
LAND DIVISION AND SUBDIVISION CODE

**Town of Springdale
Dane County, Wisconsin**

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SUBCHAPTER 1. INTRODUCTION

3.0 Title. This chapter shall be officially known, cited and referred to as the "Town of Springdale Land Division and Subdivision Code."

3.1 Statutory Authority. This chapter is adopted pursuant to the authority granted under Sec. 60.22, 61.34(1) and 236.45, Wis. Stats.

3.2 Purpose. The purpose of this chapter is to regulate and control the division of land and the platting of subdivisions within the jurisdictional limits of the town in order to promote the public health, safety and general welfare of the community. This chapter is intended to enhance the quality of divisions of land and to provide for the orderly layout and appropriate use of lands within the town in order to achieve the following:

- (1) to guide the future growth and development of the community consistent with the goals and policies set forth in the adopted Town of Springdale Land Use Plan and other plans;
- (2) to preserve and promote agricultural uses of town lands by concentrating housing on lands that have the lowest possible agricultural potential;
- (3) to preserve the rural character of the community through the preservation of meaningful open space and sensitive natural resources;
- (4) to preserve scenic views by minimizing views of new residential development from existing roads;
- (5) to protect a landowner's right to divide land for residential development;
- (6) to provide for a diversity of lot sizes and building densities consistent with the provisions of this chapter and the town Land Use Plan;
- (7) to protect environmentally sensitive areas and biological diversity, to minimize disturbance to existing vegetation, and to maintain environmental corridors;
- (8) to preserve significant archeological sites, historic buildings and their settings;
- (9) to accommodate the demand for housing in a rural setting;
- (10) to prevent overcrowding of the land, to avoid undue concentration of population, and to preserve the rural character of the community;

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- 140 (11) to facilitate adequate provision for transportation, water, sewerage, schools,
141 parks, playgrounds, and other public facilities and services;
142
143 (12) to provide adequate light and air, including access to sunlight for solar
144 collectors and to wind for private wind energy systems;
145
146 (13) to secure safety from fire, panic, flooding, disease and other dangers;
147
148 (14) to prevent and control soil erosion, sedimentation, and other pollution of
149 surface water and ground water;
150
151 (15) to guide the detailed analysis of land division and subdivision so as to locate
152 and coordinate appropriate areas for development and for conservation;
153
154 (16) to ensure adequate legal description and proper survey monumentation of
155 land divisions;
156
157 (17) to provide for the administration and enforcement of these regulations;
158
159 (18) to provide penalties for violation of the provisions of this chapter;
160
161 (19) to realize goals, objectives, policies and development standards set forth in
162 plans, codes or ordinances adopted by the town;
163
164 (20) to avoid the inefficient and uneconomical extension of government services;
165
166 (21) and to lessen congestion in the streets and highways.
167
168

169 **3.3 Abrogation and Greater Restrictions.**

- 170
171 (1) **Public Provisions.** These regulations are not intended to interfere with,
172 abrogate, or annul any other ordinance, rule or regulation, statute, or other
173 provision of law except as provided in these regulations. To the extent that this
174 Chapter contains time limits, deadlines, notice requirements, or other provisions
175 that are more restrictive than time limits, deadlines, notice requirements, or other
176 provisions that provide protections for a subdivider contained in Chapter 236 of
177 the Wisconsin Statutes, the time limits, deadlines, notice requirements or other
178 provisions that provide protections for a subdivider contained in Chapter 236 shall
179 apply.
180
181 (2) **Private Provisions.** These regulations are not intended to abrogate any
182 easement, covenant or other private agreement or restriction, provided that where
183 the provisions of these regulations are more restrictive than such easement,
184 covenant, or other private agreement or restriction, the requirements of this
185 chapter shall govern. Where the provisions of the easement, covenant, or other

186 private agreement or restriction impose duties and obligations more restrictive
187 than these regulations, and the private provisions are not inconsistent with the
188 provisions of this chapter, then the private provisions shall be operative and
189 supplemental to these regulations and any determinations made under these
190 regulations.

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193 **3.4 Interpretation.** In their interpretation and application, the regulations
194 contained in this chapter shall be held to be the minimum requirements for the
195 promotion of the public health, safety and general welfare. These regulations shall
196 be construed broadly in favor of the Town of Springdale to promote the purposes
197 for which they are adopted.

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200 **3.5 Severability.** If any part or provision of this chapter or the application of
201 these regulations to any person or circumstance is adjudged invalid by any court
202 of competent jurisdiction, the judgment shall be confined in its operation to the
203 part, provision or application directly involved in the controversy in which the
204 judgment shall be rendered. It shall not affect or impair the validity of the
205 remainder of these regulations or the application of them to other persons or
206 circumstances. The Town Board hereby declares that it would have enacted the
207 remainder of these regulations even without any such part, provision or
208 application that is judged to be invalid.

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211 **3.6 Repeal.** All other chapters or ordinances or parts thereof of the Town of
212 Springdale inconsistent with or in conflict with the provisions of this chapter are
213 hereby repealed.

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216 **3.7 Fees.** The Town Board may, by resolution, establish reasonable fees for the
217 administration of this ordinance.

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220 **3.8 Effective date.** This chapter shall become effective after a public hearing,
221 adoption by the Town Board, and publication or posting as provided by law.

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SUBCHAPTER 2 DEFINITIONS

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228 **3.9 Definitions.** The following definitions shall be observed and applied in this
229 chapter, except where the context clearly indicates otherwise.

230
231

Alley. A public right-of-way that normally affords a secondary means of
vehicular access to abutting property.

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- 232 **Arterial Street.** A street that provides for rapid movement of concentrated
233 volumes of traffic over relatively long distances between areas.
234
- 235 **Block.** An area of land within a subdivision that is entirely bounded by a
236 combination of streets, exterior boundary lines of the subdivision, and streams or
237 bodies of water.
238
- 239 **Building.** Any structure having a roof supported by posts, columns or walls and
240 its appendages including, but not limited to balconies, porches, decks, stoops,
241 fireplaces and chimneys. Also included for permit and locational purposes are
242 swimming pools, both above and below ground, and towers, except
243 communication towers. Not included within the definition, for permit purposes or
244 otherwise, are poles, towers and posts for lines carrying telephone messages or
245 electricity and recreational structures of open construction and without walls, such
246 as swing sets, slides, yard gyms, climbers, sand boxes and teeter totters.
247
- 248 **Building envelope.** The area on a certified survey map, or plat, or concept plan
249 within which a dwelling unit and accessory buildings shall be contained.
250
- 251 **Certified survey map (CSM).** A map of land division, not a subdivision, prepared
252 in accordance with Sec. 236.34, Wis. Stats. and in full compliance with the
253 applicable provisions both of Chapter 75, Dane County Code and of Town of
254 Springdale Land Division and Subdivision Code, except that a certified survey
255 map shall not be required if all of the lots, parcels, or building sites created by a
256 land division are more than 80 acres in area, however the land divider shall
257 comply with Section 4 (F) of this Plan and Section 3.19(6) of the Town of
258 Springdale Land Division and Subdivision Code. A certified survey map shall be
259 required if any of the lots, parcels or building sites created by land division are 80
260 acres or less.
261
- 262 **Clustering.** Dwelling units grouped on only a portion of a parcel of land.
263
- 264 **Collector street.** A street that provides for moderate speed movement within
265 large areas. They are basically local streets, which usually, because of more
266 directness of routing and higher capacity than other local streets, receive higher
267 volumes of traffic to be distributed from or collected toward nearby arterial
268 streets.
269
- 270 **Common open space.** Undeveloped land within a conservation subdivision that
271 has been designated, dedicated, reserved, or restricted in perpetuity from further
272 development and is set aside for the use and enjoyment by residents of the
273 development. Common open space shall not be part of individual residential lots.
274 It shall be substantially free of structures, but may contain historic structures and
275 archeological sites including Indian mounds, and/or such recreational facilities for
276 residents as indicated on the approved subdivision plat.
277

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278 **Concept plan.** A plan submitted by a landowner to be used by the Plan
279 Commission to determine whether the proposed lot(s), building envelope(s) and
280 development area(s) for property that will be divided will comply with the
281 applicable Town regulations, ordinances and plans, including the goals and
282 objectives of the Plan. The concept plan shall consist of (1) An aerial photograph
283 showing all of the contiguous acres owned by the landowner on the effective date
284 of the Plan; (2) the identified development areas that can accommodate the
285 potential number of building envelopes; (3) consideration of access for all
286 building envelopes; and (4) any current proposals for lots, building envelopes; and
287 development areas and driveway and utility access to them.
288

289 **Condominium.** A community association combining individual unit ownership
290 with shared use or ownership of common property or facilities, established in
291 accordance with the requirements of the Condominium Ownership Act, Chapter
292 703, Wis. Stats. A condominium is a legal form of ownership of real estate and
293 not a specific building type or style.
294

295 **Conservation subdivision.** A housing development in a rural setting that is
296 characterized by compact lots and common open space, and where the natural
297 features of the land are maintained to the greatest extent possible.
298

299 **Contiguous.** Lots or parcels shall be considered as contiguous for the purpose of
300 this chapter, if they share a common boundary for a distance of at least 66 feet.
301 For the purpose of calculating density units, a real estate parcel that is divided by
302 a public road, whether an easement road or a fee title road, or by a navigable
303 water body, or by a private drive owned by an entity other than the entity that
304 owns the abutting lands, shall be treated as contiguous.
305

306 **Cul-de-sac road.** A local street less than 1000 feet in length that has one end
307 open to traffic and the other end being permanently closed with a vehicular
308 turnaround.
309

310 **Dead-end road.** A local street that has one end open to traffic and the other end
311 being permanently closed without a vehicular turnaround.
312

313 **Development area.** An area of land indicated or defined on a concept plan as
314 being suitable for building envelopes.
315

316 **Driveway.** A private driveway, road, land, field road or other avenue of travel
317 that runs through any part of a private lot or parcel of land, or that connects with
318 or will connect with any public highway.
319

320 **Dwelling unit.** Any structure fixed to the ground that is occupied or intended to
321 be occupied as a residence, consisting of the following:
322

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323 **Single-family dwelling unit.** A building designed for and occupied
324 exclusively as a residence for one family or household.

325
326 **Duplex dwelling unit.** A building designed for and to be occupied by two
327 families or two households living independently of each other.

328
329 **Easement.** The area of land set aside or over which or through which a liberty,
330 privilege, or advantage in land, distinct from ownership of the land, is granted to
331 the public or some particular person or part of the public.

332
333 **Exiting dwelling unit.** (1) A dwelling unit occupied before the Land Use Plan
334 effective date. (2) A dwelling unit to be constructed or already under construction
335 for which the building permit has been issued before the Land Use Plan effective
336 date.

337
338 **Extraterritorial plat approval jurisdiction.** The unincorporated area within 3
339 miles of the city limits of a city of the first, second or third class, if the city has a
340 subdivision ordinance or official map, or within one and one-half (1-1/2) miles of
341 the corporate limits of a city of the fourth class or a village, if the city or village
342 has a subdivision ordinance or official map.

343
344 **Final plat.** The final map, drawing, or chart on which the subdivider's plan of
345 subdivision is presented for approval and which, if approved, will be submitted to
346 the county register of deeds.

347
348 **GIS.** Geographical information system.

349
350 **Gross acreage.** The total area of a lot or parcel of land as specified in the
351 assessor's record.

352
353 **Land divider.** Any person, corporation, partnership, association, individual, firm,
354 trust, agent or any other legal entity requesting review or action on a land
355 division.

356
357 **Land division.** A division of a lot or parcel of land which is not a subdivision for
358 the purpose of transfer of ownership, where the act of division creates fewer than
359 five (5) lots, parcels or building sites. A land division shall not create more than
360 four (4) lots in any five (5) year period.

361
362 **Land Use Plan.** A plan for guiding and shaping the growth and development of
363 the land in the Town of Springdale that has been adopted by the Plan Commission
364 and Town Board. For the purposes of this chapter, it is the intent of the Town
365 Board that the Land Use Plan is a "Master Plan" pursuant to Sec. 62.23(3), Wis.
366 Stats., for the purposes of regulating land division decisions.

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368 **Local street.** A town road designed for low speeds and intermittent traffic, as
369 specified under Sec. 86.26(a), Wis. Stats., intended to provide access to abutting
370 property and leading into collector streets, but which is not designed to carry
371 through traffic from outside the neighborhood in which it is located.

372
373 **Lot.** A parcel of land having frontage on a public street or other officially
374 approved means of access, occupied or intended to be occupied by one building
375 and its accessory building and uses and sufficient in size to meet the lot width, lot
376 frontage, lot area, yard, parking area and other open space provisions of this
377 chapter and any applicable zoning ordinance. A lot may be a parcel designated in
378 a plat or described in a conveyance recorded in the office of the register of deeds.

379
380 **Lot, area.** The area contained within the exterior boundaries of a lot. No land
381 included in any street, highway, or railroad right-of-way shall be included when
382 computing lot area.

383
384 **Lot, corner.** A lot abutting intersecting streets at their intersection.

385
386 **Lot, lines.** The peripheral boundaries of a lot as defined in this section.

387
388 **Lot, reversed corner.** A corner lot that is oriented so that it has its rear lot line
389 coincident with or parallel to the side lot line of the interior lot immediately to its
390 rear.

391
392 **Lot, through.** A lot having a pair of opposite lot lines along two more or less
393 parallel public streets and which is not a corner lot. On a through lot, both street
394 lines shall be deemed from lot lines.

395
396 **Lot width.** The width of a parcel of land measured along the front building line.

397
398 **Owner.** Either a natural person, firm, association, partnership, private
399 corporation, public or quasi-public corporation, trust, or a combination of these.

400
401 **Parcel.** Contiguous lands under the control of an owner not separated by streets,
402 highways or railroad rights-of-way.

403
404 **Plan Commission.** The Town of Springdale Plan Commission created by the
405 Town Board pursuant to Sec. 62.23, Wis. Stats.

406
407 **Plat.** A map, drawing or chart on which the subdivider's plat of subdivision is
408 presented to the town for approval. A plat shall not be required if all of the lots,
409 parcels, or building sites created by a subdivision are more than 80 acres in area,
410 however the land divider shall comply with Section 4 (F) of this Plan and Section
411 3.19(6) of the Town of Springdale Land Division and Subdivision Code. A plat
412 shall be required if any of the lots, parcels or building sites created by a
413 subdivision are 80 acres in area or less.

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414 **Preliminary plat.** The preliminary plat map, drawing or chart indicating the
415 proposed layout of a subdivision to be submitted to the plan commission/town
416 board for their preliminary consideration as to compliance with the Town of
417 Springdale Master Plan and this chapter along with required supporting data, prior
418 to the final plat, and when required, prior to a land division.
419

420 **Private sewage system.** A sewage treatment and disposal system serving a single
421 structure (dwelling unit) with a septic tank and soil absorption field located on the
422 same parcel as the structure. It shall also mean an alternative sewage system
423 approved by the safety and buildings division of the department of commerce,
424 including a substitute for the septic tank or soil absorption field, a holding tank, a
425 system serving more than one structure or a system located on a different parcel
426 than the structure. A system may be owned by the property owner or by special
427 purpose district.
428

429 **Private onsite waste treatment system (POWTS).** Shall have the same meaning as
430 "private sewage system."
431

432 **Private well.** Any drilled, driven point, dug, bored or jetted well constructed for
433 the purpose of obtaining groundwater for potable use, including wells constructed
434 in special well casing depth areas and non-community wells. It does not include
435 springs, or private or public wells that require written plan approval from the
436 Wisconsin Department of Natural Resources.
437

438 **Protective covenants.** Contracts entered into between private parties or between
439 private parties and public bodies pursuant to Sec. 236.293, Wis. Stats., that
440 constitute a restriction on the use of all private or platted property within a land
441 division created by a certified survey map or conservation subdivision plat for the
442 benefit of the public or property owners and to provide mutual protection against
443 undesirable aspects of development that would tend to impair stability of values.
444

445 **Replat.** The process of changing, or a map or plat that changes, the boundaries of
446 a recorded subdivision plat or part thereof. The legal dividing of a large block, lot,
447 or outlot within a recorded subdivision plat or certified survey map without
448 changing exterior boundaries of such block, lot or outlot is not a replat.
449

450 **Shared Driveway.** A private driveway that provides access to any public highway
451 for no more than three lots or parcels of land.
452

453 **Shorelands.** Those lands within the following distances: one thousand (1,000)
454 feet from the high-water elevation of navigable lakes, ponds and flowages or three
455 hundred (300) feet from the high-water elevation of navigable streams or to the
456 landward side of the floodplain, whichever is greater. For the purpose of this
457 ordinance, the term "navigable waters" applies to all nonintermittent streams
458 indicated on the 7.5 minute series of the United States Geological Survey
459 Quadrangles, all lakes and all ponds over 15 acres in surface area as listed in the

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460 "Surface Water Resources of Dane County" published by the Wisconsin
461 Conservation Commission, 1961.

462

463 **Subdivider.** Any person, firm, partnership, corporation, association, estate, trust,
464 or other legal entity, or any agent thereof, dividing or proposing to divide land
465 resulting in a subdivision or replat, or which requests the review of the same.

466

467 **Subdivision.** A division of a parcel of land where the act of division creates
468 either: five (5) or more lots, parcels or building sites; or five (5) or more lots,
469 parcels or building sites by successive divisions within a period of five (5) years
470 whether by the original owner or a subsequent owner.

471

472 **Utility easement.** An easement to place, replace, maintain or move utility
473 facilities.

474

475 **Wetlands.** An area where water is at, near or above the land surface long enough
476 to be capable of supporting aquatic or hydrophytic vegetation and which has soils
477 indicative of wet conditions.

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SUBCHAPTER 3 GENERAL PROVISIONS

482

483 **3.10 Jurisdiction.** These regulations shall apply to all lands within the
484 jurisdictional boundaries of the Town of Springdale, Dane County, Wisconsin.
485 This chapter shall not apply to:

486

487 (1) the transfer of interest in land by will or pursuant to the order of any court of
488 competent jurisdiction;

489

490 (2) a cemetery plat under Sec. 157.07, Wis. Stats;

491

492 (3) the sale or exchange of parcels of land between owners of adjoining property
493 if additional lots are not thereby created and the lots resulting are not reduced
494 below the minimum sizes required by this chapter or other applicable laws or
495 ordinances;

496

497 (4) assessors' plats made under authority of Sec. 70.27, Wis. Stats., but such
498 assessors' plats shall comply with Sec. 236.15(1)(a) through (g) and Sec.
499 236.20(1), (2)(a) through (c), Wis. Stats.

500

501 (5) leases for a term not to exceed ten (10) years, mortgages, or easements.

502

503

504 **3.11 Compliance.** No person shall divide any land or create a subdivision
505 located within the town, and no such land division or subdivision plat shall be

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- 506 entitled to be recorded unless it complies with all of the requirements of this
507 chapter and the following:
508
509 (1) the provisions of Chapter 236 and Sec. 80.08, Wis. Stats.;
510
511 (2) the rules of the Wisconsin Department of Commerce, contained in Chapter
512 COMM 83 and related chapters of the Wisconsin Admin. Code for land divisions
513 not served by public sewer;
514
515 (3) the rules of the Division of Transportation Infrastructure Development,
516 Wisconsin Department of Transportation, contained in Chapter TRANS 233 of
517 the Wisconsin Admin. Code for land divisions, subdivisions or replats that abut a
518 state trunk highway or connecting street;
519
520 (4) the rules of the Wisconsin Department of Natural Resources contained in
521 Chapters NR 116 and NR 118 of the Wisconsin Admin. Code for shoreland,
522 shoreland-wetland, and floodplain management;
523
524 (5) applicable provisions of the Land Division and Subdivision Regulations of
525 Dane County, Wisconsin, Chapter 75 of the Dane County Code of Ordinances,
526 and all other applicable provisions of the Dane County Code of Ordinances;
527
528 (6) master plans, Town of Springdale Land Use Plan or components of such plans
529 prepared by state, regional, county or municipal agencies when duly adopted by
530 the town board;
531
532 (7) all applicable local and county regulations, including zoning, sanitary,
533 building and official mapping ordinances;
534
535 (8) all other applicable state statutes and administrative rules.

536
537
538 **3.12 Certified Survey Map.** Any land division, other than a subdivision, shall
539 be surveyed and a certified survey map prepared as provided in Sec. 236.34, Wis.
540 Stats., and in accordance with the requirements of this chapter. A certified survey
541 map shall not be required if all of the lots, parcels, or building sites, created by a
542 land division are more than 80 acres in area, however the land divider shall
543 comply with section 3.19(6) of this Code.
544

545
546 **3.13 Building permits.** The Town of Springdale shall not issue any building
547 permit relating to any lot or parcel of land forming all or any part of lands
548 included in a land division or a subdivision plat originally submitted to the town
549 on or after the effective date of this ordinance until the applicant has complied
550 with all of the provisions and requirements of this chapter.
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3.14 Applicability to Condominiums. This chapter is expressly applicable to condominium developments within the town's jurisdiction, pursuant to Sec. 703.27(1), Wis. Stats. For purposes of this chapter, a condominium development including any associated limited common elements shall be reviewed by the town in the same manner as a subdivision as set forth in this chapter and shall comply with all applicable design standards and required improvements of this chapter. A condominium unit shall be deemed to be equivalent to a lot created by the act of subdivision.

3.15 Land suitability.

(1) *Generally.* No land shall be divided or subdivided for any use which is held unsuitable for such use by the Town Board for reason of flooding or potential flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, improper utilization of prime agricultural soils, conflict with the goal of preserving important agricultural lands for their highest and best agricultural uses, undue costs or inefficiency in the provision of governmental services, or any other feature likely to be harmful to health, safety or welfare of the future residents or users of any lot, parcel or proposed land division or proposed subdivision or of the community, or if the land is identified as being environmentally sensitive. No land shall be divided or subdivided if the Town Board determines that the division or subdivision will materially interfere with existing agricultural uses or will conflict with other goals, objectives and policies contained in the Land Use Plan or this chapter. Areas identified as environmentally sensitive include, but are not limited to:

(a) All areas mapped as Floodplain by the Federal Emergency Management Agency (FEMA), Wisconsin Department of Natural Resources, or other public or private entity.

(b) All wetlands as defined in NR 103.02(5), Wis. Admin. Code, including a 75-foot buffer.

(c) All areas within 75 feet of the ordinary high-water mark of navigable streams and lakes, as identified by the Wisconsin Department of Natural Resources Water Management Specialists.

(d) Areas that are known to provide habitat for rare, threatened or endangered species.

(e) Burial sites and Indian mounds.

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596 (f) Drainage ways that contain running water during spring runoff, during storm
597 events or when it rains. A 25-foot buffer from the edge of the drainage way shall
598 be included.

599

600 (g) Areas determined to be environmentally sensitive may be included as common
601 open space in a conservation subdivision. These lands shall be identified as an
602 outlot or other designation that indicates the land is not available for development.

603

604 (2) **Plan Commission review.** Following the concept plan review and site visit
605 under Sec. 3.24 or Sec. 3.28 of this chapter and, if requested, comments by the
606 Dane County Soil and Water Conservation District, the Plan Commission shall
607 make a recommendation to the Town Board regarding land suitability. The
608 applicant shall furnish such maps, data and information as may be reasonably
609 necessary for the Plan Commission and Town Board to make a determination of
610 land suitability. In addition to the data required to be submitted with a preliminary
611 survey map or preliminary subdivision plat, the applicant may be required to
612 submit some or all of the following additional information for development
613 located in an area where flooding or potential flooding may constitute a hazard:

614

615 (a) Two (2) copies of an aerial photograph, or two (2) maps prepared by
616 registered land surveyor or engineer which accurately locate the proposed land
617 division or subdivision with respect to flood plain zoning district limits, if present,
618 channel or stream fill limits and elevations, and flood-proofing measures taken or
619 proposed to be taken.

620

621 (b) Two (2) copies of a typical valley cross-section showing the channel or the
622 stream, the flood plain adjoining each side of the channel, cross-sectional area to
623 be occupied by the proposed lot or parcel, and high water information.

624

625 (c) Two (2) copies of a profile showing the slope of the bottom of the channel or
626 flow line of the stream.

627

628 (d) Such other data as may be required by the Plan Commission or other agencies.

629

630 (3) **Determination of Land Suitability.** The Town Board, upon the
631 recommendation of the Plan Commission, shall make a determination of land
632 suitability. If the land is determined to be unsuitable, the Town Board shall in
633 writing recite the particular facts upon which it bases its conclusion that the land
634 is not suitable and afford the land divider or subdivider an opportunity to present
635 information regarding such unsuitability within 15 days of the Town Board's
636 determination. Thereafter, the Town Board may affirm, modify, or withdraw its
637 determination of unsuitability.

638

639 (4) **Existing flora.** The land divider or subdivider shall make every effort to
640 protect and retain all existing trees, shrubbery, vines and grasses not actually lying
641 in public roadways, drainage ways, building foundation sites, private driveways,

642 soil absorption waste disposal areas, paths and trails. Existing trees are to be
643 protected and preserved during construction in accordance with sound
644 conservation practices, including the use of well islands or retaining walls
645 whenever abutting grades are altered, pursuant to a landscaping plan filed by the
646 applicant.

647

648 (5) ***Endangered species.*** The land divider or subdivider shall make every effort
649 to protect threatened or endangered species identified by the Wisconsin
650 Department of Natural Resources.

651

652

653 **3.16 Administrative Fees.**

654

655 (1) ***General.***

656

657 (a) The land divider or subdivider shall pay the town all fees as hereinafter
658 required and at the times specified before being entitled to the recording of a
659 certified survey map or subdivision plat.

660

661 (b) At the time of submitting an application for a land division or subdivision
662 plat, the land divider or subdivider shall pay to the Town Clerk filing fees. All
663 filing fees shall be set by Town Board resolution.

664

665 (2) ***Engineering and attorney fees.*** The land divider or subdivider shall pay a fee
666 equal to the actual cost to the town for all engineering and legal work incurred by
667 the town in connection with the certified survey map or subdivision plat,
668 including inspections required by the town. The land divider or subdivider shall
669 pay a fee equal to the actual cost to the town for such inspection as the Town
670 Board deems necessary to assure that the construction of required improvements
671 is in compliance with the plans, specifications and ordinances of the town or any
672 other governmental authority.

673

674 (3) ***Administrative fee.*** The land divider or subdivider shall pay a fee equal to the
675 cost of any legal, administrative or fiscal work which may be undertaken by the
676 town in connection with the certified survey map or subdivision plat.

677

678 (4) ***Certified Survey Map Review Fee.*** The land divider shall pay a fee
679 established by resolution of the Town Board to the Town Clerk at the time of
680 submission of the preliminary survey map to assist in defraying the cost of
681 review.

682

683 (5) ***Preliminary Plat Review Fee.***

684

685 (a) The subdivider shall pay a fee established by resolution of the Town Board to
686 the Town Clerk at the time of submission of a preliminary plat to assist in
687 defraying the cost of review.

688

689 (b) A reapplication fee as established by resolution of the Town Board shall be
690 paid to the Town Clerk at the time of reapplication for approval of any
691 preliminary plat that has been previously reviewed.

692

693 (6) ***Final Plat Review Fee.***

694

695 (a) The subdivider shall pay a fee as established by resolution of the Town Board
696 to the Town Clerk at the time of first application for Final Plat approval of said
697 plat to assist in defraying the cost of review.

698

699 (b) A reapplication fee as established by resolution of the Town Board shall be
700 paid to the Town Clerk at the time of reapplication for approval of any final plat
701 that has been previously reviewed.

702

703 (7) ***Escrow account.*** At the time of filing with the Town Clerk a proposed land
704 division or subdivision plat, the land divider or subdivider shall deposit with the
705 Town Clerk an escrow fund for certified surveys and for subdivisions in amounts
706 as established by resolution of the Town Board. As required at the sole discretion
707 of the Town Board, funds may be drawn from said escrow accounts for payment
708 of engineering, legal and other administrative and review costs under this code
709 incurred by the town in reviewing the proposed land division or subdivision.

710 Monies not required for administrative costs shall be returned to the applicant. If
711 town costs exceed the initial escrow account amount, the town reserves the right
712 to require additional escrow account deposits from the land divider or subdivider.

713

714

715 **3.17 Vacation or Alteration of Recorded Plat.**

716

717 (1) Except as provided in Sec. 70.27(1), Wis. Stats., when it is proposed to vacate
718 or alter a recorded subdivision, or part thereof, so as to change the boundaries of a
719 recorded subdivision, or part thereof, the subdivider or person wishing to replat
720 shall vacate or alter the recorded plat as provided in Sections 236.40 through
721 236.44, Wis. Stats. The subdivider or person wishing to replat shall then proceed,
722 using the procedures for Subdivision Plat Application and Review specified in
723 this chapter.

724

725 (2) The Town Clerk shall schedule a public hearing before the Plan Commission
726 when an application to replat lands within the town is filed, and shall cause
727 notices of the proposed replat and public hearing to be published as a class 3
728 notice and be mailed to the owners of all properties within the limits of the
729 exterior boundaries of the proposed replat and to the owners of all properties
730 within 1000 feet of the exterior boundaries of the proposed replat. Following the
731 public hearing, the Plan Commission shall make a recommendation to the Town
732 Board to approve, conditionally approve, or disapprove the proposed replat.

733

734 (3) The Town Board, upon the recommendation of the Plan Commission, shall
735 approve, conditionally approve, or disapprove the proposed replat. If the proposed
736 replat is disapproved, the Town Board shall in writing recite the particular facts
737 upon which it bases its decision.

738
739

740 **3.18 Joint Planning Areas.** Joint planning areas do not currently exist between
741 the Town of Springdale and any other municipality.

742
743
744

SUBCHAPTER 4 RESIDENTIAL DENSITY OPTIONS

746

3.19 Implementing Land Use Plan Goals

748

749 (1) The development of a Land Use Plan for implementing the goals has required
750 compromise to maintain the public good and to balance the interests of
751 landowners wanting to preserve the rural aspect of the town (lower population
752 density, simpler infrastructure, and lower real estate taxes) with the interests of
753 landowners wanting to profit from the division of land for residential use. During
754 many meetings with input from different viewpoints, a compromise has emerged.
755 This Land Use Plan allows a higher density of residential development than in
756 most Dane County towns, in exchange for adopting density standards as well as
757 site design standards that minimize the impact of residential development.

758

759 (2) Any division for non-residential uses will be governed in Section 10 of the
760 Land Use Plan.

761

762 (3) This Land Use Plan offers three density options in the development of land for
763 residential use [see note 1 in Land Use Plan Section 15(A)].

764

765 (a) Residential Density Option 1: Enables a land division or subdivision with
766 relatively few requirements. It allows one (1) new lot for residential use for
767 each twenty-five (25) contiguous acres owned [see note 2 in Land Use Plan
768 Section 15(A)]. This option is for all land division or subdivision proposals that
769 meet the basic requirements of the state, the county, and Town of Springdale
770 Ordinances.

771

772 (b) Residential Density Option 2: Enables a higher density for landowners who
773 voluntarily agree to meet the criteria in this option. It allows one (1) new lot for
774 residential use for each seventeen (17) contiguous acres owned [see note 2
775 in Land Use Plan Section 15(A)]. This option is for all land division proposals
776 that meet the basic requirements of option 1 and that meet the additional
777 requirements of option 2.

LAND DIVISION AND SUBDIVISION CODE

778 (a) Residential Density Option 3: Enables the highest density in the development
779 of a rural subdivision. It allows one new lot for residential use for each
780 contiguous fourteen (14) acres owned [see note 2 in Land Use Plan Section
781 15(A)]. This option is for all subdivision proposals that meet the Town of
782 Springdale subdivision plat requirements.
783

784 (4) **Switching Among the Residential Density Options.** Requires approval of
785 the Town of Springdale Plan Commission and shall be based on sufficient
786 remaining acreage to qualify for density unit(s) and development area(s) and on
787 demonstration that prior conveyances of land designated as development area(s)
788 in a concept plan were consistent with the higher numbered option.
789

790 (a) Can be considered from a lower numbered option to a higher numbered option
791 before creating a second new lot for new residential use. After the creation of a
792 second new lot for new residential use, all subsequent lot(s) shall continue to be
793 created under the same residential density option as the second new lot [see note 3
794 in Land Use Plan Section 15(A)].
795

796 (b) Can be considered from a higher numbered option to a lower numbered
797 option [see note 4 in Land Use Plan Section 15(A)].
798

799 (c) For increased flexibility on land consisting of enough acres to designate two
800 (2) or more areas of one-hundred (100) contiguous acres each, then, with the
801 approval of the Town of Springdale Plan Commission that each area of one-
802 hundred (100) contiguous acres is suitable for a different residential density
803 option, then they may be treated separately for the purpose of selecting a
804 residential density option. Approval shall be contingent upon review by the Plan
805 Commission of the total contiguous acres owned on the Plan effective date, and
806 the determination that the selected areas satisfy the goals and policies of the Land
807 Use Plan. Prior conveyances or construction of improvements may affect the land
808 division options available.
809

810 (5) In the case of a landowner with contiguous land in parcels and/or prior land
811 divisions, the concept plan shall be prepared to show all contiguous land in
812 parcels and/or land covered by prior land divisions owned on the Plan effective
813 date without affecting the calculation of density unit(s). This applies to all land
814 owned before or after the Plan effective date.
815

816 (6) **Creation of Parcels Greater than Eighty (80) Acres.** A certified survey map
817 or plat shall not be required if all of the lots, parcels, or building sites being
818 created are more than 80 acres in area, however prior to dividing the land, the
819 land divider or subdivider shall submit a concept plan to the Plan Commission.
820 Prior to dividing or subdividing the land, the land divider or subdivider shall also
821 provide the Plan Commission with a notice document that specifies the
822 apportionment of the density units among the property and the lots, parcels, and
823 building sites being created. The Plan Commission shall confirm that the

824 apportionment of density units conforms to the goals and policies of the Land Use
825 Plan. The notice document shall be in a form and substance acceptable to the Plan
826 Commission and shall be recorded with the Dane County Register of Deeds. The
827 Plan Commission may require that the notice document notify land owners that
828 special assessments for public improvements may be imposed by the Town
829 against the benefiting property. Approval of development areas/building shall be
830 contingent upon review by the Plan Commission of the total contiguous acres
831 owned on the Plan effective date, and the determination that the proposed
832 development areas/building envelopes satisfy the goals and policies of the Land
833 Use Plan. Prior conveyances or construction of improvements may affect the land
834 division options available. A certified survey map or plat shall be required if any
835 of the lots, parcels, or building sites are 80 acres in area or less. {See note 5 in
836 Land Use Plan Section 15(A).} The Town is not obligated to approve driveway
837 permits and/or building permits for lots, parcels or building sites created after
838 May, 20, 2013, (date of adoption of this Plan amendmen.) without prior approval
839 of a concept plan.

840
841 (7) **Annexed Land.** Should any parcels of land or portion(s) thereof from the
842 contiguous acres owned on the Plan effective date be annexed out of the Town,
843 only those acres remaining in the Town shall be considered when calculating
844 currently available land divisions.

845
846 (8) The intention of the Land Use Plan is to generate cooperative decision making
847 between an applicant for land division or subdivision and the Town of Springdale
848 Plan Commission, so that the creation of lots for residential and/or non-residential
849 uses optimizes the proposal to best meet the criteria under each residential density
850 option or Section 10 criteria for non-residential uses. When the Town of
851 Springdale Plan Commission determines that a land division or subdivision
852 proposal does not satisfy the criteria under the applicant's chosen option, then the
853 applicant can submit another proposal or request that the Town of Springdale Plan
854 Commission present a proposal that does meet the criteria or the applicant can
855 choose to switch to a lower numbered option.

856

857

858 **3.20 Residential Density Option 1**

859

860 **(1) Calculation of Density Units**

861

862 (a) Contiguous acres owned shall be determined on the Plan effective
863 date and be based on GIS Data [see note 1 in Land Use Plan Section 15(B)].

864

865 (b) One new lot for residential use may be created for each twenty-five (25)
866 contiguous acres owned. See Table 1 for calculations of density unit(s) [see note 2
867 in Land Use Plan Section 15(B)].

868

LAND DIVISION AND SUBDIVISION CODE

869 (c) An existing dwelling unit on the Plan effective date shall not affect the number
870 of new lots which can be created as calculated from Table 1 “Quick Guide to
871 Town of Springdale Land Use Options.”

872

873 **(2) Land Division(s) and Building Envelope(s) for Residential Use**

874

875 (a) Prior to the submission of an application for the approval of a certified survey
876 map or plat, the landowner shall submit a concept plan to the Town of Springdale
877 Plan Commission for the approval of the location and suitability of the
878 development area(s), building envelope(s), and proposed lot(s).

879

880 (b) When considering requests for land division or subdivision, the Town of
881 Springdale Plan Commission shall take into account prior conveyances of land
882 designated as development area(s) in a concept plan.

883

884 (1) If all or part of the approved development area(s) is sold by a landowner,
885 before the lot(s) are created by certified survey map or plat, the Town of
886 Springdale Plan Commission is not compelled to approve new development
887 area(s).

888

889 (c) Lot lines shall be located and lot sizes shall be configured to best satisfy the
890 following:

891

892 (1) Lot lines shall be located so as to minimize the breakup of contiguous tracts of
893 agricultural lands. Similarly, lots shall be sized to minimize the breakup of
894 contiguous tracts of agricultural lands. To the extent possible, lot lines shall be
895 located to follow previously existing natural or man-made boundaries, such as
896 roads, fence rows, woods, waterways, streams, or similar boundaries. If lot lines
897 must cross agricultural fields because other boundaries are not possible, it is
898 desirable to locate them in such a way so as to maintain the maximum size
899 agricultural fields in one contiguous parcel.

900

901 (d) Building envelope(s) shall be located to best satisfy the following:

902

903 (1) Building envelope(s) shall not be located in the middle portion of an
904 agricultural field unless the middle portion of the field is not suitable for
905 productive agricultural fieldwork. If building envelope(s) must be located on
906 agricultural land because other locations are not possible, it is desirable to locate
907 them near the edges of agricultural fields and/or to use the least productive soil as
908 determined by soil types.

909

910 (2) Strip development shall be avoided whenever possible. If several building
911 envelope(s) must be located along the roadway, it is desirable to mitigate their
912 impact by requiring screenings and/or varying the driveway lengths, lot sizes, and
913 setbacks.

914

LAND DIVISION AND SUBDIVISION CODE

915 (3)When adherence to criteria in Land Use Plan Section 5 creates a conflict with
916 public safety, then the Town of Springdale Plan Commission shall give
917 precedence to public safety.

918
919 (4) All criteria in Land Use Plan Section 5 shall apply whenever possible.

920
921 (5) Any changes in the location of a building envelope(s) as defined on a concept
922 plan shall require a public hearing by the Town of Springdale Plan Commission
923 and approval by the Town of Springdale Town Board.

924
925 (6) The largest building envelope(s) that can meet the criteria in Land Use Plan
926 Section 5 shall be defined on the concept plan.

927
928 (7) Any changes in the concept plan shall require approval of the Town of
929 Springdale Plan Commission.

930

931 **(3)Residential Driveways**

932

933 (a) Residential driveways shall be sited and constructed in a manner which best
934 minimizes their impact on agricultural land.

935

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

939

940 (c) When adherence to criteria in Land Use Plan Section 5 creates a conflict with
941 public safety, the Town of Springdale Plan Commission shall give precedence to
942 public safety.

943

944 (d) Driveways shall meet the requirements of the Town of Springdale Driveway
945 Ordinance.

946

947 **(4) General Procedures**

948

949 (a) The creation of lots for residential development shall be by certified survey
950 map (CSM) or by plat.

951

952 (1) All lot(s) on the certified survey map or plat shall be created in a manner that
953 is consistent with Chapter 75, Dane County Code and the Town of Springdale
954 Land Division and Subdivision Code.

955

956 (b) Not more than four (4) lots shall be permitted in each five (5) year period by
957 certified survey map [see note 4 in Land Use Plan Section 15(B)].

958

959 (c) All applicable requirements of the state, the county, and the town shall apply.

960

LAND DIVISION AND SUBDIVISION CODE

- 961 (d) The minimum lot size shall be one (1) acre.
962
963 (e) Additional guidelines for the calculation of density unit(s) and for notice
964 documents:
965
966 (1) A tracking sheet shall be maintained by the Town of Springdale Clerk for each
967 land division or subdivision that is approved after the plan effective date; the
968 approved concept plan shall be filed with the tracking sheet.
969
970 (2) The density unit(s) shall run with the land, not with the landowner.
971
972 (3) When lot(s) are created, a notice document shall specify the apportionment of
973 the remaining density unit(s) [see note 5 in Land Use Plan Section 15(B)].
974
975 (4) When lot(s) are sold without a notice document specifying the apportionment
976 of density units, it shall be assumed that any density unit stays with the seller's
977 property when consistent with the approved concept plan on file in the Town Hall.
978
979 (5) When the density unit(s) are exhausted on a property, that fact shall be
980 recorded by the Town of Springdale Clerk on the town's tracking sheet and by the
981 landowner in the Dane County Register of Deeds as a notice document [see note 5
982 in Land Use Plan Section 14(B)].
983
984 (6) The town requires notification of any lot line adjustment between adjacent
985 landowners. In the case of lot line adjustments, where either party is entitled to a
986 land division, the town shall consider the right of the land division to stay with the
987 original party unless the parties have expressly provided otherwise in a
988 notification to the town.
989
990
991 **3.21 Residential Density Option 2**
992
993 **(1) Calculation of Density Units**
994
995 (a) Contiguous acres owned shall be determined on the Plan effective date and be
996 based on GIS Data [see note 1 in Land Use Plan Section 15(C)].
997
998 (b) One new (1) lot for residential use may be created for each seventeen (17)
999 contiguous acres owned. See Table 1 in the Land Use Plan for calculations of
1000 density unit(s) [see note 2 in Land Use Plan Section 15(C)].
1001
1002 (c) An existing dwelling unit on the Plan effective date shall not affect the number
1003 of new lots which can be created as calculated from Table 1 "Quick Guide to
1004 Town of Springdale Land Use Options".
1005

LAND DIVISION AND SUBDIVISION CODE

1006 (d) For contiguous acres of at least fourteen (14) acres and less than seventeen
1007 (17) acres in size on the Plan effective date, one (1) new lot for residential use
1008 shall be allowed [see notes 3 and 4 in Land Use Plan Section 15(C)].
1009

1010 **(2) Land Division(s) and Building Envelope(s) for Residential Use**

1011

1012 (a) Prior to the submission of an application for the approval of a certified survey
1013 map, the landowner shall submit a concept plan to the Town of Springdale Plan
1014 Commission for the approval of the location and suitability of the development
1015 area(s), building envelope(s), and proposed lot(s).
1016

1017 (b) When considering requests for land division, the Town of Springdale Plan
1018 Commission shall take into account prior conveyances of land designated as
1019 development area(s) in a concept plan.
1020

1021 (1) If all or part of the approved development area(s) is sold by a landowner,
1022 before the lot(s) are created by certified survey map, the Town of Springdale Plan
1023 Commission is not compelled to approve new development area(s).
1024

1025 (c) Lot lines shall be located and lot sizes shall be configured to best satisfy the
1026 following:
1027

1028 (1) Lot lines shall be located so as to minimize the breakup of contiguous tracts of
1029 agricultural lands. Similarly, lots shall be sized to minimize the breakup of
1030 contiguous tracts of agricultural lands. To the extent possible, lot lines, shall be
1031 located to follow previously existing natural or man-made boundaries, such as
1032 roads, fence rows, woods, waterways, streams, or similar boundaries. If lot lines
1033 must cross agricultural fields because other boundaries are not possible, it
1034 desirable to locate them in such a way so as to maintain the maximum size
1035 agricultural fields in one contiguous parcel.
1036

1037 (d) Building envelope(s) shall be located to best satisfy the following:
1038

1039 (1) The location of the building envelope(s) shall demonstrate that the
1040 disturbance of agricultural land has been minimized.
1041

1042 (a) If building envelope(s) must be located on agricultural land because other
1043 locations are not possible, it is desirable to mitigate their impact by: clustering
1044 them, locating them near the edges of agricultural fields and/or using the least
1045 productive soil as determined by soil types.
1046

1047 (2) The location of the building envelope(s) shall demonstrate that the impact
1048 on the town's rural character has been minimized.
1049

1050 (a) Clustering is desirable and may be required.
1051

LAND DIVISION AND SUBDIVISION CODE

- 1052 (b) Strip development shall be avoided whenever possible. If several building
1053 envelope(s) must be located along the roadway, it is desirable to mitigate their
1054 impact by requiring: clustering, screening, shared driveways and/or varying the
1055 driveway lengths, lot sizes, and setbacks.
1056
- 1057 (c) Building envelope(s) shall be designed to minimize a building's visual
1058 impact when viewed from public roads, the Military Ridge Bike Trail, and from
1059 the surrounding countryside. On properties with prominent, exposed hill tops or
1060 ridges, it is desirable for roof tops not to extend above the hill top or ridge line,
1061 and screenings may be required to minimize the visual impact of rooftops
1062 extending above the hilltops or ridgelines.
1063
- 1064 (d) The proximity of environmentally sensitive areas and culturally significant
1065 sites on the property or on adjacent /nearby properties shall be considered in the
1066 location of building envelope(s) within a property.
1067
- 1068 (e) Screenings may be required to mitigate the impact of residential
1069 development and may consist of either a buffer of natural vegetation left in
1070 place for this purpose during site development or landscaping and planting to
1071 achieve the same result. The type of screening most suitable to the site shall be
1072 suggested by the landowner and shall require approval by the Town of
1073 Springdale Plan Commission. When such screenings are required, a letter of
1074 credit or other financial instrument acceptable to the Town Board shall be
1075 required from the landowner in an amount adequate to cover the costs.
1076
- 1077 (3) When adherence to criteria in Land Use Plan Section 6 creates a conflict
1078 with public safety, then the Town of Springdale Plan Commission shall give
1079 precedence to public safety.
1080
- 1081 (4) All criteria in Land Use Plan Section 6 shall apply whenever possible.
1082
- 1083 (5) Any changes in the location of a building envelope(s) as defined on the
1084 concept plan shall require a public hearing by the Town of Springdale Plan
1085 Commission and approval by the Town of Springdale Town Board.
1086
- 1087 (6) The largest building envelope(s) that can meet the criteria in Land Use Plan
1088 Section 6 shall be defined on the concept plan.
1089
- 1090 (7) Any changes in the concept plan shall require approval of the Town of
1091 Springdale Plan Commission.
1092
- 1093 **(3) Residential Driveways**
1094
- 1095 (a) Residential driveways shall be sited and constructed in a manner which best
1096 minimizes their impact on agricultural land.
1097

LAND DIVISION AND SUBDIVISION CODE

1098 (b) Residential driveways shall be sited and constructed in a manner which best
1099 minimizes their impact on the town's rural character.

1100

1101 (c) Up to three (3) single family detached dwelling units may share one (1)
1102 driveway, or one (1) single family detached dwelling unit and one (1) duplex
1103 dwelling unit may share one (1) driveway [see note 5 in Land Use Plan Section
1104 15(C)].

1105

1106 (d) When adherence to the criteria in Land Use Plan Section 6 creates a conflict
1107 with public safety, the Town of Springdale Plan Commission shall give
1108 precedence to public safety.

1109

1110 (e) Driveways shall meet the requirements of the Town of Springdale Driveway
1111 Ordinance.

1112

1113 (4) General Procedures

1114

1115 (a) The creation of lots for residential development shall be by certified survey
1116 map (CSM).

1117

1118 (1) All lot(s) on the certified survey map shall be created in a manner that is
1119 consistent with the Chapter 75, Dane County Code and the Town of Springdale
1120 Land Division and Subdivision Code.

1121

1122 (b) Not more than four (4) lots shall be permitted in each five (5) year period by
1123 certified survey map [see note 6 in Land Use Plan Section 15(C)].

1124

1125 (c) All applicable requirements of the state, the county, and the town shall apply.

1126

1127 (d) The minimum lot size shall be one (1) acre.

1128

1129 (e) Additional guidelines for the calculation of density unit(s) and for notice
1130 documents:

1131

1132 (1) A tracking sheet shall be maintained by the Town of Springdale Clerk for
1133 each land division that is approved after the plan effective date; the approved
1134 concept plan shall be filed with the tracking sheet.

1135

1136 (2) The density unit(s) shall run with the land, not with the landowner.

1137

1138 (3) When lot(s) are created, a notice document shall specify the apportionment of
1139 the remaining density unit(s) [see note 7 in Land Use Plan Section 15(C)].

1140

1141 (4) When lot(s) are sold without a notice document specifying the apportionment
1142 of density units, it shall be assumed that any density unit stays with the seller's
1143 property when consistent with the approved concept plan on file in the Town Hall.

- 1144
1145
1146 (5) When the density unit(s) are exhausted on a property, that shall be recorded by
1147 the Town of Springdale Clerk on the town’s tracking sheet and by the landowner
1148 in the Dane County Register of Deeds as a notice document [see note 7 in Land
1149 Use Plan Section 15(C)].
1150
1151 (6) The town requires notification of any lot line adjustment between adjacent
1152 landowners. In the case of lot line adjustments, where either party is entitled to a
1153 land division, the town shall consider the right of the land division to stay with the
1154 original party unless the parties have expressly provided otherwise in a
1155 notification to the town.
1156
1157
1158 **3.22 Residential Density Option 3**
1159
1160 **(1) Calculation of Density Unit(s)**
1161
1162 (a) Contiguous acres owned shall be determined on the Plan effective date and
1163 based on GIS Data [see note 1 in Land Use Plan Section 15(D)].
1164
1165 (b) One new lot for residential use may be created for each 14 contiguous acres
1166 owned. See Table 1 in the Land Use Plan for calculations of density unit(s) [see
1167 note 2 in Land Use Plan Section 15(D)].
1168
1169 (c) An existing dwelling unit on the Plan effective date shall not affect the number
1170 of new lots which can be created as calculated from Table 1 “Quick Guide to
1171 Town of Springdale Land Use Options”.
1172
1173 (d) A minimum of seventy (70) contiguous acres shall be required [see note 3 in
1174 Land Use Plan Section 15(D)].
1175
1176 **(2) Building Envelope(s) for Residential Use**
1177
1178 (a) Prior to the submission of an application for the approval of a plat, the
1179 landowner shall submit a concept plan to the Town of Springdale Plan
1180 Commission for the approval of the location and suitability of the development
1181 area(s), building envelope(s), and proposed lot(s).
1182
1183 (b) When considering requests for subdivision, the Town of Springdale Plan
1184 Commission shall take into account prior conveyances of land designated as
1185 development area(s) in a concept plan.
1186
1187 (1) If all or part of the approved development area(s) is sold by a landowner,
1188 before the lot(s) are created by plat, the Town of Springdale Plan Commission is
1189 not compelled to approve new development area(s).

LAND DIVISION AND SUBDIVISION CODE

1190

1191 **(3) Clustering**

1192

1193 (a) Residential development shall be clustered on twenty-five (25) percent of the
1194 contiguous acres owned [see note 4 in Land Use Plan Section 15(D)].

1195

1196 (b) Seventy-five (75) percent of the property shall have a deed restriction to
1197 maintain it as contiguous agricultural and/or open space [see note 5 in Land Use
1198 Plan Section 15(D)].

1199

1200 (1) The seventy-five (75) percent deed restricted land shall be one contiguous area
1201 whenever possible; shall include the best agricultural land and/or environmentally
1202 sensitive areas; may include buildings for agricultural uses; may be included with
1203 the lot(s) and may be sold. With residential use clustered on twenty-five (25)
1204 percent of the contiguous property, quarries, intensive livestock operations, or
1205 uses inconsistent with the goals and policies of this Land use Plan shall not
1206 qualify as agricultural and/or open space (see definition of Agricultural use and
1207 Intensive livestock operations, Section 2, Definitions).

1208

1209 (2) The existing dwelling unit or one of the permitted lot(s) may be associated
1210 with the seventy- five (75) percent area.

1211

1212 (3) If a dwelling unit does not exist on a property larger than seventy (70) acres on
1213 the plan effective date, then one new dwelling unit may be associated with the
1214 seventy-five (75) percent area and shall not be counted in the calculation of
1215 density unit(s).

1216

1217 **(4) Residential Driveways**

1218

1219 (a) Residential driveways shall be sited and constructed in a manner which best
1220 minimizes their impact on agricultural land.

1221

1222 (b) Residential driveways shall be sited and constructed in a manner which best
1223 minimizes their impact on the town's rural character.

1224

1225 (c) Up to three (3) single family detached dwelling units may share one (1)
1226 driveway, or one (1) single family detached dwelling unit and one(1) duplex
1227 dwelling unit may share one (1) driveway [see note 6 in Land Use Plan Section
1228 15(D)].

1229

1230 (d) When adherence to criteria in Land Use Plan Section 7 creates a conflict with
1231 public safety, the Town of Springdale Plan Commission shall give precedence to
1232 public safety.

1233

1234 (e) Driveways shall meet the requirements of the Town of Springdale Driveway
1235 Ordinance.

LAND DIVISION AND SUBDIVISION CODE

1236

1237 **(5) General Procedures**

1238

1239 (a) Land division shall be by subdivision plat.

1240

1241 (1) All lot(s) on the subdivision plat shall be created in a manner that is consistent
1242 with Chapter 75, Dane County Code and the Town of Springdale Land Division
1243 and Subdivision Code.

1244

1245 (b) All applicable requirements of the state, the county, and the town shall apply.

1246

1247 (c) The minimum lot size shall be one (1) acre.

1248

1249 (d) Additional guidelines for the calculation of density unit(s) and for notice
1250 documents:

1251

1252 (1) A tracking sheet shall be maintained by the Town of Springdale Clerk for
1253 each subdivision that is approved after the plan effective date; the approved
1254 concept plan shall be filed with the tracking sheet.

1255

1256 (2) The density unit(s) shall run with the land, not with the landowner.

1257

1258 (3) When lot(s) are created, a notice document shall specify the apportionment of
1259 the remaining density unit(s) [see note 7 in Land Use Plan Section 15(D)].

1260

1261 (4) When lot(s) are sold without a notice document specifying the apportionment
1262 of density units, it shall be assumed that any density unit stays with the seller's
1263 property when consistent with the approved concept plan on file in the Town Hall.

1264

1265 (5) When the density unit(s) are exhausted on a property, that shall be recorded by
1266 the Town of Springdale Clerk on the town's tracking sheet and by the landowner
1267 in the Dane County Register of Deeds as a notice document [see note 7 in Land
1268 Use Plan Section 15(D)].

1269

1270 (6) The town requires notification of any lot line adjustment between adjacent
1271 landowners. In the case of lot line adjustments, where either party is entitled to a
1272 land division, the town shall consider the right of the land division to stay with the
1273 original party unless the parties have expressly provided otherwise in a
1274 notification to the town.

1275

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SUBCHAPTER 5 LAND DIVISION PROCEDURES

1279

1280 **3.23 Certified Survey Map Required.** A certified survey map, prepared by a
1281 registered land surveyor in accordance with Sec. 236.34, Wis. Stats., Chapter 75,

1282 Dane County Code, and this chapter, shall be required for the division of a lot or
1283 parcel of land, which is not a subdivision, where the act of division creates lots,
1284 parcels or building sites except that a certified survey map shall not be required if
1285 all of the lots, parcels or building sites are more than 80 acres in area. In addition:

1286
1287 (1) The successive division of a lot or parcel of land by certified survey map shall
1288 not create more than four (4) lots, parcels or building sites in any five (5) year
1289 period.

1290
1291 (2) Creation of a subdivision by the use of certified survey maps is prohibited.

1292

1293

1294 **3.24 Concept Plan Review and Site Visit.**

1295

1296 The requirement for a concept plan review with the Plan Commission before a
1297 preliminary survey map is formally submitted for consideration shall be consistent
1298 with the adopted Town of Springdale Land Use Plan and zoning in effect at the
1299 time a land division is requested.

1300

1301 (1) Before submitting an application to divide land, the land divider shall review a
1302 concept plan with the Plan Commission and receive information regarding general
1303 land division requirements. The concept plan shall be submitted to the Town
1304 Clerk at least 2 weeks prior to the next regularly scheduled Plan Commission
1305 meeting. Prior to the concept plan review, the Plan Commission shall schedule
1306 with the land divider a time to conduct a site visit of the property. Such site visit
1307 shall be conducted by members of the Plan Commission and the land divider. The
1308 concept plan review is intended to inform the land divider of the purpose and
1309 objectives of this chapter, the Land Use Plan, design standards, and duly adopted
1310 plan implementation devices, including but not limited to the Private Driveway
1311 Code and the Building Code, and to otherwise assist the land divider in planning
1312 the land division. Through a concept plan review, both the land divider and the
1313 Plan Commission may reach mutual conclusions regarding the best way to
1314 achieve the land division while conforming to goals and policies of the Land Use
1315 Plan and complying with the provisions of this chapter. For the purpose of the
1316 concept plan review, the land divider shall provide the Plan Commission with a
1317 aerial photograph approved or provided by the town of the entire parcel being
1318 divided that indicates the proposed development area(s), and all current proposed
1319 lots, including lot area, building envelopes and driveways.

1320

1321 (2) The location of the development area(s) on the concept plan shall demonstrate
1322 conformance with the requirements of the "Building Envelopes for Residential
1323 Use" section of the chosen residential density option pursuant to Sec. 3.20
1324 through 3.22 of this chapter.

1325

1326 (3) The applicant may obtain information on meeting dates, agenda deadlines and
1327 filing requirements from the Town Clerk.

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3.25 Submission and review.

(1) Following the concept plan review with the Plan Commission as provided under Sec. 3.24 of this chapter, the land divider shall file 12 copies of the preliminary survey map with the Town Clerk at least 14 days prior to the next regularly scheduled meeting of the Plan Commission at which action is desired.

(2) For any proposed land division not included within the original concept plan, the Plan Commission shall schedule with the land divider a time to conduct a site visit of the property. Such site visit shall be conducted by members of the Plan Commission and the land divider. The site visit team shall report to the full Plan Commission at the regularly scheduled meeting of the Plan Commission at which action on the proposed land division shall be taken.

(3) The Plan Commission, shall, within 30 days from the date of filing of the preliminary survey map, meet to consider the proposed land division. At its meeting, the Plan Commission shall allow for public comment on the application. In considering the application for land division, the Plan Commission shall consider the goals and policies incorporated in the adopted Town of Springdale Land Use Plan in effect at the time of the application and shall consider the report of the site visit team. It shall then by motion recommend approval, conditional approval, or rejection of the map and shall transmit the preliminary survey along with its recommendation to the Town Board.

(4) The Town Board, after receiving the recommendation of the Plan Commission, shall schedule a public hearing on the proposed land division at its next regularly scheduled meeting. The Town Clerk shall provide notice of the public hearing as required by law. The notice shall include the name of the applicant, the address of the property in question and the requested action. Property owners of land abutting the proposed land division shall receive written notice of the public hearing at least ten (10) days prior to the meeting.

(5) Following the public hearing and based on the recommendation of the Plan Commission, the Town Board shall approve, approve conditionally, or reject the certified survey map within 90 days from the date of filing, unless the time is extended by mutual agreement with the applicant. If the map is approved, the Town Board shall cause the Town Clerk to so certify on the face of the original map and return same to the applicant. If the certified survey map is conditionally approved, a corrected version shall be filed with the Town Clerk within 30 days, or the application for land division shall be null and void. If the certified survey map is rejected, the reasons shall be stated in the minutes of the Town Board meeting and a written statement forwarded to the applicant.

1373 (6) The land divider shall record the map with the county register of deeds within
1374 6 months of last approval and within 24 months of the first approval. Failure to do
1375 so shall necessitate a new review and reapproval of the map by the Town Board.
1376 The land divider shall file five (5) copies of the approved and recorded certified
1377 survey map with the Town Clerk for distribution to appropriate departments for
1378 their files.

1379

1380

1381 **3.26 Technical Requirements for Certified Survey Maps.** A certified survey
1382 map prepared by a registered land surveyor shall be required for all land divisions
1383 created by certified survey maps. It shall comply in all respects with the
1384 requirements of Sec. 236.34, Wis. Stats., Chapter 75, Dane County Code, and of
1385 this chapter. No certified survey map shall be recorded at the Dane County
1386 Register of Deeds unless such certified map contains a certificate of the Town
1387 Clerk.

1388

1389 **(1) Additional Information.** In addition to the information required by Sec.
1390 236.34, Wis. Stats., the certified survey map shall show correctly on its face the
1391 following additional information:

1392

1393 (a) All existing buildings, watercourses, drainage ditches, and other features
1394 pertinent to proper land division

1395

1396 (b) Setbacks or building lines required by applicable regulations and ordinances

1397

1398 (c) All lands reserved for future acquisition

1399

1400 (d) Date of map creation

1401

1402 (e) Graphic scale

1403

1404 (f) Name, address and phone number of the land divider

1405

1406 (g) Name, address, phone number and license number of the surveyor

1407

1408 (h) Square footage for each lot, parcel or building site

1409

1410 (i) Present zoning of each lot, parcel or building site

1411

1412 (j) The identification and location of all utility and drainage easements

1413

1414 (k) Existing and proposed contours at vertical intervals of not more than two feet
1415 where the slope of the surface is less than ten percent and of not more than five
1416 feet where the slope of the ground surface is ten percent or more. Elevations shall
1417 be marked on such contours based on National Geodetic Vertical Datum of 1929

LAND DIVISION AND SUBDIVISION CODE

- 1418 (mean sea level). This requirement may be waived if the parcel created is fully
1419 developed.
- 1420
- 1421 (l) Entire area contiguous to the proposed certified survey map owned or
1422 controlled by the subdivider shall be included on the certified survey map, even
1423 though only a portion of such area is proposed for immediate development. The
1424 plan commission may waive this requirement where it is unnecessary to fulfill the
1425 purposes and intent of this chapter and severe hardship would result from strict
1426 application thereof.
- 1427
- 1428 (m) The location of the land division with respect to the nearest collector or
1429 arterial streets prepared on either an insert map or a separate map sheet at a scale
1430 of one inch equals 1,000 feet.
- 1431
- 1432 (n) The location of building envelopes.
- 1433
- 1434
- 1435 **(2) State Plane Coordinate System.** Where the map is located within a quarter
1436 section, the corners of which have been relocated, monumented and coordinated
1437 by the Town, the map shall be tied directly to one of the section or quarter corners
1438 so relocated, monumented and coordinated. The exact grid bearing and distance
1439 of such tie shall be determined by field measurements, and the material and
1440 Wisconsin state plane coordinate of the monument marking the relocated section
1441 or quarter corner to which the map is tied shall be indicated on the map. All
1442 distances and bearings shall be referenced to the Wisconsin Coordinate System,
1443 South Zone, and adjusted to the Town's control survey.
- 1444
- 1445 **(3) Public Improvements, Town Roads/Dedication, Restrictive Covenants.**
- 1446 (a) For divisions of land that require the installation of public improvements to
1447 serve the property divided, the land divider shall install the public improvements
1448 in compliance with subchapter 8 of this Code. For purposes of this requirement,
1449 references in subchapter 8 of this Code to "subdivider" shall mean "land divider",
1450 references to "plat" shall mean "certified survey map" and references to
1451 "subdivision" shall mean "land division".
- 1452
- 1453 (b) New Town roads or streets shall only be dedicated as part of a land division in
1454 accordance with the Town's "Adopted Policy for New Town Roads". The
1455 dedication of any road, street, or other public areas shall require the owner's
1456 certificate and mortgagee's certificate in substantially the same form as required
1457 by Sec. 236.21(2)(a), Wis. Stat.
- 1458
- 1459 (c) The Town Board may require the land divider to prepare and record restrictive
1460 covenants in order to regulate the use of the divided land, to protect the proposed
1461 development, or to protect the health, safety or welfare of the Town. The
1462 restrictive covenants shall be in a form and substance acceptable to the Town
1463 Board. The Town Board may require that the restrictive covenants or another

1464 notice document contain a provision that notifies future owners of lots or parcels
1465 created by the land division, that special assessments for public improvements
1466 related to the land division may be imposed by the Town.

1467
1468 **(4) Requirements.** The certified survey map shall comply with the provisions of
1469 this chapter relating to general requirements in Sec. 3.23, technical requirements
1470 in Sec. 3.26 and residential density option design standards contained in Sec. 3.20
1471 through 3.22 of this chapter.

1472
1473 **(5) Residential Density Options.** The Town of Springdale Land Use Plan
1474 contains three options for the development of land for residential purposes.
1475 Building sites shall conform to the design standards appropriate to the residential
1476 density option pursuant to Sec. 3.20 through 3.22 of this chapter.

1477

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SUBCHAPTER 5 SUBDIVISION PLAT APPLICATION PROCEDURE AND APPROVAL
PROCESS

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3.27 Generally.

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3.28 Initial Consultation and Application

(1) Initial Conference. Before submitting an application to create a subdivision, the subdivider shall consult with the Plan Commission to discuss the procedure for approval of a subdivision, including submittal requirements and site design standards. The purpose of this mandatory conference is to inform the subdivider of the purpose and objectives of these regulations, the Land Use Plan, Land Use Plan components and duly adopted plan implementation devices of the Town and to otherwise assist the subdivider in planning the subdivision. In doing so, both the subdivider and Plan Commission may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures. The subdivider may obtain information on Plan Commission meeting dates, agenda deadlines and filing

1510 requirements from the Town Clerk. The initial conference shall be included as an
1511 agenda item on the Plan Commission meeting. The Plan Commission shall not
1512 make any final determinations at the initial conference.

1513

1514 **(2) Initial Application.** After the initial conference, the subdivider shall submit
1515 an initial application consisting of a concept plan and a series of maps and
1516 descriptive information, as specified in Sec. 3.31 of this chapter, for review by the
1517 Plan Commission.

1518

1519 **(3) Review of Initial Application.** Within 10 days of filing of a complete initial
1520 application, the Plan Commission shall schedule a site visit to the proposed
1521 subdivision site with the subdivider to review the existing features of the site and
1522 the concept plan. Within 30 days following filing of a complete initial application,
1523 the Plan Commission shall meet with the subdivider to review the initial
1524 application. Staff from appropriate state and county agencies may also be
1525 requested by the Town of Springdale to review the application. The Plan
1526 Commission shall make the determination of whether the initial application is
1527 complete. Within 30 days following the meeting, the Plan Commission shall
1528 provide a written report informing the subdivider of any additions, changes, or
1529 corrections to the concept plan submitted as part of the initial application.

1530

1531

1532 **3.29 Preliminary Plat Submission and Approval Process**

1533 **(1) Preliminary Plat Submission.** Following review of and comment on the
1534 initial application by the Plan Commission and before submitting a final plat for
1535 approval, the subdivider shall prepare a preliminary plat and file with the Town
1536 Clerk an application accompanied by the appropriate preliminary plat application
1537 fee for review and approval by the Plan Commission. The preliminary plat shall
1538 conform to the technical requirements of this chapter.

1539

1540 **(2) Referral.** Upon receipt of the application and preliminary plat, the Town
1541 Clerk shall provide copies of the preliminary plat to the Plan Commission chair
1542 and Town Board chair, to the appropriate objecting agencies pursuant to Sec.
1543 236.12, Wis. Stats., and to the appropriate utilities for their review and comment.
1544 Comments received from these individuals and entities shall be forwarded to the
1545 Plan Commission and Town Board for consideration during the review process.

1546

1547 **(3) Plan Commission review and recommendation.** The preliminary plat and
1548 application, containing all information required in Sec. 3.32 of this chapter, shall
1549 be placed on the agenda of the next regularly scheduled Plan Commission
1550 meeting. The Plan Commission shall provide an opportunity for public comment
1551 from interested parties on the proposed subdivision at its meeting. Published
1552 notice of the meeting shall include the name of the applicant, the address of the
1553 property in question, and the requested action. Owners of property abutting or
1554 within 1,000 feet of the proposed subdivision shall receive written notice of the
1555 meeting at least ten (10) days prior to said meeting. After reviewing the

1556 preliminary plat and application and considering reports from objecting agencies,
1557 affected public utilities and comments from the public, the Plan Commission shall
1558 recommend to the Town Board approval, conditional approval or disapproval of
1559 the preliminary plat. The recommendation shall be made in writing and shall state
1560 conditions of approval or reasons for rejection. This action shall be taken within
1561 90 days from filing of the preliminary plat and complete application, unless the
1562 time is extended by agreement with the subdivider.

1563
1564 **(4) Town Board review and action.** The Town Board, after receiving the
1565 recommendation of the Plan Commission, shall schedule a public hearing on the
1566 proposed subdivision at its next regularly scheduled meeting. The Town Clerk
1567 shall provide notice of the public hearing as pursuant to class 2 notice. The notice
1568 shall include the name of the applicant, the address of the property in question and
1569 the requested action. Property owners of land abutting or within 1,000 feet of the
1570 proposed subdivision shall receive written notice of the public hearing at least ten
1571 (10) days prior to the meeting. Following the public hearing and based on the
1572 recommendation of the Plan Commission, the Town Board shall approve, approve
1573 conditionally, or reject the preliminary plat and shall state, in writing, conditions
1574 of approval or reasons for rejections. Failure the Town Board to act within 90
1575 days or extension thereof shall constitute an approval of the preliminary plat,
1576 unless other authorized agencies object to the plat. The Town Clerk shall
1577 communicate to the subdivider the action of the Town Board. If the preliminary
1578 plat is approved, the Town Board chair shall endorse it for the Town Board.

1579
1580 **(5) Effect of approval.** Approval of a preliminary plat shall be valid for six (6)
1581 months from the date of approval. Approval or conditional approval of a
1582 preliminary plat shall not constitute automatic approval of the final plat. The
1583 preliminary plat shall be deemed an expression of approval or conditional
1584 approval of the layout submitted as a guide to the preparation of the final plat,
1585 which shall be subject to further consideration by the Plan Commission and Town
1586 Board at the time of its submission.

1587
1588 **(6) Amendment.** If the subdivider desires to amend the preliminary plat as
1589 approved, the subdivider may resubmit the amended plat, which shall follow the
1590 same procedure of review and approval as outlined in this section, except for the
1591 fee, unless the amendment is, in the opinion of the Plan Commission, of such
1592 scope as to constitute a new plat, in which case it shall be refiled, the application
1593 fee paid, and treated as a new submission.

1594
1595
1596 **3.30 Final Plat Review and Approval Procedures.** A final subdivision plat
1597 shall be filed in accordance with the following:

1598
1599 **(1) Final Plat.** The subdivider shall prepare a final plat and a letter of application
1600 in accordance with the provisions of this chapter and shall file 20 copies of the
1601 plat and the application with the Town Clerk at least 21 days prior to the meeting

LAND DIVISION AND SUBDIVISION CODE

1602 of the Plan Commission at which action is desired. The subdivider shall file the
1603 final plat not later than six (6) months after the date of approval of the preliminary
1604 plat; otherwise the preliminary plat and final plat will be considered void unless
1605 an extension is requested in writing by the subdivider and for good cause granted
1606 by the Town Board. The subdivider shall also submit at this time a current
1607 certified abstract of title or such other evidence as the Town Board may require
1608 showing ownership or control of the land to be subdivided.

1609
1610 **(2) Objecting Agencies.** The subdivider shall submit the original plat to the Plat
1611 Review Section, Wisconsin Department of Administration, which shall forward
1612 two copies to each of the agencies authorized under Sec. 236.12(2), Wis. Stats.,
1613 The department shall have the required number of copies made at the subdivider's
1614 expense.

1615
1616 **(3) Final Construction Plans.** Simultaneously with the filing of the final plat,
1617 the owner shall file with the Town Clerk four (4) copies of the final construction
1618 plans and specifications of public improvements by the Town.

1619
1620 **(4) Installation, Protection and Maintenance Plans.** The subdivider shall also
1621 submit plans for areas to be protected and/or for which native vegetation will be
1622 introduced.

1623
1624 **(5) Referral of Final Plat.** The Plan Commission shall provide copies of the
1625 final plat to the Town Board and County department heads and to the appropriate
1626 utilities for their review and comment. Agency staff and utility comments will be
1627 forwarded to the Plan Commission and Town Board for their consideration during
1628 the review process.

1629
1630 **(6) Plan Commission Review.** The Plan Commission shall examine the final plat
1631 as to its conformance with the preliminary plat; and conditions of approval of the
1632 preliminary plat; this chapter; and all applicable ordinances, rules, regulations,
1633 and comprehensive plan elements that may affect it and shall recommend
1634 approval, conditional approval, or rejection of the final plat to the Town Board.
1635 The Plan Commission shall, within 30 days of filing of the final plat with the
1636 Town Clerk, recommend approval, conditional approval, or rejection of the final
1637 plat and shall transmit the final plat and application along with its
1638 recommendations to the Town Board. The Plan Commission may hold the matter
1639 in abeyance if there is incomplete or inadequate information provided by the
1640 subdivider with respect to any part or element of the plat.

1641
1642 **(7) Town Board Review and Approval.** The Town Board shall, within 90 days
1643 of the date of filing the original final plat with the Town Clerk, approve or reject
1644 such plat unless the time is extended by written agreement with the subdivider. If
1645 the plat is rejected, the reasons shall be so stated in the minutes of the meeting and
1646 a written statement of the reasons forwarded to the subdivider. The Town Board
1647 may not inscribe its approval on the final plat unless the Town Clerk certifies on

1648 the face of the plat that the copies were forwarded to objecting agencies as
1649 required in this section, the date thereof and that no objections have been filed
1650 within 20 days or, if filed, have been met.

1651
1652 (a) The Town Board shall, when it determines to approve a final plat, give at least
1653 10 days' prior written notice of its intention to the municipal clerk of any
1654 municipality within 1,000 feet of the final plat.

1655
1656 (b) If the Town Board fails to act within 90 days, without a time extension and no
1657 unsatisfied objections have been filed, the final plat shall be deemed approved
1658 unless other authorized agencies object to the plat.

1659
1660 **(8) Recordation.** After the final plat has been approved by the Town Board and
1661 required improvements either installed or a contract and sureties ensuring their
1662 installation is filed, the Town Clerk shall cause the certificate inscribed upon the
1663 plat attesting to such approval to be duly executed and the plat returned to the
1664 subdivider for recording with the county register of deeds along with all
1665 conservation easements and deed restrictions. The register of deeds cannot record
1666 the plat unless it is offered within six (6) months from the date of last approval.

1667
1668 **(9) Copies.** The subdivider shall file eight (8) copies of the final recorded plat
1669 with the Town Clerk for distribution to the approving agencies and other affected
1670 agencies for their files.

1671

1672

1673 SUBCHAPTER 7 SUBDIVISION PLAT APPLICATION TECHNICAL REQUIREMENTS

1674

1675 **3.31 Initial Application and Concept Plan Requirements.** The subdivider shall
1676 submit an initial application as specified in Sec. 3.28 of this chapter that consists
1677 of a concept plan and a series of maps and descriptive information that includes
1678 all of the following information. Mapping for the initial application can be done in
1679 any combination of features as long as individual map components can be
1680 distinguished and the relationship between map components can be determined.

1681

1682 **(1) Inventory and mapping of existing resources.** All resources existing on the
1683 site of the proposed subdivision shall be inventoried and mapped at a scale of no
1684 less than one inch equals 100 feet and shall include:

1685

1686 (a) topographic contours at vertical intervals of not more than 2 feet for a slope
1687 less than 5% and 5 feet for a slope of 5% or more;

1688

1689 (b) United States Department of Agriculture, Natural Resource Conservation
1690 Service soil type locations and identification of soil type characteristics such as
1691 agricultural capability, depth to bedrock and water table, and suitability for
1692 wastewater disposal systems. Type and stability of bedrock should also be noted,
1693 particularly in karst areas and areas with high potential for groundwater

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- 1694 contamination due to fractured bedrock or the presence of arsenic, lead or
1695 mercury.
1696
1697 (c) Hydrologic characteristics, including surface water bodies, floodplains,
1698 groundwater recharge and discharge areas, wetlands, natural swales, drainage
1699 ways, and steep slopes of greater than 12 percent grade.
1700
1701 (d) Land cover on the site, according to general cover type (pasture, woodland,
1702 etc.), and stand-alone trees with a caliper of more than 24 inches measured 12
1703 inches off the ground. The inventory shall include comments on the health and
1704 condition of vegetation on the site.
1705
1706 (e) Current and past land use, all buildings and structures on the land, cultivated
1707 areas, brownfields, waste sites, and history of waste disposal practices, paved
1708 areas, and all encumbrances, such as easements or covenants.
1709
1710 (f) Known critical habitat areas for rare, threatened or endangered species of
1711 plants or animals.
1712
1713 (g) Views of the site, including views onto the site from surrounding roads, public
1714 areas and elevated areas, including photographs with a map indicating the location
1715 where the photographs were taken.
1716
1717 (h) Unique geological resources, such as rock outcrops and glacial features.
1718
1719 (i) Cultural resources, including brief descriptions of the historic character of
1720 buildings and structures, any historically important landscapes, and archeological
1721 features. This includes a review of existing inventories, including those the State
1722 Historical Society of Wisconsin maintains for historic buildings, archeological
1723 sites, and burial sites.
1724
1725 **(2) Development yield analysis.** The subdivider shall submit a table showing
1726 the maximum number of dwelling units that would be permitted under the
1727 applicable zoning at the time of application, consistent with the minimum lot area,
1728 lot widths, set backs, and other provisions of the Dane County zoning ordinance,
1729 the Land Use Plan and this chapter, and compare it to the number of dwelling
1730 units proposed.
1731
1732 **(3) Site analysis and concept plan.** Using the inventory prepared under Sec.
1733 3.31(1) and the development yield analysis prepared under Sec. 3.31(2), and
1734 applying the design standards of this chapter, the subdivider shall submit a
1735 concept plan including the following information at a scale of no less than one
1736 inch equals 50 feet:
1737

- 1738 (a) Common open space indicating the area that shall remain undeveloped and be
1739 protected from any subsequent development by a legal instrument pursuant to
1740 Sec. 3.52 of this chapter.
1741
- 1742 (b) Boundaries of areas to be developed and proposed general street and lot
1743 layout.
1744
- 1745 (c) Number and type of housing units proposed.
1746
- 1747 (d) Proposed methods for and location of water supply, storm water management,
1748 and sewage treatment.
1749
- 1750 (e) Inventory of preserved and disturbed natural features and prominent views.
1751
- 1752 (f) Preliminary development envelopes showing areas for lawns, pavement,
1753 buildings and grading.
1754
- 1755 (g) Proposed methods for ownership and management of common open space.
1756
- 1757 **(4) General location map.** The subdivider shall submit a map showing the
1758 general outlines of existing buildings, land use, and natural features such as
1759 bodies of water, wetlands, and wooded areas, roads and property boundaries
1760 within 1000 feet of the land parcel on which the proposed subdivision will be
1761 sited. This information may be presented on aerial photographs at a scale of not
1762 less than one inch equals 400 feet.
1763
1764
- 1765 **3.32 Preliminary Plat Requirements.** The preliminary plat shall be prepared by
1766 a licensed land surveyor or licensed professional engineer at a convenient scale
1767 not less than one (1) inch equals one hundred (100) feet. More than one (1) sheet
1768 may be used to present the information required in this section and shall include
1769 the following:
1770
- 1771 **(1) Name of the Proposed Subdivision.** The proposed name of the subdivision
1772 shall not duplicate or be alike in pronunciation of the name of any plat previously
1773 recorded in Dane County.
1774
- 1775 **(2) Project Ownership and Development Information.**
1776
- 1777 (a) Name, address, and telephone number of the legal owner and, if applicable,
1778 agent of the property.
1779
- 1780 (b) Name, address, and telephone number of the professional person(s)
1781 responsible for subdivision design, for the design of public improvements, and for
1782 surveys.
1783

LAND DIVISION AND SUBDIVISION CODE

- 1784 (c) Date of preparation.
1785
- 1786 **(3) Existing Site Conditions.** This information shall be provided on a property
1787 survey map.
1788
- 1789 (a) Boundary line of the proposed site and all property to be subdivided,
1790 including all contiguous land owned or controlled by the subdivider.
1791
- 1792 (b) Location, width, and names of all existing platted streets and rights-of-way to
1793 a distance of 100 feet beyond nearest boundary line of the proposed plat.
1794
- 1795 (c) Show the type, width and condition of street improvements, railroad or major
1796 utility rights-of-way, parks and other public open spaces, location and widths of
1797 existing snowmobile or other recreational trails; and permanent buildings and
1798 structures to a distance of 100 feet beyond the nearest boundary line of the
1799 proposed plat, if any.
1800
- 1801 (d) Location, widths and names of all existing public and private easements to a
1802 distance of 100 feet beyond the nearest boundary line of the proposed plat.
1803 (e) Identify by name and ownership boundary lines of all adjoining lands within
1804 100 feet of the proposed plat.
1805
- 1806 (f) Topographic data including contours at vertical intervals of not more than 2
1807 feet. Elevation values shall be based on the National Geodetic Vertical Datum of
1808 1929 (NGVD 29) or the North American Datum of 1988 (NAVD 88) or future
1809 adjustments to NAVD 88 as defined by the National Geodetic Survey and shall
1810 also be noted on the plat.
1811
- 1812 (g) Significant natural resource features on the proposed plat, i.e., wetlands,
1813 floodplains, watercourses, existing wooded areas, slopes exceeding 12% grade,
1814 drainage ways, rare, threatened or endangered species, and other natural resource
1815 features, views and other prominent visual features.
1816
- 1817 (h) Burial sites categorized under Sec. 157.70, Wis. Stats., Indian mounds,
1818 national and state register listed properties, and locally designated historical
1819 properties.
1820
- 1821 (i) Existing soil classifications including hydric soils.
1822
- 1823 (j) Legal description of the property.
1824
- 1825 (k) Existing zoning classifications for land in and abutting the proposed plat.
1826
- 1827 (l) Total acreage of the proposed plat.
1828
- 1829 (m) Provide graphic scale, North arrow, and date of preparation.

1830

1831 **(4) Preliminary Construction Plans.** The following information shall be
1832 provided on one or more sheets.

1833

1834 (a) Plan and Profile. Proposed street centerline profile grades, showing the
1835 existing and proposed grade lines.

1836

1837 (b) Grading and Erosion Control Plan. A plan showing existing and proposed
1838 grades, drainage patterns, and storm water facilities. The plan shall show the
1839 location and extent of grading activities in and adjacent to the proposed plat,
1840 overall area of the site in acres, total impervious surface area of the project, total
1841 pervious surface area of the project, stockpile locations, erosion and sediment
1842 control facilities, and a schedule for erosion and sediment control practices
1843 including site-specific requirements to prevent erosion at the source. Major trees
1844 to be preserved, with a diameter of twenty-four (24) inches or more measured
1845 twelve (12) inches above ground level, shall be shown on the preliminary grading
1846 and erosion control plan. Adequate measures for protecting major trees shall be
1847 shown on the plan.

1848

1849

1850 **3.33 Final Plat Requirements.** A final plat prepared by a registered land
1851 surveyor or licensed professional engineer shall be required for all subdivisions. It
1852 shall comply with the requirements of Sec. 236.20, Wis. Stats., Chapter 75, Dane
1853 County Code, and of this chapter. No final plat shall be recorded at the Dane
1854 County Register of Deeds unless such final plat contains a certificate of the Town
1855 Clerk.

1856

1857 **(1) Additional Information.** The final plat shall show correctly on its face, in
1858 addition to the information required by Sec. 236.20, Wis. Stats., the following:

1859

1860 (a) Exact length and bearing of the centerline of all streets.

1861

1862 (b) Exact street width along the line of any obliquely intersecting street.

1863

1864 (c) Exact location and description of utility and drainage easements.

1865

1866 (d) Railroad rights-of-way within and abutting the plat.

1867

1868 (e) All lands reserved for future public acquisition or reserved for the common use
1869 of property owners within the plat, including public access to waterways.

1870

1871 (f) Restrictions relating to access control along public ways.

1872

1873 (g) Setback or building lines for all lots within the subdivision.

1874

1875 (h) The legal instruments detailing the ownership of the common space as
1876 required in Sec. 3.52 of this chapter, which shall be filed with the final plat for
1877 conservation subdivisions created under Residential Density Option 3.
1878

1879 (i) All final plats shall meet all the surveying and monumenting requirements of
1880 Sec. 236.15, Wis. Stats.
1881

1882 (j) State plane coordinate system. Where the plat is located within a quarter
1883 section, the corners of which have been relocated, monumented, and coordinated
1884 by town or county, the plat shall be tied directly to one of the section or quarter
1885 corners so relocated, monumented, and coordinated. The exact grid bearing and
1886 distance of such tie shall be determined by field measurements, and the material
1887 and state plane coordinates of the monument marking the relocated section or
1888 quarter corner to which the plat is tied shall be indicated on the plat.
1889

1890 (k) Certificates. All final plats shall provide all the certificates required by Sec.
1891 236.21, Wis. Stats. In addition, the surveyor shall certify that the surveyor has
1892 fully complied with all sections of this chapter.
1893

1894 (l) Recording. The final plat shall be recorded within 6 months of the last
1895 approval and 24 months of the first approval.
1896

1897 **(2) Proposed restrictive covenants, deed restrictions, and conservation**
1898 **easements for the proposed subdivision shall be filed with the final plat.**

1899 The restrictive covenants, deed restrictions and conservation easements shall be in
1900 a form and substance acceptable to the Town Board. The Town Board may
1901 require that the restrictive covenants, deed restrictions, or another notice
1902 document contain a provision that notifies future owners of lots or parcels created
1903 by the subdivision that special assessments for public improvements related to the
1904 subdivision may be imposed by the Town.
1905
1906
1907

1908 SUBCHAPTER 8 REQUIRED IMPROVEMENTS FOR SUBDIVISIONS
1909

1910 **3.34 Required Improvements.**
1911

1912 **(1) General Standards.** The improvements prescribed in this chapter are
1913 required as a condition of approval of a final plat for a subdivision. The required
1914 improvements in this chapter shall be installed in accordance with design
1915 standards specified in this chapter and the engineering standards and
1916 specifications contained within the Town of Springdale Building Code. Where
1917 standards and specifications have not been adopted, the improvements shall be
1918 made in accordance with good engineering practices, approved prior to the start of
1919 construction by the Town Engineer.
1920

LAND DIVISION AND SUBDIVISION CODE

- 1921 **(2) Payment for Improvements.** The required improvements described in this
1922 chapter shall be installed, furnished, and financed at the sole expense of the
1923 subdivider.
1924
- 1925 **(3) Agreement providing for proper installation of improvements.**
1926
- 1927 (a) **Contract.** Prior to installation of required improvements and prior to approval
1928 of the final plat, the subdivider shall enter into a written contract with the Town
1929 requiring the subdivider to furnish and construct such improvements at the
1930 subdivider's sole cost and in accordance with plans and specifications and usual
1931 contract conditions, which shall include provision for inspection of construction
1932 details by the Town Engineer.
1933
- 1934 (b) **Financial Guarantees.**
1935
- 1936 (1) The agreement shall require the subdivider to make an escrow deposit in a
1937 form approved by the Town Board, or, in lieu thereof, to furnish a performance
1938 bond or irrevocable letter of credit, the amount of the deposit and the penal
1939 amount of the bond or letter of credit to equal 125% of the amount estimated by
1940 the Town Engineer for the total cost of improvements to be furnished under the
1941 contract, including the cost incurred by the Town Engineer for estimates and
1942 inspections.
1943
- 1944 (2) On request of the subdivider, the contract may provide for completion of part
1945 or all of the improvements covered thereby prior to acceptance of the plat, and, in
1946 such event, the amount of the deposit or bond or letter of credit shall be reduced
1947 in a sum equal to the estimated cost of the improvements so completed prior to
1948 acceptance of the plat only. If the required improvements are not complete within
1949 the specified period, all amounts held under performance bond shall be turned
1950 over and delivered to the Town and applied to the cost of the required
1951 improvements. Any balance remaining after such improvements have been made
1952 shall be returned to the subdivider. The Town Board, at its option, may extend the
1953 bond period for additional periods not to exceed two years each period.
1954
- 1955 (3) The time for completion of the work and the several parts thereof shall be
1956 determined by the Town Board upon recommendation of the Town Engineer after
1957 consultation with the subdivider. The completion date shall be a component of the
1958 contract.
1959
- 1960 (4) The subdivider shall pay the Town for all costs incurred by the Town for
1961 review and inspection of the subdivision. This would include review and
1962 preparation, at the Town Board's discretion, of plans and specification by the
1963 Town Engineer, Town Planner, Town Attorney, as well as other costs of a similar
1964 nature.
1965
- 1966 **(4) Required Construction Plans; Town Review; Inspections.**

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1967
1968 (a) **Engineering reports, construction plans, and specifications.** As required
1969 under Sec. 3.30 of this chapter, engineering reports, plans and proposed
1970 construction specifications shall be submitted simultaneously with the filing of the
1971 final plat. At the final plat stage, construction plans for the required improvements
1972 conforming in all respects with the standards of the Town Engineer and all
1973 applicable town ordinances shall be prepared at the subdivider's expense by a
1974 professional engineer, who is registered in the State of Wisconsin, and such plans
1975 shall contain the professional engineer's seal. Such plans, together with the
1976 quantities of construction items, shall be submitted to the Town Engineer for
1977 approval and an estimate of the total cost of the required improvements. Upon
1978 approval, they shall become a part of the contract required. Simultaneously with
1979 the filing of the final plat with the Town Clerk, or as soon thereafter as
1980 practicable, copies of the construction plans and specifications shall be furnished
1981 for the following public improvements:
1982 (1) Street plans and profiles showing existing and proposed grades, elevations,
1983 and cross sections of improvements.
1984
1985 (2) Private sewage system plans and profiles showing the locations, grades, sizes,
1986 elevations and materials of required facilities.
1987
1988 (3) Storm sewer and open channel plans and profiles showing the locations,
1989 direction of flow, grades, sizes, cross sections, elevations, and materials of
1990 required facilities.
1991
1992 (4) Private well plans for each building envelope.
1993
1994 (5) Erosion and sedimentation control plans showing those structures required to
1995 retard the rate of runoff water and those grading and excavating practices that will
1996 prevent erosion and sedimentation.
1997
1998 (6) Planting plans showing the locations, age, caliper, species, and time of
1999 planting of required grasses, vines, shrubs and trees.
2000
2001 (7) Grading plan showing existing and proposed grades and spot elevations for the
2002 corners of all lots and the proposed top of foundation elevation for all proposed
2003 dwellings and accessory buildings.
2004
2005 (8) Additional special plans or information as required by town officials.
2006
2007 (b) **Review and Approval by Town Engineer.** The Town Engineer shall review
2008 or cause to be reviewed the plans and specifications for conformance with the
2009 requirements of this chapter and other pertinent town ordinances and design
2010 standards recommended by the Town Engineer and approved by the Town Board.
2011 If the Town Engineer rejects the plans and specifications, the Town Engineer
2012 shall notify the subdivider, who shall modify the plans or specifications or both

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2013 accordingly. When the plans and specifications are corrected to the Town
2014 Engineer's satisfaction, the Town Engineer shall approve the plans and
2015 specifications for transmittal to the Town Board. The Town Board shall approve
2016 the plans and specifications before the improvements are installed and
2017 construction has commenced.
2018
2019 If the subdivider disagrees with or objects to the requirements of the Town
2020 Engineer, the subdivider may appeal the ruling of the Town Engineer to the Town
2021 Board, which shall hold a hearing to determine whether the objection is valid.
2022
2023 **(c) Other requirements.**
2024
2025 (1) *Governmental units.* Governmental units to which these bond and contract
2026 sections apply may file, in lieu of such contract or bond, a letter from officers
2027 authorized to act on their behalf agreeing to comply with this section.
2028
2029 (2) *Plats lying within extraterritorial jurisdictions.* Before final approval by the
2030 Town Board of any final plat located within the extraterritorial jurisdiction of the
2031 Village of Mount Horeb, the City of Verona or the City of Madison, the
2032 subdivider shall give evidence that the subdivider has complied with all
2033 requirements of the village or city that has extraterritorial jurisdiction over the
2034 subdivision.
2035
2036 (3) *Survey monuments.* Before final approval of any final plat within the town,
2037 the subdivider shall install survey monuments placed in accordance with the
2038 requirements of Chapter 236, Wis. Stats., and as may be required by the Town
2039 Engineer.
2040
2041 **(d) Construction and Inspection.**
2042
2043 (1) Prior to starting any of the work covered by the plans approved in this section,
2044 written authorization to start the work shall be obtained from the Town Engineer
2045 upon receipt of all necessary permits and in accordance with the construction
2046 methods of this chapter. Building permits shall not be issued until all
2047 improvements required by this chapter have been satisfactorily completed.
2048
2049 (2) Construction of all improvements required by this chapter shall be completed
2050 within two (2) years from the date of approval of the final plat by the Town
2051 Board, unless good cause can be shown for the Town Board to grant an extension.
2052
2053 (3) During the course of construction, the Town Engineer shall make or cause to
2054 be made such inspections as the Town Board deems necessary to ensure
2055 compliance with the plans and specifications as approved. The subdivider shall
2056 pay the actual cost incurred by the town for such inspections. This fee shall be the
2057 actual cost to the town of inspectors, engineers, and other parties necessary to
2058 ensure satisfactory work.

2059

2060 (e) **Record plans.** After completion of all public improvements and prior to final
2061 acceptance of such improvements, the subdivider shall make or cause to be made
2062 three copies of record plans showing the actual location of all valves, manholes,
2063 stubs, sewers, and water mains and such other facilities as the Town Engineer
2064 shall require. These plans shall be prepared on the original Mylars of the
2065 construction plans and shall bear the signature and seal of a professional engineer
2066 registered in the State of Wisconsin. The presentation of the record plans shall be
2067 a condition of final acceptance of the improvements and of the surety bond
2068 ensuring their completion.

2069

2070

2071 **3.35 Street Improvements.** The subdivider shall construct streets, roads and
2072 alleys as outlined on the approved plans based on the requirements of this chapter.

2073

2074 (1) **General considerations.** The streets shall be designed and located in relation
2075 to existing and planned streets, to topographical conditions and natural terrain
2076 features such as streams and existing tree growth, to public convenience and
2077 safety, and in their appropriate relation to the proposed uses of the land to be
2078 served by such streets.

2079

2080 (2) **Construction standards.** Construction of all streets shall conform to the state
2081 department of transportation Standard Specifications for Road and Bridge
2082 Construction, the state Standard Specification for Sewer and Water, and any other
2083 construction standards or specifications included in the Town of Springdale Road
2084 Ordinance, and shall be subject to approval of the Town Engineer before
2085 acceptance. Where the town's standards may be more restrictive or require higher
2086 performance than the state standards, the town standards shall prevail.

2087

2088 (3) **Conformance to official map.** The arrangement, width, grade, and location
2089 of all streets shall conform to the official map.

2090

2091 (4) **Grading.**

2092

2093 (a) With the submittal of the final plat, the subdivider shall furnish drawings that
2094 indicate the existing and proposed grades of roads, streets, and alleys shown on
2095 the plat.

2096

2097 (b) Proposed grades will be reviewed by the Town Engineer for conformance
2098 with town standards and good engineering practice. Street grades require the
2099 approval of the Town Board after receipt of the Town Engineer's
2100 recommendations.

2101

2102 (c) The subdivider shall grade the full width of the right-of-way of the streets and
2103 alleys proposed to be dedicated, including the vision clearance triangle on corner
2104 lots.

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- 2105
2106 (d) When an existing street right-of-way is made a part of the plat or abuts the
2107 plat, the subdivider shall grade that portion of the right-of-way between the
2108 existing pavement and the property line.
2109
2110 (e) The bed for the roadways in the street rights-of-way shall be graded to
2111 subgrade elevation.
2112
2113 (f) The Town Engineer shall approve all grading within rights-of-way, and such
2114 grading shall extend for a sufficient distance beyond the right-of-way to ensure
2115 that the established grade will be preserved.
2116
2117 (g) Where electric and other communications or utility facilities are to be
2118 installed underground, the utility easements shall be graded to within six inches of
2119 the final grade by the subdivider, prior to the installation of such facilities; earth
2120 fill piles or mounds of dirt or construction materials shall not be stored on such
2121 easement areas.
2122
2123 (h) Cut and filled lands shall be graded to a maximum slope of 1:4 or the soil's
2124 angle of repose, whichever is the lesser, and covered with permanent vegetation.
2125
2126 (5) **Street construction.** After storm sewer, water, and other necessary utilities
2127 have been installed, the subdivider shall construct and dedicate, as part of the
2128 subdivision, streets and curbs and gutters. The subdivider shall surface roadways
2129 to the widths prescribed by town specifications. Construction shall be to town
2130 standard specifications for street improvements
2131
2132 (6) **Completion of street.**
2133
2134 (a) No building permit shall be issued for the construction of any residential
2135 dwelling until sewer, water, grading, graveling, and the bituminous binder course
2136 necessary to service the property for which the permit is required are installed in
2137 the street.
2138
2139 (b) The Town Board may issue a waiver of these requirements in unusual or
2140 special circumstances such as excessively severe weather conditions, heavy
2141 construction temporarily in the area, or construction material shortages (i.e.,
2142 cement, asphalt). The issuance of a waiver shall be at the discretion of the Town
2143 Board.
2144
2145 (c) The subdivider requesting a waiver shall do so in writing, presenting such
2146 information and documentation as required by the Town Board. The waiver shall
2147 be in written form and shall detail which improvement requirements are
2148 temporarily waived and for what period of time.
2149
2150

2151 **3.36 Curb and gutter.** Where adequate storm water runoff can be achieved
2152 through the use of road ditches on each side of local streets or collector streets
2153 within a subdivision, curbs and gutters shall not be required. If, however, the
2154 subdivider is allowed to install concrete curbs and gutters by the Town Board,
2155 they shall be installed in accordance with plans and standard specifications
2156 approved by the Town Board, on file with the Town Clerk, only after the
2157 installation of all utility and stormwater drainage improvements. Wherever
2158 possible, provision shall be made at the time of construction for driveway access
2159 curb cuts.

2160
2161
2162 **3.37 Sidewalks.** Sidewalks are not required in a subdivision. If, however, the
2163 subdivider is allowed to construct sidewalks by the Town Board, the sidewalks
2164 shall conform to the following requirements.

2165
2166 (1) Sidewalks shall be constructed of concrete and shall be five (5)-foot wide and
2167 installed on both sides of all local, collector, and arterial streets. Where, in the
2168 opinion of the Plan Commission and Town Board, the subdivision would be better
2169 served by an alternative form of pedestrian access, the Town Board may grant an
2170 exception to the concrete sidewalk requirements. The construction of all
2171 sidewalks or alternative pedestrian access shall be in accordance with plans and
2172 standard specifications approved by the Town Engineer.

2173
2174 (2) In addition, wider-than-standard sidewalks may be required by the Town
2175 Board in the vicinity of schools, commercial areas, and other places of public
2176 assemblage, and the Town Board may require the construction of sidewalks in
2177 locations other than required under this Code if such walks are necessary, in its
2178 opinion, for safe and adequate pedestrian circulation.

2179
2180 (3) For all building permits issued between May 1 and October 15, sidewalks
2181 must be installed before an occupancy permit is issued. For permits issued after
2182 October 15 and before May 1, the sidewalks must be installed by the following
2183 June 15.

2184
2185
2186 **3.38 Sanitary sewer system.** The subdivider shall make adequate private sewer
2187 systems available to each lot within the subdivision. The design plans for such
2188 sewers shall conform with all applicable state and county regulations for private
2189 sewer systems and shall be reviewed and approved by the Town Engineer and by
2190 the appropriate county agency and department of natural resources. Upon
2191 construction, the installed sewers shall be inspected by the Town Engineer.

2192
2193
2194 **3.39 Water supply facilities.** The subdivider shall cause to be installed private
2195 well systems that provide each lot with potable water. The wells shall conform to
2196 all applicable state and county standards.

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3.40 Other utilities.

(1) The subdivider shall cause electric power and telephone facilities to be installed in a such a manner as to make adequate service available to each lot in the subdivision.

(2) Where available, the subdivider shall cause natural gas and cable television to be installed in such a manner as to make adequate service available to each lot in the subdivision.

(3) All new electrical distribution, television cables and telephone lines from which lots are individually served shall be underground unless the Town Board specifically allows overhead poles for the following reasons:

(a) Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical; or

(b) The lots to be served by such facilities can be served directly from existing overhead facilities.

(4) Plans indicating the proposed installation of all gas, electric power, television cables and telephone distribution and transmission lines required to service the subdivision shall be subject to review and approval by the Town Board, upon the recommendation of the Town Engineer, and such plans shall be filed with the Town Clerk.

3.41 Street trees. The subdivider shall plant street trees in the terrace area between the sidewalk and the street along all streets proposed to be dedicated. Such street trees shall be of a species and type compatible with the character of the conservation subdivision as determined by the Town Engineer. Street trees shall be placed so that there is an average of one tree for every 50 feet of street frontage, except in those locations where the Town Engineer determines such plating would be unfeasible or hazardous in terms of traffic visibility. Street trees shall be set back at least 10 feet from driveways, 15 feet from nonarterial street intersections, and 30 feet from arterial street intersections. Street trees shall be no smaller than 2 inches in diameter at the time of planting.

3.42 Street signs. The subdivider shall install at the intersections of all streets proposed to be dedicated a street name sign of a design and installation to be specified by the Town Engineer.

3.43 Storm Water Drainage Facilities. The subdivider shall provide storm water drainage facilities, which may include curb and gutter, catch basins and

2243 inlets, storm sewers, road ditches, storm water retention/detention, and open
2244 channels, as may be required by the specific topographical location of the
2245 subdivision. Storm sewers are to be of adequate size and grade to hydraulically
2246 accommodate the 10-year storm; culverts shall be designed to accommodate the
2247 10-year storm and shall be sized so that the 25-year frequency storms do not cause
2248 flooding of adjacent streets and roadways. Upon approval of the Town Engineer,
2249 storm water swales and ditches may be sized for from 25-year to 100-year
2250 frequency storms, depending upon the estimated amount of damage that would be
2251 incurred by adjacent properties if flooding did occur during one of those events.
2252 Storm drainage facilities shall be so designed as to minimize hazards to life or
2253 property, and the size, type and installation of all storm water drains and sewers
2254 proposed to be constructed shall be in accordance with the plans and
2255 specifications approved by the Town Board as part of the preliminary plat review
2256 and approval process, upon recommendation of the Town Engineer. Storm sewers
2257 oversized to accommodate runoff from offsite adjacent properties shall be
2258 installed by the subdivider.

2259
2260

2261 **3.44 Erosion Control.** Pursuant to applicable town ordinances, the subdivider
2262 shall cause all gradings, excavations, open cuts, slide slopes, and other land
2263 surface disturbances to be mulched, seeded, sodded, or otherwise protected so that
2264 erosion, siltation, sedimentation and washing shall be prevented. The subdivider
2265 shall submit an erosion control plan that specifies measures that shall be taken to
2266 assure the minimization of erosion problems in accordance with town applicable
2267 ordinances, and in compliance with Wisconsin Best Management Practices.

2268
2269

2270 **3.45 Partition Fences.** When the land included in a subdivision abuts upon or is
2271 adjacent to land use for any agricultural purpose, the subdivider shall erect, shall
2272 keep, and shall maintain partition fences, satisfying the requirements of
2273 Wisconsin Statutes for a legal and sufficient fence, between such land and the
2274 adjacent land. A covenant binding the subdivider, developer, its grantees, heirs,
2275 successors, and assigns to erect and maintain such fences, without costs to the
2276 adjoining property owners, so long as the land is used for farming or grazing
2277 purposes, shall be included upon the face of the final plat.

2278
2279

2280 **3.46 Easements.**

2281

2282 (1) **Utility easements.** The Town Board, on the recommendation of appropriate
2283 agencies serving the town, shall require utility easements for poles, wires,
2284 conduits, storm and sanitary sewer, gas, water and head mains or other utility
2285 lines. It is the intent of this chapter to protect all established easements so as to
2286 assure proper grade, to assure maintenance of the established grade, to prohibit
2287 construction of permanent fences or retaining walls over underground installation
2288 and to prevent the planting of trees in utility easement areas.

2289

2290 (2) **Drainage easements.** Where a subdivision is traversed by a watercourse,
2291 drainage way, channel or stream:

2292

2293 (a) There shall be provided a storm water easement or drainage right-of-way
2294 conforming substantially to the lines of such watercourse and such further width
2295 or construction, or both, as will be adequate for the purpose and as may be
2296 necessary to comply with this section; or

2297

2298 (b) Wherever possible, it is desirable that drainage be maintained by an open
2299 channel with landscaped banks and adequate width for maximum potential
2300 volume flow. In all cases, such watercourse shall be of a minimum width
2301 established as the high-water mark or, in the absence of such specification, not
2302 less than 30 feet. If, in the opinion of the Town Engineer, the easement shall be
2303 for a major drainage swale, the easement shall be of sufficient width to contain a
2304 100-year frequency storm. If the drainage easement is located in an established
2305 floodway or flood fringe district, the entire floodplain area shall be included
2306 within the drainage easement.

2307

2308 (3) **Easement Locations.** Such easements shall be at least 12 feet wide, or wider
2309 where recommended by the Town Engineer, and may run across lots or alongside
2310 of rear lot lines. Evidence shall be furnished to the Plan Commission and Town
2311 Board that easements and any easement provisions to be incorporated in the plat
2312 or in deeds have been reviewed by the individual utility companies or the
2313 organization responsible for furnishing the services involved.

2314

2315

2316 **3.47 Rural Address Numbering Signs.** The subdivider shall be responsible for
2317 installing rural address numbering signs for each lot of the subdivision. Such
2318 signs shall conform to the requirements of Chapter 76, Dane County Code, Ord.
2319 Amdt. 32 (1999-2000).

2320

2321

2322

2323

SUBCHAPTER 9 SUBDIVISION DESIGN STANDARDS

2324

2325 **3.48 General Considerations.** In every case the design standards specified
2326 herein shall be considered the minimum required to satisfy the purposes of this
2327 chapter.

2328

2329 (1) Conservation subdivisions created under residential density option 3 shall
2330 identify a conservation theme or themes. This theme shall be identified at the time
2331 of initial application. Conservation themes may include, but are not limited to,
2332 forest stewardship, water quality preservation, farmland preservation, natural
2333 habitat restoration, viewshed preservation, or archeological and historic properties

2334 preservation. The Plan Commission alone shall have the authority to specify
2335 which areas of the parcel to be subdivided shall be preserved.

2336
2337 (2) Each residential lot within a subdivision shall be large enough to
2338 accommodate a house and an attached two-car garage.

2339
2340

2341 **3.49 Residential Lot Requirements.**

2342
2343 (1) The minimum residential lot shall be equal to one acre.

2344
2345 (2) The principal building setbacks, maximum lot coverage by impervious
2346 surfaces, and the maximum height of all buildings shall conform to all
2347 requirements of Chapter 10 of the Dane County Code.

2348
2349 (3) Most lots shall take access from interior local streets. Existing farmsteads to
2350 be preserved shall have a driveway as part of the historic landscape that does not
2351 access a local street but should be preserved.

2352
2353 (4) Lots shall be configured to minimize the amount of road length required for
2354 the subdivision.

2355
2356 (5) Pursuant to Chapter 10 of the Dane County Code, every lot that fronts or abuts
2357 a public street or road shall front or abut for a distance of at least 66 feet, except
2358 for cul-de-sac lots, which shall provide a minimum of 33 feet of frontage.

2359
2360 (6) Building envelopes shall be configured to minimize loss of woodlands and
2361 major trees.

2362 (7) If agricultural uses are being maintained, lots shall be configured in a manner
2363 that maximizes the usable area remaining for such agricultural uses with
2364 appropriate buffers between agricultural uses and residential structures.

2365
2366 (8) All lots within a neighborhood shall abut open space on at least one side. A
2367 local street may separate lots from the open space.

2368
2369 (9) Lots within a conservation subdivision created under Residential Option
2370 Number 3 shall be oriented around one or more of the following:

2371
2372 a) A central green or square.

2373
2374 b) A physical amenity such as a meadow, a stand of trees, or some other natural or
2375 restored feature.

2376
2377 (10) Building envelopes should not be located on ridges, hilltops, along peripheral
2378 public roads or in other visually prominent areas.

2379

- 2380 (11) Residential structures shall be oriented to maximize solar gain in the winter
2381 months.
2382
- 2383 (12) Each lot shall be located within one (1) zoning district.
2384
- 2385 (13) A 30-foot wide native vegetation buffer shall be maintained around open
2386 water areas, unless a specific common beach or grassed area is identified.
2387
- 2388 (14) Storm water management for each lot shall meet or exceed whenever
2389 possible the following standards:
2390
- 2391 a) Minimize the use of curb and gutter and maximize the use of open swales.
2392
- 2393 b) Roof downspouts shall drain to porous surfaces.
2394
- 2395 c) Peak discharge during a 10-year storm event shall not be greater than that
2396 during a 10-year storm before platting of the subdivision.
2397
- 2398 d) The development shall capture 80% of the sediments/pollutants from 2-year
2399 storm event.
2400
- 2401 e) Landscape plantings shall be used to increase infiltration and decrease runoff.
2402
- 2403 f) Natural open drainage systems shall be preserved.
2404
2405
- 2406 **3.50 Residential Cluster Siting Standards in Conservation Subdivisions**
2407 **Created Under Residential Density Option 3.**
- 2408 (1) All residential lots and dwellings shall be grouped into clusters. Each cluster
2409 shall contain no fewer than 5 dwelling units nor more than 20 dwelling units.
2410
- 2411 (2) Residential clusters shall be located to minimize negative impacts on the
2412 natural, scenic and cultural resources of the site and conflicts between
2413 incompatible uses.
2414
- 2415 (3) Residential clusters shall avoid encroaching on rare plant communities, high
2416 quality sites, or endangered species identified by the Wisconsin Department of
2417 Natural Resources.
2418
- 2419 (4) Whenever possible, open space shall connect with existing or potential open
2420 space lands on adjoining parcels and local, regional or national recreational trails.
2421
- 2422 (5) Residential clusters should be sited to achieve the following goals, to the
2423 extent practicable:
2424

- 2425 (a) Minimize impacts to prime farmland soils and large tracts of land in
2426 agricultural use, and avoid interference with normal agricultural practices.
2427
- 2428 (b) Minimize disturbance to woodlands, wetlands, grasslands, and mature trees.
2429
- 2430 (c) Prevent downstream impacts due to runoff through adequate on-site storm
2431 water management practices.
2432
- 2433 (d) Protect scenic views of open land from adjacent roads. Visual impact should
2434 be minimized through use of landscaping or other features.
2435
- 2436 (e) Protect archeological sites and existing historic buildings or incorporate them
2437 through adaptive reuse.
2438
- 2439 (f) Landscaping around the residential cluster may be necessary to reduce off site
2440 views of residences.
2441
- 2442
- 2443 **3.51 Open Space Design Standards in Conservation Subdivisions Created**
2444 **Under Residential Density Option 3.**
2445
- 2446 (1) Common Open Space. The minimum open space required shall be owned and
2447 maintained under one of the alternatives listed in Sec. 3.52 of this chapter, as
2448 approved by the Town Board. The uses within the open space shall be accessible
2449 to the residents of the subdivision. These uses may also be available to the general
2450 public providing the proper approvals are received. The required open space shall
2451 be undivided and restricted in perpetuity from future development.
2452
- 2453 (2) Open space shall be designated as part of the subdivision plat. The minimum
2454 required open space in acres shall be equal to the number of acres occupied by all
2455 residential lots in the subdivision, or 50% of the gross acreage, whichever is
2456 greater.
2457
- 2458 (3) Open Space Conservation Ranking (in order of significance). The acres to be
2459 preserved shall be identified on a case-by-case basis in an effort to conserve and
2460 provide the best opportunities to restore and enlarge the best quality natural
2461 features of each particular site and to maximize the amount of agricultural land.
2462
- 2463 (a) First priority shall be given to intact natural communities, rare and endangered
2464 species, environmental corridors, natural and restored prairies, significant historic
2465 and archeological sites, and steep slopes.
2466
- 2467 (b) Second priority will be given to areas providing some plant and wildlife
2468 habitat and open space values.
2469

- 2470 (c) Third priority will be given to areas providing little habitat but providing
2471 viewshed, recreation, or a sense of open space.
2472
- 2473 (d) The following areas or structures may be located within the open space area
2474 and shall be counted toward the overall open space percentage required:
2475
- 2476 1) Parking areas for access to and use of the open space developed at a scale
2477 limited to the potential users of the open space.
2478
- 2479 2) Privately held buildings or structures provided they are accessory to the use of
2480 the open space.
2481
- 2482 (e) Local street and town road rights-of-way shall not be counted toward the
2483 required minimum open space.
2484
- 2485 (f) No more than 50% of the required open space may consist of water bodies,
2486 ponds, floodplains, or wetlands.
2487
- 2488 (g) That portion of open space designed to provide plant and animal habitat shall
2489 be kept as intact as possible. Trails shall be designed to avoid fragmenting these
2490 areas.
2491
- 2492 (h) Accessible open space in upland areas shall be available for recreational uses
2493 such as trails, play fields, or community gardens, but should be designed in a
2494 manner that avoids adversely impacting archeological or historical sites.
2495
- 2496 (i) A pathway system connecting open space areas accessible to neighborhood
2497 residents, and connecting these areas to local streets and to planned or developed
2498 trails on adjacent parcels shall be identified on the plat.
2499

2500
2501 **3.52 Ownership and Maintenance of Open Space and Common Facilities.**
2502

- 2503 (1) **Alternatives.** The designated common open space and common facilities may
2504 be owned and managed by one or a combination of the following:
2505
- 2506 (a) A homeowners' association.
2507
- 2508 (b) A condominium association established in accordance with the Condominium
2509 Ownership Act, Chapter 703, Wis. Stats.
2510
- 2511 (c) A nonprofit conservation organization.
2512

2513
2514 **3.53 Street Improvement Design Standards.**
2515

2516 (1) Local streets in any subdivision may take the form of a two-way street, a pair
2517 of one-way streets on either side of a landscaped median, or a one-way loop street
2518 around a common open space or neighborhood green. Streets shall be developed
2519 according to standards that promote road safety, assure adequate access for fire
2520 and rescue vehicles, and promote adequate vehicular circulation.

2521
2522 (2) The subdivider must demonstrate that access to the subdivision has the
2523 capacity to handle traffic generated by the proposed project, and will not endanger
2524 the safety of the general public.

2525
2526 (3) Streets shall conform to design standards contained within the Town of
2527 Springdale Town Road Code and general design standards of Sec. 3.35 of this
2528 chapter.

2529

2530

2531

2532 **SUBCHAPTER 10 VARIANCES, PENALTIES AND VIOLATIONS**

2533

2534 **3.54 Variance.**

2535

2536 (1) **Authority.** Where, in the judgment of the Town Board, it would be
2537 inappropriate to apply literally the provisions of this chapter because exceptional
2538 or undue hardship would result, the board may waive or modify one or more of
2539 these regulations to the extent deemed essential and proper after considering the
2540 nature of the requested variance or waiver and the provisions of this chapter.

2541

2542 (2) **Conditions for granting.** No variance to any provision of this chapter shall be
2543 granted unless the Town Board makes a specific finding based on information
2544 provided to it that all of the following facts and conditions exists and so indicates
2545 in the minutes of its proceedings.

2546

2547 (a) The granting of a variance or waiver of these regulations shall not be
2548 detrimental to the public health, safety or general welfare, or injurious to other
2549 property or improvements in the neighborhood in which the property is located.

2550

2551 (b) The conditions upon which the petition for a variance or waiver is based are
2552 unique to the property for which the variance or waiver is sought and are not
2553 applicable generally to other properties in the town.

2554

2555 (c) Because of the physical surroundings, shape or topographical conditions of the
2556 specific property involved, a particular hardship to the owner would result, as
2557 distinguished from a mere inconvenience, financial hardship, or self-imposed
2558 hardship, if the strict letter of this chapter were imposed.

2559

2560 (d) The requested variance or waiver is the minimum deviation from the terms of
2561 this chapter necessary to mitigate the hardship.

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- 2562
2563 (e) The granting of the variance or waiver will not materially compromise the
2564 goals, objectives and policies of the Land Use Plan or the provisions of this
2565 chapter.
2566
- 2567 (f) The legal standard of undue hardship requires that the property owner
2568 demonstrate that without a variance there is no reasonable use of the property.
2569 When the property owner has any reasonable use for the property, the statute
2570 takes precedence and the variance should be denied. [State v. Kenosha County
2571 Board of Adjustment, 218 Wis. 2d 396, 577 N.W.2d 813 (1998).]
2572
- 2573 (3) **Application.** Application for any variance or waiver of any provision of this
2574 chapter shall be made in writing by the land divider or subdivider at the time
2575 when the preliminary certified survey map or preliminary plat is filed with the
2576 Town Clerk for consideration by the Plan Commission. The application shall state
2577 fully all facts relied upon by the petitioner, and shall be supplemented with maps,
2578 surveys, plans or other additional data that may aid in the consideration of the
2579 requested variance or waiver.
2580
- 2581 (4) **Procedures.**
2582
- 2583 (a) An application for a variance or waiver of any provision of this chapter shall
2584 be submitted to the Town Clerk at least 2 weeks prior to the regularly scheduled
2585 meeting of the Plan Commission at which the petitioner would like the Plan
2586 Commission to act on the application.
2587
- 2588 (b) At least 7 days prior to the Plan Commission meeting, the Town Clerk shall
2589 notify the owners of properties within 1000 feet of the property of the application
2590 for a variance or waiver, and shall provide the date, time and location of the Plan
2591 Commission meeting.
2592
- 2593 (c) At its meeting, the Plan Commission shall allow for public comment on the
2594 requested variance or waiver of any provision of this chapter.
2595
- 2596 (d) In reviewing an application for a variance or waiver of any provision of this
2597 chapter, the Plan Commission shall consider information provided with the
2598 application under subsection (3) above, public comment provided under
2599 subsection (4)(c) above, written public comments or petitions received by the
2600 Town Clerk prior to the meeting, and the criteria stipulated in subsection (2)(a)
2601 through (d) above.
2602
- 2603 (e) The Plan Commission, if it approves of the requested variance or waiver of
2604 any provision of this chapter, shall do so by motion or resolution based upon the
2605 information presented to it. A majority vote of the entire membership of the Plan
2606 Commission shall be required to recommend that the Town Board grant the

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2607 requested variance or waiver, and the reasons shall be entered into the minutes of
2608 its proceedings.

2609

2610 (f) After review by the Plan Commission, the petition for a variance or waiver of
2611 any provision of the chapter shall be placed on the agenda of the next regularly
2612 scheduled meeting of the Town Board. In considering whether to approve or deny
2613 the petition to modify or waive any provision of this chapter, the Town Board
2614 shall consider the recommendation of the Plan Commission, the information
2615 provided with the application under subsection (3) above, input from a public
2616 hearing regarding the potential impact of the proposed variance or waiver on
2617 properties in the neighborhood in which the property is located, and the criteria
2618 specified in subsection (2)(a) through (d) above.

2619

2620 (g) The Town Board, if it approves the petition for a variance or waiver of any
2621 provision of this chapter, shall do so by motion or resolution based upon
2622 information presented to it, and the reasons shall be entered into the minutes of its
2623 proceedings. Such relief shall be granted without detriment to the public good,
2624 without establishment of precedence, and without impairing the purpose and
2625 intent of this chapter or the desirable general development of the town consistent
2626 with the adopted Town of Springdale Land Use Plan.

2627 (h) If the Plan Commission fails to recommend the requested variance or waiver,
2628 the Town Board may overrule the recommendation and approve the petition. Such
2629 approval shall require a supermajority vote of the entire membership of the Town
2630 Board as follows: if the Town Board consists of three (3) members, a unanimous
2631 vote shall be required to achieve a supermajority vote; if the Town Board consists
2632 of five (5) members, four (4) of the members shall be required to achieve a
2633 supermajority vote. Such approval shall be by motion or resolution subject to the
2634 regulations in subsection (4)(f) above and the reasons shall be entered into the
2635 minutes of the proceedings.

2636

2637

2638 **3.55 Enforcement, Violations and Penalties.**

2639 (1) **Violations.** It shall be unlawful to build upon, divide, convey, record, or
2640 monument any land in violation of this chapter or state law, and no person shall
2641 be issued a building permit by the Town of Springdale authorizing the building on
2642 or improvement of any property created by a land division or subdivision until the
2643 requirements of this chapter have been fully met. The Town of Springdale may
2644 institute appropriate action or proceedings to enjoin violations of this chapter or
2645 applicable state law.

2646

2647 (2) **Penalties.** Penalties for violation of this chapter shall be as follows:

2648

2649 (a) Any person who fails to comply with this chapter shall, upon conviction, shall
2650 forfeit no less than fifty dollars (\$50.00) nor more than five hundred (\$500.00),
2651 and also pay the costs of prosecution for each violation including the town's

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2652 reasonable and actual attorney fees and disbursements incurred in the prosecution
2653 of such violations. Each day a violation exists shall constitute a separate offense.

2654

2655 (b) Recordation improperly made has penalties provided in Sec. 236.30, Wis.
2656 Stats.

2657

2658 (c) Conveyance of lots in unrecorded plats has penalties provided for in Sec.
2659 236.31, Wis. Stats.

2660

2661 (d) Monuments disturbed or not placed have penalties provided for in Sec.
2662 236.32, Wis. Stats.

2663

2664 (e) Assessor's plat made under Sec. 70.27, Wis. Stats. may be ordered by the
2665 Town Board as a remedy solely at the expense of the subdivider, when a
2666 subdivision is created by successive land divisions.

2667

2668

2669 **3.56 Appeals.**

2670

2671 Any person aggrieved by an objection to a plat or certified survey map or failure
2672 to approve a plat or certified survey map may appeal therefrom as provided in
2673 Sec. 62.37(7) and 236.13(5), Wis. Stats.

2674

2675

2676

END OF CHAPTER