction and Purpose
14-2-3	Definitions
14-2-4	Impact Fee Revenue Administration
14-2-5	Use of Impact Fees
14-2-6	Payment of Impact Fees
14-2-7	Appeals
14-2-8	Impact Fees Established
14-2-9	Exemptions
14-2-10	Review

Sec. 14-2-1 Title.

This Chapter shall be known and may be cited as the "Impact Fees of the Town of Warren, Municipal Ordinance."

Sec. 14-2-2 Introduction and Purpose.

Pursuant to the authority of Section 66.0617, Wis. Stats., the local impact fees enabling legislation, the purpose of this Chapter is to establish the mechanism for the imposition of impact fees upon new development to finance the capital costs of acquiring, establishing, upgrading, expanding, and constructing public facilities which are necessary to accommodate land development. This Chapter is intended to assure that new development bears an appropriate share of the cost of capital expenditures necessary to provide public facilities within the Town of Warren and its service areas, as they are required to serve the needs arising out of land development.

Sec. 14-2-3 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Capital Costs.** The capital costs to construct, expand or improve public facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or improve public facilities, except that not more than ten percent (10%) of capital

costs may consist of legal, engineering and design costs unless the Town can demonstrate that its legal, engineering and design costs which relate directly to the public improvement for which the impact fees were imposed exceed ten percent (10%) of capital costs. "Capital costs" does not include other noncapital costs to construct, expand or improve public facilities or the costs of equipment to construct, expand or improve public facilities.

- (b) **Development.** Any manmade change to improved or unimproved real property, the use of any principal structure or land or any other activity that requires issuance of a permit for a Dwelling Unit.
- (c) **Developer.** A person that constructs or creates a land development.
- (d) **Dwelling Unit.** A building or portion thereof with rooms arranged, designed, used or intended to be used for one (1) family. Guest houses with kitchen and bathroom facilities are considered dwelling units.
- (e) **Impact Fee.** Cash contributions, contributions of land or interests in land or any other items of value that are imposed on a developer by the Town Board under this Chapter.
- (f) **Land Development.** The construction or modification of improvements to real property that creates additional residential dwelling units within the Town or that results in nonresidential uses that create a need for new, expanded or improved public facilities within the Town.
- (g) **Multiple Family Units.** Any residential dwelling greater than a duplex or twin home.
- (h) **Public Facilities.** For purposes of this Chapter, as defined in Section 66.0617, Wis. Stats., means facilities for Town use.
- (i) **Residential Equivalent Unit (REU).**
 - (1) A unit of measure for calculating impact fees; one (1) REU is equivalent to one (1) residential dwelling unit. This Service Standard will apply to the impact fees as the residential equivalent unit or REU.
 - (2) The impact fee equivalent for commercial and industrial land uses will be two (2) acres of site development will equal one (1) residential equivalent unit or REU. Fire protection and parks and recreation will also have the same service standard of two (2) acres of commercial or industrial development will equal one (1) residential equivalent unit or REU.
 - (3) If the proposed commercial or industrial development is less than two (2) acres, the impact fee for that parcel will be proportionate. For example, one (1) acre of commercial or industrial development will equal 0.5 REU.
- (j) **Service Area.** A geographic area, Warren Township, T29N R18W, exclusive of the Village of Roberts, delineated by the Town Board within which there are public facilities.
- (k) **Service Standard.** A certain quantity or quality of public facilities relative to a certain number of persons, parcels of land or other appropriate measure, as specified by the Town Board.
- (l) **Town.** Town of Warren, St. Croix County, Wisconsin.
- (m) **Building Permit.** The written approval in accordance with the provisions of COMM 20.09, Wis. Adm. Code, by the Town's Office of the Building Inspector for any construction, repair, enlargement, improvement or alteration of any building or structure within the Town.

It does not include the "Fast Start" permit or "Preliminary Permit" issued at the time of excavation or installation of footings for any such building or structure.

- (n) **Low-Cost/Low-Income Housing.** Per Section 66.0617(4)(a)(1), Wis. Stats., the Town Board may discount impact fees on low-cost/low-income housing developments. The impact of these fees on the availability of low-cost/low-income housing is difficult to quantify on an overall basis. The impact of the fees on the developments that qualify for low-cost/low-income housing will be assessed at the time of final platting.

Sec. 14-2-4 Impact Fee Revenue Administration.

- (a) Revenues from impact fees shall be placed in one (1) or more segregated, interest bearing accounts and shall be accounted for separately from other funds. Impact fee revenues and interest earned thereon may be expended only for capital costs, including interest expense, for which the impact fees were imposed.
- (b) Impact fee revenues imposed and collected, but not used within a reasonable period of time after collection to pay the capital costs for which they were imposed, shall be refunded to which the impact fees were imposed together with interest at the rate of two percent (2%) per annum. Reasonable time periods for expenditure of impact fee revenues shall be within seven (7) years after the recommended time for commencement of construction, expansion or improvement of a specific public facility identified in a facilities need assessment report.

Sec. 14-2-5 Use of Impact Fees.

Funds collected from impact fees shall be used solely for the purpose of paying the proportionate costs of providing public facilities that may become necessary due to land development to the extent authorized by Section 66.0617, Wis. Stats. These costs may include the costs of debt service on bonds or similar debt instruments when the debt has been incurred for the purpose of proceeding with designated public facilities projects prior to the collection of all anticipated impact fees for that project, to reimburse the utility for advances of other funds or reserves, and such other purposes consistent with Section 66.0617, Wis. Stats., which are recorded and approved by the Town Board.

Sec. 14-2-6 Payment of Impact Fees.

- (a) Unless otherwise expressly provided herein, all required impact fees shall be paid in full within fourteen (14) days of the issuance of a building permit by the Town of Warren. The impact fee amount due shall be those in effect at the time payment of the impact fee is due.

Impact fee payments shall be assumed to be the responsibility of the owner of record at the time of application for a building permit, or the owner of record at the time of request for a building permit, or the owner of record at the time of request for a building permit, whichever is applicable. All fees shall be paid at the Town of Warren Town Hall, 720 112th Street, or at its authorized agent's place of business.

- (b) With respect to any development for which final plat approval has been given by the Town of Warren, but which contains lots for which building permits have not yet been issued as of the original effective date of this Chapter (5/27/04), the impact fee is imposed on any such lot(s) and payment is required prior to issuance of a building permit by the Town.
- (c) If the provisions of this Section, except for Subsection (b), are inconsistent with any terms addressing imposition or payment of impact fees in any developer's agreement executed prior to passage of this Chapter, the terms of any such developer's agreement(s) shall control.
- (d) If a building permit is requested for mixed uses, then the fees shall be determined through using the applicable schedule by apportioning the space committed to uses specified on the applicable schedule.
- (e) If the type of development activity that a building permit is applied for is not specified on the applicable fee schedule, the Town Board shall use the fee applicable to the most nearly comparable type of land use on the fee schedule.

Sec. 14-2-7 Appeals.

- (a) The payment of an impact fee imposed under this Chapter may be contested as to the amount, collection or use of the impact fee by appeal to the Town Board, provided that the applicant files a written notice of appeal with the Town Clerk-Treasurer's office within fifteen (15) days of final plat approval or the approval of the Building Inspector of an application for a building permit upon which the impact fee is imposed. Such notice of appeal shall be entitled "Notice of Appeal of Impact Fee" and shall state the applicant's name, address, telephone number, address (if applicable) and legal description of the land development upon which the impact fee is imposed, and a statement of the nature of and reasons for the appeal.
- (b) The Town Clerk-Treasurer shall schedule the appeal for consideration by the Town Board at a meeting as soon as reasonably practicable under the circumstances and shall notify the applicant of the time, date and place of such meeting in writing by regular mail, deposited in the mail no later than at least three (3) days before the date of such meeting. Upon review of such appeal, the Town Board may adjust the amount, collection or use of the impact fee upon just and reasonable cause shown.

Sec. 14-2-8 Impact Fees Established.

(a) Basis For Implementation.

- (1) The basis for the imposition of the impact fees is the study and assessment conducted to establish the amount, implementation schedule and rational basis for imposition of the impact fee, which has been summarized in the "Public Facility Needs Assessment (February 2004)", prepared by Sebesta Blomberg and Associates, which is on file in the Warren Town Hall and open to public inspection during normal business hours.
- (2) The Town of Warren's service standard is primarily related to the single-family residential dwelling. The single-family dwelling minimum lot site is one (1) acre. This service standard will apply to the impact fees as the residential equivalent unit or REU. It is necessary to develop an appropriate relationship between the REU and other land uses for the application of the impact fee. The greatest impact of future population increases will be to its road system. It is necessary to develop an equivalent measure of services to equate commercial and industrial land uses to a residential equivalent unit.
- (3) The comparison between different land uses for traffic has been developed by the Institute of Transportation Engineers (ITE). ITE estimates a wide range of average automobile trips per day due to various types of land use. Future growth has the greatest impact to the road system. There should be a strong comparable relationship between the single-family residence automobile use and other uses for impact fees. The ITE estimates that for a single-family detached residence has an automobile trip rate of ten (10) to fourteen (14) trips/day. ITE estimates that for an industrial site trip rate of 6.75 vehicular trips per acre-day. A land use of this type will generate thirteen (13) vehicular trips per day per two (2) acres – which is essentially the same as the single-family residence in the Town of Warren. The impact fee equivalent for commercial and industrial land use will be two (2) acres of site development will equal one (1) residential equivalent unit or REU. Fire protection and parks and recreation will also have the same service standard of two (2) acres of commercial or industrial development will equal one (1) residential equivalent unit or REU.
- (4) If the proposed commercial or industrial development is less than two (2) acres, the impact fee for that parcel will be proportionate. For example, one (1) acre of commercial or industrial development will equal 0.5 REU.

(b) Fees Established. In the interest of fairness and in an effort to better effectuate the purpose of this Chapter as outlined in Section 14-2-2, the Town of Warren has adopted the following schedule relating to the impact fees to be paid according to Section 14-2-6:

- (1) Transportation System: \$1318.00 for each Residential Unit.
- (2) Park/Playgrounds/Recreational: \$64.00 for each Residential Unit.
- (3) Fire Protection Facilities: \$8.00 for each Residential Unit.
- (4) The total impact fee per Residential Unit for Subsection (b)(1)-(3): \$1390.00.

- (c) **Impact Fee Basis.** Impact fees for single-family units will be based on residential equivalent units (REU). Duplexes and twin homes will pay impact fees based on two (2) residential equivalent units. All other residential buildings, three-plexes or larger will pay impact fees based on review of the Town Board.
- (d) **Interpretation.** An impact fee, as set forth above, is levied against each residential equivalent unit constructed, altered or improved within the Town of Warren after the original effective date of this Chapter:
 - (1) For new construction, each residential equivalent unit constructed or caused to be built by the owner of record shall be subject to the assessment of the impact fee.
 - (2) For alterations or improvements to an existing residential equivalent unit, or where a change in land use is requested, the owner of record shall be assessed an impact fee equal to the difference between the impact fee which would be assessed on the basis of the existing number of residential equivalent unit(s) and the impact fee which would be assessed on the basis of the proposed number of residential equivalent unit(s). Alterations or changes in use which decrease the number of residential equivalent unit(s) will not result in a refund of impact fees previously paid.
 - (3) The residential equivalent unit is the unit of measurement for assessment of the impact fee regardless of whether or not the proposed land development is residential, commercial, industrial, or institutional in nature.
- (e) **Collection.** These impact fees shall be collected until the capital costs associated with the projects specified in the "Report on Impact Fees" have been incurred and satisfied unless such time period exceeds the limitations prescribed in Section 14-2-4.

Sec. 14-2-9 Exemptions.

The following situations shall be exempted from payment of the Impact Fees as outlined in Section 14-2-8:

- (a) Alterations or expansion of an existing building where no additional residential uses are requested.
- (b) The replacement of a building or structure with a new building or structure of the same size and where the use is not changed.
- (c) Any claim for exemption shall be made and filed prior to the time required for payment as provided by Section 14-2-6. Any claim not so made shall be waived.
- (d) No impact fee shall be imposed in an amount necessary to address existing deficiencies in public facilities.
- (e) Upon Town Board approval, an exemption from or a reduction in the amount of impact fees on land development that provides low-cost housing may be made. As set forth in Sec. 66.0617(7), Wis. Stats., no amount of an impact fee for which an exemption or reduction is provided under this Subsection may be shifted to any other development in the

land development in which the low-cost housing is located or to any other land development in the Town.

Sec. 14-2-10 Review.

The impact fees contained herein shall be reviewed by the Town Board every three (3) years, and modified if necessary, as a result of changing facility needs, inflation, revised cost estimates, capital improvements, changes in other funding sources applicable to public facility projects and other relevant factors in accordance with the standards for impact fees set forth in Sec. 66.0617(6), Wis. Stats. Until changed by this process, the current fees shall stay in full force and effect.