

TOWN OF SPRINGDALE

LAND USE PLAN

PREPARED BY PLAN COMMITTEE

WITH PUBLIC INPUT

EFFECTIVE DATE OF THE PLAN – MARCH 12, 2002

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SECTION 1

INTRODUCTION

The Town of Springdale is located in southwestern Dane County, Wisconsin, southwest of the City of Madison, between the City of Verona and the Village of Mount Horeb. Neighboring towns in Dane County include Blue Mounds, Cross Plains, Middleton, Montrose, Perry, Primrose, Vermont, and Verona.

Residing on the eastern edge of southwestern Wisconsin's driftless (unglaciated) area, Springdale's topography is consequently varied with rolling hills and attractive valleys hosting natural springs that feed some of the finest trout streams in the State. The thirty-six square mile area of Springdale lies within the Upper Sugar River Watershed. The mixture of open fields and woodlands provides a habitat for deer, turkey, pheasant, and other game. The abundant natural resources and magnificent scenic vistas create a wonderful area for people to live and pursue a variety of activities.

The area was first inhabited by Native Americans and then by immigrants from Norway, England, Germany, Ireland, and Scotland. The early settlers worked hard to establish farms and to create a strong and vibrant rural community. Within a few years of settlement, they established town government, one-room schools, churches, and small businesses. Descendants of the early settlers still live within the town today.

Today, Springdale continues to be predominantly rural with many fine established farms, extensive natural resources, magnificent scenic vistas, and a relatively low density of non-farm *residences* compared to other suburban and urban communities in Dane County. However, as family-operated dairy farms have disappeared at a rapid rate in the last quarter century, and as interest in non-farm rural homes has grown at an equally rapid rate, Springdale is faced with a new challenge: What format of land use planning will enable the town to accommodate residential development and simultaneously sustain the relatively low population density, farmland, and other natural resources that will continue to make it a desirable rural community for current and future generations?

This Land Use Plan is prepared for the general purpose of guiding and accomplishing an adjusted, coordinated, and harmonious development of the Town of Springdale, which will, in accordance with existing and future needs, best promote order, convenience, prosperity, public health, safety, and general welfare, as well as economy and efficiency in the process of any development that occurs. The Land Use Plan is intended to aid the Town of Springdale Plan Commission and Town Board in the performance of their duties relating to the growth and development of the town.

The Town of Springdale has been experiencing an increased amount of development pressure. The town recognizes that unplanned development, particularly on a large scale, can occur in a way that conflicts with and intrudes upon the general intent of preserving land for *agricultural use* and promoting the public health, safety, and general welfare for its residents. To avoid those problems and to preserve valuable land, this Land Use Plan has been developed to amend the Town of Springdale's current Land Use Plan, which was adopted in 1981.

The goals and policies in this amended Land Use Plan are intended to provide a basis for adoption and implementation of land use, development, and *land division/subdivision* and other ordinances. The Town of Springdale recognizes that the Land Use Plan will require periodic review and revision in light of changing conditions and experience gained in its implementation. The Town of Springdale Plan Commission may amend or expand this Land Use Plan from time to time as the need arises. This Land Use Plan will be reviewed annually, to improve the clarity and implementation of the policies. The Town of Springdale Plan Commission and Town Board will determine whether a major reevaluation is needed at the end of each five year period to meet any changing needs of the community.

Through this Land Use Plan, the Town of Springdale is establishing guidelines that current landowners and residents, potential landowners and residents, and/or developers are assured will apply fairly and uniformly to all citizens and upon which development decisions can be based. By referring to the goals and policies, it is possible for public and private decision-makers to consider the impact of each proposal on the town.

SECTION 2

DEFINITIONS

(A) For the purposes of this Land Use Plan, the following definitions shall be used. The word “shall” is mandatory and not directory.

1. ***Agricultural land.*** (A) Consists of land that has since 1981 been plowed or used as open pasture. (B) Consists of plowed or open pasture land that since 1981 has been placed in federal programs, in return for payments in kind or that has been enrolled in the conservation reserve program.
2. ***Agricultural use.*** Includes beekeeping; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; vegetable raising; land placed in federal programs in return for payments in kind; land that is enrolled in the conservation reserve program.
3. ***Building.*** Any structure having a roof supported by posts, columns or walls and its appendages including, but not limited to balconies, porches, decks, stoops, fireplaces and chimneys. Also included for permit and locational purposes are swimming pools, both above and below ground, and towers, except communication towers. Not included within the definition, for permit purposes or otherwise, are poles, towers and posts for lines carrying telephone messages or electricity and recreational structures of open construction and without walls, such as swing sets, slides, yard gyms, climbers, sand boxes and teeter totters.
4. ***Building envelope.*** The area on a *certified survey map, plat, or concept plan* within which a *dwelling unit* and accessory *buildings* shall be contained.
5. ***Building lot.*** See *Lot*.
6. ***Certified survey map (CSM).*** A map of *land division*, not a *subdivision*, prepared in accordance with Sec. 236.34, Wis. Stats. and in full compliance with the applicable provisions both of Chapter 75, Dane County Code and of Town of Springdale Land Division and Subdivision Code, except that a *certified survey map* shall not be required if all of the *lots, parcels, or building sites* created by a *land division* are more than 80 acres in area, however the land divider shall comply with Section 4 (F) of this Plan and Section 3.19(6) of the Town of Springdale Land Division and Subdivision Code. A *certified survey map* shall be

required if any of the *lots*, parcels or *building sites* created by *land division* are 80 acres or less.

7. **Clustering.** *Dwelling units* grouped on only a portion of a parcel of land.
8. **Commercial development.** Development for retail sales and services.
9. **Concept plan.** A plan submitted by a landowner to be used by the Plan Commission to determine whether the *development area(s)*, *building envelope(s)*, and proposed *lot(s)* for property that will be divided will comply with the applicable Town regulations, ordinances and plans, including the goals and objectives of the Plan. The *concept plan* shall consist of (1) An aerial photograph showing all of the *contiguous* acres owned by the landowner on the *Plan effective date*; (2) the identified *development areas* that can accommodate the potential number of *building envelopes*; (3) consideration of access for all *building envelopes*; and (4) any current proposals for *development areas*, *building envelopes*, and *lots*; and driveway and utility access to them.
10. **Contiguous.** *Lots* or parcels shall be considered as *contiguous* for the purposes of this Land Use Plan, if they share a common boundary within the Town of Springdale for a distance of at least 66 feet. For the purposes of calculating *density unit(s)*, a real estate parcel that is divided by a public road, whether an easement road or a fee title road, or by a navigable water body, or by a private drive owned by an entity other than the entity that owns the abutting lands, such parcels shall be treated as *contiguous*.
11. **Deed restriction.** Legal restriction documents that serve to limit the uses of real property usually to maintain or enhance the value and quality of the land and surroundings. (1) To limit the range of permitted uses on a property. (2) To inform landowners and potential buyers when a property's development potential has been exhausted based on current Town land use policies. When a *deed restriction* is placed on a property as an agreement between the local municipality and the property *owner*, the restrictions can be removed at a later time if and when the pertinent Town policies change. A landowner may petition to have the *deed restriction* terminated or amended, or may seek to rezone restricted property which, if approved, would serve to nullify the existing restrictions. The Town Board must approve changes to *deed restrictions*.
12. **Density unit(s).** The number of *dwelling unit(s)* per acre of land ownership allowed in the residential density options in this Land Use Plan.
13. **Development area.** An area of land indicated or defined on a *concept plan* as being suitable for *building envelope(s)*.

14. **Duplex dwelling unit.** See *Dwelling unit*.
15. **Dwelling unit.** Any structure fixed to the ground that is occupied or intended to be occupied as a *residence*, consisting of the following:
 - 15A. **Duplex dwelling unit.** A *building* designed for and to be occupied by two families or two households living independently of each other.
 - 15B. **Single family detached dwelling unit.** A *building* designed for and occupied exclusively as a *residence* for one family or household.
16. **Environmental corridors.** Continuous systems of open space that include environmentally sensitive lands and natural resources requiring protection from disturbance and development, and lands needed for open space and recreational use.
17. **Existing dwelling unit.** (1) A *building* occupied before the *Plan effective date*. (2) A *dwelling unit* to be constructed or already under construction for which the *building permit* has been issued before the *Plan effective date*.
18. **Floodplain.** The land adjacent to a body of water that has been or may be hereafter covered by water. *Floodplains* provide areas where floodwaters are stored and thus reduce flood velocities and flood sedimentation. *Floodplains* filter nutrients and impurities from runoff, process organic wastes, and help to moderate temperature fluctuations, ground water recharge and fish and wildlife habitat. A *floodplain* is generally defined as land where there a one percent chance of flooding in any year (100-year *floodplain*).
19. **GIS.** Geographical information system.
20. **Industrial development.** Development for manufacturing businesses which process, manufacture, or assemble various products.
21. **Intensive livestock operation.** An intensive livestock facility means a feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period. A “livestock facility” includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single “livestock facility” for purposes of this chapter, except that an operation may elect to treat a separate species facility as a separate “livestock facility”. This applies to the state minimum threshold of 500 animal units or more. (Animal unit has the meaning that was given in s. NR 243.03(3) as

of April 27, 2004 (the date on which the livestock facility siting law, 2003 Wis. Act 235, was published).

22. **Land division.** A division of a *lot* or parcel of land which is not a *subdivision* for the purpose of transfer of ownership, where the act of division creates fewer than five (5) *lots*, parcels or *building* sites. A *land division* shall not create more than four (4) *lots* in any five (5) year period.
23. **Landowner.** See *Owner*
24. **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 one (1) *building* and its accessory *building* and uses 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. A *lot* may be a parcel designated in a *plat* or described in a conveyance recorded in the office of the register of deeds.
25. **Lot line adjustment.** The sale, conveyance or exchange of one or more parcels of land between owners of adjoining property. *Lot line adjustment* does not include the sale, conveyance or exchange of *lots* lawfully created by *certified survey map* or *plat*.
26. **Non-residential use.** Any use that is not a *residential use*. Uses that are permitted activities in A-1 Agriculture District of the Dane County Code of Ordinances are considered *residential uses* for the purposes of this *Plan*.
27. **Notice document.** Provides helpful information that may be important or useful to landowners and potential buyers and does not restrict use of property. A *notice document* may be placed on property and filed in the office of the Dane County Register of Deeds to inform the public of the status of property with regard to current land use policies. A *notice document* may be drafted by town or county officials. Removing the *notice document* does not require a formal petition to the town or the county. Rather, a “Cancellation of Notice” form can be filed with the Dane County Register of Deeds and must have the notarized signature of a town or county official.
28. **Owner.** Either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, trust, or a combination of these.
29. **Plan effective date.** The date on which the town adopts this Land Use Plan, March 11, 2002.
30. **Plat.** A map, drawing or chart on which the subdivider's *plat* of *subdivision* is presented to the town for approval. A *plat* shall not be required if all of the *lots*,

parcels, or *building* sites created by a *subdivision* are each more than 80 acres in area, however the land divider shall comply with Section 4 (F) of this Plan and Section 3.19(6) of the Town of Springdale Land Division and Subdivision Code. A *plat* shall be required if any of the *lots*, parcels or *building* sites created by a *subdivision* are 80 acres in area or less.

31. **Preliminary plat.** The preliminary *plat* map, drawing or chart indicating the proposed layout of a *subdivision* to be submitted to the plan commission/town board for their preliminary consideration as to compliance with the Town of Springdale Master Plan and this chapter along with required supporting data, prior to the final *plat*, and when required, prior to a *land division*.
32. **Residence.** See *Dwelling Unit*.
33. **Residential use.** Land use for a *dwelling unit*. Single family detached dwelling units and *duplex dwelling units* are permitted *residential uses*. *Residential uses* do not include multiple family dwelling units because they are prohibited in the *Plan*.
34. **Rural character.** *Agricultural land*, natural habitats, open spaces, and scenic vistas relatively unaffected by a low density of residential and other development.
35. **Rural town.** The low density population, infrastructure, services, and tax base that distinguishes a rural community from a suburban or urban community.
36. **Screening.** The use of natural vegetation or plantings to render development sites inconspicuous from surrounding roadways and countryside.
37. **Site plan.** An aerial photograph provided or approved by the Town of Springdale that indicates all existing and proposed *buildings*, parking areas, waste disposal areas, storage areas, and any existing and proposed fencing and *screenings*.
38. **Shorelands.** Those lands within the following distances: one thousand (1,000) feet from the high-water elevation of navigable lakes, 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. For the purpose of this ordinance, the term "navigable waters" applies to all non-intermittent streams indicated on the 7.5 minute series of the United States Geological Survey Quadrangles, all lakes and all ponds over fifteen (15) acres in surface area as listed in the "Surface Water Resources of Dane County" published by the Wisconsin Conservation Commission, 1961.
39. **Single family dwelling unit.** See *Dwelling unit*.

40. **Strip development.** A series of commercial or residential land uses generally one *lot* deep along a road or highway, with each use usually requiring an access to the road.
41. **Subdivision.** A division of a parcel of land where the act of division creates either: five (5) or more *lots*, parcels or *building* sites; or five (5) or more *lots*, parcels or *building* sites by successive divisions within a period of five (5) years whether by the original *owner* or a subsequent *owner*. All area calculations shall be exclusive of any dedications, rights-of-way, easements or reservations.
42. **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.

SECTION 3

GOALS AND POLICIES

- (A) Support the population density, infrastructure, services, and tax base of a rural town.
- (B) Preserve the *agricultural land*, open spaces, and other natural resources of a *rural town*.
- (C) Protect *agricultural uses* of the land.
- (D) Enable landowners to develop land for residential uses with minimal impact on the rural aspects of the town.
- (E) Encourage safe, convenient, and environmentally sound housing that blends with the natural landscape.
- (F) Respect environmentally sensitive areas and culturally significant sites.
- (G) Limit *non-residential uses* to enterprises that enhance the rural quality of life throughout the town and that accommodate the higher residential density within Mt. Vernon.
- (H) Prohibit large *non-residential uses* and *industrial development*.
- (I) Maintain the town's local control of land use decisions through this Land Use Plan and through county and town ordinances that uphold the Land Use Plan.
- (J) It is not the goal of this Land Use Plan to prevent development within the town, but rather to adhere to the goals and policies herein as the official guide to future growth and development within the town.

SECTION 4

IMPLEMENTING THE GOALS

- (A) The development of a Land Use Plan for implementing the goals has required compromise to maintain the public good and to balance the interests of landowners wanting to preserve the rural aspect of the town (lower population density, simpler infrastructure, and lower real estate taxes) with the interests of landowners wanting to profit from the division of land for residential use. During many meetings with input from different viewpoints, a compromise has emerged. This Land Use Plan allows a higher density of residential development than in most Dane County towns, in exchange for adopting density standards as well as site design standards that minimize the impact of residential development.
- (B) Any division for *non-residential uses* will be governed in Section 10.
- (C) This Land Use Plan offers three density options in the development of land for residential use [see note 1 in Land Use Plan Section 15(A)].
1. Residential Density Option 1: Enables a *land division* or *subdivision* with relatively few requirements. It allows one (1) new *lot* for residential use for each twenty-five (25) *contiguous* acres owned [see note 2 in Land Use Plan Section 15(A)]. This option is for all *land division* or *subdivision* proposals that meet the basic requirements of the state, the county, and Town of Springdale Ordinances.
 2. Residential Density Option 2: Enables a higher density for landowners who voluntarily agree to meet the criteria in this option. It allows one (1) new *lot* for residential use for each seventeen (17) *contiguous* acres owned [see note 2 in Land Use Plan Section 15(A)]. This option is for all *land division* proposals that meet the basic requirements of option 1 and that meet the additional requirements of option 2.
 3. Residential Density Option 3: Enables the highest density in the development of a rural *subdivision*. It allows one new *lot* for residential use for each fourteen (14) *contiguous* acres owned [see note 2 in Land Use Plan Section 15(A)]. This option is for all *subdivision* proposals that meet the Town of Springdale's *subdivision plat* requirements.
- (D) Switching among the residential density options requires approval of the Town of Springdale Plan Commission and shall be based on sufficient remaining acreage to qualify for *density unit(s)* and *development area(s)* and on demonstration that prior

conveyances of land designated as *development area(s)* in the *concept plan* were consistent with the higher numbered option.

1. Can be considered from a lower numbered option to a higher numbered option before creating a second new *lot* for new residential use. After the creation of a second new *lot* for new residential use, all subsequent *lot(s)* shall continue to be created under the same residential density option as the second new *lot* [see note 3 in Land Use Plan Section 15(A)].
 2. Can be considered from a higher numbered option to a lower numbered option [see note 4 in Land Use Plan Section 15(A)].
 3. For increased flexibility on land consisting of enough acres to designate two (2) or more areas of one-hundred (100) *contiguous* acres each, then, with the approval of the Town of Springdale Plan Commission that each area of one-hundred (100) *contiguous* acres is suitable for a different residential density option, then they may be treated separately for the purpose of selecting a residential density option. Approval shall be contingent upon review by the Plan Commission of the total *contiguous* acres owned on the *Plan effective date*, and the determination that the selected areas satisfy the goals and policies of the Land Use Plan. Prior conveyances or construction of improvements may affect the *land division* options available.
- (E) In the case of a *landowner* with *contiguous* parcels and/or prior *land divisions*, the *concept plan* shall be prepared to show all *contiguous* parcels and/or land covered by prior *land divisions* owned on the *Plan effective date* without affecting the calculation of *density unit(s)*. This applies to all land owned before or after the *Plan effective date*.
- (F) Creation of Parcels Greater than Eighty (80) Acres. A *certified survey map* or *plat* shall not be required if all of the *lots*, *parcels*, or *building sites* being created are more than 80 acres in area, however prior to dividing the land, the land divider or subdivider shall submit a *concept plan* to the Plan Commission. Prior to dividing or subdividing the land, the land divider or subdivider shall also provide the Plan Commission with a *notice document* that specifies the apportionment of the density units among the property and the *lots*, *parcels*, and *building sites* being created. The Plan Commission shall confirm that the apportionment of *density units* conforms to the goals and policies of the Land Use Plan. The *notice document* shall be in a form and substance acceptable to the Plan Commission and shall be recorded with the Dane County Register of Deeds. The Plan Commission may require that the notice document notify *landowners* that special assessments for public improvements may be imposed by the Town against the benefiting property. Approval of *development areas/building envelopes* shall be contingent upon review by the Plan Commission of the total *contiguous* acres owned on the *Plan effective date*, and the

determination that the proposed *development areas/building envelopes* satisfy the goals and policies of the Land Use Plan. Prior conveyances or construction of improvements may affect the land division options available. A *certified survey map* or *plat* shall be required if any of the *lots*, parcels, or *building sites* are 80 acres in area or less. {See note 5 in Land Use Plan Section 15(A).} The Town is not obligated to approve driveway permits and/or building permits for lots, parcels or building sites created after May, 20, 2013, (date of adoption of this Plan amendment.) without prior approval of a *concept plan*.

- (G) Annexed Land. Should any parcels of land or portion(s) thereof from the *contiguous* acres owned on the *Plan effective date* be annexed out of the Town, only those acres remaining in the Town shall be considered when calculating currently available land divisions.
- (H) The intention of this Land Use Plan is to generate cooperative decision making between an applicant for *land division* or *subdivision* and the Town of Springdale Plan Commission, so that the creation of *lots* for residential and/or *non-residential uses* optimizes the proposal to best meet the criteria under each residential density option or Section 10 criteria for *non-residential uses*. When the Town of Springdale Plan Commission determines that a *land division* or *subdivision* proposal does not satisfy the criteria under the applicant's chosen option, then the applicant can submit another proposal or request that the Town of Springdale Plan Commission present a proposal that does meet the criteria or the applicant can choose to switch to a lower numbered option.
- (I) It is recommended that anyone buying or selling real estate with a specified number of density units verify that a town-approved concept plan is on file in the town hall which documents the allocation.

SECTION 5

RESIDENTIAL DENSITY OPTION 1

(A) Calculation of Density Units

1. *Contiguous* acres owned shall be determined on the *Plan effective date* and be based on *GIS Data* [see note 1 in Land Use Plan Section 15(B)].
2. One new *lot* for residential use may be created for each twenty-five (25) *contiguous* acres owned. See Table 1 for calculations of *density unit(s)* [see note 2 in Land Use Plan Section 15(B)].
3. An *existing dwelling unit* on the *Plan effective date* shall not affect the number of new *lots* which can be created as calculated from Table 1 “Quick Guide to Town of Springdale Land Use Options.”

(B) Land Division(s) and Building Envelope(s) for Residential Use

1. Prior to the submission of an application for the approval of a *certified survey map* or *plat*, the *landowner* shall submit a *concept plan* to the Town of Springdale Plan Commission for the approval of the location and suitability of the *development area(s)*, *building envelope(s)*, and proposed *lot(s)*.
2. When considering requests for *land division* or *subdivision*, the Town of Springdale Plan Commission shall take into account prior *conveyances* of land designated as *development area(s)* in a *concept plan*.
 - (a) If all or part of the approved *development area(s)* is sold by a *landowner*, before the *lot(s)* are created by *certified survey map* or *plat*, the Town of Springdale Plan Commission is not compelled to approve new *development area(s)*.
3. *Lot* lines shall be located and *lot* sizes shall be configured to best satisfy the following:
 - (a) *Lot* lines shall be located so as to minimize the breakup of *contiguous* tracts of *agricultural lands*. Similarly, *lots* shall be sized to minimize the breakup of *contiguous* tracts of *agricultural lands*. To the extent possible, *lot* lines shall be located to follow previously existing natural or man-made boundaries, such as roads, fence rows, woods, waterways, streams, or similar boundaries. If *lot* lines must

cross agricultural fields because other boundaries are not possible, it is desirable to locate them in such a way so as to maintain the maximum size agricultural fields in one *contiguous* parcel.

4. *Building envelope(s)* shall be located to best satisfy the following:
 - (a) *Building envelope(s)* shall not be located in the middle portion of an agricultural field unless the middle portion of the field is not suitable for productive agricultural fieldwork. If *building envelope(s)* must be located on *agricultural land* because other locations are not possible, it is desirable to locate them near the edges of agricultural fields and/or to use the least productive soil as determined by soil types.
 - (b) *Strip development* shall be avoided whenever possible. If several *building envelope(s)* must be located along the roadway, it is desirable to mitigate their impact by requiring *screenings* and/or varying the driveway lengths, *lot* sizes, and setbacks.
 - (c) When adherence to criteria in Land Use Plan Section 5 creates a conflict with public safety, then the Town of Springdale Plan Commission shall give precedence to public safety.
 - (d) All criteria in Land Use Plan Section 5 shall apply whenever possible.
 - (e) Any changes in the location of a *building envelope(s)* as defined on a *concept plan* shall require a public hearing by the Town of Springdale Plan Commission and approval by the Town of Springdale Town Board. [see note 7 in Land Use Plan Section 15(B)].
 - (f) The largest *building envelope(s)* that can meet the criteria in Land Use Plan Section 5 shall be defined on the *concept plan*.
 - (g) Any changes in the *concept plan* shall require approval of the Town of Springdale Plan Commission.

(C) Residential Driveways

1. Residential driveways shall be sited and constructed in a manner which best minimizes their impact on *agricultural land*.
2. Up to three (3) *single family detached dwelling units* may share one driveway, or one (1) *single family detached dwelling unit* and one (1) *duplex dwelling unit* may share one (1) driveway [see note 3 in Land Use Plan Section 15(B)].

3. When adherence to criteria in Land Use Plan Section 5 creates a conflict with public safety, the Town of Springdale Plan Commission shall give precedence to public safety.
4. Driveways shall meet the requirements of the Town of Springdale Driveway Ordinance.

(D) General Procedures

1. The creation of *lots* for residential development shall be by *certified survey map (CSM)* or by *plat*.
 - (a) All *lot(s)* on the *certified survey map* or *plat* shall be created in a manner that is consistent with Chapter 75, Dane County Code and the Town of Springdale Land Division and Subdivision Code.
 - (b) Developers of preliminary and final *plats* will be required to fulfill conditions of approval in a reasonable period of time. For each application a date will be specified by the Town Board.
2. Not more than four (4) *lots* shall be permitted in each five (5) year period by *certified survey map* [see note 4 in Land Use Plan Section 15(B)].
3. All applicable requirements of the state, the county, and the town shall apply.
4. The minimum *lot* size shall be one (1) acre, exclusive of road right-of-way.
5. Additional guidelines for the calculation of *density unit(s)* and for *notice documents*:
 - (a) A tracking sheet shall be maintained by the Town of Springdale Clerk for each *land division* or *subdivision* that is approved after the *Plan effective date*; the approved *concept plan* shall be filed with the tracking sheet.
 - (b) The *density unit(s)* shall run with the land, not with the *landowner*.
 - (c) When *lot(s)* are created, a *notice document* shall specify the apportionment of the remaining *density unit(s)* [see note 5 in Land Use Plan Section 15(B)].
 - (d) When *lot(s)* are sold without a *notice document* specifying the apportionment of *density units*, it shall be assumed that any *density unit*

stays with the seller's property when consistent with the approved *concept plan* on file in the Town Hall.

- (e) When the *density unit(s)* are exhausted on a property, that fact shall be recorded by the Town of Springdale Clerk on the town's tracking sheet and by the *landowner* in the Dane County Register of Deeds as a *notice document* [see note 5 in Land Use Plan Section 15(B)].
- (f) All *lot line adjustments* in the town must be approved by the Town Board, taking into account the review and recommendation of the Town Plan Commission. The town requires notification of any *lot line adjustment* between adjacent *landowners*. [see *An Ordinance Regulating Lot Line Adjustments* adopted by the town on Oct. 17, 2016].

SECTION 6

RESIDENTIAL DENSITY OPTION 2

(A) Calculation of Density Units

1. *Contiguous* acres owned shall be determined on the *Plan effective date and be based on GIS Data* [see note 1 in Land Use Plan Section 15(C)].
2. One new (1) *lot* for residential use may be created for each seventeen (17) *contiguous* acres owned. See Table 1 for calculations of *density unit(s)* [see note 2 in Land Use Plan Section 15(C)].
3. An *existing dwelling unit* on the *Plan effective date* shall not affect the number of new *lots* which can be created as calculated from Table 1 “Quick Guide to Town of Springdale Land Use Options.”
4. For *contiguous* acres of at least fourteen (14) acres and less than seventeen (17) acres in size on the *Plan effective date*, one (1) new *lot* for *residential use* shall be allowed [see notes 3 and 4 in Land Use Plan Section 15(C)].

(B) Land Division(s) and Building Envelope(s) for Residential Use

1. Prior to the submission of an application for the approval of a *certified survey map*, the *landowner* shall submit a *concept plan* to the Town of Springdale Plan Commission for the approval of the location and suitability of the *development area(s)*, *building envelope(s)*, and *proposed lot(s)*.
2. When considering requests for *land division*, the Town of Springdale Plan Commission shall take into account prior conveyances of land designated as *development area(s)* in a *concept plan*.
 - (a) If all or part of the approved *development area(s)* is sold by a *landowner*, before the *lot(s)* are created by *certified survey map*, the Town of Springdale Plan Commission is not compelled to approve new *development area(s)*.
3. *Lot* lines shall be located and *lot* sizes shall be configured to best satisfy the following:
 - (a) *Lot* lines shall be located so as to minimize the breakup of *contiguous* tracts of *agricultural lands*. Similarly, *lots* shall be sized to

minimize the breakup of *contiguous* tracts of *agricultural lands*. To the extent possible, *lot* lines shall be located to follow previously existing natural or man-made boundaries, such as roads, fence rows, woods, waterways, streams, or similar boundaries. If *lot* lines must cross agricultural fields because other boundaries are not possible, it is desirable to locate them in such a way so as to maintain the maximum size agricultural fields in one *contiguous* parcel.

4. Building envelope(s) shall be located to best satisfy the following:

- (a) The location of the *building envelope(s)* shall demonstrate that the disturbance of *agricultural land* has been minimized.
 - (1) If *building envelope(s)* must be located on *agricultural land* because other locations are not possible, it is desirable to mitigate their impact by: clustering them, locating them near the edges of agricultural fields, and/or using the least productive soil as determined by soil types.
- (b) The location of the *building envelope(s)* shall demonstrate that the impact on the town's *rural character* has been minimized.
 - (1) *Clustering* is desirable and may be required.
 - (2) *Strip development* shall be avoided whenever possible. If several *building envelope(s)* must be located along the roadway, it is desirable to mitigate their impact by requiring: *clustering*, *screening*, shared driveways, and/or varying the driveway lengths, *lot* sizes, and setbacks.
 - (3) *Building envelope(s)* shall be designed to minimize a building's visual impact when viewed from public roads, the Military Ridge Bike Trail, and from the surrounding countryside. On properties with prominent, exposed hill tops or ridges, it is desirable for roof tops not to extend above the hill top or ridgeline, and *screenings* may be required to minimize the visual impact of rooftops extending above the hilltops or ridgelines. [see note 9 in Land Use Plan Section 15(C)].
 - (4) The proximity of environmentally sensitive areas and culturally significant sites on the property or on adjacent/nearby properties shall be considered in the location of *building envelope(s)* within a property.

(5) *Screenings* may be required to mitigate the impact of residential development and may consist of either a buffer of natural vegetation left in place for this purpose during site development or landscaping and planting to achieve the same result. The type of *screening* most suitable to the site shall be suggested by the landowner and shall require approval by the Town of Springdale Plan Commission. When such *screenings* are required, a letter of credit or other financial instrument acceptable to the Town Board shall be required from the *landowner* in an amount adequate to cover the costs.

(c) When adherence to criteria in Land Use Plan Section 6 creates a conflict with public safety, then the Town of Springdale Plan Commission shall give precedence to public safety.

(d) All criteria in Land Use Plan Section 6 shall apply whenever possible.

(e) Any changes in the location of a *building envelope(s)* as defined on the *concept plan* shall require a public hearing by the Town of Springdale Plan Commission and approval by the Town of Springdale Town Board. [see note 8 in Land Use Plan Section 15(C)].

(f) The largest *building envelope(s)* that can meet the criteria in Land Use Plan Section 6 shall be defined on the *concept plan*.

(g) Any changes in the *concept plan* shall require approval of the Town of Springdale Plan Commission.

(C) Residential Driveways

1. Residential driveways shall be sited and constructed in a manner which best minimizes their impact on *agricultural land*.

2. Residential driveways shall be sited and constructed in a manner which best minimizes their impact on the town's *rural character*.

3. Up to three (3) *single family detached dwelling units* may share one (1) driveway, or one (1) *single family detached dwelling unit* and one (1) *duplex dwelling unit* may share one (1) driveway [see note 5 in Land Use Plan Section 15(C)].

4. When adherence to the criteria in Land Use Plan Section 6 creates a conflict with public safety, the Town of Springdale Plan Commission shall give precedence to public safety.

5. Driveways shall meet the requirements of the Town of Springdale Driveway Ordinance.

(D) General Procedures

1. The creation of *lots* for residential development shall be by *certified survey map (CSM)*.
 - (a) All *lot(s)* on the *certified survey map* shall be created in a manner that is consistent with the Chapter 75, Dane County Code and the Town of Springdale Land Division and Subdivision Code.
2. Not more than four (4) *lots* shall be permitted in each five (5) year period by *certified survey map* [see note 6 in Land Use Plan Section 15(C)].
3. All applicable requirements of the state, the county, and the town shall apply.
4. The minimum *lot* size shall be one (1) acre, exclusive of road right-of-way.
5. Additional guidelines for the calculation of *density unit(s)* and for *notice documents*:
 - (a) A tracking sheet shall be maintained by the Town of Springdale Clerk for each *land division* that is approved after the *Plan effective date*; the approved *concept plan* shall be filed with the tracking sheet.
 - (b) The *density unit(s)* shall run with the land, not with the *landowner*.
 - (c) When *lot(s)* are created, a *notice document* shall specify the apportionment of the remaining *density unit(s)* [see note 7 in Land Use Plan Section 15(C)].
 - (d) When *lot(s)* are sold without a *notice document* specifying the apportionment of *density units*, it shall be assumed that any *density unit* stays with the seller's property when consistent with the approved *concept plan* on file in the Town Hall.
 - (e) When the *density unit(s)* are exhausted on a property, that shall be recorded by the Town of Springdale Clerk on the town's tracking sheet and by the *landowner* in the Dane County Register of Deeds as a *notice document* [see note 7 in Land Use Plan Section 15(C)].

- (f) All *lot line adjustments* in the town must be approved by the Town Board, taking into account the review and recommendation of the Town Plan Commission. The town requires notification of any *lot line adjustment* between adjacent *landowners*. [see *An Ordinance Regulating Lot Line Adjustments* adopted by the town on Oct. 17, 2016].

SECTION 7

RESIDENTIAL DENSITY OPTION 3

(A) Calculation of Density Unit(s)

1. *Contiguous* acres owned shall be determined on the *Plan effective date* and based on *GIS Data* [see note 1 in Land Use Plan Section 15(D)].
2. One new *lot* for residential use may be created for each fourteen (14) *contiguous* acres owned. See Table 1 for calculations of *density unit(s)* [see note 2 in Land Use Plan Section 15(D)].
3. An *existing dwelling unit* on the *Plan effective date* shall not affect the number of new *lots* which can be created as calculated from Table 1 “Quick Guide to Town of Springdale Land Use Options”.
4. A minimum of seventy (70) *contiguous* acres shall be required [see note 3 in Land Use Plan Section 15(D)].

(B) Building Envelope(s) for Residential Use

1. Prior to the submission of an application for the approval of a *plat*, the *landowner* shall submit a *concept plan* to the Town of Springdale Plan Commission for the approval of the location and suitability of the *development area(s)*, *building envelope(s)*, and proposed *lot(s)*.
2. When considering requests for *subdivision*, the Town of Springdale Plan Commission shall take into account prior conveyances of land designated as *development area(s)* in a *concept plan*.
 - (a) If all or part of the approved *development area(s)* is sold by a *landowner*, before the *lot(s)* are created by *plat*, the Town of Springdale Plan Commission is not compelled to approve new *development area(s)*.

(C) Clustering

1. Residential development shall be clustered on twenty-five (25) percent of the *contiguous* acres owned [see note 4 in Land Use Plan Section 15(D)].

2. Seventy-five (75) percent of the property shall have a *deed restriction* to maintain it as *contiguous* agricultural and/or open space [see note 5 in Land Use Plan Section 15(D)].
 - (a) The seventy-five (75) percent deed restricted land shall be one *contiguous* area whenever possible; shall include the best *agricultural land* and/or environmentally sensitive areas; may include *buildings* for *agricultural uses*; may be included with the *lot(s)* and may be sold. With *residential use* clustered on twenty-five (25) percent of the *contiguous* property, quarries, *intensive livestock operations*, or uses inconsistent with the goals and policies of this Land Use Plan shall not qualify as agricultural and/or open space (see definition of *Agricultural use* and *Intensive livestock operations*, Section 2, Definitions).
 - (b) The *existing dwelling unit* or one of the permitted *lot(s)* may be associated with the seventy- five (75) percent area.
 - (c) If a *dwelling unit* does not exist on a property larger than seventy (70) acres on the *Plan effective date*, then one new *dwelling unit* may be associated with the seventy-five (75) percent area and shall not be counted in the calculation of *density unit(s)*.

(D) Residential Driveways

1. Residential driveways shall be sited and constructed in a manner which best minimizes their impact on *agricultural land*.
2. Residential driveways shall be sited and constructed in a manner which best minimizes their impact on the town's *rural character*.
3. Up to three (3) *single family detached dwelling units* may share one (1) driveway, or one (1) *single family detached dwelling unit* and one(1) *duplex dwelling unit* may share one (1) driveway [see note 6 in Land Use Plan Section 15(D)].
4. When adherence to criteria in Land Use Plan Section 7 creates a conflict with public safety, the Town of Springdale Plan Commission shall give precedence to public safety.
5. Driveways shall meet the requirements of the Town of Springdale Driveway Ordinance.

(E) General Procedures

1. *Land division* shall be by *subdivision plat*.
 - (a) All *lot(s)* on the *subdivision plat* shall be created in a manner that is consistent with Chapter 75, Dane County Code and the Town of Springdale Land Division and Subdivision Code.
 - (b) Developers of preliminary and final *plats* will be required to fulfill conditions of approval in a reasonable period of time. For each application a date will be specified by the Town Board.
2. All applicable requirements of the state, the county, and the town shall apply.
3. The minimum *lot* size shall be one (1) acre.
4. Additional guidelines for the calculation of *density unit(s)* and for *notice documents*:
 - (a) A tracking sheet shall be maintained by the Town of Springdale Clerk for each *subdivision* that is approved after the *Plan effective date*; the approved *concept plan* shall be filed with the tracking sheet.
 - (b) The *density unit(s)* shall run with the land, not with the *landowner*.
 - (c) When *lot(s)* are created, a *notice document* shall specify the apportionment of the remaining *density unit(s)* [see note 7 in Land Use Plan Section 15(D)].
 - (d) When *lot(s)* are sold without a *notice document* specifying the apportionment of *density units*, it shall be assumed that any *density unit* stays with the seller's property when consistent with the approved *concept plan* on file in the Town Hall.
 - (e) When the *density unit(s)* are exhausted on a property, it shall be recorded by the Town of Springdale Clerk on the town's tracking sheet and by the *landowner* in the Dane County Register of Deeds as a *notice document* [see note 7 in Land Use Plan Section 15(D)].
 - (f) All *lot line adjustments* in the town must be approved by the Town Board, taking into account the review and recommendation of the Town Plan Commission. The town requires notification of any *lot line adjustment* between adjacent *landowners*. [see *An Ordinance Regulating Lot Line Adjustments* adopted by the town on Oct. 17, 2016].

SECTION 8

AGRICULTURAL USES

- (A) Farming in the Town of Springdale has been undergoing a transition away from smaller, family-owned dairy operations toward fewer, larger dairies, increased cash crop production, and alternative *agricultural uses*. *Agricultural land* is an irreplaceable natural resource to be protected. The continuation of farming opportunities for future generations requires availability of tillable land. Traditional and alternative agriculture as an economic activity and way of life for farm operators shall be encouraged.
1. Large *contiguous* areas of *agricultural land* shall be protected.
 2. The town has the following Right to Farm policy:
 - (a) Residents in the Town of Springdale should be aware that they may be subject to inconveniences or discomforts arising from farm operations and *agricultural uses* of land in the Town, including but not limited to noise, odors, insects, fumes, dust, smoke, the operation of machinery of any kind (including aircraft) during any 24-hour period, the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides. The use of real property for farm operations and *agricultural uses* is a priority and favored use to the town. Those inconveniences or discomforts arising from farm operations and agricultural practices for the region, that do not present a substantial threat to public health or safety, and comply with local, state, and federal laws, shall not be considered a nuisance.
 3. Farm operations are encouraged to have a Conservation Plan approved by the Dane County Land Conservation Department. Areas with high densities of livestock are encouraged to have a Manure Management Plan approved by the Dane County Environmental Health Division. Any agricultural *buildings* exceeding twenty-thousand (20,000) square feet in area are required to have a Stormwater Plan in compliance with Dane County Code.

SECTION 9

RESIDENTIAL USES

- (A) The policies affecting development for residential uses are intended to minimize the impact of *residences* on the rural qualities of the Town as defined in Goals (A), (B), and (C) of this Land Use Plan. As stated in Goal (E) of this Land Use Plan, the town encourages safe, convenient, and environmentally sound housing that blends with the natural landscape.
1. Individuals intending to apply for (a) a change to zoning district boundaries or (b) a conditional use permit are requested and encouraged to meet with the Town of Springdale Plan Commission before formally applying to Dane County. The purpose of the pre-application meeting is to provide the Town with development information so that the Town shall be in a position to evaluate formal applications to Dane County for a zoning change or conditional use permit in an efficient and timely manner. The Town of Springdale Plan Commission would not make a final determination on any issue at the pre-application meeting.
 2. The Town shall support *single family detached dwelling units*.
 3. Higher density residential development impacts negatively on the town's capacity to provide infrastructure and services.
 - (a) Except to allow condominium development consisting of single family detached *dwelling units* (See Sec. 8.4.) the Town shall minimize population density by not supporting rezoning requests for the R-4 District (see Dane County Code, Chapter 10.), without respect to whether the form of ownership is condominium or otherwise. This provision shall be construed and applied so as: (1) not to alter the rights of location of community living arrangements; and (2) not to discriminate against low-income housing.
 - (b) The Town shall support rezoning requests for the R-3A District under which *duplex dwelling units* are a permitted use (see Dane County Code, Chapter 10,) for up to twenty (20) percent of the *lot(s)* created under residential density options 1, 2, or 3 in the town.
 - (i) When the calculation of *density units* consists of less than five new *lots* only one new *lot* may be for a *duplex dwelling unit*.

- (ii) When the calculation of *density units* consists of five or more new *lots*, then up to twenty (20) percent of the new *lots* may be for a *duplex dwelling unit*.
 - (iii) Creating a new *lot* for a *duplex dwelling unit* shall be counted as two *density units*.
 - (iv) For this purpose, the *density unit* shall be considered the same as required by Option 2. {See “Quick Guide to Town of Springdale Land Use Options”}.
 - (v) Rezoning of a *lot* that was created for a single family detached *dwelling unit* or converting of a single family detached *dwelling unit* (whether or not it was existing on the *Plan effective date*) into a *duplex dwelling unit* shall require one additional *density unit*.
 - (vi) Reverting or converting a *duplex dwelling unit* into a single family detached *dwelling unit* shall not regain one *density unit*.
4. A condominium association/development shall include only *single family detached dwelling units* and parcels rezoned to R-4 to accommodate this use shall be deed restricted to allow only single family detached *dwelling units*.
 5. The town shall not support variances for new *residences* within the noise overlay zone (see Dane County Code, Chapter 10).
 6. New outdoor lighting, installed pursuant to a *land division* request, shall be shielded to prevent glare into the night sky or direct beam illumination of neighboring *residences* and shall comply with this section of the Land Use Plan. All new lighting fixtures shall be full cut-off fixtures which prevent all upward transmission of light. All-night photo cell controlled lighting shall not be permitted, however, motion controlled and switch controlled security lights are acceptable. All new outdoor lighting shall be in compliance with applicable county and town ordinances.
 7. New, permanent signs naming residential developments shall not be permitted and existing, permanent signs naming residential developments may be maintained but not substantially modified nor replaced after the date of adoption of this amendment, May 21, 2007.
 8. The town shall review rezoning requests and conditional use permit requests in the residential zoning districts of the Dane County Code, Chapter 10, per both the Goals and Policies of this Land Use Plan, (see Section 3) and the requirements listed in Section 10 *Non-residential Uses*.

SECTION 10

NON-RESIDENTIAL USES

- (A) *Non-residential uses* may provide employment opportunities for individuals in the town and sometimes provide services that benefit some of the town's residents. The guidelines in this Land Use Plan are designed to promote rural *non-residential uses* primarily related to agriculture that do not impact negatively on the *rural character* of the town. Applicants for non-residential uses should recognize that rezoning or relocation of the business may be necessary if the business is expanded.
- (B) Home occupations and limited-family businesses as defined in the Dane County Code, Chapter 10, and *non-residential uses* existing in the town on the *Plan effective date* are governed by the existing zoning (see Dane County Code, Chapter 10 and its other pertinent chapters.)
- (C) Individuals intending to apply for (a) a change to zoning district boundaries or (b) a conditional use permit are requested and encouraged to meet with the Town of Springdale Plan Commission before formally applying to Dane County. The purpose of the pre-application meeting is to provide the Town with development information so that the town shall be in a position to evaluate formal applications to Dane County for a zoning change or conditional use permit in an efficient and timely manner. The Town of Springdale Plan Commission would not make a final determination on any issue at the pre-application meeting.
- (D) Individuals intending to apply for (a) a change to zoning district boundaries or (b) a conditional use permit for *non-residential uses* that meet the requirements in this section of the Land Use Plan, but that are not included in Sections 10(F), 10(G), 10(H), or 10(I) of the Land Use Plan, may request an amendment to the Land Use Plan pursuant to Section 14(K) of the Land Use Plan.
- (E) The town shall consider supporting rezoning requests and conditional use permit requests for the kinds of *non-residential uses* specified in Sections 10(F), 10(G), 10(H), and 10(I) of the Land Use Plan in the B-1 Local Business District, A-B Agriculture District, C-1 Commercial District, or LC-1 Limited Commercial District that meet the following requirements:
 - 1. The town shall consider the identified and potential impact of any proposed *non-residential use* on but not limited to: (a) neighboring farms and farmland, (b) neighboring *residences*, (c) natural environment, (d) property values, (e) traffic and parking, (f) the creation of noise, odor, and waste products,

- (g) aesthetics, (h) enjoyment of the land, (i) *rural character*, (j) existing or natural topography.
2. New agricultural and other *non-residential uses* shall be limited to those that do not detract from the natural resources and/or rural quality of life in the town.
 3. The *building envelope* shall be located on a *site plan*. The applicant shall draw the *site plan* on an aerial photograph, which can be provided by the town upon request. The *site plan* shall also show all existing and proposed *buildings*, parking areas, waste disposal areas, storage areas, and any existing and proposed fencing and *screenings*.
 4. Minimal productive *agricultural land* shall be used to accommodate the agricultural businesses. If the *building envelope* must be located on *agricultural land* because other locations are not possible, it is desirable to mitigate their impact by: clustering them, locating them near the edges of the agricultural fields, and/or using the least productive soil as determined by soil types.
 5. No productive *agricultural land* shall be used to accommodate the non-agricultural businesses.
 6. The location of the *building envelope* shall demonstrate that the impact on the town's *rural character* has been minimized. Clustering is desirable and may be required. The *building envelope* shall be designed to minimize a building's visual impact when viewed from public roads, the Military Ridge Bike Trail, and from the surrounding countryside. On properties with prominent, exposed hill tops or ridges, it is desirable for roof tops not to extend above the hilltop or ridge line, and *screenings* may be required to minimize the visual impact of rooftops extending above hilltops or ridgelines. [see note 7 in Land Use Plan Section 15(E)].
 7. Natural features, including but not limited to *wetlands* and woodlands and topography shall be protected. The proximity of environmentally sensitive areas and culturally significant sites shall be considered in the location of the *building envelope* within a property.
 8. All potential negative impacts, including, but not limited to, property values, storm water runoff, traffic and off-street parking, storage and/or disposal of solid waste or hazardous materials, noise, and aesthetics of the land, shall be minimized.

9. *Strip development* shall be prohibited in order to prevent roads or highways from becoming lined with *non-residential uses*.
10. The town shall not support rezone requests for *non-residential uses* for *lot(s)* created by *subdivision plat* after the *Plan effective date*.
11. If a *non-residential use* is located within one-hundred (100) feet of an adjacent *dwelling unit* the side of the *non-residential use* facing the *residence* shall be screened by landscape screen or visual barrier (see Dane County Code, Chapter 10, for specifications of *screening*). The Town of Springdale Plan Commission shall require a letter of credit or other financial instrument covering the cost of such *screenings* acceptable to the Town Board when such *screenings* are required.
12. The minimum land area necessary shall be rezoned for *non-residential use*.
13. No new town roads shall be approved. If an existing town road requires improvements, the applicant must pay for such improvement or an agreement has to be reached between the applicant and the town (see Town of Springdale Driveway Ordinance).
14. Off-street parking shall be delineated on the *site plan*, in accordance with the provisions of the Dane County Code, Chapter 10. No parking or storage of vehicles is permitted within the street right-of-way. The projected traffic levels and types of vehicles proposed to service or use the *non-residential use* shall also be delineated.
15. Hours of operation shall be recommended by the Town of Springdale Plan Commission and approved by the Town of Springdale Town Board.
16. Outdoor lighting, except for required security lighting, shall be operational only during hours of operation. All lighting shall be shielded to prevent glare into the night sky or direct-beam illumination of neighboring *residences*. All new lighting fixtures shall be full cut-off fixtures which prevent all upward transmission of light. All night photo cell controlled lighting shall not be permitted, however, motion controlled and switch controlled security lights are acceptable. All outdoor lighting shall be in compliance with applicable county and town ordinance. (See applicable county and town ordinances).
17. A plan for storage and/or disposal of solid waste and hazardous materials used in the operation shall be submitted to the town.
18. *Non-residential uses* shall satisfy the requirements of the Dane County Construction Site Erosion Control Ordinance. Storm water runoff from a *non-*

residential use shall be no greater than that which existed prior to development.

19. All applicable requirements of the National Fire Prevention Association and State of Wisconsin Division of Agriculture, Trade, and Consumer Protection codes shall be met.
 20. The town shall not support rezoning for *non-residential uses* requiring high amounts of water usage, large septic tanks, or fire protection provided by a public system with hydrants; those kinds of uses shall be directed to an urban service area outside of the town.
 21. Architectural review and approval by the Plan Commission shall be required to ensure that the exterior appearance, design, and character of the proposed improvements, including parking facilities and signs, will maintain the rural quality of life throughout the town (see Section 3, Goal and Policies G).
- (F) The town shall consider supporting rezoning requests for the B-1 Local Business District [see note 1 in Land Use Plan Section 15(E)] for the following kinds of *non-residential uses* that are permitted uses (see Dane County Code, Chapter 10,) and that meet the requirements of this Land Use Plan in Section 10(E):
1. Retail sales restricted to agricultural products and produce with incidental sale of other items; agricultural sales shall be the dominant business activity and at least 25% of the products offered for sale shall be grown on the premises.
 2. Retail service businesses restricted to limited family businesses (see Dane County Code, Chapter 10,).
 3. Storage of items or materials incidental to an established retail or service use on the premises, but not to serve any other business or location. Said storage shall be in an enclosed *building* or enclosed area as provided by Dane County Code, Chapter 10.
 4. Veterinary clinics.
 5. Schools and educational facilities, of a size and scope consistent with the *rural character*, except truck driving or construction equipment operator schools.
 6. Recreational facilities affiliated with a permitted B-1 use that are not lighted for night operation.

7. Bed and breakfast business.
- (G) The town shall consider supporting rezoning requests for the A-B Agriculture Business District [see note 2 in Land Use Plan Section 15(E)] for the following kinds of *non-residential uses*, which are permitted or conditional uses (see Dane County Code, Chapter 10,) and that meet the requirements of this Land Use Plan in Section 10(E):
1. Sales, distribution, mixing, blending, storage of feeds and seeds.
 2. Livestock and farm commodity trucking services limited to six (6) vehicles.
 3. Processing, preserving, and bottling of natural agricultural products, including fruits, honey, and vegetables.
 4. Sales and distribution of nursery stock and plants.
 5. Residential use for an *owner* of the business.
 6. Sales and storage of agricultural byproducts.
- (H) The town shall consider supporting rezoning requests only in Mt. Vernon for the C-1 Commercial District [see note 3 in Land Use Plan Section 15(E)]. (The town shall not support rezoning requests for C-1 Commercial District in any other places in the town.) Rezoning requests shall be considered for the following kinds of *non-residential uses*, which are permitted uses (see Dane County Code, Chapter 10,) and that meet the requirements of this Land Use Plan in Section 10(E) and the following additional requirements:
1. Because of limitations caused by sewers and the proximity of Mt. Vernon Creek, it is not desirable to encourage *non-residential uses* in Mt. Vernon. However, special provisions are created for retail outlets established for the purpose of providing services to the residents of Mt. Vernon. These shall be limited to *non-residential uses* meeting the following additional requirements:
 - (a) Interior space of less than 10,000 square feet in floor area.
 - (b) Five or fewer, full-time or equivalent, employees.
 - (c) Primary *non-residential uses* must provide service to the residents of Mt. Vernon, and must be achieved with minimal impacts on traffic, parking, and neighboring *residences*.

- (d) Some retail service businesses that may meet these requirements and that are permitted uses in the C-1 Commercial District (see Dane County Code,) are: bakeries, barbershops, beauty shops, drugstores, grocery stores, hardware stores, and restaurants (not drive-thru).
 - (e) Other permitted uses in the C-1 Commercial District (see Dane County Code, Chapter 10,) that may meet these requirements are: warehousing and storage incidental to permitted uses on the premises and woodworking shops.
 - (f) Retail businesses providing minor motor vehicle services, defined as self-service or full-service fueling, topping off of motor vehicle fluids and tire pressure, windshield wiper replacement, and cleaning windshields and windows, that meet the following additional requirements which are intended to protect the streams, watershed, and private wells in Mt. Vernon:
 - (i) Fuel tanks shall contain double-walled fuel storage tanks, flexible double-walled piping, and electronic leak detection sensors due to the sensitive environmental location.
 - (ii) Any needed collection facilities for used motor lubricants shall be located inside an all-weather *building* and accessed only by trained service personnel to prevent run-off.
 - (iii) An action plan to manage any spill or inadvertent release shall be submitted to and approved by the town.
 - (g) Architectural review and approval by the Plan Commission shall be required to insure that the exterior appearance, design, and character of the proposed improvements, including parking facilities and signs, will be consistent with the exterior appearance, design, and character of the *buildings* already constructed or in the course of construction in the historic hamlet of Mt. Vernon.
- (I) The town shall consider supporting rezoning requests for the LC-1 Commercial District [see note 4 in Land Use Plan Section 15(E)] for the following kinds of *non-residential uses*, which are permitted uses (see Dane County Code, Chapter 10,) and that meet the requirements in this Land Use Plan in Section 10(E) and the following additional requirements:
1. General, mechanical, and landscape contracting businesses and *buildings* used in connection with such activity.
 2. Storage of construction equipment necessary for the operation of a general, mechanical, or landscape contracting business; a limited amount of equipment can be stored in a neat and orderly fashion within the public view.

3. Temporary outside storage of materials or supplies used by a contractor in fulfilling his or her contracts and not offered for sale to a user or consumer.
 4. On-site burning shall be prohibited.
 5. A single family *residence* for an *owner* of the business or a caretaker.
- (J) Because heavy commercial and industrial uses are incompatible with the goals and policies of this Land Use Plan, the Town of Springdale shall not support rezoning to the C-2 Commercial District and M-1 Manufacturing District (see Dane County Code, Chapter 10).
- (K) A *lot(s)* created for *non-residential uses* under Section 10 of this Land Use Plan shall follow these requirements:
1. Calculation of Density Units in Residential Density Option 1, for the *contiguous* acres owned on the *Plan effective date*.
 - (a) *Contiguous* acres owned shall be determined on the *Plan effective date* and be based on GIS Data [see note 1 in Land Use Plan Section 15(B)].
 - (b) One *lot* for *non-residential use* may be created for each twenty-five (25) *contiguous* acres owned. See Table 1 for calculations of *density unit(s)* [see note 2 in Land Use Plan Section 15(B)].
 - (c) An *existing dwelling unit* on the *Plan effective date* shall not affect the number of new *lots* which can be created as calculated from Table 1 “Quick Guide to Town of Springdale Land Use Options.”
 2. The requirements for (B) Land Division and Building Envelope(s) in Residential Option 2, for the *contiguous* acres owned on the *Plan effective date*.
 - (a) Prior to the submission of an application for the approval of a *certified survey map*, the *landowner* shall submit a *concept plan* to the Town of Springdale Plan Commission for the approval of the location and suitability of the *development area(s)*, *building envelope(s)*, and proposed *lot(s)*.
 - (b) When considering requests for *land division*, the Town of Springdale Plan Commission shall take into account prior conveyances of land designated as *development area(s)* in a *concept plan*.
 - (i) If all or part of the approved *development area(s)* is sold by a landowner,

before the *lot(s)* are created by *certified survey map*, the Town of Springdale Plan Commission is not compelled to approve new *development area(s)*.

- (c) *Lot* lines shall be located and *lot* sizes shall be configured to best satisfy the following:
 - (i) *Lot* lines shall be located so as to minimize the breakup of *contiguous* tracts of *agricultural lands*. Similarly, *lots* shall be sized to minimize the breakup of *contiguous* tracts of *agricultural lands*. To the extent possible, *lot* lines shall be located to follow previously existing natural or man-made boundaries, such as roads, fence rows, woods, waterways, streams, or similar boundaries. If *lot* lines must cross agricultural fields because other boundaries are not possible, it is desirable to locate them in such a way so as to maintain the maximum size agricultural fields in one *contiguous* parcel.
 - (d) When adherence to criteria in Land Use Plan Section 10 creates a conflict with public safety, then the Town of Springdale Plan Commission shall give precedence to public safety.
 - (e) All criteria in Land Use Plan Section 10 shall apply whenever possible.
 - (f) Any changes in the location of a *building envelope(s)* as defined on the *concept plan* shall require a public hearing by the Town of Springdale Plan Commission and approval by the Town of Springdale Town Board. [see note 6 in Land Use Plan Section 15(E)].
 - (g) The largest *building envelope(s)* that can meet the criteria in Land Use Plan Section 10 shall be defined on the *concept plan*.
 - (h) Any changes in the *concept plan* shall require approval of the Town of Springdale Plan Commission.
- 3. The requirements for (C) Driveways in Residential Option 2.
 - (a) All driveways shall be sited and constructed in a manner which best minimizes their impact on *agricultural land*.
 - (b) All driveways shall be sited and constructed in a manner which best minimizes their impact on the town's *rural character*.
 - (c) Up to three (3) properties may share one (1) driveway. A duplex is considered two (2) properties for the purposes of a shared driveway. [See note 5 in Land Use Plan Section 15(C)].

- (d) When adherence to the criteria in Land Use Plan Section 10 creates a conflict with public safety, the Town of Springdale Plan Commission shall give precedence to public safety.
 - (e) Driveways shall meet the requirements of the Town of Springdale Driveway Ordinance.
4. General Procedures in Residential Density Option 2.
- (a) The creation of *lots* for *non-residential uses* shall be by *certified survey map (CSM)*.
 - (i) All *lot(s)* on the *certified survey map* shall be created in a manner that is consistent with the Chapter 75, Dane County Code and the Town of Springdale Land Division and Subdivision Code.
 - (b) Not more than four (4) *lots* shall be permitted in each five (5) year period by *certified survey map* [see note 6 in Land Use Plan Section 15(C)].
 - (c) All applicable requirements of the state, the county, and the town shall apply.
 - (d) The minimum *lot* size shall be one (1) acre, exclusive of road right-of-way.
5. Additional guidelines for the calculation of *density unit(s)* and for *notice documents*:
- (a) A tracking sheet shall be maintained by the Town of Springdale Clerk for each *land division* that is approved after the *plan effective date*; the approved *concept plan* shall be filed with the tracking sheet.
 - (b) The *density unit(s)* shall run with the land, not with the *landowner*.
 - (c) When *lot(s)* are created, a *notice document* shall specify the apportionment of the remaining *density unit(s)* [see note 7 in Land Use Plan Section 15(C)].
 - (d) When *lot(s)* are sold without a *notice document* specifying the apportionment of *density units*, it shall be assumed that any *density unit* stays with the seller's property when consistent with the approved *concept plan* on file in the Town Hall.

- (e) When the *density unit(s)* are exhausted on a property, it shall be recorded by the Town of Springdale Clerk on the town's tracking sheet and by the *landowner* in the Dane County Register of Deeds as a *notice document* [see note 7 in Land Use Plan Section 15(C)].
- (f) All *lot line adjustments* in the town must be approved by the Town Board, taking into account the review and recommendation of the Town Plan Commission. The town requires notification of any *lot line adjustment* between adjacent *landowners*. [see *An Ordinance Regulating Lot Line Adjustments* adopted by the town on Oct. 17, 2016].
- (L) In many circumstances signage is incompatible with the goals and policies of this Land Use Plan. The Town shall develop a signage ordinance that promotes rural *non-residential uses* primarily related to agriculture and that ensures signage will not negatively affect the *rural character* of the Town.
- (M) Section 10 shall apply to all *non-residential uses*.

SECTION 11

NATURAL RESOURCES

- (A) Springdale is fortunate to have abundant natural resources in its fertile farmland, clean groundwater, meandering streams, expansive *wetlands*, and woodlands. Along with these resources comes the responsibility to serve as stewards of the land. The town wants to ensure that the natural resources are carefully managed and protected in a way that guarantees the rights of all current and future citizens to enjoy and benefit from them.
- (B) Areas classified as *wetlands* on the Wisconsin Wetland Inventory maps shall be protected from residential and non-residential development to preserve the significant natural functions *wetlands* provide, including but not restricted to Klevenville Marsh and Riley Wetlands (see requirements of Department of Natural Resources and Town of Springdale).
- (C) Areas within the 100-year *floodplain* as shown on Flood Insurance Rate Maps, shall be protected from residential and non-residential development to avoid damage to private and public property and the health, safety, and welfare of the community. A buffer zone defined by the Department of Natural Resources shall be protected on each side of streams and drainage ways, including but not restricted to Deer Creek, Feeder Creek, Fryes Creek, Mt. Vernon Creek, and Sugar River (West Branch) (see requirements of Department of Natural Resources, Dane County's Floodplain Zoning Ordinance, and Town of Springdale).
- (D) Waterways, drainage channels, lakes, ponds, and surface water shall be protected from disturbance to prevent degradation of water quality and siltation. Stream bank management, erosion control, proper agricultural practices, storm water management, and use of buffer areas are appropriate practices.
- (E) Landowners shall be encouraged to protect existing wildlife habitats and manage woodlands for sustained yields of desirable species.
- (F) Groundwater quality and quantity shall be protected through regulation of potential sources of contamination, controlling the types of development allowed near municipal wellheads, and preventing excessive irrigation practices.
- (G) *Environmental corridors* or open spaces shall be encouraged to protect environmentally sensitive lands and natural resources. The corridors or open spaces should protect drainageways, stream channels, *floodplains*, *wetlands*, and other resources that are part of the town's natural countryside.

- (H) Resource Protection Areas identified by the Dane County Department of Planning and Development shall be indicated on *certified survey maps* and *plats*.

SECTION 12

ENVIRONMENTALLY SENSITIVE AREAS

- (A) A list is provided of the unique and irreplaceable natural resources in the town, which landowners are encouraged to preserve and protect.
- (B) The town shall not use this list to restrict the number of *lots* under residential density options 1, 2, or 3, except where regulations of the county or state apply.
- (C) The town shall consider the proximity of the environmentally sensitive areas in locating *building envelopes* within a property subject to *land division* under residential density options 1, 2, or 3.
- (D) List of environmentally sensitive areas:
 - 1. Bluffs:
 - (a) Donald Park.
 - 2. Cliff habitat located along Town Hall Road.
 - 3. Habitats of endangered and threatened species.
 - 4. Environmental corridors, open spaces, and parks, including but not limited to:
 - (a) Donald Park,
 - (b) Mt. Vernon Park.
 - (c) Military Ridge Bike Trail
 - 5. Floodplains, streams, and watersheds, including but not restricted to:
 - (a) Deer Creek,
 - (b) Feeder Creek,
 - (c) Fryes Creek,
 - (d) Mt. Vernon Creek,
 - (e) Upper Sugar River Watershed.
 - 6. Native plant species along roadsides.
 - 7. Scenic vistas, viewsheds, and roadways located throughout the town.
 - 8. *Wetlands* located throughout the town and including but not limited to:
 - (a) Klevenville Marsh,
 - (b) Riley Wetlands.

SECTION 13

CULTURALLY SIGNIFICANT SITES

- (A) A list is provided of the unique and irreplaceable culturally significant sites in the town, which landowners are encouraged to preserve and protect.
- (B) The town shall not use this list to restrict the number of *lots* under residential density options 1, 2, or 3, except where regulations of the county or state apply.
- (C) The town shall consider the proximity of the culturally significant sites in locating *building envelopes* within a property subject to *land division* under residential density options 1, 2, or 3.
- (D) List of culturally significant sites:
 - 1. Archaeological sites:
 - (a) Indian mounds (section 15).
 - 2. Historic *buildings* and sites:
 - (a) Donald Farm,
 - (b) First Norwegian Church Cemetery and Monument to the early Norwegian settlers (section 8),
 - (c) Lime Kiln (section 30),
 - (d) Log Buildings (sections 4, 32),
 - (e) Mt. Vernon Church (section 34),
 - (f) Oak Hill Scotch Settlement Cemetery (section 26),
 - (g) Springdale Lutheran Church (section 8),
 - (h) Springdale Town Hall (section 21).

SECTION 14

AMENDING THE PLAN

- (A) This Land Use Plan shall require periodic review and revisions as more information is gathered, public attitudes change, and experience is gained in policy implementation. As a means of assuring the possibility for change and improvement, a formal annual review period is hereby established. Each year in the month of December, a formal notice shall be posted at the Town Hall and placed in the local papers notifying citizens of the plan review process.
- (B) This Land Use Plan shall be reviewed annually to improve the clarity in the interpretation and the implementation of the policies. It should be noted that even the smallest change to one policy in the Land Use Plan may have implications for other policies throughout the Land Use Plan.
- (C) Members of the Town of Springdale Plan Commission or any other person owning land in the town may propose an amendment to the Land Use Plan. Proposals to amend the Land Use Plan shall be submitted in writing to the Town of Springdale Plan Commission on or before December 31.
- (D) Proposals shall be reviewed by the Town of Springdale Plan Commission with a public hearing to be held at a meeting in January to discuss the proposals.
- (E) The Town of Springdale Plan Commission shall then consider the public comments, conduct any further study, and make recommendations for action to the Town of Springdale Town Board at a meeting in February; recommendations by the Plan Commission are advisory and not binding on the Town Board.
- (F) Recommendations by the Town of Springdale Plan Commission shall be discussed at a public hearing to be held by the Town of Springdale Town Board at a meeting in April.
- (G) The Town of Springdale Town Board shall act, to approve, to deny, or to amend the proposed amendments at a meeting in May.
- (H) When the Town of Springdale Town Board revises the Land Use Plan, all changes shall be recorded both in an unbound Master Copy and on an electronic copy of the Land Use Plan maintained by the Town of Springdale Clerk at the Town Hall

- (I) Copies of the amended page(s) shall be provided to each Town of Springdale Plan Commission member and Town of Springdale Town Board member for updating their copy of the Land Use Plan.
- (J) New printed copies of the Land Use Plan shall always be made from the Master Copy.
- (K) The Town of Springdale Plan Commission may consider amendments at other times than the annual review period at the request of the Town of Springdale Town Board.
- (L) The first period for submission of proposals for the annual review period shall be in December, 2002.

SECTION 15

NOTES TO SECTIONS 4, 5, 6, 7, 10

(A) Notes to Section 4: Implementing the Goals

1. Based on protracted deliberations of the Plan and Ordinance Committees, with public input and consideration of the current land use policies in the Town, the densities of 1:25, 1:17, 1:14 were proposed to accomplish the goals and policies in the Land Use Plan.
2. *Lot* sizes for residential *and non-residential uses* within each option may be less than the density standard but must be at least one acre in area.
3. Switching from a lower numbered option to a higher numbered option can be considered only prior to the creation of a second new lot for *residential use* and involves the following calculation of *density unit(s)*:
 - (a) When one (1) *lot* smaller than twenty-five (25) acres was created under residential density option 1, then the calculation shall be based on “*contiguous acres owned on Plan effective date*” minus twenty-five (25) acres. If the *lot* was larger than twenty-five (25) acres, then the acreage greater than twenty-five (25) shall also be subtracted from the “*contiguous acres owned on Plan effective date.*”
 - (b) When one (1) *lot* smaller than seventeen (17) acres was created under residential density option 2, then the calculation shall be based on “*contiguous acres owned on Plan effective date*” minus seventeen (17) acres. If the *lot* was larger than seventeen (17) acres, then the acreage greater than seventeen (17) shall also be subtracted from the “*contiguous acres owned on Plan effective date.*”
4. Switching from a higher numbered option to a lower numbered option involves the following calculation of *density unit(s)*:
 - (a) When *lot(s)* smaller than seventeen (17) acres were created under residential density option 2, then the calculation shall be based on “*contiguous acres owned on Plan effective date*” minus (“number of *lot(s)* created under option 2” multiplied by seventeen (17)). If any of the *lot(s)* created under option 2 were larger than seventeen (17) acres, then the acreage greater than seventeen (17) shall also be subtracted from the “*contiguous acres owned on Plan effective date.*”

- (b) When *lot(s)* smaller than fourteen (14) acres were created under residential density option 3, then the calculation shall be based on “contiguous acres owned on *Plan effective date*” minus (“number of *lot(s)* created under option 3” multiplied by fourteen (14)). If any of the *lot(s)* created under option 3 were larger than fourteen (14) acres, then the acreage greater than fourteen (14) shall also be subtracted from the “contiguous acres owned on *Plan effective date*.”
5. If a parcel greater than 35 acres has been created after the *Plan effective date* without a *concept plan* (or if a parcel greater than 80 acres has been created after May 18, 2009 without a *concept plan*), and the *owner(s)* of the newly created parcel and the *owner(s)* of the *contiguous* acres owned on the *Plan effective date* wish to allot more than one *density unit* to the new parcel, the Plan Commission will consider the *contiguous* acres owned on the *Plan effective date* as the basis for the *concept plan*. Until such time that a transfer of development rights program is adopted by the Town of Springdale, the *contiguous* acres owned on the *Plan effective date* shall be in essence “frozen” to allow for the transfer of *density unit(s)* among the parcels greater than 35 acres and the original *contiguous* acres on the *Plan effective date*.

Since the adoption of the *Plan* and Code in March 2002, the Town has struggled with the issue of allocation of *density units* on parcels created without Town review. The change to the *Plan* and Code should help avoid these difficulties by ensuring that the Town is involved in the allocation and location of *density units* before new parcels are created and deeds are recorded with the Dane County Register of Deeds. The Town’s involvement will help avoid confusion between buyers, sellers and the Town about the allocation of *density units*.

(B) Notes to Section 5: Residential Density Option 1

1. *Contiguous lot(s)* created by *certified survey map* before the *Plan effective date* shall not be counted in the *contiguous* acres owned on the *Plan effective date*, except for the purposes of preparing a *concept plan* (locating *development area(s)*, current proposals for *lot(s)*, *building envelope(s)*, and driveways.
2. For one-hundred (100) or more *contiguous* acres on the *Plan effective date*, when the calculation of *density unit(s)* results in a fractional *lot*, the total number of *lot(s)* shall be rounded up when the fraction is equal to or greater than one-half (1/2), as in .5 through .99, which shall be rounded to one (1) additional *lot*. As a compromise and to maintain consistency in the density, the Plan Committee proposed one-hundred (100) *contiguous* acres as the lower limit for the rounding up of a fractional *lot*.

3. The Plan and Ordinance Committees proposed three (3) rather than another number of *single family detached dwelling units* on a driveway to minimize the impact on *agricultural land*, to minimize the number of driveway accesses, and to meet the county requirement of a sixty-six (66) foot frontage for each *lot*. Three *dwelling units* allows the optimization of safe roadway access points and minimizes the number of required sixty-six (66) foot frontages to a public roadway.
4. This is a county policy for which the number of *lots* can be decreased but not increased by a town.
5. A *notice document* is in lieu of a “buyer beware” approach. A *notice document* is different from a *deed restriction* (see Section 2: Definitions).
6. When a *building envelope* change is requested by a property owner, the owner shall provide a signed statement from the developer and/or homeowners’ association, whomever remains involved, verifying that the requested change in *building envelope* is consistent with their agreements.

(C) Notes to Section 6: Residential Density Option 2

1. *Contiguous lot(s)* created by *certified survey map* before the *plan effective date* shall not be counted in the *contiguous* acres owned on the *plan effective date*, except for the purposes of preparing a *concept plan* (locating *development area(s)*, current proposals for *lot(s)*, *building envelope(s)*, and driveways.
2. For one-hundred (100) or more *contiguous* acres on the *plan effective date*, when the calculation of *density unit(s)* results in a fractional *lot*, the total number of *lot(s)* shall be rounded up when the fraction is equal to or greater than one-half (1/2) as in .5 through .99, which shall be rounded to one (1) additional *lot*. As a compromise and to maintain consistency in the density, the Plan Committee proposed to set one-hundred (100) *contiguous* acres as the lower limit for the rounding up of a fractional *lot*.
3. The Plan Committee proposed fourteen (14) acres as the lower limit is a political compromise because it was consistent with the highest density of residential development (1:14) permitted in this Land Use Plan.
4. Not applicable for a *lot* of more than fourteen (14) acres and less than seventeen (17) acres created after the *plan effective date*.
5. The Plan and Ordinance Committees proposed three (3) rather than another number of *single family detached dwelling units* on a driveway (a) to

minimize the impact on *agricultural land*, (b) to minimize the number of driveway accesses, and (c) to meet the county requirement of a sixty-six (66) frontage for each *lot*. Three *dwelling units* allows the optimization of safe roadway access points and minimizes the number of required sixty-six (66) foot frontages to a public roadway.

6. This is a county policy for which the number of *lots* can be decreased but not increased by a Town.
7. A *notice document* is in lieu of a “buyer beware” approach. A *notice document* is different from a *deed restriction* (see Section 2: Definitions).
8. When a *building envelope* change is requested by a property owner, the owner shall provide a signed statement from the developer and/or homeowners’ association, whomever remains involved, verifying that the requested change in *building envelope* is consistent with their agreements.
9. When a building height restriction is agreed upon as part of an Option 2 land division, the landowner shall be responsible for demonstrating that the height restriction is met.

(D) Notes to Section 7: Residential Density Option 3

1. *Contiguous lot(s)* created by *certified survey map* before the *Plan effective date* shall not be counted in the *contiguous* acres owned on the *Plan effective date*, except for the purposes of preparing a *concept plan* (locating *development area(s)*, current proposals for *lot(s)*, *building envelope(s)*, and driveways.
2. For one-hundred (100) or more *contiguous* acres on the *Plan effective date*, when the calculation of *density unit(s)* results in a fractional *lot*, the total number of *lot(s)* shall be rounded up when the fraction is equal to or greater than one-half (1/2) as in .5 through .99, which shall be rounded to one (1) additional *lot*. As a compromise and to maintain consistency in the density,, the Plan Committee proposed one-hundred (100) *contiguous* acres as the lower limit for the rounding up of a fractional *lot*.
3. Seventy (70) is the smallest *contiguous* acreage that when divided by fourteen (14) results in five (5) or more *lots*.
4. The Plan and Ordinance Committees proposed the percentage of twenty-five (25) because it was the minimum percentage that provided leeway in accommodating (a) the number of *lots* created on seventy (70) or more acres

at the allowed density of 1:14 under option 3 and (b) the policies in the Town of Springdale Land Division and Subdivision Code.

5. A *deed restriction* is different from a *notice document* (see Section 2: Definitions).
6. The Plan and Ordinance Committees proposed three (3) rather than another number of *single family detached dwelling units* on a driveway to minimize the impact on *agricultural land*, to minimize the number of driveway accesses, and to meet the county requirement of a sixty-six 66 foot frontages for each *lot*. Three *dwelling units* allows the optimization of safe roadway access points and minimizes the number of required sixty-six (66) foot frontages to a public roadway.
7. A *notice document* is in lieu of a “buyer beware” approach. A *notice document* is different from a *deed restriction* (see Section 2: Definitions).

(E) Notes to Section 10: Non-residential Uses

1. The intent and purpose of the B-1 Local Business District is to provide a zoning district for retail businesses and services that do not include manufacturing or major assembly of items or products. Residential use is intended to be limited, outside storage of items is restricted, and landscaping of properties is required (see Dane County Code, Chapter 10).
2. The A-B Agriculture Business District is designed to provide for those uses which are commercial in nature; are associated with local agricultural production; require a rural location due to extensive land area needs or proximity of resources; and do not require urban services. (see Dane County Code Chapter 10).
3. The intent and purpose of the C-1 Commercial District is to provide general opportunities for commercial retail sales and services at a level of intensity greater than all other commercial districts except for C-2 Commercial District and M-1 Industrial District (see Dane County Code, Chapter 10).
4. The LC-1 Limited Commercial District is designed to provide mechanical and landscape contracting businesses (see Dane County Code, Chapter 10).
5. Dane County Code of Ordinances 10.049.(6) addresses topography near property lines. When land disturbing activities associated with development occur within five (5) feet of any property line, finished grades in that area

shall be restored to the topography in existence before the land disturbing activity began.

6. When a *building envelope* change is requested by a property owner, the owner shall provide a signed statement from the developer and/or homeowners' association, whomever remains involved, verifying that the requested change in *building envelope* is consistent with their agreements.
7. When a building height restriction is agreed upon as part of an Option 2 land division, the landowner shall be responsible for demonstrating that the height restriction is met.