

**TOWN OF RICHMOND
ST. CROIX COUNTY, WISCONSIN
ORDINANCE NO. 2025 - 01**

AN ORDINANCE TO REGULATE LAND DIVISIONS IN THE TOWN OF RICHMOND

The Town Board of the Town of Richmond, St. Croix County, Wisconsin, does ordain as follows:

SECTION 1 – TITLE/PURPOSE

The Title of this Ordinance is the Town of Richmond Land Division Ordinance. The purpose of this Ordinance is to regulate and control the division of land within the limits of the Town of Richmond, St. Croix County, Wisconsin (the “Town”), in order to accomplish all of the following purposes:

- A. Promoting the public health, safety, and general welfare of the Town.
- B. Supplementing County, State, and Federal land division controls to implement any Town Comprehensive Plan or other Land Use Plans.
- C. Promoting the planned and orderly layout and use of the land in the Town.
- D. Minimizing the public impact resulting from the division of large tracts into smaller Parcels of land in the Town.
- E. Facilitating the adequate provision of transportation, health, recreation, and other public requirements in the Town.
- F. Providing the best possible environment for human habitation in the Town.
- G. Enforcing the goals and policies set forth in any Town Comprehensive Plan, or other Land Use Plans.
- H. Ensuring that the design of the road system will not have a negative long-term effect on neighborhood quality, traffic flow, and safety in the Town.
- I. Avoiding the inefficient and uneconomical extension of governmental services in the Town.
- J. Providing for the conservation of the agriculturally important lands in the Town by minimizing conflicting land uses.
- K. Promoting the rural and agricultural character, scenic vistas, and natural beauty of the Town.

- L. Regulating the development of Land Division projects.
- M. Ensuring accurate legal descriptions.
- N. Providing for administration and enforcement of this Ordinance by the Town Board.

SECTION 2 – AUTHORITY

This Ordinance was adopted under the statutory authority granted pursuant to the Village Powers of the Town, to Wis. Stat. §§ 60.10(2)(c), 60.22(3), 61.34(1), 236.03, and 236.45. This Ordinance was adopted by the Town Board after its receipt of a recommendation of this Ordinance on June 10, 2025, from the Town Plan Commission under Wis. Stat. §§ 61.35, 62.23, and 236.45(2).

SECTION 3 – ADOPTION OF ORDINANCE

The Town Board, by this Ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town Board to regulate and approve certain Land Divisions and Certified Surveys in the Town. Pursuant to Wis. Stat. § 236.45(4), a public hearing was held before the adoption of this Ordinance and notice of the hearing was given by publication of a class 2 notice, under Wis. Stat. Chapter 985.

SECTION 4 – DEFINITIONS

In this Ordinance, the following definitions shall apply

- A. Agricultural Use, as provided in Wis. Stat. § 91.01(2), means any of the following activities conducted for the purpose of producing an income or livelihood: crop or forage production; keeping livestock; nursery, sod, or Christmas tree production; floriculture; forest management; and enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- B. Certified Survey or Certified Survey Map means a certified survey with the map of a Minor Land Division of less than 35 acres prepared in accordance with Wis. Stat. § 236.34 and in full compliance with the applicable provisions of this Ordinance. A Certified Survey Map has the same legal force and effect as a Land Division plat. All Minor Land Divisions of less than 35 acres requires a Certified Survey Map by a registered land survey.
- C. Deed Restriction means a restriction on the use of a property set forth in a deed or other instrument of conveyance, including, but not limited to, a Restrictive Covenant, Conservation Easement, transfer of development rights, or any restriction placed on undeveloped land as a condition for the division or development of the undeveloped land.
- D. Developer's Agreement means an agreement by which the Town and the Land Divider agree in reasonable detail to all of those matters which the provisions of these regulations

permit to be covered by the Developer's Agreement. The Developer's Agreement shall not take effect unless and until an irrevocable Letter of Credit or other appropriate surety has been issued to the Town and/or the County.

- E. Final Plat means a map prepared in accordance with requirements of Chapter 236 of the Wisconsin State Statutes and this Ordinance for the purpose of precisely dividing larger Parcels into Lots and used in conveying these Lots.
- F. Land Divider means any person, partnership, corporation, or other legal entity that has an ownership or other legal interest in the subject land that the land is being divided or is proposed to be divided, resulting in a Land Division.
- G. Land Division means the division of a Lot, Outlot, Parcel, or tract of land by the owner of the land, or the owner's agent, for the purpose of sale or for development when the act of division creates two or more Parcels or building sites, inclusive of the original remnant Parcel, any of which is 35 acres or less in area, by a division or by successive divisions of any part of the original property within a period of 5 years, including any Land Division by a Major Subdivision, a Minor Land Division, Replat, and Certified Survey Map, and any other Land Division. Any residual Parcel resulting from any division of land shall be included in the Land Division if said Parcel is less than 35 acres in size.
- H. Land Use Plan means the Town Comprehensive Plan, concerning issues of land use in the Town, adopted by the Town, including any subsequent amendment.
- I. Lot means a Parcel of not less than 1.5 acres or greater, but less than 35 acres, which is created by a Land Division, with the designated Parcel, tract, or area of land established by Land Division plat, Certified Survey Map, or as otherwise permitted by law to be conveyed, used, developed, or built upon as a unit. No more than one single family residence shall be constructed on a single Lot.
- J. Major Subdivision, as defined by Wis. Stat. § 236.02(12), the division of a Lot, Parcel, or tract of land, by the owner, owner's agent, or Land Divider, for the purpose of sale or of building development where the Land Division creates five (5) or more Parcels or building sites of 35 acres each or less in area or where five (5) or more Parcels or building sites of 35 acres each or less in area are created by successive division within a period of five (5) years.
- K. Minor Land Division means any division of land other than a Major Subdivision as defined herein of less than 35 acres in size. Any residual Parcel resulting from any division of land shall be included in the Minor Land Division if said Parcel is less than 35 acres in size. The minimum Land Division under this Ordinance shall comply with the standard design and improvement requirements in Section 13 and the Certified Survey requirements in Section 12.

- L. Natural Resource means air, land, water, groundwater, drinking water supplies, wildlife, fish, biota, and other such resources, belonging to, managed by, appertaining to, or otherwise controlled by the United States, State of Wisconsin, or the Town.
- M. Navigable Waters means any body of water which is navigable under the laws of the State.
- N. Outlot means a Parcel of land other than a Lot or block so designated on a Land Division plat or Certified Survey Map not intended for a building site.
- O. Parcel means contiguous lands under the control of a Land Divider not separated by roads, highways, navigable rivers, or railroad rights-of-way.
- P. Replat means the process of changing the map or plat which changes the boundaries of a recorded Major Subdivision Plat, Minor Land Division, Certified Survey Map, or other Land Division or part thereof. The division of a large block, Lot, or Outlot within a recorded subdivision plat or Certified Survey which changes the exterior boundaries of said Lot, block, or Outlot is a Replat.
- Q. Sketch Map means a conceptual layout of a proposed development on a topographic map, which is submitted for formal review.
- R. Town means the Town of Richmond, St. Croix County, Wisconsin.
- S. Town Board means the Board of Supervisors for the Town of Richmond, St. Croix County, Wisconsin, and includes designees of the board authorized to act for the board.
- T. Town Comprehensive Plan means a Comprehensive Plan adopted by the Town Board of the Town of Richmond under Wis. Stat. § 66.1001.
- U. Town Plan Commission means the Town of Richmond Plan Commission appointed by the Town Chair of the Town of Richmond, St. Croix County, Wisconsin.
- V. Wetland means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and that has soils indicative of wet conditions.
- W. Wis. Stats. means the Wisconsin Statutes, including successor provisions to cited statutes.

SECTION 5 – EXEMPTIONS

- A. The provisions of this Ordinance, as it applies to Land Divisions of tracts of land in the Town into less than five (5) Parcels, shall not apply to any of the following:
 - 1. Transfers in interest in land by will or pursuant to court order.

2. Leases for a term of not more than ten (10) years, mortgages, or easements.
3. The sale or exchange of land between owners of adjoining property if additional Lots are not thereby created and if the Lots resulting are not reduced below the minimum size of 1.5 acres.

B. All of the following specific uses and activities are exempt from this Ordinance:

1. Cemetery plats made under Wis. Stat. § 157.07.
2. Assessor's plats made under Wis. Stat. § 70.27.

SECTION 6 – COVERAGE/COMPLIANCE

A. This Ordinance applies to all lands in the Town. The Town Board shall be responsible to administer this Ordinance unless it designates by resolution such other authority.

B. No person, unless exempt under this Ordinance, shall divide or create a Land Division of any land in the Town subject to the requirements of this Ordinance and no Land Division, including any Major Subdivision, a Certified Survey Map, Replat or Minor Land Division, shall be entitled to be recorded in the Office of the Register of Deeds for St. Croix County unless the final Land Division, plat, or map as approved by the Town Board or its designee is in full compliance and consistent with all of the following:

1. All requirements of this Ordinance, when provisions of this Ordinance impose greater restrictions than paragraphs 2. through 9. below, it is intended that the provisions of this Ordinance shall apply.
2. Wis. Stat. Chapter 236.
3. The Town Comprehensive Plan adopted under Wis. Stat. § 66.1001 or other Town Land Use Plan or any component thereof.
4. The applicable Town, St. Croix County, and State of Wisconsin zoning regulations, building code, sanitary code, erosion control regulations, and other Land Division regulations.
5. State Department of Natural Resources administrative rules on Wetlands, shorelands, sewers, septic systems, and pollution abatement.
6. All applicable State and local sanitary codes.
7. All applicable Town Ordinances.
8. All State Department of Transportation and St. Croix County Highway Department Administrative rules relating to safety of access and the preservation

of the public interest and investment in the highway system, if the land owned and controlled by the Land Divider abuts on a state or county trunk highway or connecting road or street.

9. All applicable extraterritorial zoning or plat review ordinances, or official maps adopted pursuant to Wis. Stat. § 62.23, and any other applicable Town, St. Croix County, City of New Richmond, or extraterritorial authority ordinances and regulations.
- C. Permit fees shall be established annually in January or thereafter by resolution of the Town Board prior to any new Land Division plat approvals and Certified Survey Map approvals and prior to any person commencing any form of construction or installation of any building in the Town.
- D. No land shall be divided or any Land Division occur if any Parcel or Lot created by the Land Division is smaller than 1.5 acres excluding public rights of way.
- E. Any Parcel in the Town, which shall be divided by a Land Division regardless of the Lot size or number of Lots created, which is located wholly or partially within a Shoreland Zoning District or a Floodplain District, shall require, at minimum, a Certified Survey Map to be recorded in the St. Croix County Register of Deeds Office with approval by the Town Board or its designee under this Ordinance prior to recording.
- F. Any Parcel in the Town, which shall be divided and cause a Land Division regardless of the Lot, Outlot, or Parcel size or number of Lots, Outlots, or Parcels created, shall comply with Wis. Stat. §§ 59.692, 281.31, and 236.45, Wis. Stat. Chapter 703, and any appropriate State Administrative Code provisions.
- G. All visible structures, encroachments, fences, Navigable Waters, and public roads and public roads shall be shown to scale on any Certified Survey Map from any Land Division to be recorded.
- H. Any Outlots created on a Certified Survey Map shall be accompanied with a statement of purpose or use of the Outlot.
- I. No person shall construct upon, convey, record, or place survey monuments, conduct surveys, layout Parcels, Lots, or Outlots, or create plats or maps on any land in the Town in violation of this Ordinance or the Wisconsin Statutes.
- J. No person shall request, nor be issued by the Town Board, a driveway permit, building permit, or any other permit or license authorizing any construction, installation, or improvement on any land within the Town, except land subject to a Land Division that was of record as of the effective date of this Ordinance, until the provisions and requirements of this Ordinance and all other applicable Town Ordinances have been fully met by the Land Divider. The Town Board may institute the appropriate action or proceedings to enjoin violations of this Ordinance.

- K. All Land Division approvals required by the State Department of Administration or its successor Department for specific Land Divisions, including any Major Subdivisions, Minor Land Divisions, or Certified Surveys, shall be obtained prior to final approval by the Town Board or its designees.
- L. All Land Division, plats, or Certified Survey Maps, upon receipt of final approval by the Town Board or its designees, shall be recorded in the Office of the Register of Deeds at the cost of the Land Divider. Final Plat approval shall comply for recording with Wis. Stat. §§ 236.21 and 236.25.
- M. Where other governing authorities, including the State, St. Croix County, or any extraterritorial municipal body has the statutory or ordinance authority to approve or to object to any proposed Land Division and the requirements are conflicting, the Land Divider and the Land Division shall comply with the most restrictive requirements.

SECTION 7 – SPECIFIC COMPLIANCE PROVISIONS

- A. All Parcels, Lots, or Outlots that will be proposed to be divided for Land Division purposes under this Ordinance that are bisected or divided by a public road, public trail, or a Navigable Water shall be divided along these natural or constructed features.
- B. No land shall be issued a Land Division approval if the Town Board of the Town determines that any proposed Land Division plat or Certified Survey Map will materially interfere with existing Agricultural Uses or will conflict with other goals, objectives, and policies as set forth in the Town Comprehensive Plan, or other Land Use Plan. In addition, the Land Division approval must be determined to be, by the Town Board, consistent with the Town Comprehensive Plan, if any, and if any other Land Division plat approval or Certified Survey Map approval to the land applies, the most restrictive requirements to the land apply. The Land Division minimum Lot size requirements in this Ordinance apply rather than any other applicable municipal zoning regulations related to minimum Lot sizes.
- C. No land shall be issued a Land Division approval for a purpose that poses a significant threat to the quality or quantity of groundwater in the Town.
- D. No land shall be issued a Land Division approval if it is held unsuitable by the Town Board for its proposed use for reason of flooding, inadequate drainage, dangerous or hazardous land conditions, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal or maintenance capabilities, impairment of wildlife habitat and scenic vistas, improper utilization of prime farm soils, undue costs and inefficiencies in the provision of Town governmental services, or any other feature likely to be harmful to the health, safety, or welfare of current or future residents of the Town, or likely to cause a public nuisance in the Town. The Town Plan Commission may require any proposed Land Divider to furnish maps, data, and other information as may be necessary to determine land suitability.

- E. No person shall be issued any Land Division approval by the Town Board until the appropriate application fees have been paid to the Town Clerk.
- F. No person shall be issued any Land Division approval by the Town who has failed to properly and fully complete and submit to the Town Board the application form developed and provided by the Town.
- G. No person shall sell any Parcel of land, Lot, or Outlot in the Town if it abuts on a road which has not been accepted as a public road unless the seller informs the land purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the Town or St. Croix County.
- H. No person shall be issued a final Land Division approval by the Town Board until the Land Divider makes or installs all public improvements deemed necessary by the Town Board or until the Land Divider executes a development agreement acceptable to the Town and provides a surety bond or other security acceptable to the Town Board to insure that the Land Divider will make these public improvements within a time established by the Town Board and provide a warranty that all public improvements to be accepted by the Town shall be free of defects in materials and workmanship for a period of 14 months.
- I. No person shall be issued a final Land Division plat or Certified Survey Map approval by the Town Board until the Land Divider agrees in writing that the Land Divider will be responsible for the cost of any necessary alteration of any existing utilities that by virtue of the Land Division lie within the public right-of-way.
- J. No person shall be issued a final Land Division plat or Certified Survey Map approval by the Town Board unless all public improvements to be constructed or installed as required by the Town Board within the Land Division plat area or Certified Survey Map area meet the requirements established in writing by the Town Board.
- K. The Town, with respect to any final Land Division, shall not be responsible for any public improvements and shall not be responsible to accept any dedicated streets, roads, or other public areas and other public improvements until the Town Board, by motion or resolution, accepts or approves such dedicated public improvements with or without conditions.
- L. No person shall be issued a final Land Division approval by the Town Board unless any proposed Town roads have been specifically accepted for dedication approved by the Town Board.
- M. No person shall be issued a final Land Division approval by the Town Board unless any natural gas (where available), electrical power, cable or fiber optic and telephone facilities are installed in such manner as to make adequate service available to each Lot in the proposed Land Division. No such electricity, cable, fiber optic or telephone service

shall be located on overhead poles. All reasonable efforts shall be made to install utilities by joint trenching to minimize land disturbance. The Land Divider shall grant utility easements as part of the Land Division to allow for the installation of said utilities outside of the public road rights of way.

SECTION 9 – APPLICATION AND SKETCH MAP SUBMITTAL

- A. Any Land Divider who divides or proposes to divide for Land Division purposes land located in the Town that will create a Land Division, including a Major Subdivision, Certified Survey Map, Minor Land Division, Replat, or revision of an existing Land Division shall, prior to any submittal of any Preliminary Plat or map information, submit to the Town Clerk a Land Division application, which may be obtained from the Town Clerk, with the appropriate fee and with all required information as required by St. Croix County for a similar application if submitted to the County.
- B. With any initial Land Division application, the Land Divider shall submit to the Town Clerk a Sketch Map at a scale of 1 inch=200 feet or other appropriate scale. The Sketch Map shall show all of the following:
 - 1. A north arrow, the date, the scale, and a reference to a section corner.
 - 2. The approximate dimensions and areas of the Parcels, Lots, Outlots, and easements.
 - 3. The location and type of existing and proposed buildings and structures and uses.
 - 4. The location of drainage ditches, water wells, sewerage systems, and other features pertinent to the Land Division.
 - 5. The location of existing and proposed roads, highways, developments, Navigable Waters, trails, and driveways and distances to the nearest adjoining highways, roads, or driveways on all sides of the proposed site.
 - 6. The location of general land cover types, such as woodlands, Wetlands, agricultural, etc.
 - 7. The location of any slopes of 12% or greater.
 - 8. The setback of building lines required by any approving agency.
 - 9. The uses of the land adjacent to the property and any existing roads, easements and restrictions of record, public access to Navigable Water, dedicated areas and utilities on/or adjacent to the land.

The Town Engineer shall review for completion the initial Land Division application and Sketch Map, including payment of applicable application fees. The Town Clerk or Town

Engineer shall thereafter notify the Land Divider if the application is determined to be complete or incomplete. The Town Engineer shall provide written reasons for any alleged incompleteness of the application with the notification. All applications shall be submitted on or before the first Tuesday of the month of which the application shall be reviewed by the Plan Commission.

- C. The Land Divider or the Land Divider's designee shall attend the meeting and present the proposed Land Division, preliminary plat or map documents, and Sketch Map to the Town Board or Town Plan Commission, if so designated by the Town Board, for its consideration. Failure of the Land Divider or designee to attend the meeting or provide a complete application may be used as grounds for the Town Board or Town Plan Commission to recommend denial of any later requested approvals for the Land Division.

SECTION 10 – SUBDIVISION PRELIMINARY APPROVAL, CONDITIONAL APPROVAL, REJECTION

- A. Prior to the submittal of the Major Subdivision Preliminary Plat or other Preliminary Plat document, the Land Divider shall have submitted the Land Division application noted in Section 9. The Major Subdivision Preliminary Plat, Sketch Map, and other relevant document information, including the Land Division application, shall be reviewed by the Town Board, Town Plan Commission, or Town Engineer for conformance and consistency with this Ordinance, any Town Comprehensive Plan, and all other applicable Town Ordinances, rules, regulations, and plans. The Town Board or Town Plan Commission, as part of its review, may request the Land Divider provide additional information or data. The Town Plan Commission may also review applicable County, State, and Federal laws, ordinances, rules, regulations, and plans for consistency and conformity that may affect the proposed Major Subdivision.
- B. A Major Subdivision Preliminary Plat shall be required for all proposed Major Subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on paper of good quality at a map scale of not more than one hundred (100) feet to the inch and shall show correctly and completely on its face the following information and provide other documents as required below:
 - 1. Title or name under which the proposed Major Subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat;
 - 2. Property location of the proposed Major Subdivision by: government lot, quarter-section, township, range, County, and State;
 - 3. A sketch showing the general location of the Major Subdivision within the U.S. Public Land Survey section;
 - 4. Date, Graphic Scale, and North Arrow;

5. Names, addresses, and telephone numbers of the owner, Land Divider, and land surveyor preparing the plat;
6. The entire area contiguous to the proposed plat owned or controlled by the Land Divider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Town Board may waive this requirement where it is deemed unnecessary to fulfill the purposes and intent of the Ordinance and severe hardship would result from the strict application;
7. Exact length and bearing of the exterior boundaries of the proposed Major Subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby;
8. Existing and proposed contours at vertical intervals of not more than two (2) feet where the slope of the found surface is less than 10%, and of not more than five (5) feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1983 (mean sea level). Draining patterns and watershed boundaries shall be delineated to help determine peak runoff for specified storm events;
9. Water elevations of adjoining, closed depression ponds, lakes and streams at the date of the survey and approximate high and low water elevations, all referred to mean sea level (1983) datum;
10. Floodplain limits and the contour line lying a vertical distance of two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above the elevation of the maximum flood of records;
11. Location, right-of-way, width, and names of all existing roads, highways, alleys, trails, or other public ways, easements, railroad and utility right-of-way and all section and quarter-section lines within the exterior boundaries of the plat or immediately adjacent thereto;
12. Type, width, and elevation of any existing road pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all to mean sea level (1983 datum);
13. Location and names of any adjacent Major Subdivisions, Minor Land Divisions, Certified Survey Lots, unplatted and unsurveyed Parcels, Outlots, Lots, parks, and cemeteries, and owners of record of abutting unplatted and unsurveyed lands;
14. Location, size, and invert elevation of any culverts, and drain pipes, the location of manholes, catch basins, power and telephone poles, and the location and size of

any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto;

15. Locations of all existing property boundary lines, structures, drives, lakes, streams, Navigable Waters, and watercourses, Wetlands, rock outcrops, wooded area, railroad tracks, and other similar significant natural or man-made features within the tract being subdivided or immediately adjacent thereto;
16. Location, width, and names of all proposed streets, roads, highways, and public rights-of-way, such as alleys and easements;
17. Dimensions of all proposed Lots, Outlots, and Parcels;
18. Location and approximate dimensions and size of any sites to be reserved or dedicated for parks, neighborhood park, drainageways, trails, or other public uses if these Parcels are Outlots on the development proposal, the ownership and purpose shall be stated on the face of the plat;
19. Radii of all curves;
20. Existing zoning on and adjacent to the proposed Major Subdivision;
21. Any proposed lake and stream access with a small drawing clearly indicating the location for the proposed Major Subdivision in relation to the access;
22. Location of soil boring tests, where required and pursuant to Wisconsin Administrative Code SPS Chapter 385, made to a depth of at least six (6) feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. The results of such tests shall be submitted along with the preliminary plat;
23. All environmental corridors and isolated natural areas as mapped by State, regional, or local agencies;
24. All Department of Natural Resources designated Wetlands, and any field verified Wetlands designated by a public agency;
25. The surveyor or engineer preparing the Major Subdivision Preliminary Plat shall certify on the face of the plat it is a correct representation of the proposed Major Subdivision and physical features and that he has fully complied with the provisions of this Ordinance;
26. The Town, after determining from a review of the Preliminary Plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require

substantial cutting, clearing, grading, and other earthmoving operations in the development of the Major Subdivision or otherwise entail an erosion and stormwater hazard, may require the Land Divider to provide erosion and sediment control and stormwater management plans;

27. The Town Board shall require submission of a draft of protective covenants, where a covenant is proposed whereby the Land Divider intends to regulate land use in the proposed Major Subdivision and otherwise protect the proposed development. The covenants shall be subject to the review and approval of the Town Attorney as to form;
 28. Easements shall be shown and shall be limited to utility easements, drainage easements, access easements, and service easements. Easements shall not be used for conveyance of roads, pedestrian right-of-way, parks, or other public lands requiring dedication. On all drainage easements and storm water facilities, it shall state on the face of the document that the Town Board shall have the right but not the obligation for maintenance of the easement and storm water facility. The Town Board shall have the authority to assess the costs of maintaining those easements and facilities to all benefiting landowners in the development;
 29. A detailed statement as to whether and how the proposed development is consistent with the Town Comprehensive Plan or the Town Master Plan;
 30. A traffic impact study based upon Institute of Traffic Engineers standards, if required by the Town. The study shall be transmitted for review and comment by the Town Plan Commission prior to action on the Major Subdivision preliminary plat; and
 31. A Developers Agreement including but not limited to an approved construction schedule for public and private improvements, approved plans for public improvement, letter of credit or surety bond to ensure completion of approved improvements.
- C. Unless the timeline is extended by agreement with the Land Divider, the Town Board or the Town Plan Commission, if so designated, shall, within ninety (90) days of the date of receipt by the Town Clerk of a complete proposed Preliminary Plat, deem the Major Subdivision Preliminary Plat complete, grant preliminary approval of, grant conditional approval of, or reject the Major Subdivision plat as proposed. One (1) copy of the Major Subdivision Preliminary Plat shall thereupon be returned to the Land Divider with the date and action endorsed thereon. If approved conditionally or rejected, the conditions for approval or reasons for rejection shall be stated in the minutes of the meeting. Reasons for conditional approval or rejection may include nonconformance or inconsistency with this Ordinance, the Town Comprehensive Plan, nonconformance or inconsistency with Town Ordinances, rules, regulations, or plans, and nonconformance with applicable County, municipal, State, or Federal laws, ordinances, rules, regulations, or plans. One

copy of the Major Subdivision Preliminary Plat shall be filed with the Town Clerk for the Town records.

- D. In the event of a rejection of the proposed Major Subdivision Preliminary Plat by the Town Board, the Town Board or Town Plan Commission shall recite in writing the particular facts upon which it bases its conclusion for rejection, including incompleteness of Land Division application or that the land is not suitable for the proposed Land Division. The Town Plan Commission shall afford the Land Divider an opportunity to review any Town Board's decision of unsuitability and present evidence refuting the determination, if so desired. Thereafter, the Town Plan Commission may recommend that the Town Board affirm, modify, or withdraw its prior determination of unsuitability. The Town Board may affirm, modify, or override the Town Plan Commission decision or recommendation. The Town Board shall recite in writing findings for any decision to modify or override the Town Plan Commission's decision or recommendation.
- E. If either the Town Board or the Town Plan Commission denies two consecutive Major Subdivision Preliminary Plats for the same Parcel, no subsequent re-application for a Major Subdivision approval of that Parcel will be accepted, received, or considered by the Town Board or Town Plan Commission within 12 months of the second denial.
- F. The Town Board may delegate by resolution its proposed Major Subdivision preliminary plat approval to the Town Plan Commission for all or part of the approval.

SECTION 11 – FINAL PLAT APPROVAL

- A. The Major Subdivision Final Plat shall comply fully with Wis. Stat. §§ 236.11, 236.12, 236.20, 236.21, and 236.25.
- B. The Town requires that an updated abstract of title certified to date of submission, or, at the option of the applicant, a policy of title insurance or a certificate of title from an abstract company for examination in order for the Town Board or its designees to ascertain that all parties in interest have signed the owner's certificate on any plat.
- C. A copy of the approved Major Subdivision Final Plat as recorded in the Register of Deeds Office shall be filed with the Town Clerk within five (5) days of the recording.
- D. Prior to any request for any Major Subdivision Final Plat approval and recording of the plat or map, the Land Divider shall seek and obtain from the Town Board a motion or resolution specifically stating that the Town accepts from the Land Divider all lands shown on the plat as dedicated to the Town for the public, including road or road dedications.
- E. The Town Board or its designee shall approve or reject the Major Subdivision Final Plat within sixty (60) days of its submission to the Town Clerk unless extension of the time is mutually agreed in writing. Appropriate notices shall be provided as noted in Wis. Stat. § 236.11(2).

SECTION 12 – CERTIFIED SURVEY MAP

- A. Prior to submittal of any preliminary map or any Certified Survey Map, the Land Divider shall have submitted to the Town Clerk the Land Division application noted in Section 9 of this Ordinance. A Certified Survey Map prepared by a land surveyor registered in the State of Wisconsin is required for all Minor Land Divisions that create any Parcels, Lots or Outlots less than 35 acres in area and any other Land Divisions noted in Wis. Stat. § 236.34. All required Certified Survey Maps shall comply in all respects with Wis. Stat. § 236.34, where applicable, and State survey standards. The Town shall comply with the ninety (90) day requirement in Wis. Stat. § 236.34 for final approval, final approval on condition, or rejection by the Town Board or its designee, as the approving authority for the final Certified Survey Map.
- B. The Certified Survey Map shall, at minimum, show correctly on its face, in addition to the information required by Wis. Stat. § 236.24, all of the following:
 - 1. All existing buildings, fences, water courses, Wetlands, lakes, Navigable Waters, ponds, drainage ditches, waste disposal systems, and other features pertinent to the Land Division, including the location of water wells, dry wells, drain fields, pipes, culverts, and existing easements, public roads, and any adjoining parks, cemeteries, public roads, , subdivisions, ponds, streams, lakes, flowages, Wetlands, railroad rights-of-way and easements, and public roads;
 - 2. The building envelope and its distance to 2 property lines, if a building location were required and approved by the Town Board;
 - 3. The area of Parcels, Outlots, and Lots in acres;
 - 4. The date of the map;
 - 5. The graphic scale of the map and north arrow;
 - 6. The entire area contiguous to the plat owned or controlled by the owner or Land Divider; and
 - 7. Any floodplain limits.
- C. The Certified Survey Map shall include in its certification, in addition to the information required by Wis. Stat. § 236.34, all of the following:
 - 1. A legal description of the Parcel;
 - 2. The surveyor's name, address, and signature;

3. A statement from the surveyor that the surveyor has fully complied with all the provisions of this Ordinance;
 4. The owner's name, address, and signature; and
 5. Signature lines and dates for approval by the Town Chairperson and Town Clerk.
- D. The Certified Survey Map is entitled to final approval by the Town Board or the Town Plan Commission, if so designated, only if the Certified Survey Map, together with all required information, is submitted within twelve (12) months of the Land Division application submitted to the Town Clerk and it substantially conforms and is consistent with to all of the following:
1. The Land Division application and Sketch Map as determined complete and the preliminary documents submitted by the Land Divider.
 2. Any and all conditions of approval established by the Town Board, pursuant to this Ordinance.
 3. The adopted Town Comprehensive Plan or other applicable Town, County, or municipal Land Use Plans and Ordinances, including any Town, County, or other applicable municipal zoning or plat review Ordinances.
 4. All appropriate requirements for Certified Survey Maps and Minor Land Divisions as noted in this Ordinance.

SECTION 13 – DESIGN STANDARDS

Any Minor Land Divisions or Major Subdivisions shall meet the following design standards:

A. Street and Road Standards.

1. The Land Divider shall dedicate land for and to improve streets and roads in the Town as provided herein.
2. Streets and roads shall conform to all requirements in the Town Road Ordinance, Ordinance Number 2021-03, as well as an applicable official map of the Town.
3. Streets and roads shall be located with due regard for topographical conditions, natural features, existing and proposed streets, roads, utilities, land uses, and public convenience and safety. Street and road locations shall be consistent with any applicable Town road plan or Town Comprehensive Plan officially adopted by the Town Board.

4. Public roads and public streets shall be laid out and rights of way dedicated to the property line to provide for possible continuation to adjoining parcels wherever topographic and other physical conditions permit.
5. Where possible, Parcel, Outlot, and Lot lines shall be perpendicular to the public street or public road line, and to the tangent at the Lot corner on curved public roads or public streets.
6. Lots in all Major and Minor Subdivisions shall meet the following standards:
 - a. Minimum lot size, excluding rights of way not less than 1.5 acres.
 - b. All Lots to take access directly from a public road or private easement approved by the Town Board.
 - c. Proposed driveways in excess of 500 feet in length shall contain a sufficient improved turn around area for fire and emergency vehicles approved by the fire chief.
 - d. Wetlands and/or public easements and rights of way shall be excluded from any acreage calculation.

SECTION 14 – MINOR LAND DIVISION

Any division of land less than 35 acres in size, other than a Major Subdivision as defined herein, shall be surveyed, and a Certified Survey Map shall be prepared and recorded as provided in Wis. Stat. § 236.34.

- A. Prior to the preparation of the Certified Survey Map, the Land Divider shall submit the proposed Minor Land Division to the Town Clerk, along with the information as noted in Section 9 of this Ordinance for a completeness determination by the Town Clerk or Town Engineer. It shall be reviewed by the Town Board or the Town Plan Commission for preliminary approval to establish conformity and consistency with surrounding existing or proposed developments; adjacent or future highways; other planned public developments; analysis of soil types; topography; erosion control and storm water management; access to any abutting road or highway conformance with this Ordinance, Wis. Stat. Chapter 236, the Town Comprehensive Plan, established road and highway width maps, official maps, and generally for the effect the Minor Land Division would have on the development of surrounding property. The Town Board or Town Plan Commission, as part of its review, may request the Land Divider provide additional information or data. If any Lots to be divided are not served by municipal sanitary sewer, soil borings must be submitted for approval in accordance with the State Department of Safety and Professional Services Administrative Rules.
- B. After preliminary Minor Land Division and Certified Survey Map approval has been granted by the Town Board or Town Plan Commission, the Land Divider may proceed to have drawn a Certified Survey Map in accordance with Wis. Stat. § 236.34. The Land Divider shall be required to dedicate any road right-of-way the Town or St. Croix County deems necessary and shall be required to build the highway to the appropriate highway

standards. All other requirements established by this Ordinance, where applicable, shall be complied with by the Land Divider. A cash escrow or letter of credit and Developer's Agreement regarding the installation and timing of public and private improvements may be required.

- C. Four (4) copies and an electronic copy of the final Certified Survey Map and the necessary fees shall be submitted to the Town Clerk for submission to the Town Plan Commission and/or Town Board. Within ninety (90) days of the submission to the Town Clerk of the proposed Certified Survey Map, unless the time is extended by the Land Divider or his or her agent, the Town Board or the Town Plan Commission shall approve, approve on condition, or reject the incomplete proposed Certified Survey Map as required in Section 12. If the Minor Land Division and Certified Survey Map are approved, a resolution to that effect shall be placed on the Certified Survey Map and signed by the Town Chair or Town Plan Commission Chair and Town Clerk. The approved Certified Survey Map shall then be recorded in the Office of the Register of Deeds.
- D. Any Minor Land Divisions shall meet the design standards noted in Section 13.

SECTION 15 – EASEMENTS

- A. For any Land Division, the Town Board shall require lot line utility easements at locations and of widths deemed adequate by the Town Board, but in no case less than 10 feet.
- B. The Town Board shall require that easements or drainageways of widths sufficient to accommodate storm water run-off be provided where a Land Division area includes a segment or segments of water courses, drainageways, channels, or streams.
- C. Private access easements for ingress and egress, if approved by the Town Board, within any Land Division area shall be a minimum of 66 feet in width.

SECTION 16 – COSTS OF APPLICATION REVIEW

- A. All Land Division applications and any other appropriate approval requests shall be accompanied by an application fee. The fee shall be established by the Town Board by resolution or as set forth in the Town's fee schedule.
- B. All reasonable costs incurred by the Town Board or its agents to properly review each Land Division application shall be the responsibility of the Land Divider who shall timely pay or reimburse the Town for all reasonable or projected engineering, inspection, legal, and administrative costs incurred by the Town in reviewing the proposed Land Division plats and maps and the preparation and/or review of Development Agreements, easements and restrictive covenants as applicable. The Town Board may require that all or a portion of the known costs of application approval and variance review be paid in advance or an estimate of said costs be placed in escrow with the Town.

SECTION 17 – VARIANCES

- A. The Town Board may grant, and the Town Plan Commission may recommend, variances or modifications to design standards because of hardship from the provisions of this Ordinance, after a public hearing with a Class I notice of the hearing with written notice by U.S. mail to owners of adjoining lands. The findings of the Town Plan Commission and the Town Board in recommending or permitting any variance or modification shall be, at minimum, that the variance or modification will not violate the purpose of this Ordinance or provisions of Wis. Stat. Chapter 236 and that, because of the unique topographic or other conditions of the land involved, literal application of this Ordinance will cause an undue hardship to the Land Divider.
- B. The requirement of filing and recording the Land Division plat shall not be waived by the Town Board.

SECTION 18 – VIOLATIONS

- A. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Ordinance shall, upon conviction, forfeit not less than \$500, plus any additional applicable costs incurred by the Town for each offense. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include the following:
 - 1. Recordation improperly made carries penalties as provided in Wis. Stat. § 236.30.
 - 2. Conveyance of Lots, Outlots, and Parcels in unrecorded plats carries penalties as provided in Wis. Stat. § 236.31.
 - 3. Monuments disturbed or not placed carries penalties as provided in Wis. Stat. § 236.32.
- B. No person shall sell land in the Town in Lots, Parcels, and/or Outlots unless the Lots, Parcels, and Outlots have been lawfully approved pursuant to the terms of this Ordinance or any predecessor procedure. The unlawful sale of unapproved or unauthorized Parcels, Outlots, or Lots is deemed to be a public nuisance, which may be enjoined by a Court of record.
- C. The provisions of the Town Citation Ordinance, Ordinance Number 2017-2, shall apply.
- D. The above remedies are not exclusive. The Town may enforce this Ordinance by any lawful means.

SECTION 19 – SEVERABILITY

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this Ordinance or the application to any person or circumstances is held invalid, the remainder of the Ordinance and the application of such provisions to other person's circumstances shall not be deemed affected.

SECTION 20 – EFFECTIVE DATE

This Ordinance is effective upon publication. The Town Clerk shall property post or publish this Ordinance as required under Wis. Stat. § 60.80.

Adopted this ___ day of _____, 2025.

TOWN OF RICHMOND

Gary Knutson, Town Chair

Attest:

Patrick Earley, Town Clerk

Voted for: _____
Voted against: _____
Abstained: _____