

**TOWN OF HAMMOND  
ST. CROIX COUNTY, WISCONSIN**

**SUBDIVISION ORDINANCE**

**Ordinance Number 2022-02  
Date Adopted June 12 , 2022**

The Town Board of the Town of Hammond, hereinafter referred to as TOWN, does ordain as follows:

**ARTICLE I. INTRODUCTION**

- A. It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law.
- B. The Town recognizes that Wisconsin Statutes Section 236.45(2) (ac) specifically authorizes the Town to regulate subdivisions within the territory of the Town. The Town further recognizes that its jurisdiction to regulate subdivisions is concurrent jurisdiction with St. Croix County. The Town recognizes Chapter 13, entitled "Land Division" of the Land Use and Development Section of the Code of Ordinances of St. Croix County and will enforce its provisions within the Town, to the extent those provisions are stricter than any Town of Hammond Subdivision Ordinance.
- C. The Town adopts this Subdivision Ordinance to specify and enact those provisions in which it desires to regulate subdivisions in the territory of the Town more restrictively than the provisions of the referenced Chapter 13 of the St. Croix County Code of Ordinances and which will supplement the provisions of that Chapter.

**ARTICLE 2. APPROVAL REQUIRED; VIOLATIONS.**

- (a) Authority. The Town Board shall be the approving authority for subdivisions covered by this Ordinance, acting after considering the advice and recommendations of the Town Plan Commission.
- (b) Approval by the Town Board shall be required before the division of a lot or parcel or tract of land within the jurisdiction of this Ordinance into one or more new lots, parcels or tracts when the lots, parcels or tracts being created by such division are a subdivision, unless the division is included within one or more exemptions listed below.
- (c) Violations. The following activities are declared to be violations of this Ordinance:
  - a. To convey, offer to convey or contract to convey a subdivision or a lot, tract or parcel within such a subdivision without having had the subdivision approved pursuant to this Ordinance.

- b. To record a survey map, plat or a metes and bounds description of a lot, parcel or tract, thereby creating a subdivision, without such subdivision having been approved pursuant to this Ordinance;
- c. To fail to comply with all standards of this Ordinance, any other applicable Town ordinances, and all conditions which are imposed by the Town in the course of its review and approval of a subdivision; or any violation of Ch. 236, Wis. Stats.
- (d) Exemptions.
  - a. Any exemptions listed in Wis. Stats. § 236.45(2) (am)1 to 3.
  - b. All of the following specific uses and activities are exempt:
    - i. Cemetery plats made under Wis. Stats. § 157.07.
    - ii. Assessor's plats made under Wis. Stats. § 70.27.

### **ARTICLE 3. SUBSTITUTION OF TERMS**

- (a) The following terms from the St. Croix County Land Division Chapter shall be replaced with the listed terms for application in the Town of any County ordinance containing the term(s):
  - a. "Zoning Administrator" shall refer to Town Plan Commission Chairperson.
  - b. "Committee" shall refer to Town Plan Commission and/or Town Board.
  - c. "St. Croix County Planning and Zoning Department" shall refer to Town Plan Commission and/or Town Board.
  - d. "Board of Adjustment" shall refer to Town Board.

### **ARTICLE 4. CONCEPT REVIEW AND PREDEVELOPMENT AGREEMENT**

- (a) In addition to the concept review required by County officials, the subdivider shall contact the Town to schedule and attend a concept review with Town Plan Commission.
- (b) The provisions of Section 13.2.A.1. of the County ordinance shall apply to the concept review to be conducted by the Town Plan Commission.
- (c) As part of the concept review process, the Town may require the subdivider to deposit funds in an escrow account with the Town to cover any estimated professional review fees or other costs the Town may incur during the concept review phase. All expenses incurred by the Town during the concept review phase must be reimbursed by the subdivider to the Town prior to preliminary plat review.

### **ARTICLE 5. PRELIMINARY AND FINAL PLAT REVIEW – SUBMITTAL OF COPIES AND RECORDABLE DOCUMENTS**

- (a) Copies of submittals required to be provided to the entities listed in Sections 13.3.A.2. and 13.4.A.1. may be provided electronically if authorized by the receiving agency.
- (b) Recording of As-Built Package:

- a. Upon recording of the final plat as required in Section 13.4.k., the Subdivider and/or Developer shall also record with the St. Croix County Register of Deeds an as-built package containing the following documents:
  - i. Stormwater Maintenance Agreement
  - ii. As-Built Development Plans
  - iii. Convenance and/or Homeowners Association Documents
  - iv. And any other documents that are directly associated with the future maintenance of the development.
- b. As-Built Package shall include the Document Number assigned to the final plat as well as the legal description for the specific lots that each document covers for future cross-reference.

## **ARTICLE 5. 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. Subdivision applications may also be denied on the basis that the proposed subdivision violates provisions of the Town of Hammond Subdivision Ordinance or which run counter to the Town of Hammond Comprehensive Plan. 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 Development Restrictions.
  - a. "Conservation Design" subdivisions will not be allowed or approved within the Town.
  - b. Private on-site common wastewater treatment systems will not be allowed or approved within the Town.
  - c. Commercial and/or Industrial developments are not encouraged and may not be allowed or approved within the Town.
  - d. Mobile homes without foundations, mobile home parks and/or multi-family structures will not be allowed or approved within the Town.

## **ARTICLE 6. MINIMUM LOT STANDARDS.**

- (a) Minimum Lot Areas for Major and Minor Residential Subdivisions shall be:
  - a. Single-Family structure: 2-acre average with a minimum of 1.5 acres excluding road rights-of-ways. All lots shall have a 50-foot building setback from the adjacent right-of-way.

## **ARTICLE 7. REQUIRED DEVELOPER'S AGREEMENT AND FINANCIAL ASSURANCES**

- (a) Developer's Agreement Required; Financial Security for Improvements.
  - a. Condition of Approval. Prior to the final approval and recording of any Certified Survey Map (hereinafter referred to as CSM), or Subdivision Final Plat requiring improvements located within the jurisdictional limits of this Ordinance, and prior to the installation of any required improvements, and as a condition of the approval, the Subdivider and/or Developer shall enter into a contract ("Developer's Agreement") with the Town agreeing to furnish, construct, and install the required improvements at the sole cost of the Subdivider and/or Developer and shall file with the Developer's Agreement an irrevocable letter of credit, bond or cash deposit the form of which to be approved by the Town in the amount equal to, or not exceeding, one hundred twenty percent (120%) of the Developer's presented bid after being reviewed and approved by the Town's approved engineer, or the Town approved engineer's estimate if the Developer's presented bid is not available or approved, of the public improvements to be taken over by the Town or the maintenance of which shall be supervised or performed by the Town.
- (b) Purpose of Guarantee. The purpose of the guarantee and surety is to ensure that such required improvements will be completed by the Developer, or the Developer's subcontractor or agent, and serves as a further guarantee that all obligations to subcontractors for work on the development are satisfied. Such improvements shall be completed by the Developer or by his/her subcontractor, as set forth in the Developer's Agreement.

## **ARTICLE 8. GENERAL ROAD AND DRIVEWAY DESIGN STANDARDS**

- (a) Developer/Subdivider shall comply with all requirements of the Town's Roads, Driveways, Erosion and Sediment Control and ROW Construction Ordinance (Ordinance 2021-02).
- (b) Road Names. Town policy for road naming suffix nomenclature shall only allow for Street and Avenue. The Town will not accept naming suffix nomenclature that include Drive, Lane, Road, Trail, Circle, Court or other.

## **ARTICLE 9. ADMINISTRATIVE AND OTHER FEES**

- (a) General.
  - a. The Subdivider shall pay expenses equal to the cost of any legal, administrative, or fiscal work which may be undertaken by the Town in connection with the plat or CSM. Legal work shall include the drafting of contracts between the Town and the Subdivider. This may also include the cost of obtaining professional opinions including, but not limited to attorneys, engineers, landscape architects, surveyors, foresters, hydrogeologists, and land planners requested by the Town Board or Town Plan Commission in connection with the land division being considered.

- b. 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. 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 bills are paid by the Subdivider. Review expenses 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 pay for said consulting services as a prerequisite to the processing of the development application.
- c. At the time of submission of an application for approval of a plat or certified survey, the Town Plan Commission or Town Board, at their sole discretion, may require the Subdivider to make a good faith deposit with the Town 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 will be refunded to the Subdivider.

(b) Fees/Escrow Deposits.

- a. From time to time, the Town shall establish, by resolution, application fee amounts for various stages of subdivision review.
- b. This fee schedule shall be available in the office of the Town Clerk/Treasurer and shall include separate fees for the following:
  - i. Major Subdivision:
    - 1. Concept Review.
    - 2. Preliminary Plat.
    - 3. Final Plat.
  - ii. Minor Subdivision:
    - 1. Concept Review.
    - 2. CSM.
  - iii. Any other fees deemed reasonable, appropriate and the same or similar to other fees in this section on a case-by-case basis by the Town Board.
- c. Assessments. All outstanding real estate taxes and assessments due to the Town shall be due prior to the signing of the Final Plat or CSM by the Town.
- d. Escrow for Costs and Expenses.
  - i. At such time as the Subdivider submits a Concept Plan, Preliminary Plat or CSM for review by the Town, it shall deposit with the Town Clerk / Treasurer, in escrow, the sum required by this Article to guarantee the timely payment of the Town's administrative, engineering, legal and consultant costs.
- e. In the event the amount deposited with the Town 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 per the current fee or deposit schedule. 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. 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 CSM, 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 Town 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 CSM or subdivision on a periodic basis.

- f. An accounting of all fees incurred by the Town and the status of the escrow shall also be provided to the Subdivider upon request. 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 CSM or subdivision.
- g. Payment of Impact Fees. Unless otherwise expressly provided herein, all required impact fees shall be paid at the time of issuance of the building permit by the Town. The impact fee amount due shall be that amount in effect at the time of payment of the impact fee is due. Impact fee payments shall be assumed to be the responsibility of the owner of record of the property for which a building permit is sought. All fees shall be paid to the Town.

## **ARTICLE 10. WAIVERS**

- (a) In addition to the Waiver, Setback Reduction and Administrative Appeal required by County officials, the Subdivider shall contact the Town to submit a waiver request for review and recommendation by the Town Plan Commission and approval by the Town Board.
- (b) The provisions of Section 13.10. of the County ordinance shall apply excluding the need for a public hearing.
- (c) An application for a waiver shall follow the procedure below:
  - a. At least 14 days before the Town Plan Commission meeting where the waiver request will be considered, the Town Plan Commission and the Town Board shall receive a complete waiver form as found on the Town's website that fully states all facts relied upon to support the waiver request and shall include drawings, studies, plans or other information that will aid the Town Plan Commission and Town Board in reviewing the waiver request.

- b. The presented waiver request may require notification to all adjoining landowners of the nature of the waiver request being considered.
- c. In the case of a new subdivision, the waiver request shall be filed at or before filing the preliminary plat documents or, if the unique condition is discovered later, at the time of discovery. In the case of building on a single lot after a subdivision is complete, the waiver request shall be filed at the time of or before the building permit is filed.
- d. The Town Board shall review and approve or disapprove the waiver request within 60 days of receipt based on compliance with this Ordinance and any other relevant Town ordinance.
- (d) The decision by the Town Board regarding the waiver request shall follow the procedure below:
  - a. The decision shall be in writing and explain the reasons for the decision.
  - b. The decision shall receive the appropriate signatures and attachments from the Town Clerk/Treasurer and be filed with the County Zoning Administrator.
  - c. A copy of the decision shall be provided to the Subdivider/owner.
- (e) The requirement of filing and recording a plat or CSM for subdivision shall not be waived.

#### **ARTICLE 11. ENFORCEMENT, PENALTIES AND REMEDIES.**

- (a) In addition to any other remedies provided by law, default by a Subdivider/owner in any terms, conditions, or obligations of a Developer's Agreement shall be grounds for suspension or withholding of all permits, licenses occupancy certificates, or any other authorizations or approvals issued by the Town in connection with the property being developed or any portion thereof.
- (b) Unilateral material change, without Town approval, of any portion of a homeowners' association governing document, restrictive covenants or any binding requirement of future homeowners that has the potential to adversely affect current lot owners, other than the developer, shall constitute grounds for the Town to not issue further building permits in the subdivision affected until what was changed has been restored.
- (c) Anyone causing a final plat or CSM to be recorded without first submitting it to the Town for approval, and either executing a Developer's Agreement, or being relieved of that requirement, or anyone who offers or contracts to convey, or conveys, any real estate located in the Town using a plat or CSM-based description and knowing that the final plat or CSM thereof has not been recorded, unless said offer is contingent upon final plat/CSM approval, shall pay a forfeiture of not more than \$500. Each day of noncompliance constitutes a separate offense. Noncompliance with this Ordinance shall also constitute grounds for an injunction or other appropriate action or proceeding to stop a violation of any provision of this Ordinance. These penalties are in addition to any other penalties provided by law.
- (d) Any activity which fails to satisfy the standards of this Ordinance shall be a violation of the Ordinance, regardless of whether knowledge of intent to

violate was present, and shall subject the party or parties who were responsible for noncompliance or who aided or abetted the noncompliance to an injunction action which demands that the condition constituting the violation be ceased or cured and that remedial actions to achieve compliance be undertaken and/or to forfeiture in an amount of not less than \$500 nor more than \$5,000. Each day during which such violation exists is a separate offense. In addition, the Town Board may order an Assessor's plat pursuant to the provisions of Wis. Stats. § 70.27 whenever the conditions specified in that section are found to exist.

**ARTICLE 12. SEVERABILITY.** Should any section of provisions of this Ordinance be declared invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

**ARTICLE 13. EFFECTIVE DATE.** This Ordinance shall become effective upon adoption and publication or posting as provided by law, pursuant to Wis. Stats. Sec. 60.80.

Adopted by the Town Board this 12<sup>th</sup> day of June 2022

Voted: Yeh \_\_\_\_ Ney 0 Abstained 0

Signed:

Paul Huep  
Town Chair

Attested:

Anna Huep  
Town Clerk/Treasurer

Date Published:

Effective Date:

Kent Wynveen, Supervisor

Paulette Anderson, Supervisor

Bob Aune, Supervisor

Joe Miller, Supervisor