

Includes *suggested changes* from General Code Analysis and Town Attorney Comments of May 17, 2021; no additional comments from Brian Wert. Changes reviewed and approved at 8-31-2021 Town Board working session.

Chapter 90

Subdivision of Land

[HISTORY: Adopted by the Town Board of the Town of Hudson 8-2-1976; amended in its entirety 11-5-2019. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Numbering of buildings — See Ch. **18**.

Citations — See Ch. **32**.

Mobile homes — See Ch. **59**.

Parks and recreation — See Ch. **73**.

Board of Review — See Ch. **77**.

Travel trailers — See Ch. **95**.

Zoning — See Ch. **105**.

§ 90-1 **Statement of purpose.**

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

§ 90-2 **Jurisdiction.**

- A. This chapter shall apply to all land subdivisions, as defined in § **90-4**, which occur or are proposed to occur within the geographic limits of the Town of Hudson.
- B. Land subdivisions within the Town of Hudson shall comply with Chapter 13 St. Croix County Land Division Ordinance and are also subject to review by St. Croix County.
- C. The review process, including, but not limited to, adhering to standards for road construction; review of road construction layout and design; and inspection of construction as done by the St. Croix County Highway Department, and the collection of associated costs will be done by St. Croix County for the Town of Hudson excluding Town requirements.

§ 90-3 **Compliance.**

- A. Approval by the approving authority of this Town shall be required prior to the division of a lot or parcel or tract of land in the Town of Hudson into one or more new lots, parcels or tracts when the lots, parcels or tracts being created by such division are a subdivision, as defined in § **90-4**, unless the division is included within one or more exemptions listed in § 236.03(2) or § 236.45(2)(*am*) 1-3, Wis.

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Stats.

B. The following activities are declared to be violations of this chapter:

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

C. The approving authority of this Town as to all major and minor subdivisions is the Town Board; provided, however, that any such proposed subdivision shall be first submitted to the Town Plan Commission, which shall make its recommendation to the Town Board, in writing. If the recommendation is for disapproval, the reasons for disapproval shall be stated in the written recommendation.

§ 90-4 Definition of subdivisions.

A. For purposes of this chapter, a "subdivision" is a division of a lot or parcel or tract of land which existed on the effective date of this chapter by the owner thereof or his agent for the purpose of transfer of ownership or building development where the act of division creates one or more new lots, parcels or tracts, any one of which is 20 acres or smaller in area.

B. Subdivisions are further defined as:

- (1) Minor subdivision or certified survey map (CSM) resulting in the creation of four or less lots.
- (2) Major subdivision resulting in the creation of five or more lots.

§ 90-5 Procedures for Town review of subdivisions.

A. Applications for minor subdivisions shall be submitted to the Town approving authority in the same form submitted to St. Croix County. The application can be submitted to the Town approving authority by the subdivider prior to its submittal to the county. In the alternative, the transmittal by the County Zoning Administrator of a copy of the application received pursuant to the St. Croix County Land Division Ordinance shall constitute a submittal to the Town approving authority. The Town approving authority shall receive, review and approve or disapprove applications for minor subdivisions within 90 days of receipt by the Town Clerk, or by the County Zoning Administrator if the alternative transmittal procedure has been used. Applications shall be approved or disapproved based upon compliance with the standards of § 90-6 of this chapter. Charges payable to the Town for plat review are listed in Chapter **A113**.

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B. Applications for major subdivisions shall be received by the Town approving authority in the form of transmittal of copies of county applications sent to the Town by the County Zoning Administrator pursuant to the St. Croix County Land Division Ordinance. The Town approving authority shall receive both preliminary and final major subdivisions plats pursuant to the above procedure. The application can be submitted to the Town approving authority by the subdivider prior to its submittal to the county. The Town approving authority shall reject any plats which have not had review and action by objecting agencies prior to being submitted to the Town. Such rejection shall be without prejudice and the subdivider shall be advised to submit the plat pursuant to the County Ordinance. The Town approving authority shall review and approve or disapprove the application for approval of a preliminary plat within 90 days and for approval of a final plat within 60 days, based upon compliance with the standards of § 90-6 of this chapter. Charges payable to the town for plat review are listed in Chapter A113.

C. Additional procedural rules.

(1) Recording of approvals.

(a) Minor subdivisions. When the Town approving authority determines to approve a minor subdivision, the clerk of the Town approving authority shall certify the approval on the face of the certified survey map in a space provided for that purpose by the maker of the map. A copy of the map with the signed certificate shall be sent to the St. Croix County Zoning Administrator.

(b) Major subdivisions; preliminary plats. When the Town approving authority determines to approve a preliminary plat of a major subdivision, the decision shall be stated on a letter sent to the applicant with a copy sent to the St. Croix County Zoning Administrator.

(c) Major subdivisions; final plats. When the Town approving authority determines to approve a final plat of a major subdivision, the clerk of the approving authority shall certify the approval on the face of the plat in a space provided for that purpose. A copy of the plat with the signed certificate shall be sent to the St. Croix County Zoning Administrator.

(2) Conditions of approval. The Town approving authority may impose conditions upon its approval of a subdivision, provided that such conditions shall be stated in writing and given to the applicant and shall be limited to requiring compliance of the subdivision with the standards of this chapter, other Town ordinances or Ch. 236, Wis. Stats.

(3) Disapprovals. When the Town approving authority determines to disapprove a subdivision, it shall place a written statement of the reasons for the rejection in the minutes of the meeting at which the decision was made and shall supply the applicant with a copy of the minutes or a written statement of the reasons contained therein.

(4) Extension of time periods. The time periods provided for in § 90-5A, B and C of this chapter may be extended by agreement with the subdivider. The St. Croix County Zoning Administrator shall be

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promptly notified of any such extensions.

- (5) Failure to act within time period. The failure of the Town approving authority to act within the time periods specified shall be deemed an approval of the application. Upon written request by the applicant, the clerk of the Town approving authority shall issue a letter or execute a certificate of approval following an approval under this subsection.
- (6) Appeals. Any person aggrieved by the failure of the Town approving authority to approve a subdivision may appeal the rejection to the courts as provided in § 236.13(5), Wis. Stats.

§ 90-6 Subdivision standards.

- A. Statement of intent. The Town is governed by the St. Croix County Land Division Ordinance. That ordinance is comprehensive in character and addresses more features or aspects of land subdivision than are addressed by the standards of § 90-6 of this chapter. Where the standards of § 90-6 are more restrictive than standards of the St. Croix County Land Division Ordinance, the standards of § 90-6 shall apply. Where the St. Croix County Land Division Ordinance sets the standards for aspects of land subdivision which are not addressed by standards of this Town ordinance, the county standards shall apply.
- B. Suitability of lands for subdivision. No land shall be subdivided which is held unsuitable for its proposed use by the Town approving authority for reasons of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage capabilities or any other feature or circumstances likely to result in the imposition of unreasonable costs to remedy severe and unavoidable problems or to be harmful to the health, safety or general welfare of the future residents of the subdivision or the community.
- C. Minimum lot size standards. The size, shape and orientation of all lots shall be appropriate to the uses intended and shall contain sufficient area to satisfy all Town setback and sanitary requirements and all applicable zoning standards for the uses intended. All lots created subsequent to the enactment of these amendments to the Town Subdivision Ordinance shall conform to the following minimum size requirements:
 - (1) Lots intended for residential use which are served by a municipal sewer system or a municipal-type sewer system approved by the appropriate agency of the State of Wisconsin and which lie within the extraterritorial plat approval jurisdiction of the City of Hudson or the Village of North Hudson shall have a minimum of 12,000 square feet for a single-family residence, 18,000 square feet for a two-family residence, and 18,000 square feet plus 6,000 square feet for each family in excess of two.
 - (2) Lots located within Sections 12, 13 and 36 of Township 29 North, Range 20 West, and Sections 7, 18, 19, 30, 31 and that portion of Section 32 west of O'Neil Road and south of Stageline Road of Township 29 North, Range 19 West, and that portion of Section 17 west of Daily Road, south of Greenmill Lane and north of CTH A, Township 29 North, Range 19 West, St. Croix County, Wisconsin, shall contain a

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minimum of one acre net buildable not contiguous for a single-family residence and three acres of which 1 1/2 acres are net buildable not contiguous for a two-family residence, except as provided in Subsection **C(1)** above. All of the above-referenced minimum lot sizes shall be exclusive of wetlands, floodplains, shoreland setbacks, ponds, lakes, drainageways, road rights-of-way, easements, slopes of 25% and greater and other sensitive areas.

- (3) All other lots not included in Subsection **C(1)** and **(2)** above shall contain a minimum of two acres, exclusive of roads, and the total number of lots created in any major or minor subdivision shall contain an average of not less than 2 1/2 acres per lot exclusive of roads. However, a lot containing not less than five acres, nor more than six acres, including roadways, existing as a separate parcel on July 15, 1977, may be divided once, provided each parcel, after division, shall contain not less than two acres, exclusive of roadway. Single agricultural parcels shall contain not less than 2 1/2 acres. Each lot intended for a two-family residence shall contain a minimum of three acres, exclusive of roadways. The acreage for two-family residence lots shall not be included in the lot size average for any major or minor subdivision.
- (4) Lots purchased for telephone, telegraph and power distribution facilities, transformers, substation and relay equipment, or water pumping stations or storage facilities, and not to be used for residential purposes or as a regular place of employment shall be of a size suitable for the purpose.
- (5) Areas designated as historic sites, improved recreational areas, walking paths and trails by the Town Board as outlots, or areas designated as sanitary system outlots, sanitary easements or sanitary access easements may be allowed in the Town of Hudson and shall be of a size suitable for the purpose. The physical area of said outlots shall be included in subdivision average lot size calculations. Any buildable lot within the subdivision shall maintain the minimum lot size requirement established by the Town. All outlots shall be added as an equal share to the lot owners that said outlot serves unless deeded to a separate party or entity. As example: four lots served, then each lot served will have recorded to it 1/4 of the outlot.
 - (a) Structures are allowed on historic outlots with the approval of the Town Board.
 - (b) Structures allowed on recreational outlots with the approval of the Town Board:
 - [1] Picnic pavilions.
 - [2] Baseball fields and associated facilities.
 - [3] Volleyball courts.
 - [4] Basketball courts.
 - [5] Tennis courts.

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[6] Horseshoe pits.

[7] Children's playground equipment.

D. Road standards.

(1) All roads shall comply with Chapter **86**, Article **II** of the Town Code.

E. Driveway separations on culs-de-sac. The Town Board has the authority to approve driveway separations on culs-de-sac.

F. Town Board has authority to set driveway separation to a minimum of 100 feet on Class E highways.

G. Improvements (buildings or structures of any kind) are not allowed in any area designated as a sanitary outlot, sanitary easement or sanitary access easement within the Town of Hudson. The sanitary outlot, sanitary easement or sanitary access easement shall be maintained and must be mowed at least once a year. No structures, trees, woody plants or shrubs will be allowed within the sanitary outlot, the sanitary easement or the sanitary access easement.

(1) Sanitary outlots, sanitary easements and sanitary access easements must be marked with signs and perimeters must be physically marked as directed by the Town Board during plat approval.

(2) If the prescribed maintenance of the sanitary outlot, sanitary easement and sanitary access easement is not performed, the Town of Hudson will have it done and the cost of the work will be billed to the lot owners serviced by the sanitary outlot. If the bill is not paid within 90 days, the cost will be added to the taxes of the lot owners serviced by the sanitary outlot.

(3) Walking paths or trails will be allowed in sanitary outlots, sanitary easements and sanitary access easements. All sanitary outlots, sanitary easements and sanitary access easements must have easements from a public road to provide access for any future repairs or maintenance.

(4) Improvements shall be defined as buildings, structures, fences, pools, retaining walls, playground equipment, sprinkler systems, wiring or any objects that could interfere with maintenance or repair of the sanitary system. Exceptions: Underground services, such as invisible fence, electrical service or sprinkler systems, may be allowed although, if removal is required for installation, maintenance, or repair of the sanitary system, said removal shall be at the owner's expense.

H. All subdivisions are to include stormwater management plans as per St. Croix County Chapter 13 Land Division. A maintenance agreement including scheduled maintenance activities for all designed stormwater ponds is required.

I. Any change to lot boundaries within the Town of Hudson requires Town Board approval. An

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application fee as established by the Town Board as listed in Chapter **A113** shall be paid to the Town to cover administrative costs including acquiring a recorded copy of any new plat or new certified survey map (CSM).

§ 90-7 Fees and financial guaranty.

- A. Application fees shall be paid to the Town Clerk or Town Treasurer as applicable and listed in Chapter **A113** upon submittal of any application for a minor or major subdivision and change to lot boundary.
- B. The subdivider/owner shall pay for all expenses incurred for St. Croix County application, review, and inspection fees.
- C. If the facilities and improvements required under this chapter have not been fully installed at the time the plat is submitted for final approval, the subdivider shall file with the Town Treasurer a two-year letter of credit dated from the time of plat approval, provided by a responsible lending company duly licensed and authorized to do business in the State of Wisconsin. Such letter of credit shall be payable to the Town of Hudson and conditioned upon the faithful performance and payment of any and all work to be performed by the subdivider pursuant to this chapter according to an approved time schedule. Such financial guaranty shall be approved by the Town Board and shall be of an amount determined by the Town Board on the basis of satisfactory evidence to be sufficient to cover the costs of completing the facilities and improvements.

§ 90-8 Definitions.

The definitions contained in the St. Croix County ~~Zoning Ordinance~~ Land Division chapter shall be applicable to this chapter.

§ 90-9 Special dispensations.

- A. The Town Board may grant dispensation from the provisions of this chapter, but only after determining that:
 - (1) Because of the unique conditions of the subdivision involved, literal application of the chapter would impose a hardship or enforcement of the road for easement requirements would be wasteful in view of the limited planned and future use of the road.
 - (2) The dispensation would not violate the purposes of this chapter or the provisions of Ch. 236, Wis. Stats.
 - (3) That there are unique or historical documented circumstances.
- B. The requirement of filing and recording a plat for subdivision shall not be waived.

§ 90-10 Violations and penalties; enforcement.

- A. The provisions of this chapter may be enforced by an action to enjoin any obligation and to cure or correct any condition constituting a violation. In addition, any person violating this chapter shall be subject to forfeitures as listed in the Citation Ordinance. Each day that a violation continues shall

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constitute a separate violation.

B. If there is a conflict between this and the Citation Ordinance, the Citation Ordinance has precedence.