

ORDINANCE NO. 16101

TOWN OF SPRINGDALE
DANE COUNTY, WISCONSIN

AN ORDINANCE REGARDING LOT LINE ADJUSTMENTS, TITLE IX, CHAPTER 6

RECITALS

- A. The Town has expended considerable time and resources adopting a Land Use Plan. The Land Use Plan was adopted for the general purpose of guiding and accomplishing adjusted, coordinated, and harmonious development in the Town, which will, in accordance with the 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 in the Town.
- B. The Land Use Plan recognizes that unplanned development can occur in a way that conflicts with and intrudes upon the general purpose of the Land Use Plan and the general intent of preserving land for agricultural use.
- C. Lot line adjustments have occurred in the Town that result in unplanned development that conflicts with and intrudes upon the general purpose of the Land Use Plan. Specifically, lot line adjustments have, on occasion, resulted in: (1) the fragmentation of contiguous land available for agricultural use; (2) inappropriate and unapproved changes in land division concept plans that had been approved by the Town pursuant to the Town's Land Division and Subdivision Code; and (3) in a failure to fulfill the general purpose of the Land Use Plan.
- D. In order to help avoid the issues identified in Recital C above, the Town intends to regulate lot line adjustments as provided in this Ordinance.
- E. This Ordinance will also allow the Town to determine whether the exchange of land between adjoining property owners comes within the exception in Wis. Stat. § 236.45(2)(am)3.
- F. The Town held a public hearing on this Ordinance with notice of the hearing given by publication of a Class 2 Notice under Chapter 985, Wis. Stats.
- G. The Town Plan Commission has reviewed and recommended adoption of this Ordinance.
- H. The Town Board believes that regulating lot line adjustments will promote order, convenience, and the public health, safety, and welfare of Town residents and owners of property in the Town.

ORDINANCE

Now, therefore, based on the above recitals, and pursuant to its police power authority and the authority granted in the Wisconsin Statutes, including, but not limited, to Wis. Stat. Sections. 60.10, 60.22, 61.35, 62.23, and 236.45, the Town Board of the Town of Springdale ordains as follows:

- I. Title IX, Chapter 6, Regulation of Lot Line Adjustments, of the Town Code of Ordinances is created to provide as follows:
 - 1) Purpose. The Purpose of this Chapter is to regulate Lot Line Adjustments as defined in this Chapter, in order to support the Land Use Plan, the Land Division and Subdivision Code and to promote the public health, safety, and general welfare of Town residents and owners of property in the Town.
 - 2) Definition of Lot Line Adjustment. For purpose of this Chapter the phrase "Lot Line Adjustment" means 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 CSM or Plat.
 - 3) Town Approval of Lot Line Adjustments and Procedure. 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. Applications forms for approval of Lot Line Adjustments shall be obtained from and filed with the Town Clerk. Applications shall include the map of land to be sold, conveyed, or exchanged. The Plan Commission shall review and make a recommendation on an application within 45 days of the date a complete application is filed with the Town Clerk. The Town Board shall approve, conditionally approve, or deny the application within 45 days of the date of the Plan Commission meeting at which the Plan Commission made its recommendation on the application. If the application is approved by the Town Board, the Lot Line Adjustment may be engaged in and completed. If the application is conditionally approved by the Town Board, the applicant shall comply with the conditions of approval. If the application is denied by the Town Board, the Lot Line Adjustment shall not be completed and the applicant and/or property owners may not record a deed or other record of the proposed sale, conveyance, or exchange with the Dane County Register of Deeds.
 - 4) Prohibited Lot Line Adjustments. The Town Board shall not approve a Lot Line Adjustment if:
 - a) Additional lots are created;
 - b) The parcels after the Lot Line Adjustment would be reduced below the minimum sizes required by Chapter 236 of the Wisconsin Statutes or as required to comply with other applicable laws and ordinances, including, but not limited to the Town's Land Use Plan and the Town's Land Division and Subdivision Code;
 - c) The Lot Line Adjustment would result in the loss and/or breakup of land used for agricultural use;
 - d) The Lot Line Adjustment would result in the conveyance or transfer of development rights; unless the development rights are prohibited from development via a deed restriction or conservation easement.

- e) The Lot Line Adjustment would result in a change to a concept plan approved pursuant to the Town's Land Division and Subdivision Code.
- f) The Lot Line Adjustment would conflict with one or more purposes or provisions of the Land Use Plan.
- 5) Remedies. In addition to all other remedies available to the Town, in the event a Lot Line Adjustment is performed without the Town Board approval required by this Chapter, the Town Board shall have the right to consider the Lot Line Adjustment to be a property split or division that reduces the number or splits or divisions otherwise available to the property owner(s) under the Town Land Division and Subdivision Code.
- II.** Severability. In the event that any term or provision of this Ordinance is found to be unenforceable by a court of competent jurisdiction, such enforceable term or provision shall be deemed severed from this Ordinance and the remainder of this Ordinance shall continue in full force and effect.
- III.** Effective Date. The Ordinance shall become effective upon passage and publication or posting.

This Ordinance was duly adopted at a meeting of the Town Board of the Town of Springdale, Dane County, Wisconsin, on October 17, 2016, by a vote of 3 in favor, 0 opposing, and 0 not voting.

By: _____
Edwin Eloranta, Town Chair

Attest: _____
Vicki Anderson, Town Clerk

Date:

Post: _____
Publish: _____