
LAND DIVISION AND SUBDIVISION CODE

**Town of Springdale
Dane County, Wisconsin**

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SUBCHAPTER 1. INTRODUCTION

94
95
96 **3.0 Title.** This chapter shall be officially known, cited and referred to as the
97 "Town of Springdale Land Division and Subdivision Code."
98
99
100 **3.1 Statutory Authority.** This chapter is adopted pursuant to the authority
101 granted under Sec. 60.22, 61.34(1) and 236.45, Wis. Stats.
102
103
104 **3.2 Purpose.** The purpose of this chapter is to regulate and control the division
105 of land and the platting of subdivisions within the jurisdictional limits of the town
106 in order to promote the public health, safety and general welfare of the
107 community. This chapter is intended to enhance the quality of divisions of land
108 and to provide for the orderly layout and appropriate use of lands within the town
109 in order to achieve the following:
110
111 (1) to guide the future growth and development of the community consistent with
112 the goals and policies set forth in the adopted Town of Springdale Land Use Plan
113 and other plans;
114
115 (2) to preserve and promote agricultural uses of town lands by concentrating
116 housing on lands that have the lowest possible agricultural potential;
117
118 (3) to preserve the rural character of the community through the preservation of
119 meaningful open space and sensitive natural resources;
120
121 (4) to preserve scenic views by minimizing views of new residential development
122 from existing roads;
123
124 (5) to protect a landowner's right to divide land for residential development;
125
126 (6) to provide for a diversity of lot sizes and building densities consistent with the
127 provisions of this chapter and the town Land Use Plan;
128
129 (7) to protect environmentally sensitive areas and biological diversity, to
130 minimize disturbance to existing vegetation, and to maintain environmental
131 corridors;
132
133 (8) to preserve significant archeological sites, historic buildings and their settings;
134
135 (9) to accommodate the demand for housing in a rural setting;
136
137 (10) to prevent overcrowding of the land, to avoid undue concentration of
138 population, and to preserve the rural character of the community;
139

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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.

191
192

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.

198
199

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.

209
210

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.

214
215

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

218
219

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.

222
223

224
225

SUBCHAPTER 2 DEFINITIONS

226
227

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

Accessory building. Any structure which cannot be occupied as a residence and includes an addition or an additional story to an existing accessory building. An

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232 accessory building is a subordinate or supplemental building or structure, the use
233 of which is incidental to that of the main building on the same lot or parcel, or the
234 use of the premises on which it is located. The use is accessory if it is subordinate
235 to the primary use and cannot exist independently of the primary use.

236
237 ***Accessory dwelling unit - attached.*** (1) A second dwelling unit, limited in size,
238 which is physically attached to an existing principal dwelling. (2) Accessory
239 dwelling units have their own entrance, and do not share a main entrance with the
240 principal residence on the lot.

241
242 ***Accessory dwelling unit-detached.*** (1) A second dwelling unit, limited in size,
243 which is in a freestanding accessory building, located on the same lot as a
244 principal dwelling. (2) This definition includes accessory buildings constructed in
245 connection with a private garage, or a private garage converted into a dwelling
246 unit. (3) A detached accessory dwelling requires an additional density unit per this
247 Land Use Plan.

248
249 ***Accessory structure.*** A structure associated with an accessory use.

250
251 ***Accessory use.*** A land use incidental to, and customarily associated with a
252 specific principal use. Accessory uses must be located on the same lot or parcel
253 and in the same zoning district as the principal use.

254
255 ***Agricultural entertainment.*** (1) An agricultural accessory use, taking place on a
256 farm, that combines the elements and characteristics of agriculture and tourism.
257 (2) Examples of agricultural entertainment include, but are not limited to: corn
258 mazes, pick your-own operations, hay rides, sleigh rides, petting farms, on-farm
259 tours, agricultural related museums, demonstrations of farming practices,
260 techniques and methods, educational activities about farm animals and camps
261 centered around interaction with farm animals, fee based fishing and hunting,
262 horseback riding, nature trails, haunted barns, farm breakfasts and luncheons, and
263 similar activities which are related to agriculture.

264
265 ***Agricultural land.*** (1) Consists of land that has since 1981 been plowed or used
266 as open pasture. (2) Consists of plowed or open pastureland that since 1981 has
267 been placed in federal programs, in return for payments in kind or that has been
268 enrolled in the conservation reserve program.

269
270 ***Agricultural use.*** Includes beekeeping; dairying; egg production; floriculture;
271 fish or fur farming; forest and game management; grazing; livestock raising;
272 orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass,
273 mint and seed crops; raising of fruits, nuts and berries; sod farming; vegetable
274 raising; land placed in federal programs in return for payments in kind; land that
275 is enrolled in the conservation reserve program.

276

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277 ***Agriculture-related use.*** A facility, whether or not located on a farm, that has at
278 least one of the following as a primary, and not merely incidental purpose: (1)
279 Providing agricultural supplies, agricultural equipment, agricultural inputs, or
280 agricultural services directly to farms, including farms in the farmland
281 preservation zoning district. (2) Storing, processing, or handling raw agricultural
282 commodities obtained directly from farms, including farms in the farmland
283 preservation zoning district. (3) Processing agricultural by-products or wastes
284 received directly from farms, including

285

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

288

289 ***Animal Boarding, domestic pet.*** Any premises that accommodates six (6) or
290 more domestic pets during the daytime hours or overnight, including both indoor
291 and outdoor facilities. May also include accessory retail sales of pet food, pet
292 supplies, and related items; limited to 250 square feet of floor space. (1) Examples
293 of these land uses include: commercial kennels, pet breeding operations, and pet
294 day-care operations. (2) Domestic pet animal boarding does not include:
295 (a.) The keeping of six (6) or more domesticated songbirds, aquarium fish, or
296 reptiles that are kept indoors and owned by a resident of the property;
297 (b.) Temporary foster care not to exceed a residence of six (6) weeks per animal;
298 (c.) overnight or observational care for patients of a veterinary clinic;
299 (d.) Large animal boarding, domestic fowl or beekeeping, colony houses, small-
300 scale farming, or agricultural livestock operations.

301

302 ***Animal Boarding, large animal.*** Any premises that accommodates six or more
303 of any animals, not owned by the owner of the property, not including domestic
304 pets, domestic fowl, or domestic bees. Exercise yards, fields, training areas, and
305 trails associated with such land uses are considered accessory to such land uses
306 and do not require separate consideration. (1) Examples of these land uses
307 include commercial stables, livestock boarding, wildlife rehabilitation centers,
308 and game farms. (2) Large animal boarding does not include: temporary foster
309 care not to exceed a residence of six (6) weeks per animal, overnight or
310 observational care for patients of a veterinary clinic, domestic pet boarding,
311 domestic fowl or beekeeping, colony houses, small-scale farming, or agricultural
312 livestock operations.

313

314 ***Animal unit.*** One animal unit shall be defined as being the equivalent of 1 cow,
315 4 hogs, 10 sheep, 10 goats, 100 poultry, 1 horse, 1 pony, 1 mule, or 100 rabbits, or
316 an equivalent combination thereof. The WI DNR Animal Unit Worksheet shall be
317 used to determine animal unit if not defined above.

318

319 ***Arterial Street.*** A street that provides for rapid movement of concentrated
320 volumes of traffic over relatively long distances between areas.

321

322

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323 **Bed and breakfast.** See Transient or tourist lodging

324

325 **Block.** An area of land within a subdivision that is entirely bounded by a
326 combination of streets, exterior boundary lines of the subdivision, and streams or
327 bodies of water.

328

329 **Building.** Any structure erected or constructed of wood, metal, stone, plastic, or
330 other materials, which is intended to be used by human beings or animals for
331 occupancy, livery, commerce, education, cultural activities, or other purposes.
332 The term does not include children's play structures and portable agricultural
333 structures. Any structure having a roof supported by posts, columns or walls and
334 its appendages including, but not limited to balconies, porches, decks, stoops,
335 fireplaces and chimneys. Also included for permit and locational purposes are
336 swimming pools, both above and below ground, and towers, except
337 communication towers. Not included within the definition, for permit purposes or
338 otherwise, are poles, towers and posts for lines carrying telephone messages or
339 electricity and recreational structures of open construction and without walls, such
340 as swing sets, slides, yard gyms, climbers, sand boxes and teeter totters.

341

342 **Building envelope.** The area on a certified survey map, or plat, or concept plan
343 within which a dwelling unit and accessory buildings shall be contained.

344

345 **Building height.** (1) The vertical distance, measured from the mean elevation of the
346 finished grade along the front of the building to the highest point on the roof for flat
347 roofs; to the mean height level between the highest ridge and its associated eave for
348 gable and hip roofs; to the deck line for mansard roofs. (2) The front of the building
349 shall be the side directly facing the public or private thoroughfare which affords
350 primary means of access to the property, excluding the driveway.

351

352 **Building lot.** See *Lot*.

353

354 **Campground.** Any parcel of land which is designed, maintained, intended or
355 used for the purpose of providing sites for nonpermanent overnight use by 2 or
356 more camping units, or which is advertised or represented as a camping area.
357 Campgrounds may include buildings to provide services to patrons, such as
358 restrooms, bathing, laundry, and commissary facilities.

359

360 **Caretaker's residence.** A dwelling on a nonresidential property occupied by the
361 person who oversees the nonresidential property 24 hours a day, and his or her
362 family.

363

364 **Cemetery.** (1) Any land that is used, or intended to be used for the burial of
365 human remains. (2) Examples of cemeteries include, but are not limited to;
366 cemeteries, mausoleums, columbarians and burial chapels.

367

368 **Certified survey map (CSM).** A map of land division, not a subdivision, prepared
369 in accordance with Sec. 236.34, Wis. Stats. and in full compliance with the

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370 applicable provisions both of Chapter 75, Dane County Code and of Town of
371 Springdale Land Division and Subdivision Code, except that a certified survey
372 map shall not be required if all of the lots, parcels, or building sites created by a
373 land division are more than 80 acres in area, however the land divider shall
374 comply with Section 4 (F) of this Plan and Section 3.19(6) of the Town of
375 Springdale Land Division and Subdivision Code. A certified survey map shall be
376 required if any of the lots, parcels or building sites created by land division are 80
377 acres or less.

378
379 **Clustering.** Dwelling units grouped on only a portion of a parcel of land.

380
381 **Collector street.** A street that provides for moderate speed movement within
382 large areas. They are basically local streets, which usually, because of more
383 directness of routing and higher capacity than other local streets, receive higher
384 volumes of traffic to be distributed from or collected toward nearby arterial
385 streets.

386
387 **Commercial development.** Development for retail sales and services.

388
389 **Common open space.** Undeveloped land within a conservation subdivision that
390 has been designated, dedicated, reserved, or restricted in perpetuity from further
391 development and is set aside for the use and enjoyment by residents of the
392 development. Common open space shall not be part of individual residential lots.
393 It shall be substantially free of structures, but may contain historic structures and
394 archeological sites including Indian mounds, and/or such recreational facilities for
395 residents as indicated on the approved subdivision plat.

396
397 **Communications tower.** Refer to Dane County Zoning Department.

398
399 **Community living arrangements.** Refer to Dane County Zoning Department.

400
401 **Community Garden.** A private or public facility for cultivation of fruits, flowers,
402 vegetables, or ornamental plants by more than one person or family.

403
404 **Concept plan.** A plan submitted by a landowner to be used by the Plan
405 Commission to determine whether the proposed lot(s), building envelope(s) and
406 development area(s) for property that will be divided will comply with the
407 applicable Town regulations, ordinances and plans, including the goals and
408 objectives of the Plan. The concept plan shall consist of (1) An aerial photograph
409 showing all of the contiguous acres owned by the landowner on the effective date
410 of the Plan; (2) the identified development areas that can accommodate the
411 potential number of building envelopes; (3) consideration of access for all
412 building envelopes; and (4) any current proposals for lots, building envelopes; and
413 development areas and driveway and utility access to them.

414

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415 **Condominium.** A community association combining individual unit ownership
416 with shared use or ownership of common property or facilities, established in
417 accordance with the requirements of the Condominium Ownership Act, Chapter
418 703, Wis. Stats. A condominium is a legal form of ownership of real estate and
419 not a specific building type or style.

420

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

424

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

431

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

435

436 **Daycare centers.** A place or home which provides care for eight (8) or more
437 children under the age of seven (7) years for less than 24 hours a day and is
438 licensed as provided for in s. 48.65 of the Wisconsin Statutes.

439

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

442

443 **Deed restriction.** Legal restriction documents that serve to limit the uses of real
444 property usually to maintain or enhance the value and quality of the land and
445 surroundings. (1) To limit the range of permitted uses on a property. (2) To
446 inform landowners and potential buyers when a property's development potential
447 has been exhausted based on current Town land use policies.

448

449 **Density unit(s).** The number of dwelling unit(s) per acre of land ownership
450 allowed in the residential density options in this Plan.

451

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

454

455 **Domestic beekeeping.** The keeping of honeybees in a residential zoning district.

456

457 **Domestic fowl.** Female chickens, ducks, and quail. Geese, turkeys, and pea fowl
458 are not considered domestic fowl for the purposes of this plan.

459

460 **Domestic pets.** (1) Any animal that: (a) Has been bred or raised to live in or near
461 the habitations of humans; (b) Is not kept for slaughter, milk, eggs or the
462 harvesting of fur, wool or plumage, and;(c) Is dependent on humans for food and
463 shelter. (2) Domestic pets include, but are not limited to: dogs, cats, and domestic
464 ferrets. (3) Domestic pets do not include: horses, sheep, any animal equivalent to
465 one-half animal unit or larger, endangered species, wildlife, livestock, domestic
466 fowl, or bees.

467

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

471

472 **Dwelling unit.** A building, or part of a building, fixed to the ground, containing
473 living, sleeping, housekeeping accommodations, and sanitary facilities for
474 occupancy by one or two families. Any structure fixed to the ground that is
475 occupied or intended to be occupied as a residence, consisting of the following:

476

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

479

480 **Duplex dwelling unit.** A building designed for and to be occupied by two
481 families or two households living independently of each other not having a shared
482 entrance.

483

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

487

488 **Environmental corridors.** Continuous systems of open space that include
489 environmentally sensitive lands and natural resources requiring protection from
490 disturbance and development, and lands needed for open space and recreational
491 use.

492

493 **Exiting dwelling unit.** (1) A dwelling unit occupied before the Plan effective date.
494 (2) A dwelling unit to be constructed or already under construction for which the
495 building permit has been issued before the Plan effective date.

496

497 **Extraterritorial plat approval jurisdiction.** The unincorporated area within 3
498 miles of the city limits of a city of the first, second or third class, if the city has a
499 subdivision ordinance or official map, or within one and one-half (1-1/2) miles of
500 the corporate limits of a city of the fourth class or a village, if the city or village
501 has a subdivision ordinance or official map.

502

503 **Family.** A single housekeeping unit, with occupants living together on the
504 premises comprised of either: (1) Any number of individuals related by blood,

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505 adoption, foster care, domestic partnership, marriage, or (2) (b) No more than five
506 (5) unrelated individuals.

507

508 **Farm.** All land under common ownership that is primarily devoted to agricultural
509 use. For the purposes of this Plan, “primarily devoted” means that a majority of
510 the usable land is in agricultural use.

511

512 **Farm residence** Refer to Dane County Zoning Department.

513

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

517

518 **Floodplain.** The land adjacent to a body of water that has been or may be
519 hereafter covered by water. *Floodplains* provide areas where floodwaters are
520 stored and thus reduce flood velocities and flood sedimentation. *Floodplains* filter
521 nutrients and impurities from run-off, process organic wastes, and help to
522 moderate temperature fluctuations, ground-water recharge and fish and wildlife
523 habitat. A *floodplain* is generally defined as land where there a one percent
524 chance of flooding in any year (100-year *floodplain*).

525

526 **Full-time equivalent employees.** For purposes of this definition, a “full-time”
527 employee is considered one who works 40 hours weekly. When calculating the
528 number of full-time equivalent employees, the number of hours worked by all
529 employees will be added together and divided by 40. For example: (1) Assume
530 three (3) people work for a particular employer. (2) Person A regular works 40
531 hours weekly. (3) Persons B and C both regularly work 20 hours weekly. (D)For
532 purposes of this Plan, the employer is considered to have two full-time equivalent
533 employees. Hours worked off-site by employees will not count towards the
534 calculation above.

535

536 **GIS.** Geographical information system.

537

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

540

541 **Hamlet.** Name of a zoning district with small-scale businesses and compact
542 commercial and residential development in close proximity to rural and
543 agricultural land.

544

545 **Heavy industrial.** Refer to Dane County Zoning Department.

546

547 **Home occupation.** A home occupation is any activity carried on by a member of
548 the family residing on the premises, which meets all of the following conditions:

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549 (1) The occupation is conducted within a dwelling and not in an accessory
550 building; (2) Only members of the family residing on the premises may be
551 employed on the premises, plus a maximum of one other unrelated person;
552 (3) No stock-in-trade is kept or commodities sold, other than those made on the
553 premises; (4) Samples may be kept but not sold on the premises; (5) No
554 mechanical equipment is used except such as may be used for purely domestic or
555 household purposes; (6) Such occupation shall not require internal or external
556 alterations, or involve construction features not customary in a dwelling;
557 (7) No more than 25 percent (25%) of the floor area of one (1) story of the
558 dwelling is devoted to the occupation; (8) The entrance to the space devoted to the
559 occupation is from within the building; (9) There is no evidence, other than the
560 sign referred to in subsection (10) below, that shall indicate from the exterior that
561 the building is being utilized in part for any purpose other than that of a dwelling;
562 and (10) One (1) sign shall be permitted, which sign shall be attached to the
563 building, shall not exceed two (2) square feet in area and shall not be lighted at
564 night.

565
566 ***Incidental room rental.*** Rental or leasing of rooms within a single-family
567 residence, provided all of the following are met: (1) All rooms offered for rent are
568 within, and share a main building entrance with, the landowner's primary
569 residence. (2) No more than two bedrooms are offered for rent. (3) One off-street
570 parking space is provided for each rental room.

571
572 ***Indoor entertainment or assembly.*** (1) All land uses which provide entertainment
573 services 10 or more days per calendar year, entirely within an enclosed building.
574 Such activities often have: (a) operating hours which extend significantly later
575 than other commercial land uses and; (b) event-driven attendance of 50 or more
576 people, who typically arrive and leave the premises as a group, and may
577 congregate outside before and after an event. (2) Examples of such land uses
578 include, but are not limited to: restaurants, taverns, theaters, dance clubs, music or
579 performance venues, and auditoriums.

580
581 ***Indoor sales.*** Includes all principal land uses that conduct or display sales or
582 rental merchandise or equipment completely or nearly completely within an
583 enclosed building. Indoor sales operations may provide incidental service and
584 indoor repair as an accessory use. (1) Indoor sales include, but are not limited to:
585 general merchandise stores, grocery stores, bait shops, sporting goods stores,
586 antique stores, gift shops, laundromats, artisan studios, and bakeries. (2) Indoor
587 sales do not include adult bookstores, personal or professional services, or
588 automotive sales.

589
590 ***Indoor storage and repair.*** Uses that are primarily oriented to the receiving,
591 holding and shipping of materials for a single business. Such uses are not for
592 retail sales, storage of personal belongings of others, or warehousing of materials
593 for others. With the exception of loading facilities, such uses are contained
594 entirely within an enclosed building.

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595

596 ***Institutional residential.*** (1) A congregate residential use that provides some level
597 of human, health or social service to non-transient residents, in addition to basic
598 housing. (2) Institutional residential uses include, but are not limited to: group
599 homes, convents, monasteries, nursing homes, convalescent homes, rehabilitation
600 centers, assisted living facilities, congregate care facilities, and retirement
601 communities. (3) Institutional residential uses do not include: community living
602 arrangements, day care centers, duplexes, multi-family residences, rooming
603 houses, adult family homes, foster homes, or treatment foster homes.

604

605 ***Intensive livestock operation.*** An intensive livestock facility means a feedlot,
606 dairy farm or other operation where livestock are or will be fed, confined,
607 maintained or stabled for a total of 45 days or more in any 12-month period. A
608 “livestock facility” includes all of the tax parcels of land on which the facility is
609 located, but does not include a pasture or winter grazing area. Related livestock
610 facilities are collectively treated as a single “livestock facility” for purposes of
611 this chapter, except that an operation may elect to treat a separate species facility
612 as a separate “livestock facility”. This applies to the state minimum threshold of
613 500 animal units or more. (Animal unit has the meaning that was given in s. NR
614 243.03(3) as of April 27, 2004, the date on which the livestock facility siting law,
615 2003 Wis. Act 235, was published).

616

617 ***kennel.*** See *Animal boarding, domestic pet*

618

619 ***Land disturbing activity.*** Any alteration or disturbance that may result in soil
620 erosion, sedimentation or change in runoff including, but not limited to, removal
621 of ground cover, grading, excavating, or filling of land.

622

623 ***Land divider.*** Any person, corporation, partnership, association, individual, firm,
624 trust, agent or any other legal entity requesting review or action on a land
625 division.

626

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

631

632 ***Landowner.*** See Owner

633

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

639

640 ***Light industrial.*** Refer to Dane County Zoning Department.

LAND DIVISION AND SUBDIVISION CODE

641

642 **Limited family business.** A small family-run commercial operation, accessory to
643 a permitted principal use, that takes place entirely within an accessory building.
644 All employees, except up to one or one full-time equivalent, must be a member of
645 the family residing on the premises.

646

647 **Limited farm business.** An agricultural accessory use that meets all of the
648 following criteria: (1) Consists of a business, activity, or enterprise, whether or
649 not associated with an agricultural use, that is conducted by the owner or operator
650 of a farm; (2) Requires no buildings, structures, or improvements other than
651 existing agricultural buildings or a farm residence; (3) Employs no more than 4
652 full-time equivalent employees annually, who are not members of the family
653 residing on the farm, and; (4) Does not impair or limit the current or future
654 agricultural use of the farm or of other protected farmland.

655

656 **Livestock.** (1) Except as listed below, bovine animals, equine animals, goats,
657 poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites,
658 and farm-raised fish. (2) For the purposes of this land use plan, the following are
659 not considered livestock: (a) Five (5) or fewer equine animals on a premises in the
660 Rural Mixed-Use Districts (b) Domestic fowl (c) Domestic pets (d) Domestic
661 beekeeping

662

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

667

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

674

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

678

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

680

681 **Lot line adjustment.** The sale, conveyance or exchange of one or more parcels of
682 land between owners of adjoining property. *Lot line adjustment* does not include
683 the sale, conveyance or exchange of *lots* lawfully created by *certified survey map*
684 or *plat*.

685

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

LAND DIVISION AND SUBDIVISION CODE

687

688 **Lot, reversed corner.** A corner lot that is oriented so that it has its rear lot line
689 coincident with or parallel to the side lot line of the interior lot immediately to its
690 rear.

691

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

695

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

697

698 **Manufactured home.** (1) A residential dwelling for one family as is defined in s.
699 101.91(2), Wis. Stats., that: (a) Is fabricated in an off-site facility for installation
700 or assembly at the building site, (b) Bears a HUD label or insignia certifying that
701 it is built in compliance with the Federal Manufactured Housing Construction
702 Standards under 42 U.S.C. ss. 5401 to 5425, and (c) Was built after June 14,
703 1976. 795 (b). (2) A manufactured home is considered a single-family dwelling
704 for the purpose of this plan.

705

706 **Mineral extraction.** (1) Quarrying, excavation or removal of sand, gravel,
707 limestone, earth, soil, or other mineral resources. (2) Mineral extraction does not
708 include: (a) Site preparation for residential or commercial plats (b) Construction
709 or landscaping projects (c) Soil conservation practices (d) Stream, lake, or
710 shoreline protection projects (e) Agricultural land leveling projects conducted in
711 accordance with NR 151, Subchapter II, Wisconsin Administrative Code,
712 provided materials are not removed from the site. (f) Composting, storage or
713 processing of materials that meet the definition of an agriculture related use
714 (g) Solid waste disposal operations

715

716 **Mini-warehouses.** See *Personal storage facility*

717

718 **Mobile home.** (1) A transportable factory-built structure as is defined in
719 s. 101.91(10), Wis. Stats., designed for long-term occupancy by one family and
720 either: (a) Was built prior to June 15, 1976, or (b) Does not comply with the
721 Federal Manufactured Housing Construction and Safety Standards Act. (2) A
722 mobile home is not considered to be a type of single-family dwelling for the
723 purposes of this Plan.

724

725 **Motor vehicle.** Cars, trucks, buses, semi-tractors, and semi-trailers which may be
726 used to transport goods, materials, freight, or passengers.

727

728 **Nonconforming parcel.** A lot or zoning parcel lawfully created prior to Dane
729 County's zoning ordinance or relevant amendments took effect, and which does
730 not conform to current area or lot width standards of this ordinance. Also known
731 as a "substandard parcel."

732

LAND DIVISION AND SUBDIVISION CODE

733 **Nonconforming structure.** A structure lawfully erected prior to the time Dane
734 County’s ordinance or relevant amendments took effect, and which does not
735 conform to the setback, side yard, rear yard, lot coverage, height, or other
736 dimensional requirements of this Plan.

737
738 **Nonconforming use.** A lawfully created use that existed prior to the time this
739 Plan took effect, and which does not conform to the current standards of this Plan.
740

741 **Non-residential use.** Any use that is not a residential use.
742

743 **Notice document.** A recorded instrument to notify future landowners and others
744 of unusual features, policies, regulations, or other characteristics that may affect
745 future development potential or other speculative use of a specific property. All
746 notice document instruments must meet the minimum recording standards of the
747 Dane County Register of Deeds. A notice document may be placed on property
748 and filed in the office of the Dane County Register of Deeds to inform the public
749 of the status of property with regard to current land use policies. A notice
750 document may be drafted by town or county officials. Removing the notice
751 document does not require a formal petition to the town or the county. Rather, a
752 “Cancellation of Notice” form can be filed with the Dane County Register of
753 Deeds and must have the notarized signature of a town or county official.
754

755 **Office.** An exclusive indoor land use whose primary function is the handling of
756 information or administrative services. Such uses do not typically provide
757 services directly to customers on a walk-in or on-appointment basis.
758

759 **Outdoor assembly event.** (1) Any organized activity, not including agricultural
760 entertainment events, of more than one hundred (100) persons, occurring 10 or
761 more days per calendar year, that occurs entirely or partially outdoors. (2)
762 Examples of such land uses include but are not limited to: outdoor concerts or
763 performances, fairs, festivals, weddings, parties, banquets, circuses, sporting
764 events, races, and amusement parks.
765

766 **Outdoor entertainment.** (1) All land uses which provide, on a permanent or
767 ongoing basis, entertainment services partially or wholly outside of an enclosed
768 building. Such activities often have the potential to be associated with nuisances
769 related to noise, lighting, dust, trash, and late operating hours. (2) Examples of
770 such land uses include, but are not limited to: shooting ranges, outdoor swimming
771 pools, driving ranges, miniature golf facilities, volleyball courts, amusement
772 parks, drive-in theaters, go-cart tracks, and racetracks.
773

774 **Outdoor passive recreation.** Outdoor activities that generally do not require a
775 developed site and have minimal impact on natural resources and surrounding
776 properties. Such land uses may include, but are not limited to: arboretums,
777 natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails,
778 horse trails, open grassed areas not associated with any particular active

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779 recreational land use, picnic areas, picnic shelters, gardens, fishing areas, and
780 similar land uses.

781

782 **Outdoor storage.** (1) Any activity located primarily outdoors involving the
783 receiving, holding and shipping of materials for a single business. (2) Outdoor
784 storage does not include loading and parking areas, storage of materials typically
785 associated with a salvage or junkyard, salvage recycling centers, or solid waste
786 recycling centers. (3) Outdoor storage of materials is not permitted within any
787 building setback area.

788

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

791

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

794

795 **Person.** Except where otherwise indicated by the context, the word person shall
796 include the plural, or a company, firm, corporation, or partnership.

797

798 **Personal and professional services.** (1) All exclusively indoor land uses whose
799 primary function is the provision of services directly to an individual on a walk-in
800 or on-appointment basis. (2) Examples of such land uses include, but are not
801 limited to: professional services, insurance services, realty offices, financial
802 services, repair and maintenance of small items conducted indoors, medical
803 offices and clinics, veterinary clinics, barbershops, beauty shops, and related land
804 uses. (3) Personal and professional services do not include adult entertainment or
805 vehicle repair and maintenance services.

806

807 **Personal storage facility.** A facility that provides indoor storage of personal items
808 entirely within partitioned buildings having an individual access to each
809 partitioned area. Also known as "mini-warehouses."

810

811 **Plan Commission.** The Town of Springdale Plan Commission created by the
812 Town Board pursuant to Sec. 62.23, Wis. Stats.

813

814 **Plan effective date.** The date on which the town adopted this Land Use Plan,
815 March 11, 2002.

816

817 **Plat.** A map, drawing or chart on which the subdivider's plat of subdivision is
818 presented to the town for approval. A plat shall not be required if all of the lots,
819 parcels, or building sites created by a subdivision are more than 80 acres in area,
820 however the land divider shall comply with Section 4 (F) of this Plan and Section
821 3.19(6) of the Town of Springdale Land Division and Subdivision Code. A plat
822 shall be required if any of the lots, parcels or building sites created by a
823 subdivision are 80 acres in area or less.

824

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825 **Preliminary plat.** The preliminary plat map, drawing or chart indicating the
826 proposed layout of a subdivision to be submitted to the plan commission/town
827 board for their preliminary consideration as to compliance with the Town of
828 Springdale Master Plan and this chapter along with required supporting data, prior
829 to the final plat, and when required, prior to a land division.
830

831 **Private sewage system.** A sewage treatment and disposal system serving a single
832 structure (dwelling unit) with a septic tank and soil absorption field located on the
833 same parcel as the structure. It shall also mean an alternative sewage system
834 approved by the safety and buildings division of the department of commerce,
835 including a substitute for the septic tank or soil absorption field, a holding tank, a
836 system serving more than one structure or a system located on a different parcel
837 than the structure. A system may be owned by the property owner or by special
838 purpose district.
839

840 **Private onsite waste treatment system (POWTS).** Shall have the same meaning as
841 “private sewage system.”
842

843 **Private well.** Any drilled, driven point, dug, bored or jetted well constructed for
844 the purpose of obtaining groundwater for potable use, including wells constructed
845 in special well casing depth areas and non-community wells. It does not include
846 springs, or private or public wells that require written plan approval from the
847 Wisconsin Department of Natural Resources.
848

849 **Property maintenance shed.** A small utility structure, no larger than 600 square
850 feet, used exclusively for storage of materials or equipment in conjunction with
851 the maintenance of the property. Property maintenance sheds may be allowed on
852 properties without a principal residence. Property maintenance sheds have no
853 plumbing fixtures and cannot be used for living or sleeping purposes.
854

855 **Protective covenants.** Contracts entered into between private parties or between
856 private parties and public bodies pursuant to Sec. 236.293, Wis. Stats., that
857 constitute a restriction on the use of all private or platted property within a land
858 division created by a certified survey map or conservation subdivision plat for the
859 benefit of the public or property owners and to provide mutual protection against
860 undesirable aspects of development that would tend to impair stability of values.
861

862 **Racetrack.** An outdoor entertainment activity consisting of any location hosting a
863 gathering of more than three people for the purpose of repetitive motor vehicular
864 activity over a fixed course or area, which persists for periods in excess of 30
865 minutes in any one 24-hour period.
866

867 **Recreational racetrack.** A defined or fixed course for the driving of a motorcycle,
868 automobile, ATV, snowmobile, go-cart, or any other similar motorized craft used
869 for personal use.
870

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- 871 **Replat.** The process of changing, or a map or plat that changes, the boundaries of
872 a recorded subdivision plat or part thereof. The legal dividing of a large block, lot,
873 or outlot within a recorded subdivision plat or certified survey map without
874 changing exterior boundaries of such block, lot or outlot is not a replat.
875
- 876 **Residence.** See *Dwelling unit*.
877
- 878 **Residential use.** Land use for a *dwelling unit*. Single-family detached dwelling
879 units and *duplex dwelling units* are permitted *residential uses*. *Residential uses* do
880 not include multiple family dwelling units because they are prohibited in the *Plan*.
881
- 882 **Roof height.** See *Building height*.
883
- 884 **Rooming house.** Refer to Dane County Zoning Department.
885
- 886 **Rural character.** *Agricultural land*, natural habitats, open spaces, and scenic
887 vistas relatively unaffected by a low density of residential and other development.
888
- 889 **Rural town.** The low-density population, infrastructure, services, and tax base
890 that distinguishes a rural community from a suburban or urban community.
891
- 892 **Sanitary fixture.** Any plumbing fixture that requires discharge to a private onsite
893 wastewater treatment system or public sanitary sewer system pursuant to state or
894 county plumbing code.
895
- 896 **Screening.** The use of natural vegetation or plantings to render development sites
897 inconspicuous from surrounding roadways and countryside.
898
- 899 **Shared driveway.** A private driveway that provides access to any public highway
900 for no more than three lots or parcels of land.
901
- 902 **Shorelands.** Refer to Dane County Zoning Department.
903
- 904 **Single family dwelling unit.** A building, or part of a building, fixed to the
905 ground, containing living, sleeping, housekeeping accommodations, and sanitary
906 facilities for occupancy by one family.
907
- 908 **Site plan.** An aerial photograph or drawing provided or approved by the Town of
909 Springdale that indicates all existing and proposed *buildings*, parking areas, waste
910 disposal areas, storage areas, and any existing and proposed fencing and
911 *screenings*.
912
- 913 **Small-scale farming.** Any agricultural use operated for recreational, hobby or
914 supplementary income purposes on a site with a non-agricultural principal use.
915 Animal use is limited to one animal unit per acre.
916

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917 **Strip development.** A series of commercial or residential land uses generally one
918 lot deep along a road or highway, with each use usually requiring an access to the
919 road.

920
921 **Structure.** (1) Any human-made object with form, shape and utility, either
922 permanently or temporarily attached to, placed upon or set into the ground, stream
923 bed or lakebed. (2) Structures include, but are not limited to, any building,
924 dwelling, manufactured building, manufactured home, mobile home, house
925 trailer, recreational vehicle, boathouse, boat shelter, advertising sign, deck, patio,
926 driveway, fence, retaining wall, or other improvement or any part of such
927 structure. (3) A structure includes any permanent or temporary attachments,
928 including but not limited to awnings, extensions, porches or decks.

929
930 **Subdivider.** Any person, firm, partnership, corporation, association, estate, trust,
931 or other legal entity, or any agent thereof, dividing or proposing to divide land
932 resulting in a subdivision or replat, or which requests the review of the same.

933
934 **Subdivision.** A division of a parcel of land where the act of division creates
935 either: five (5) or more lots, parcels or building sites; or five (5) or more lots,
936 parcels or building sites by successive divisions within a period of five (5) years
937 whether by the original owner or a subsequent owner.

938
939 **Temporary or portable building.** Refer to Dane County Zoning Department.

940
941 **Transient or tourist.** (1) A person who travels to a location away from his or her
942 permanent or legal address for a short period of time, not to exceed twenty-nine
943 (29) days, for vacation, pleasure, recreation, culture, business, or employment.
944 (2) For the purposes of this Plan, transients or tourists do not include:
945 (a) Nonpaying guests of the family occupying a dwelling unit; (b) Patients,
946 clients, or residents of permitted indoor institutional, institutional residential, or
947 community living arrangement land uses; (c) Employees who receive room and/or
948 board as part of their salary or compensation.

949
950 **Transient or tourist lodging.**(1) A residence that rents more than two (2), but not
951 more than eight (8) bedrooms to transient guests or tourists, where all of the
952 following apply: (a) Rooms are rented to no more than a total of 20 individuals
953 who are not members of the landowner's family. (b) Length of stay does not
954 exceed twenty-nine (29) consecutive days for each registered guest. (2) Transient
955 lodging houses may include, but are not limited to: bed and breakfasts, hostels,
956 and recreational cabins. (3) Transient lodging does not include: incidental room
957 rental, campgrounds, duplexes, multi-family housing, institutional residential,
958 indoor institutional, community living arrangements, rooming houses, or indoor
959 commercial lodging.

960
961 **Urban service area.** Refer to Dane County Zoning Department.

962

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963 *Use, conditional.* A land use, which because of the potential for unusual or site-
964 specific impacts, may be lawfully established only with an approved conditional
965 use permit, and subject to specific limitations or conditions.

966
967 *Use, permitted.* A land use which may be lawfully established, and that conforms
968 with all requirements and standards of this Plan and the zoning district in which
969 the use is located.

970
971 *Use, principal.* The main or primary use of land or buildings, as distinguished
972 from a subordinate or accessory use.

973
974 *Utility easement.* An easement to place, replace, maintain or move utility
975 facilities.

976
977 *Variance.* Permission, as granted by the Board of Adjustments under
978 s. 10.101(10), to depart from the dimensional standards of the Dane County
979 ordinance.

980
981 *Vehicle repair or maintenance service.* Includes all principal land uses that
982 perform repair, maintenance, or painting services to motorized vehicles.

983
984 *Warehousing or distribution facilities.* Land use oriented to the short-term indoor
985 storage, shipment, and possible repackaging of commercial materials, household
986 goods or personal property.

987
988 *Wetlands.* An area where water is at, near or above the land surface long enough
989 to be capable of supporting aquatic or hydrophytic vegetation and which has soils
990 indicative of wet conditions.

991
992

SUBCHAPTER 3 GENERAL PROVISIONS

993
994

995 **3.10 Jurisdiction.** These regulations shall apply to all lands within the
996 jurisdictional boundaries of the Town of Springdale, Dane County, Wisconsin.

997 This chapter shall not apply to:

998

999 (1) the transfer of interest in land by will or pursuant to the order of any court of
1000 competent jurisdiction;

1001

1002 (2) a cemetery plat under Sec. 157.07, Wis. Stats;

1003

1004 (3) the sale or exchange of parcels of land between owners of adjoining property
1005 if additional lots are not thereby created and the lots resulting are not reduced
1006 below the minimum sizes required by this chapter or other applicable laws or
1007 ordinances;

1008

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1009 (4) assessors' plats made under authority of Sec. 70.27, Wis. Stats., but such
1010 assessors' plats shall comply with Sec. 236.15(1)(a) through (g) and Sec.
1011 236.20(1), (2)(a) through (c), Wis. Stats.

1012
1013 (5) leases for a term not to exceed ten (10) years, mortgages, or easements.

1014
1015

1016 **3.11 Compliance.** No person shall divide any land or create a subdivision
1017 located within the town, and no such land division or subdivision plat shall be
1018 entitled to be recorded unless it complies with all of the requirements of this
1019 chapter and the following:

1020
1021

(1) the provisions of Chapter 236 and Sec. 80.08, Wis. Stats.;

1022

1023 (2) the rules of the Wisconsin Department of Commerce, contained in Chapter
1024 COMM 83 and related chapters of the Wisconsin Admin. Code for land divisions
1025 not served by public sewer;

1026

1027 (3) the rules of the Division of Transportation Infrastructure Development,
1028 Wisconsin Department of Transportation, contained in Chapter TRANS 233 of
1029 the Wisconsin Admin. Code for land divisions, subdivisions or replats that abut a
1030 state trunk highway or connecting street;

1031

1032 (4) the rules of the Wisconsin Department of Natural Resources contained in
1033 Chapters NR 116 and NR 118 of the Wisconsin Admin. Code for shoreland,
1034 shoreland-wetland, and floodplain management;

1035

1036 (5) applicable provisions of the Land Division and Subdivision Regulations of
1037 Dane County, Wisconsin, Chapter 75 of the Dane County Code of Ordinances,
1038 and all other applicable provisions of the Dane County Code of Ordinances;

1039

1040 (6) master plans, Town of Springdale Land Use Plan or components of such plans
1041 prepared by state, regional, county or municipal agencies when duly adopted by
1042 the town board;

1043

1044 (7) all applicable local and county regulations, including zoning, sanitary,
1045 building and official mapping ordinances;

1046

1047 (8) all other applicable state statutes and administrative rules.

1048

1049

1050 **3.12 Certified Survey Map.** Any land division, other than a subdivision, shall
1051 be surveyed and a certified survey map prepared as provided in Sec. 236.34, Wis.
1052 Stats., and in accordance with the requirements of this chapter. A certified survey
1053 map shall not be required if all of the lots, parcels, or building sites, created by a

1054 land division are more than 80 acres in area, however the land divider shall
1055 comply with section 3.19(6) of this Code.

1056

1057

1058 **3.13 Building permits.** The Town of Springdale shall not issue any building
1059 permit relating to any lot or parcel of land forming all or any part of lands
1060 included in a land division or a subdivision plat originally submitted to the town
1061 on or after the effective date of this ordinance until the applicant has complied
1062 with all of the provisions and requirements of this chapter.

1063

1064

1065 **3.14 Applicability to Condominiums.** This chapter is expressly applicable to
1066 condominium developments within the town's jurisdiction, pursuant to Sec.
1067 703.27(1), Wis. Stats. For purposes of this chapter, a condominium development
1068 including any associated limited common elements shall be reviewed by the town
1069 in the same manner as a subdivision as set forth in this chapter and shall comply
1070 with all applicable design standards and required improvements of this chapter. A
1071 condominium unit shall be deemed to be equivalent to a lot created by the act of
1072 subdivision.

1073

1074

1075 **3.15 Land suitability.**

1076

1077 (1) **Generally.** No land shall be divided or subdivided for any use which is held
1078 unsuitable for such use by the Town Board for reason of flooding or potential
1079 flooding, inadequate drainage, adverse soil or rock formation, unfavorable
1080 topography, improper utilization of prime agricultural soils, conflict with the goal
1081 of preserving important agricultural lands for their highest and best agricultural
1082 uses, undue costs or inefficiency in the provision of governmental services, or any
1083 other feature likely to be harmful to health, safety or welfare of the future
1084 residents or users of any lot, parcel or proposed land division or proposed
1085 subdivision or of the community, or if the land is identified as being
1086 environmentally sensitive. No land shall be divided or subdivided if the Town
1087 Board determines that the division or subdivision will materially interfere with
1088 existing agricultural uses or will conflict with other goals, objectives and policies
1089 contained in the Land Use Plan or this chapter. Areas identified as
1090 environmentally sensitive include, but are not limited to:

1091

1092 (a) All areas mapped as Floodplain by the Federal Emergency Management
1093 Agency (FEMA), Wisconsin Department of Natural Resources, or other public or
1094 private entity.

1095

1096 (b) All wetlands as defined in NR 103.02(5), Wis. Admin. Code, including a 75–
1097 foot buffer.

1098

LAND DIVISION AND SUBDIVISION CODE

- 1099 (c) All areas within 75 feet of the ordinary high-water mark of navigable streams
1100 and lakes, as identified by the Wisconsin Department of Natural Resources Water
1101 Management Specialists.
1102
- 1103 (d) Areas that are known to provide habitat for rare, threatened or endangered
1104 species.
1105
- 1106 (e) Burial sites and Indian mounds.
1107
- 1108 (f) Drainage ways that contain running water during spring runoff, during storm
1109 events or when it rains. A 25-foot buffer from the edge of the drainage way shall
1110 be included.
1111
- 1112 (g) Areas determined to be environmentally sensitive may be included as common
1113 open space in a conservation subdivision. These lands shall be identified as an
1114 outlot or other designation that indicates the land is not available for development.
1115
- 1116 (2) ***Plan Commission review.*** Following the concept plan review and site visit
1117 under Sec. 3.24 or Sec. 3.28 of this chapter and, if requested, comments by the
1118 Dane County Soil and Water Conservation District, the Plan Commission shall
1119 make a recommendation to the Town Board regarding land suitability. The
1120 applicant shall furnish such maps, data and information as may be reasonably
1121 necessary for the Plan Commission and Town Board to make a determination of
1122 land suitability. In addition to the data required to be submitted with a preliminary
1123 survey map or preliminary subdivision plat, the applicant may be required to
1124 submit some or all of the following additional information for development
1125 located in an area where flooding or potential flooding may constitute a hazard:
1126
- 1127 (a) Two (2) copies of an aerial photograph, or two (2) maps prepared by
1128 registered land surveyor or engineer which accurately locate the proposed land
1129 division or subdivision with respect to flood plain zoning district limits, if present,
1130 channel or stream fill limits and elevations, and flood-proofing measures taken or
1131 proposed to be taken.
1132
- 1133 (b) Two (2) copies of a typical valley cross-section showing the channel or the
1134 stream, the flood plain adjoining each side of the channel, cross-sectional area to
1135 be occupied by the proposed lot or parcel, and high water information.
1136
- 1137 (c) Two (2) copies of a profile showing the slope of the bottom of the channel or
1138 flow line of the stream.
1139
- 1140 (d) Such other data as may be required by the Plan Commission or other agencies.
1141
- 1142 (3) ***Determination of Land Suitability.*** The Town Board, upon the
1143 recommendation of the Plan Commission, shall make a determination of land
1144 suitability. If the land is determined to be unsuitable, the Town Board shall in

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1145 writing recite the particular facts upon which it bases its conclusion that the land
1146 is not suitable and afford the land divider or subdivider an opportunity to present
1147 information regarding such unsuitability within 15 days of the Town Board's
1148 determination. Thereafter, the Town Board may affirm, modify, or withdraw its
1149 determination of unsuitability.

1150

1151 (4) *Existing flora.* The land divider or subdivider shall make every effort to
1152 protect and retain all existing trees, shrubbery, vines and grasses not actually lying
1153 in public roadways, drainage ways, building foundation sites, private driveways,
1154 soil absorption waste disposal areas, paths and trails. Existing trees are to be
1155 protected and preserved during construction in accordance with sound
1156 conservation practices, including the use of well islands or retaining walls
1157 whenever abutting grades are altered, pursuant to a landscaping plan filed by the
1158 applicant.

1159

1160 (5) *Endangered species.* The land divider or subdivider shall make every effort
1161 to protect threatened or endangered species identified by the Wisconsin
1162 Department of Natural Resources.

1163

1164

1165 **3.16 Administrative Fees.**

1166

1167 (1) *General.*

1168

1169 (a) The land divider or subdivider shall pay the town all fees as hereinafter
1170 required and at the times specified before being entitled to the recording of a
1171 certified survey map or subdivision plat.

1172

1173 (b) At the time of submitting an application for a land division or subdivision
1174 plat, the land divider or subdivider shall pay to the Town Clerk filing fees. All
1175 filing fees shall be set by Town Board resolution.

1176

1177 (2) *Engineering and attorney fees.* The land divider or subdivider shall pay a fee
1178 equal to the actual cost to the town for all engineering and legal work incurred by
1179 the town in connection with the certified survey map or subdivision plat,
1180 including inspections required by the town. The land divider or subdivider shall
1181 pay a fee equal to the actual cost to the town for such inspection as the Town
1182 Board deems necessary to assure that the construction of required improvements
1183 is in compliance with the plans, specifications and ordinances of the town or any
1184 other governmental authority.

1185

1186 (3) *Administrative fee.* The land divider or subdivider shall pay a fee equal to the
1187 cost of any legal, administrative or fiscal work which may be undertaken by the
1188 town in connection with the certified survey map or subdivision plat.

1189

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1190 (4) *Certified Survey Map Review Fee.* The land divider shall pay a fee
1191 established by resolution of the Town Board to the Town Clerk at the time of
1192 submission of the preliminary survey map to assist in defraying the cost of
1193 review.

1194
1195 (5) *Preliminary Plat Review Fee.*

1196
1197 (a) The subdivider shall pay a fee established by resolution of the Town Board to
1198 the Town Clerk at the time of submission of a preliminary plat to assist in
1199 defraying the cost of review.

1200
1201 (b) A reapplication fee as established by resolution of the Town Board shall be
1202 paid to the Town Clerk at the time of reapplication for approval of any
1203 preliminary plat that has been previously reviewed.

1204
1205 (6) *Final Plat Review Fee.*

1206
1207 (a) The subdivider shall pay a fee as established by resolution of the Town Board
1208 to the Town Clerk at the time of first application for Final Plat approval of said
1209 plat to assist in defraying the cost of review.

1210
1211 (b) A reapplication fee as established by resolution of the Town Board shall be
1212 paid to the Town Clerk at the time of reapplication for approval of any final plat
1213 that has been previously reviewed.

1214
1215 (7) *Escrow account.* At the time of filing with the Town Clerk a proposed land
1216 division or subdivision plat, the land divider or subdivider shall deposit with the
1217 Town Clerk an escrow fund for certified surveys and for subdivisions in amounts
1218 as established by resolution of the Town Board. As required at the sole discretion
1219 of the Town Board, funds may be drawn from said escrow accounts for payment
1220 of engineering, legal and other administrative and review costs under this code
1221 incurred by the town in reviewing the proposed land division or subdivision.

1222 Monies not required for administrative costs shall be returned to the applicant. If
1223 town costs exceed the initial escrow account amount, the town reserves the right
1224 to require additional escrow account deposits from the land divider or subdivider.

1225
1226

1227 **3.17 Vacation or Alteration of Recorded Plat.**

1228

1229 (1) Except as provided in Sec. 70.27(1), Wis. Stats., when it is proposed to vacate
1230 or alter a recorded subdivision, or part thereof, so as to change the boundaries of a
1231 recorded subdivision, or part thereof, the subdivider or person wishing to replat
1232 shall vacate or alter the recorded plat as provided in Sections 236.40 through
1233 236.44, Wis. Stats. The subdivider or person wishing to replat shall then proceed,
1234 using the procedures for Subdivision Plat Application and Review specified in
1235 this chapter.

1236

1237 (2) The Town Clerk shall schedule a public hearing before the Plan Commission
1238 when an application to replat lands within the town is filed, and shall cause
1239 notices of the proposed replat and public hearing to be published as a class 3
1240 notice and be mailed to the owners of all properties within the limits of the
1241 exterior boundaries of the proposed replat and to the owners of all properties
1242 within 1000 feet of the exterior boundaries of the proposed replat. Following the
1243 public hearing, the Plan Commission shall make a recommendation to the Town
1244 Board to approve, conditionally approve, or disapprove the proposed replat.

1245

1246 (3) The Town Board, upon the recommendation of the Plan Commission, shall
1247 approve, conditionally approve, or disapprove the proposed replat. If the proposed
1248 replat is disapproved, the Town Board shall in writing recite the particular facts
1249 upon which it bases its decision.

1250

1251

1252 **3.18 Joint Planning Areas.** Joint planning areas do not currently exist between
1253 the Town of Springdale and any other municipality.

1254

1255

1256

SUBCHAPTER 4 RESIDENTIAL DENSITY OPTIONS

1258

3.19 Implementing Land Use Plan Goals

1259

1260
1261 (1) The development of a Land Use Plan for implementing the goals has required
1262 compromise to maintain the public good and to balance the interests of
1263 landowners wanting to preserve the rural aspect of the town (lower population
1264 density, simpler infrastructure, and lower real estate taxes) with the interests of
1265 landowners wanting to profit from the division of land for residential use. During
1266 many meetings with input from different viewpoints, a compromise has emerged.
1267 This Land Use Plan allows a higher density of residential development than in
1268 most Dane County towns, in exchange for adopting density standards as well as
1269 site design standards that minimize the impact of residential development.

1270

1271 (2) Any division for non-residential uses will be governed in Section 10 of the
1272 Land Use Plan.

1273

1274 (3) This Land Use Plan offers three density options in the development of land for
1275 residential use [see note 1 in Land Use Plan Section 15(A)].

1276

1277 (a) Residential Density Option 1: Enables a land division or subdivision with
1278 relatively few requirements. It allows one (1) new lot for residential use for
1279 each twenty-five (25) contiguous acres owned [see note 2 in Land Use Plan
1280 Section 15(A)]. This option is for all land division or subdivision proposals that
1281 meet the basic requirements of the state, the county, and Town of Springdale

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1282 Ordinances.

1283

1284 (b) Residential Density Option 2: Enables a higher density for landowners who
1285 voluntarily agree to meet the criteria in this option. It allows one (1) new lot for
1286 residential use for each seventeen (17) contiguous acres owned [see note 2
1287 in Land Use Plan Section 15(A)]. This option is for all land division proposals
1288 that meet the basic requirements of option 1 and that meet the additional
1289 requirements of option 2.

1290 (a) Residential Density Option 3: Enables the highest density in the development
1291 of a rural subdivision. It allows one new lot for residential use for each
1292 contiguous fourteen (14) acres owned [see note 2 in Land Use Plan Section
1293 15(A)]. This option is for all subdivision proposals that meet the Town of
1294 Springdale subdivision plat requirements.

1295

1296 **(4) Switching Among the Residential Density Options.** Requires approval of
1297 the Town of Springdale Plan Commission and shall be based on sufficient
1298 remaining acreage to qualify for density unit(s) and development area(s) and on
1299 demonstration that prior conveyances of land designated as development area(s)
1300 in a concept plan were consistent with the higher numbered option.

1301

1302 (a) Can be considered from a lower numbered option to a higher numbered option
1303 before creating a second new lot for new residential use. After the creation of a
1304 second new lot for new residential use, all subsequent lot(s) shall continue to be
1305 created under the same residential density option as the second new lot [see note 3
1306 in Land Use Plan Section 15(A)].

1307

1308 (b) Can be considered from a higher numbered option to a lower numbered
1309 option [see note 4 in Land Use Plan Section 15(A)].

1310

1311 (c) For increased flexibility on land consisting of enough acres to designate two
1312 (2) or more areas of one-hundred (100) contiguous acres each, then, with the
1313 approval of the Town of Springdale Plan Commission that each area of one-
1314 hundred (100) contiguous acres is suitable for a different residential density
1315 option, then they may be treated separately for the purpose of selecting a
1316 residential density option. Approval shall be contingent upon review by the Plan
1317 Commission of the total contiguous acres owned on the Plan effective date, and
1318 the determination that the selected areas satisfy the goals and policies of the Land
1319 Use Plan. Prior conveyances or construction of improvements may affect the land
1320 division options available.

1321

1322 (5) In the case of a landowner with contiguous land in parcels and/or prior land
1323 divisions, the concept plan shall be prepared to show all contiguous land in
1324 parcels and/or land covered by prior land divisions owned on the Plan effective
1325 date without affecting the calculation of density unit(s). This applies to all land
1326 owned before or after the Plan effective date.

1327

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1328 (6) **Creation of Parcels Greater than Eighty (80) Acres.** A certified survey map
1329 or plat shall not be required if all of the lots, parcels, or building sites being
1330 created are more than 80 acres in area, however prior to dividing the land, the
1331 land divider or subdivider shall submit a concept plan to the Plan Commission.
1332 Prior to dividing or subdividing the land, the land divider or subdivider shall also
1333 provide the Plan Commission with a notice document that specifies the
1334 apportionment of the density units among the property and the lots, parcels, and
1335 building sites being created. The Plan Commission shall confirm that the
1336 apportionment of density units conforms to the goals and policies of the Land Use
1337 Plan. The notice document shall be in a form and substance acceptable to the Plan
1338 Commission and shall be recorded with the Dane County Register of Deeds. The
1339 Plan Commission may require that the notice document notify land owners that
1340 special assessments for public improvements may be imposed by the Town
1341 against the benefiting property. Approval of development areas/building shall be
1342 contingent upon review by the Plan Commission of the total contiguous acres
1343 owned on the Plan effective date, and the determination that the proposed
1344 development areas/building envelopes satisfy the goals and policies of the Land
1345 Use Plan. Prior conveyances or construction of improvements may affect the land
1346 division options available. A certified survey map or plat shall be required if any
1347 of the lots, parcels, or building sites are 80 acres in area or less. {See note 5 in
1348 Land Use Plan Section 15(A).} The Town is not obligated to approve driveway
1349 permits and/or building permits for lots, parcels or building sites created after
1350 May, 20, 2013, (date of adoption of this Plan amendment.) without prior approval
1351 of a concept plan.

1352
1353 (7) **Retiring Density Units.** The town acknowledges that there may be situations
1354 in which a property owner may wish to utilize only a portion of available density
1355 units, or to not utilize any of the aforementioned density options and instead seek
1356 to retire the possibility of any current or future development potential on their
1357 property. Retiring density units requires approval of the town board and recording
1358 of a restrictive covenant on the property which grants the town enforcement
1359 rights.

1360
1361 (8) **Annexed Land.** Should any parcels of land or portion(s) thereof from the
1362 contiguous acres owned on the Plan effective date be annexed out of the Town,
1363 only those acres remaining in the Town shall be considered when calculating
1364 currently available land divisions.

1365
1366 (9) The intention of the Land Use Plan is to generate cooperative decision making
1367 between an applicant for land division or subdivision and the Town of Springdale
1368 Plan Commission, so that the creation of lots for residential and/or non-residential
1369 uses optimizes the proposal to best meet the criteria under each residential density
1370 option or Section 10 criteria for non-residential uses. When the Town of
1371 Springdale Plan Commission determines that a land division or subdivision
1372 proposal does not satisfy the criteria under the applicant's chosen option, then the
1373 applicant can submit another proposal or request that the Town of Springdale Plan

1374 Commission present a proposal that does meet the criteria or the applicant can
1375 choose to switch to a lower numbered option.

1376

1377 (10) It is recommended that anyone buying or selling real estate with a specified
1378 number of density units verify that a town-approved concept plan is on file in the
1379 town hall which documents the allocation.

1380

1381

1382 **3.20 Residential Density Option 1**

1383

1384 **(1) Calculation of Density Units**

1385

1386 (a) Contiguous acres owned shall be determined on the Plan effective
1387 date and be based on GIS Data [see note 1 in Land Use Plan Section 15(B)].

1388

1389 (b) One new lot for residential use may be created for each twenty-five (25)
1390 contiguous acres owned. See Table 1 for calculations of density unit(s) [see note 2
1391 in Land Use Plan Section 15(B)].

1392

1393 (c) An existing dwelling unit on the Plan effective date shall not affect the number
1394 of new lots which can be created as calculated from Table 1 “Quick Guide to
1395 Town of Springdale Land Use Options.”

1396

1397 **(2) Land Division(s) and Building Envelope(s) for Residential Use**

1398

1399 (a) Prior to the submission of an application for the approval of a certified survey
1400 map or plat, the landowner shall submit a concept plan to the Town of Springdale
1401 Plan Commission for the approval of the location and suitability of the
1402 development area(s), building envelope(s), and proposed lot(s).

1403

1404 (b) When considering requests for land division or subdivision, the Town of
1405 Springdale Plan Commission shall take into account prior conveyances of land
1406 designated as development area(s) in a concept plan.

1407

1408 (1) If all or part of the approved development area(s) is sold by a landowner,
1409 before the lot(s) are created by certified survey map or plat, the Town of
1410 Springdale Plan Commission is not compelled to approve new development
1411 area(s).

1412

1413 (c) Lot lines shall be located and lot sizes shall be configured to best satisfy the
1414 following:

1415

1416 (1) Lot lines shall be located so as to minimize the breakup of contiguous tracts of
1417 agricultural lands. Similarly, lots shall be sized to minimize the breakup of
1418 contiguous tracts of agricultural lands. To the extent possible, lot lines shall be
1419 located to follow previously existing natural or man-made boundaries, such as

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- 1420 roads, fence rows, woods, waterways, streams, or similar boundaries. If lot lines
1421 must cross agricultural fields because other boundaries are not possible, it is
1422 desirable to locate them in such a way so as to maintain the maximum size
1423 agricultural fields in one contiguous parcel.
- 1424
- 1425 (d) Building envelope(s) shall be located to best satisfy the following:
- 1426
- 1427 (1) Building envelope(s) shall not be located in the middle portion of an
1428 agricultural field unless the middle portion of the field is not suitable for
1429 productive agricultural fieldwork. If building envelope(s) must be located on
1430 agricultural land because other locations are not possible, it is desirable to locate
1431 them near the edges of agricultural fields and/or to use the least productive soil as
1432 determined by soil types.
- 1433
- 1434 (2) Strip development shall be avoided whenever possible. If several building
1435 envelope(s) must be located along the roadway, it is desirable to mitigate their
1436 impact by requiring screenings and/or varying the driveway lengths, lot sizes, and
1437 setbacks.
- 1438
- 1439 (3) When adherence to criteria in Land Use Plan Section 5 creates a conflict with
1440 public safety, then the Town of Springdale Plan Commission shall give
1441 precedence to public safety.
- 1442
- 1443 (4) All criteria in Land Use Plan Section 5 shall apply whenever possible.
- 1444
- 1445 (5) Any changes in the location of a building envelope(s) as defined on a concept
1446 plan shall require a public hearing by the Town of Springdale Plan Commission
1447 and approval by the Town of Springdale Town Board. [See note 7 in Land Use
1448 Plan Section 15(B)].
- 1449
- 1450 (6) The largest building envelope(s) that can meet the criteria in Land Use Plan
1451 Section 5 shall be defined on the concept plan.
- 1452
- 1453 (7) Any changes in the concept plan shall require approval of the Town of
1454 Springdale Plan Commission.
- 1455
- 1456 **(3) Residential Driveways**
- 1457
- 1458 (a) Residential driveways shall be sited and constructed in a manner which best
1459 minimizes their impact on agricultural land.
- 1460
- 1461 (b) Up to three (3) single family detached dwelling units may share one driveway,
1462 or one (1) single family detached dwelling unit and one (1) duplex dwelling unit
1463 may share one (1) driveway [see note 3 in Land Use Plan Section 15(B)].
- 1464

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1465 (c) When adherence to criteria in Land Use Plan Section 5 creates a conflict with
1466 public safety, the Town of Springdale Plan Commission shall give precedence to
1467 public safety.

1468
1469 (d) Driveways shall meet the requirements of the Town of Springdale Driveway
1470 Ordinance.

1471

1472 **(4) General Procedures**

1473

1474 (a) The creation of lots for residential development shall be by certified survey
1475 map (CSM) or by plat.

1476

1477 (1) All lot(s) on the certified survey map or plat shall be created in a manner that
1478 is consistent with Chapter 75, Dane County Code and the Town of Springdale
1479 Land Division and Subdivision Code.

1480

1481 (2) Developers of preliminary and final plats will be required to fulfill conditions
1482 of approval in a reasonable period of time. For each application a date will be
1483 specified by the Town Board.

1484

1485 (b) Not more than four (4) lots shall be permitted in each five (5) year period by
1486 certified survey map [see note 4 in Land Use Plan Section 15(B)].

1487

1488 (c) All applicable requirements of the state, the county, and the town shall apply.

1489

1490 (d) The minimum lot size shall be one (1) acre, exclusive of road right-of-way.

1491

1492 (e) Additional guidelines for the calculation of density unit(s) and for notice
1493 documents:

1494

1495 (1) A tracking sheet shall be maintained by the Town of Springdale Clerk for each
1496 land division or subdivision that is approved after the plan effective date; the
1497 approved concept plan shall be filed with the tracking sheet.

1498

1499 (2) The density unit(s) shall run with the land, not with the landowner.

1500

1501 (3) When lot(s) are created, a notice document shall specify the apportionment of
1502 the remaining density unit(s) [see note 5 in Land Use Plan Section 15(B)].

1503

1504 (4) When lot(s) are sold without a notice document specifying the apportionment
1505 of density units, it shall be assumed that any density unit stays with the seller's
1506 property when consistent with the approved concept plan on file in the Town Hall.

1507

1508 (5) When the density unit(s) are exhausted on a property, that fact shall be
1509 recorded by the Town of Springdale Clerk on the town's tracking sheet and by the

1510 landowner in the Dane County Register of Deeds as a notice document [see note 5
1511 in Land Use Plan Section 14(B)].

1512

1513 (6) All lot line adjustments in the town must be approved by the Town Board,
1514 taking into account the review and recommendation of the Town Plan
1515 Commission. The town requires notification of any lot line adjustment between
1516 adjacent landowners. [see *An Ordinance Regulating Lot Line Adjustments* adopted
1517 by the town on Oct. 17, 2016.]

1518

1519

1520 **3.21 Residential Density Option 2**

1521

1522 **(1) Calculation of Density Units**

1523

1524 (a) Contiguous acres owned shall be determined on the Plan effective date and be
1525 based on GIS Data [see note 1 in Land Use Plan Section 15(C)].

1526

1527 (b) One new (1) lot for residential use may be created for each seventeen (17)
1528 contiguous acres owned. See Table 1 in the Land Use Plan for calculations of
1529 density unit(s) [see note 2 in Land Use Plan Section 15(C)].

1530

1531 (c) An existing dwelling unit on the Plan effective date shall not affect the number
1532 of new lots which can be created as calculated from Table 1 “Quick Guide to
1533 Town of Springdale Land Use Options”.

1534

1535 (d) For contiguous acres of at least fourteen (14) acres and less than seventeen
1536 (17) acres in size on the Plan effective date, one (1) new lot for residential use
1537 shall be allowed [see notes 3 and 4 in Land Use Plan Section 15(C)].

1538

1539 **(2) Land Division(s) and Building Envelope(s) for Residential Use**

1540

1541 (a) Prior to the submission of an application for the approval of a certified survey
1542 map, the landowner shall submit a concept plan to the Town of Springdale Plan
1543 Commission for the approval of the location and suitability of the development
1544 area(s), building envelope(s), and proposed lot(s).

1545

1546 (b) When considering requests for land division, the Town of Springdale Plan
1547 Commission shall take into account prior conveyances of land designated as
1548 development area(s) in a concept plan.

1549

1550 (1) If all or part of the approved development area(s) is sold by a landowner,
1551 before the lot(s) are created by certified survey map, the Town of Springdale Plan
1552 Commission is not compelled to approve new development area(s).

1553

1554 (c) Lot lines shall be located and lot sizes shall be configured to best satisfy the
1555 following:

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1556

1557 (1) Lot lines shall be located so as to minimize the breakup of contiguous tracts of
1558 agricultural lands. Similarly, lots shall be sized to minimize the breakup of
1559 contiguous tracts of agricultural lands. To the extent possible, lot lines, shall be
1560 located to follow previously existing natural or man-made boundaries, such as
1561 roads, fence rows, woods, waterways, streams, or similar boundaries. If lot lines
1562 must cross agricultural fields because other boundaries are not possible, it
1563 desirable to locate them in such a way so as to maintain the maximum size
1564 agricultural fields in one contiguous parcel.

1565

1566 (d) Building envelope(s) shall be located to best satisfy the following:

1567

1568 (1) The location of the building envelope(s) shall demonstrate that the
1569 disturbance of agricultural land has been minimized.

1570

1571 (a) If building envelope(s) must be located on agricultural land because other
1572 locations are not possible, it is desirable to mitigate their impact by: clustering
1573 them, locating them near the edges of agricultural fields and/or using the least
1574 productive soil as determined by soil types.

1575

1576 (2) The location of the building envelope(s) shall demonstrate that the impact
1577 on the town's rural character has been minimized.

1578

1579 (a) Clustering is desirable and may be required.

1580

1581 (b) Strip development shall be avoided whenever possible. If several building
1582 envelope(s) must be located along the roadway, it is desirable to mitigate their
1583 impact by requiring: clustering, screening, shared driveways and/or varying the
1584 driveway lengths, lot sizes, and setbacks.

1585

1586 (c) Building envelope(s) shall be designed to minimize a building's visual
1587 impact when viewed from public roads, the Military Ridge Bike Trail, and from
1588 the surrounding countryside. On properties with prominent, exposed hill tops or
1589 ridges, it is desirable for roof tops not to extend above the hill top or ridge line,
1590 and screenings may be required to minimize the visual impact of rooftops
1591 extending above the hilltops or ridgelines.

1592

1593 (d) The proximity of environmentally sensitive areas and culturally significant
1594 sites on the property or on adjacent /nearby properties shall be considered in the
1595 location of building envelope(s) within a property.

1596

1597 (e) Screenings may be required to mitigate the impact of residential
1598 development and may consist of either a buffer of natural vegetation left in
1599 place for this purpose during site development or landscaping and planting to
1600 achieve the same result. The type of screening most suitable to the site shall be
1601 suggested by the landowner and shall require approval by the Town of

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1602 Springdale Plan Commission. When such screenings are required, a letter of
1603 credit or other financial instrument acceptable to the Town Board shall be
1604 required from the landowner in an amount adequate to cover the costs.

1605

1606 (3) When adherence to criteria in Land Use Plan Section 6 creates a conflict
1607 with public safety, then the Town of Springdale Plan Commission shall give
1608 precedence to public safety.

1609

1610 (4) All criteria in Land Use Plan Section 6 shall apply whenever possible.

1611

1612 (5) Any changes in the location of a building envelope(s) as defined on the
1613 concept plan shall require a public hearing by the Town of Springdale Plan
1614 Commission and approval by the Town of Springdale Town Board. [see note 8
1615 in Land Use Plan Section 15(C)].

1616

1617 (6) The largest building envelope(s) that can meet the criteria in Land Use Plan
1618 Section 6 shall be defined on the concept plan.

1619

1620 (7) Any changes in the concept plan shall require approval of the Town of
1621 Springdale Plan Commission.

1622

1623 **(3) Residential Driveways**

1624

1625 (a) Residential driveways shall be sited and constructed in a manner which best
1626 minimizes their impact on agricultural land.

1627

1628 (b) Residential driveways shall be sited and constructed in a manner which best
1629 minimizes their impact on the town's rural character.

1630

1631 (c) Up to three (3) single family detached dwelling units may share one (1)
1632 driveway, or one (1) single family detached dwelling unit and one (1) duplex
1633 dwelling unit may share one (1) driveway [see note 5 in Land Use Plan Section
1634 15(C)].

1635

1636 (d) When adherence to the criteria in Land Use Plan Section 6 creates a conflict
1637 with public safety, the Town of Springdale Plan Commission shall give
1638 precedence to public safety.

1639

1640 (e) Driveways shall meet the requirements of the Town of Springdale Driveway
1641 Ordinance.

1642

1643 **(4) General Procedures**

1644

1645 (a) The creation of lots for residential development shall be by certified survey
1646 map (CSM).

1647

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- 1648 (1) All lot(s) on the certified survey map shall be created in a manner that is
1649 consistent with the Chapter 75, Dane County Code and the Town of Springdale
1650 Land Division and Subdivision Code.
1651
- 1652 (b) Not more than four (4) lots shall be permitted in each five (5) year period by
1653 certified survey map [see note 6 in Land Use Plan Section 15(C)].
1654
- 1655 (c) All applicable requirements of the state, the county, and the town shall apply.
1656
- 1657 (d) The minimum lot size shall be one (1) acre, exclusive or road right-of-way.
1658
- 1659 (e) Additional guidelines for the calculation of density unit(s) and for notice
1660 documents:
1661
- 1662 (1) A tracking sheet shall be maintained by the Town of Springdale Clerk for
1663 each land division that is approved after the plan effective date; the approved
1664 concept plan shall be filed with the tracking sheet.
1665
- 1666 (2) The density unit(s) shall run with the land, not with the landowner.
1667
- 1668 (3) When lot(s) are created, a notice document shall specify the apportionment of
1669 the remaining density unit(s) [see note 7 in Land Use Plan Section 15(C)].
1670
- 1671 (4) When lot(s) are sold without a notice document specifying the apportionment
1672 of density units, it shall be assumed that any density unit stays with the seller's
1673 property when consistent with the approved concept plan on file in the Town Hall.
1674
- 1675 (5) When the density unit(s) are exhausted on a property, that shall be recorded by
1676 the Town of Springdale Clerk on the town's tracking sheet and by the landowner
1677 in the Dane County Register of Deeds as a notice document [see note 7 in Land
1678 Use Plan Section 15(C)].
1679
- 1680 (6) All lot line adjustments in the town must be approved by the Town Board,
1681 taking into account the review and recommendation of the Town Plan
1682 Commission. The Town requires notification of any lot line adjustment between
1683 adjacent landowners. [see *An Ordinance Regulating Lot Line Adjustments* adopted
1684 by the town on Oct. 17, 2016.]
1685
- 1686
- 1687 **3.22 Residential Density Option 3**
1688
- 1689 **(1) Calculation of Density Unit(s)**
1690
- 1691 (a) Contiguous acres owned shall be determined on the Plan effective date and
1692 based on GIS Data [see note 1 in Land Use Plan Section 15(D)].
1693

LAND DIVISION AND SUBDIVISION CODE

1694 (b) One new lot for residential use may be created for each 14 contiguous acres
1695 owned. See Table 1 in the Land Use Plan for calculations of density unit(s) [see
1696 note 2 in Land Use Plan Section 15(D)].

1697
1698 (c) An existing dwelling unit on the Plan effective date shall not affect the number
1699 of new lots which can be created as calculated from Table 1 “Quick Guide to
1700 Town of Springdale Land Use Options”.

1701
1702 (d) A minimum of seventy (70) contiguous acres shall be required [see note 3 in
1703 Land Use Plan Section 15(D)].

1704

1705 **(2) Building Envelope(s) for Residential Use**

1706

1707 (a) Prior to the submission of an application for the approval of a plat, the
1708 landowner shall submit a concept plan to the Town of Springdale Plan
1709 Commission for the approval of the location and suitability of the development
1710 area(s), building envelope(s), and proposed lot(s).

1711

1712 (b) When considering requests for subdivision, the Town of Springdale Plan
1713 Commission shall take into account prior conveyances of land designated as
1714 development area(s) in a concept plan.

1715

1716 (1) If all or part of the approved development area(s) is sold by a landowner,
1717 before the lot(s) are created by plat, the Town of Springdale Plan Commission is
1718 not compelled to approve new development area(s).

1719

1720 **(3) Clustering**

1721

1722 (a) Residential development shall be clustered on twenty-five (25) percent of the
1723 contiguous acres owned [see note 4 in Land Use Plan Section 15(D)].

1724

1725 (b) Seventy-five (75) percent of the property shall have a deed restriction to
1726 maintain it as contiguous agricultural and/or open space [see note 5 in Land Use
1727 Plan Section 15(D)].

1728

1729 (1) The seventy-five (75) percent deed restricted land shall be one contiguous area
1730 whenever possible; shall include the best agricultural land and/or environmentally
1731 sensitive areas; may include buildings for agricultural uses; may be included with
1732 the lot(s) and may be sold. With residential use clustered on twenty-five (25)
1733 percent of the contiguous property, quarries, intensive livestock operations, or
1734 uses inconsistent with the goals and policies of this Land use Plan shall not
1735 qualify as agricultural and/or open space (see definition of Agricultural use and
1736 Intensive livestock operations, Section 2, Definitions).

1737

1738 (2) The existing dwelling unit or one of the permitted lot(s) may be associated
1739 with the seventy- five (75) percent area.

LAND DIVISION AND SUBDIVISION CODE

1740

1741 (3) If a dwelling unit does not exist on a property larger than seventy (70) acres on
1742 the plan effective date, then one new dwelling unit may be associated with the
1743 seventy-five (75) percent area and shall not be counted in the calculation of
1744 density unit(s).

1745

1746 **(4) Residential Driveways**

1747

1748 (a) Residential driveways shall be sited and constructed in a manner which best
1749 minimizes their impact on agricultural land.

1750

1751 (b) Residential driveways shall be sited and constructed in a manner which best
1752 minimizes their impact on the town's rural character.

1753

1754 (c) Up to three (3) single family detached dwelling units may share one (1)
1755 driveway, or one (1) single family detached dwelling unit and one(1) duplex
1756 dwelling unit may share one (1) driveway [see note 6 in Land Use Plan Section
1757 15(D)].

1758

1759 (d) When adherence to criteria in Land Use Plan Section 7 creates a conflict with
1760 public safety, the Town of Springdale Plan Commission shall give precedence to
1761 public safety.

1762

1763 (e) Driveways shall meet the requirements of the Town of Springdale Driveway
1764 Ordinance.

1765

1766 **(5) General Procedures**

1767

1768 (a) Land division shall be by subdivision plat.

1769

1770 (1) All lot(s) on the subdivision plat shall be created in a manner that is consistent
1771 with Chapter 75, Dane County Code and the Town of Springdale Land Division
1772 and Subdivision Code.

1773

1774 (2) Developers of preliminary and final plats will be required to fulfill conditions
1775 of approval in a reasonable period of time. For each application a date will be
1776 specified by the Town Board.

1777

1778 (b) All applicable requirements of the state, the county, and the town shall apply.

1779

1780 (c) The minimum lot size shall be one (1) acre.

1781

1782 (d) Additional guidelines for the calculation of density unit(s) and for notice
1783 documents:

1784

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1785 (1) A tracking sheet shall be maintained by the Town of Springdale Clerk for
1786 each subdivision that is approved after the plan effective date; the approved
1787 concept plan shall be filed with the tracking sheet.

1788
1789 (2) The density unit(s) shall run with the land, not with the landowner.

1790
1791 (3) When lot(s) are created, a notice document shall specify the apportionment of
1792 the remaining density unit(s) [see note 7 in Land Use Plan Section 15(D)].

1793
1794 (4) When lot(s) are sold without a notice document specifying the apportionment
1795 of density units, it shall be assumed that any density unit stays with the seller's
1796 property when consistent with the approved concept plan on file in the Town Hall.

1797
1798 (5) When the density unit(s) are exhausted on a property, that shall be recorded by
1799 the Town of Springdale Clerk on the town's tracking sheet and by the landowner
1800 in the Dane County Register of Deeds as a notice document [see note 7 in Land
1801 Use Plan Section 15(D)].

1802
1803 (6) All lot line adjustments in the town must be approved by the Town Board,
1804 taking into account the review and recommendation of the Town Plan
1805 Commission. The town requires notification of any lot line adjustment between
1806 adjacent landowners. [see *An Ordinance Regulating Lot Line Adjustments* adopted
1807 by the town on Oct. 17, 2016.]

1808

1809

1810

1811

SUBCHAPTER 5 LAND DIVISION PROCEDURES

1812

1813 **3.23 Certified Survey Map Required.** A certified survey map, prepared by a
1814 registered land surveyor in accordance with Sec. 236.34, Wis. Stats., Chapter 75,
1815 Dane County Code, and this chapter, shall be required for the division of a lot or
1816 parcel of land, which is not a subdivision, where the act of division creates lots,
1817 parcels or building sites except that a certified survey map shall not be required if
1818 all of the lots, parcels or building sites are more than 80 acres in area. In addition:

1819

1820 (1) The successive division of a lot or parcel of land by certified survey map shall
1821 not create more than four (4) lots, parcels or building sites in any five (5) year
1822 period.

1823

1824 (2) Creation of a subdivision by the use of certified survey maps is prohibited.

1825

1826

1827 **3.24 Concept Plan Review and Site Visit.**

1828

1829 The requirement for a concept plan review with the Plan Commission before a
1830 preliminary survey map is formally submitted for consideration shall be consistent

1831 with the adopted Town of Springdale Land Use Plan and zoning in effect at the
1832 time a land division is requested.

1833

1834 (1) Before submitting an application to divide land, the land divider shall review a
1835 concept plan with the Plan Commission and receive information regarding general
1836 land division requirements. The concept plan shall be submitted to the Town
1837 Clerk at least 2 weeks prior to the next regularly scheduled Plan Commission
1838 meeting. Prior to the concept plan review, the Plan Commission shall schedule
1839 with the land divider a time to conduct a site visit of the property. Such site visit
1840 shall be conducted by members of the Plan Commission and the land divider. The
1841 concept plan review is intended to inform the land divider of the purpose and
1842 objectives of this chapter, the Land Use Plan, design standards, and duly adopted
1843 plan implementation devices, including but not limited to the Private Driveway
1844 Code and the Building Code, and to otherwise assist the land divider in planning
1845 the land division. Through a concept plan review, both the land divider and the
1846 Plan Commission may reach mutual conclusions regarding the best way to
1847 achieve the land division while conforming to goals and policies of the Land Use
1848 Plan and complying with the provisions of this chapter. For the purpose of the
1849 concept plan review, the land divider shall provide the Plan Commission with a
1850 aerial photograph approved or provided by the town of the entire parcel being
1851 divided that indicates the proposed development area(s), and all current proposed
1852 lots, including lot area, building envelopes and driveways.

1853

1854 (2) The location of the development area(s) on the concept plan shall demonstrate
1855 conformance with the requirements of the "Building Envelopes for Residential
1856 Use" section of the chosen residential density option pursuant to Sec. 3.20
1857 through 3.22 of this chapter.

1858

1859 (3) The applicant may obtain information on meeting dates, agenda deadlines and
1860 filing requirements from the Town Clerk.

1861

1862

1863 **3.25 Submission and review.**

1864

1865 (1) Following the concept plan review with the Plan Commission as provided
1866 under Sec. 3.24 of this chapter, the land divider shall file 12 copies of the
1867 preliminary survey map with the Town Clerk at least 14 days prior to the next
1868 regularly scheduled meeting of the Plan Commission at which action is desired.

1869

1870 (2) For any proposed land division not included within the original concept plan,
1871 the Plan Commission shall schedule with the land divider a time to conduct a site
1872 visit of the property. Such site visit shall be conducted by members of the Plan
1873 Commission and the land divider. The site visit team shall report to the full Plan
1874 Commission at the regularly scheduled meeting of the Plan Commission at which
1875 action on the proposed land division shall be taken.

1876

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1877 (3) The Plan Commission, shall, within 30 days from the date of filing of the
1878 preliminary survey map, meet to consider the proposed land division. At its
1879 meeting, the Plan Commission shall allow for public comment on the application.
1880 In considering the application for land division, the Plan Commission shall
1881 consider the goals and policies incorporated in the adopted Town of Springdale
1882 Land Use Plan in effect at the time of the application and shall consider the report
1883 of the site visit team. It shall then by motion recommend approval, conditional
1884 approval, or rejection of the map and shall transmit the preliminary survey along
1885 with its recommendation to the Town Board.

1886
1887 (4) The Town Board, after receiving the recommendation of the Plan
1888 Commission, shall schedule a public hearing on the proposed land division at its
1889 next regularly scheduled meeting. The Town Clerk shall provide notice of the
1890 public hearing as required by law. The notice shall include the name of the
1891 applicant, the address of the property in question and the requested action.
1892 Property owners of land abutting the proposed land division shall receive written
1893 notice of the public hearing at least ten (10) days prior to the meeting.

1894
1895 (5) Following the public hearing and based on the recommendation of the Plan
1896 Commission, the Town Board shall approve, approve conditionally, or reject the
1897 certified survey map within 90 days from the date of filing, unless the time is
1898 extended by mutual agreement with the applicant. If the map is approved, the
1899 Town Board shall cause the Town Clerk to so certify on the face of the original
1900 map and return same to the applicant. If the certified survey map is conditionally
1901 approved, a corrected version shall be filed with the Town Clerk within 30 days,
1902 or the application for land division shall be null and void. If the certified survey
1903 map is rejected, the reasons shall be stated in the minutes of the Town Board
1904 meeting and a written statement forwarded to the applicant.

1905
1906 (6) The land divider shall record the map with the county register of deeds within
1907 6 months of last approval and within 24 months of the first approval. Failure to do
1908 so shall necessitate a new review and reapproval of the map by the Town Board.
1909 The land divider shall file five (5) copies of the approved and recorded certified
1910 survey map with the Town Clerk for distribution to appropriate departments for
1911 their files.

1912
1913
1914 **3.26 Technical Requirements for Certified Survey Maps.** A certified survey
1915 map prepared by a registered land surveyor shall be required for all land divisions
1916 created by certified survey maps. It shall comply in all respects with the
1917 requirements of Sec. 236.34, Wis. Stats., Chapter 75, Dane County Code, and of
1918 this chapter. No certified survey map shall be recorded at the Dane County
1919 Register of Deeds unless such certified map contains a certificate of the Town
1920 Clerk.

1921

LAND DIVISION AND SUBDIVISION CODE

- 1922 **(1) Additional Information.** In addition to the information required by Sec.
1923 236.34, Wis. Stats., the certified survey map shall show correctly on its face the
1924 following additional information:
1925
1926 (a) All existing buildings, watercourses, drainage ditches, and other features
1927 pertinent to proper land division
1928
1929 (b) Setbacks or building lines required by applicable regulations and ordinances
1930
1931 (c) All lands reserved for future acquisition
1932
1933 (d) Date of map creation
1934
1935 (e) Graphic scale
1936
1937 (f) Name, address and phone number of the land divider
1938
1939 (g) Name, address, phone number and license number of the surveyor
1940
1941 (h) Square footage for each lot, parcel or building site
1942
1943 (i) Present zoning of each lot, parcel or building site
1944
1945 (j) The identification and location of all utility and drainage easements
1946
1947 (k) Existing and proposed contours at vertical intervals of not more than two feet
1948 where the slope of the surface is less than ten percent and of not more than five
1949 feet where the slope of the ground surface is ten percent or more. Elevations shall
1950 be marked on such contours based on National Geodetic Vertical Datum of 1929
1951 (mean sea level). This requirement may be waived if the parcel created is fully
1952 developed.
1953
1954 (l) Entire area contiguous to the proposed certified survey map owned or
1955 controlled by the subdivider shall be included on the certified survey map, even
1956 though only a portion of such area is proposed for immediate development. The
1957 plan commission may waive this requirement where it is unnecessary to fulfill the
1958 purposes and intent of this chapter and severe hardship would result from strict
1959 application thereof.
1960
1961 (m) The location of the land division with respect to the nearest collector or
1962 arterial streets prepared on either an insert map or a separate map sheet at a scale
1963 of one inch equals 1,000 feet.
1964
1965 (n) The location of building envelopes.
1966
1967

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1968 **(2) State Plane Coordinate System.** Where the map is located within a quarter
1969 section, the corners of which have been relocated, monumented and coordinated
1970 by the Town, the map shall be tied directly to one of the section or quarter corners
1971 so relocated, monumented and coordinated. The exact grid bearing and distance
1972 of such tie shall be determined by field measurements, and the material and
1973 Wisconsin state plane coordinate of the monument marking the relocated section
1974 or quarter corner to which the map is tied shall be indicated on the map. All
1975 distances and bearings shall be referenced to the Wisconsin Coordinate System,
1976 South Zone, and adjusted to the Town's control survey.

1977
1978 **(3) Public Improvements, Town Roads/Dedication, Restrictive Covenants.**
1979 (a) For divisions of land that require the installation of public improvements to
1980 serve the property divided, the land divider shall install the public improvements
1981 in compliance with subchapter 8 of this Code. For purposes of this requirement,
1982 references in subchapter 8 of this Code to "subdivider" shall mean "land divider",
1983 references to "plat" shall mean "certified survey map" and references to
1984 "subdivision" shall mean "land division".

1985
1986 (b) New Town roads or streets shall only be dedicated as part of a land division in
1987 accordance with the Town's "Adopted Policy for New Town Roads". The
1988 dedication of any road, street, or other public areas shall require the owner's
1989 certificate and mortgagee's certificate in substantially the same form as required
1990 by Sec. 236.21(2)(a), Wis. Stat.

1991
1992 (c) The Town Board may require the land divider to prepare and record restrictive
1993 covenants in order to regulate the use of the divided land, to protect the proposed
1994 development, or to protect the health, safety or welfare of the Town. The
1995 restrictive covenants shall be in a form and substance acceptable to the Town
1996 Board. The Town Board may require that the restrictive covenants or another
1997 notice document contain a provision that notifies future owners of lots or parcels
1998 created by the land division, that special assessments for public improvements
1999 related to the land division may be imposed by the Town.

2000
2001 **(4) Requirements.** The certified survey map shall comply with the provisions of
2002 this chapter relating to general requirements in Sec. 3.23, technical requirements
2003 in Sec. 3.26 and residential density option design standards contained in Sec. 3.20
2004 through 3.22 of this chapter.

2005
2006 **(5) Residential Density Options.** The Town of Springdale Land Use Plan
2007 contains three options for the development of land for residential purposes.
2008 Building sites shall conform to the design standards appropriate to the residential
2009 density option pursuant to Sec. 3.20 through 3.22 of this chapter.

2010
2011
2012

2059 Commission shall make the determination of whether the initial application is
2060 complete. Within 30 days following the meeting, the Plan Commission shall
2061 provide a written report informing the subdivider of any additions, changes, or
2062 corrections to the concept plan submitted as part of the initial application.

2063
2064

2065 **3.29 Preliminary Plat Submission and Approval Process**

2066

2067 **(1) Preliminary Plat Submission.** Following review of and comment on the
2068 initial application by the Plan Commission and before submitting a final plat for
2069 approval, the subdivider shall prepare a preliminary plat and file with the Town
2070 Clerk an application accompanied by the appropriate preliminary plat application
2071 fee for review and approval by the Plan Commission. The preliminary plat shall
2072 conform to the technical requirements of this chapter.

2073

2074 **(2) Referral.** Upon receipt of the application and preliminary plat, the Town
2075 Clerk shall provide copies of the preliminary plat to the Plan Commission chair
2076 and Town Board chair, to the appropriate objecting agencies pursuant to Sec.
2077 236.12, Wis. Stats., and to the appropriate utilities for their review and comment.
2078 Comments received from these individuals and entities shall be forwarded to the
2079 Plan Commission and Town Board for consideration during the review process.

2080

2081 **(3) Plan Commission review and recommendation.** The preliminary plat and
2082 application, containing all information required in Sec. 3.32 of this chapter, shall
2083 be placed on the agenda of the next regularly scheduled Plan Commission
2084 meeting. The Plan Commission shall provide an opportunity for public comment
2085 from interested parties on the proposed subdivision at its meeting. Published
2086 notice of the meeting shall include the name of the applicant, the address of the
2087 property in question, and the requested action. Owners of property abutting or
2088 within 1,000 feet of the proposed subdivision shall receive written notice of the
2089 meeting at least ten (10) days prior to said meeting. After reviewing the
2090 preliminary plat and application and considering reports from objecting agencies,
2091 affected public utilities and comments from the public, the Plan Commission shall
2092 recommend to the Town Board approval, conditional approval or disapproval of
2093 the preliminary plat. The recommendation shall be made in writing and shall state
2094 conditions of approval or reasons for rejection. This action shall be taken within
2095 90 days from filing of the preliminary plat and complete application, unless the
2096 time is extended by agreement with the subdivider.

2097

2098 **(4) Town Board review and action.** The Town Board, after receiving the
2099 recommendation of the Plan Commission, shall schedule a public hearing on the
2100 proposed subdivision at its next regularly scheduled meeting. The Town Clerk
2101 shall provide notice of the public hearing as pursuant to class 2 notice. The notice
2102 shall include the name of the applicant, the address of the property in question and
2103 the requested action. Property owners of land abutting or within 1,000 feet of the
2104 proposed subdivision shall receive written notice of the public hearing at least ten

2105 (10) days prior to the meeting. Following the public hearing and based on the
2106 recommendation of the Plan Commission, the Town Board shall approve, approve
2107 conditionally, or reject the preliminary plat and shall state, in writing, conditions
2108 of approval or reasons for rejections. Failure the Town Board to act within 90
2109 days or extension thereof shall constitute an approval of the preliminary plat,
2110 unless other authorized agencies object to the plat. The Town Clerk shall
2111 communicate to the subdivider the action of the Town Board. If the preliminary
2112 plat is approved, the Town Board chair shall endorse it for the Town Board.

2113

2114 **(5) Effect of approval.** Approval of a preliminary plat shall be valid for six (6)
2115 months from the date of approval. Approval or conditional approval of a
2116 preliminary plat shall not constitute automatic approval of the final plat. The
2117 preliminary plat shall be deemed an expression of approval or conditional
2118 approval of the layout submitted as a guide to the preparation of the final plat,
2119 which shall be subject to further consideration by the Plan Commission and Town
2120 Board at the time of its submission.

2121

2122 **(6) Amendment.** If the subdivider desires to amend the preliminary plat as
2123 approved, the subdivider may resubmit the amended plat, which shall follow the
2124 same procedure of review and approval as outlined in this section, except for the
2125 fee, unless the amendment is, in the opinion of the Plan Commission, of such
2126 scope as to constitute a new plat, in which case it shall be refiled, the application
2127 fee paid, and treated as a new submission.

2128

2129

2130 **3.30 Final Plat Review and Approval Procedures.** A final subdivision plat
2131 shall be filed in accordance with the following:

2132

2133 **(1) Final Plat.** The subdivider shall prepare a final plat and a letter of application
2134 in accordance with the provisions of this chapter and shall file 20 copies of the
2135 plat and the application with the Town Clerk at least 21 days prior to the meeting
2136 of the Plan Commission at which action is desired. The subdivider shall file the
2137 final plat not later than six (6) months after the date of approval of the preliminary
2138 plat; otherwise the preliminary plat and final plat will be considered void unless
2139 an extension is requested in writing by the subdivider and for good cause granted
2140 by the Town Board. The subdivider shall also submit at this time a current
2141 certified abstract of title or such other evidence as the Town Board may require
2142 showing ownership or control of the land to be subdivided.

2143

2144 **(2) Objecting Agencies.** The subdivider shall submit the original plat to the Plat
2145 Review Section, Wisconsin Department of Administration, which shall forward
2146 two copies to each of the agencies authorized under Sec. 236.12(2), Wis. Stats.,
2147 The department shall have the required number of copies made at the subdivider's
2148 expense.

2149

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- 2150 **(3) Final Construction Plans.** Simultaneously with the filing of the final plat,
2151 the owner shall file with the Town Clerk four (4) copies of the final construction
2152 plans and specifications of public improvements by the Town.
2153
- 2154 **(4) Installation, Protection and Maintenance Plans.** The subdivider shall also
2155 submit plans for areas to be protected and/or for which native vegetation will be
2156 introduced.
2157
- 2158 **(5) Referral of Final Plat.** The Plan Commission shall provide copies of the
2159 final plat to the Town Board and County department heads and to the appropriate
2160 utilities for their review and comment. Agency staff and utility comments will be
2161 forwarded to the Plan Commission and Town Board for their consideration during
2162 the review process.
2163
- 2164 **(6) Plan Commission Review.** The Plan Commission shall examine the final plat
2165 as to its conformance with the preliminary plat; and conditions of approval of the
2166 preliminary plat; this chapter; and all applicable ordinances, rules, regulations,
2167 and comprehensive plan elements that may affect it and shall recommend
2168 approval, conditional approval, or rejection of the final plat to the Town Board.
2169 The Plan Commission shall, within 30 days of filing of the final plat with the
2170 Town Clerk, recommend approval, conditional approval, or rejection of the final
2171 plat and shall transmit the final plat and application along with its
2172 recommendations to the Town Board. The Plan Commission may hold the matter
2173 in abeyance if there is incomplete or inadequate information provided by the
2174 subdivider with respect to any part or element of the plat.
2175
- 2176 **(7) Town Board Review and Approval.** The Town Board shall, within 90 days
2177 of the date of filing the original final plat with the Town Clerk, approve or reject
2178 such plat unless the time is extended by written agreement with the subdivider. If
2179 the plat is rejected, the reasons shall be so stated in the minutes of the meeting and
2180 a written statement of the reasons forwarded to the subdivider. The Town Board
2181 may not inscribe its approval on the final plat unless the Town Clerk certifies on
2182 the face of the plat that the copies were forwarded to objecting agencies as
2183 required in this section, the date thereof and that no objections have been filed
2184 within 20 days or, if filed, have been met.
2185
- 2186 (a) The Town Board shall, when it determines to approve a final plat, give at least
2187 10 days' prior written notice of its intention to the municipal clerk of any
2188 municipality within 1,000 feet of the final plat.
2189
- 2190 (b) If the Town Board fails to act within 90 days, without a time extension and no
2191 unsatisfied objections have been filed, the final plat shall be deemed approved
2192 unless other authorized agencies object to the plat.
2193
- 2194 **(8) Recordation.** After the final plat has been approved by the Town Board and
2195 required improvements either installed or a contract and sureties ensuring their

2196 installation is filed, the Town Clerk shall cause the certificate inscribed upon the
2197 plat attesting to such approval to be duly executed and the plat returned to the
2198 subdivider for recording with the county register of deeds along with all
2199 conservation easements and deed restrictions. The register of deeds cannot record
2200 the plat unless it is offered within six (6) months from the date of last approval.

2201

2202 **(9) Copies.** The subdivider shall file eight (8) copies of the final recorded plat
2203 with the Town Clerk for distribution to the approving agencies and other affected
2204 agencies for their files.

2205

2206

2207 SUBCHAPTER 7 SUBDIVISION PLAT APPLICATION TECHNICAL REQUIREMENTS

2208

2209 **3.31 Initial Application and Concept Plan Requirements.** The subdivider shall
2210 submit an initial application as specified in Sec. 3.28 of this chapter that consists
2211 of a concept plan and a series of maps and descriptive information that includes
2212 all of the following information. Mapping for the initial application can be done in
2213 any combination of features as long as individual map components can be
2214 distinguished and the relationship between map components can be determined.

2215

2216 **(1) Inventory and mapping of existing resources.** All resources existing on the
2217 site of the proposed subdivision shall be inventoried and mapped at a scale of no
2218 less than one inch equals 100 feet and shall include:

2219

2220 (a) topographic contours at vertical intervals of not more than 2 feet for a slope
2221 less than 5% and 5 feet for a slope of 5% or more;

2222

2223 (b) United States Department of Agriculture, Natural Resource Conservation
2224 Service soil type locations and identification of soil type characteristics such as
2225 agricultural capability, depth to bedrock and water table, and suitability for
2226 wastewater disposal systems. Type and stability of bedrock should also be noted,
2227 particularly in karst areas and areas with high potential for groundwater
2228 contamination due to fractured bedrock or the presence of arsenic, lead or
2229 mercury.

2230

2231 (c) Hydrologic characteristics, including surface water bodies, floodplains,
2232 groundwater recharge and discharge areas, wetlands, natural swales, drainage
2233 ways, and steep slopes of greater than 12 percent grade.

2234

2235 (d) Land cover on the site, according to general cover type (pasture, woodland,
2236 etc.), and stand-alone trees with a caliper of more than 24 inches measured 12
2237 inches off the ground. The inventory shall include comments on the health and
2238 condition of vegetation on the site.

2239

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- 2240 (e) Current and past land use, all buildings and structures on the land, cultivated
2241 areas, brownfields, waste sites, and history of waste disposal practices, paved
2242 areas, and all encumbrances, such as easements or covenants.
2243
- 2244 (f) Known critical habitat areas for rare, threatened or endangered species of
2245 plants or animals.
2246
- 2247 (g) Views of the site, including views onto the site from surrounding roads, public
2248 areas and elevated areas, including photographs with a map indicating the location
2249 where the photographs were taken.
2250
- 2251 (h) Unique geological resources, such as rock outcrops and glacial features.
2252
- 2253 (i) Cultural resources, including brief descriptions of the historic character of
2254 buildings and structures, any historically important landscapes, and archeological
2255 features. This includes a review of existing inventories, including those the State
2256 Historical Society of Wisconsin maintains for historic buildings, archeological
2257 sites, and burial sites.
2258
- 2259 **(2) Development yield analysis.** The subdivider shall submit a table showing
2260 the maximum number of dwelling units that would be permitted under the
2261 applicable zoning at the time of application, consistent with the minimum lot area,
2262 lot widths, set backs, and other provisions of the Dane County zoning ordinance,
2263 the Land Use Plan and this chapter, and compare it to the number of dwelling
2264 units proposed.
2265
- 2266 **(3) Site analysis and concept plan.** Using the inventory prepared under Sec.
2267 3.31(1) and the development yield analysis prepared under Sec. 3.31(2), and
2268 applying the design standards of this chapter, the subdivider shall submit a
2269 concept plan including the following information at a scale of no less than one
2270 inch equals 50 feet:
2271
- 2272 (a) Common open space indicating the area that shall remain undeveloped and be
2273 protected from any subsequent development by a legal instrument pursuant to
2274 Sec. 3.52 of this chapter.
2275
- 2276 (b) Boundaries of areas to be developed and proposed general street and lot
2277 layout.
2278
- 2279 (c) Number and type of housing units proposed.
2280
- 2281 (d) Proposed methods for and location of water supply, storm water management,
2282 and sewage treatment.
2283
- 2284 (e) Inventory of preserved and disturbed natural features and prominent views.
2285

2286 (f) Preliminary development envelopes showing areas for lawns, pavement,
2287 buildings and grading.

2288

2289 (g) Proposed methods for ownership and management of common open space.

2290

2291 **(4) General location map.** The subdivider shall submit a map showing the
2292 general outlines of existing buildings, land use, and natural features such as
2293 bodies of water, wetlands, and wooded areas, roads and property boundaries
2294 within 1000 feet of the land parcel on which the proposed subdivision will be
2295 sited. This information may be presented on aerial photographs at a scale of not
2296 less than one inch equals 400 feet.

2297

2298

2299 **3.32 Preliminary Plat Requirements.** The preliminary plat shall be prepared by
2300 a licensed land surveyor or licensed professional engineer at a convenient scale
2301 not less than one (1) inch equals one hundred (100) feet. More than one (1) sheet
2302 may be used to present the information required in this section and shall include
2303 the following:

2304

2305 **(1) Name of the Proposed Subdivision.** The proposed name of the subdivision
2306 shall not duplicate or be alike in pronunciation of the name of any plat previously
2307 recorded in Dane County.

2308

2309 **(2) Project Ownership and Development Information.**

2310

2311 (a) Name, address, and telephone number of the legal owner and, if applicable,
2312 agent of the property.

2313

2314 (b) Name, address, and telephone number of the professional person(s)
2315 responsible for subdivision design, for the design of public improvements, and for
2316 surveys.

2317

2318 (c) Date of preparation.

2319

2320 **(3) Existing Site Conditions.** This information shall be provided on a property
2321 survey map.

2322

2323 (a) Boundary line of the proposed site and all property to be subdivided,
2324 including all contiguous land owned or controlled by the subdivider.

2325

2326 (b) Location, width, and names of all existing platted streets and rights-of-way to
2327 a distance of 100 feet beyond nearest boundary line of the proposed plat.

2328

2329 (c) Show the type, width and condition of street improvements, railroad or major
2330 utility rights-of-way, parks and other public open spaces, location and widths of
2331 existing snowmobile or other recreational trails; and permanent buildings and

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- 2332 structures to a distance of 100 feet beyond the nearest boundary line of the
2333 proposed plat, if any.
2334
- 2335 (d) Location, widths and names of all existing public and private easements to a
2336 distance of 100 feet beyond the nearest boundary line of the proposed plat.
2337 (e) Identify by name and ownership boundary lines of all adjoining lands within
2338 100 feet of the proposed plat.
2339
- 2340 (f) Topographic data including contours at vertical intervals of not more than 2
2341 feet. Elevation values shall be based on the National Geodetic Vertical Datum of
2342 1929 (NGVD 29) or the North American Datum of 1988 (NAVD 88) or future
2343 adjustments to NAVD 88 as defined by the National Geodetic Survey and shall
2344 also be noted on the plat.
2345
- 2346 (g) Significant natural resource features on the proposed plat, i.e., wetlands,
2347 floodplains, watercourses, existing wooded areas, slopes exceeding 12% grade,
2348 drainage ways, rare, threatened or endangered species, and other natural resource
2349 features, views and other prominent visual features.
2350
- 2351 (h) Burial sites categorized under Sec. 157.70, Wis. Stats., Indian mounds,
2352 national and state register listed properties, and locally designated historical
2353 properties.
2354
- 2355 (i) Existing soil classifications including hydric soils.
2356
- 2357 (j) Legal description of the property.
2358
- 2359 (k) Existing zoning classifications for land in and abutting the proposed plat.
2360
- 2361 (l) Total acreage of the proposed plat.
2362
- 2363 (m) Provide graphic scale, North arrow, and date of preparation.
2364
- 2365 **(4) Preliminary Construction Plans.** The following information shall be
2366 provided on one or more sheets.
2367
- 2368 (a) Plan and Profile. Proposed street centerline profile grades, showing the
2369 existing and proposed grade lines.
2370
- 2371 (b) Grading and Erosion Control Plan. A plan showing existing and proposed
2372 grades, drainage patterns, and storm water facilities. The plan shall show the
2373 location and extent of grading activities in and adjacent to the proposed plat,
2374 overall area of the site in acres, total impervious surface area of the project, total
2375 pervious surface area of the project, stockpile locations, erosion and sediment
2376 control facilities, and a schedule for erosion and sediment control practices
2377 including site-specific requirements to prevent erosion at the source. Major trees

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2378 to be preserved, with a diameter of twenty-four (24) inches or more measured
2379 twelve (12) inches above ground level, shall be shown on the preliminary grading
2380 and erosion control plan. Adequate measures for protecting major trees shall be
2381 shown on the plan.

2382

2383

2384 **3.33 Final Plat Requirements.** A final plat prepared by a registered land
2385 surveyor or licensed professional engineer shall be required for all subdivisions. It
2386 shall comply with the requirements of Sec. 236.20, Wis. Stats., Chapter 75, Dane
2387 County Code, and of this chapter. No final plat shall be recorded at the Dane
2388 County Register of Deeds unless such final plat contains a certificate of the Town
2389 Clerk.

2390

2391 **(1) Additional Information.** The final plat shall show correctly on its face, in
2392 addition to the information required by Sec. 236.20, Wis. Stats., the following:

2393

2394 (a) Exact length and bearing of the centerline of all streets.

2395

2396 (b) Exact street width along the line of any obliquely intersecting street.

2397

2398 (c) Exact location and description of utility and drainage easements.

2399

2400 (d) Railroad rights-of-way within and abutting the plat.

2401

2402 (e) All lands reserved for future public acquisition or reserved for the common
2403 use of property owners within the plat, including public access to waterways.

2404

2405 (f) Restrictions relating to access control along public ways.

2406

2407 (g) Setback or building lines for all lots within the subdivision.

2408

2409 (h) The legal instruments detailing the ownership of the common space as
2410 required in Sec. 3.52 of this chapter, which shall be filed with the final plat for
2411 conservation subdivisions created under Residential Density Option 3.

2412

2413 (i) All final plats shall meet all the surveying and monument requirements of Sec.
2414 236.15, Wis. Stats.

2415

2416 (j) State plane coordinate system. Where the plat is located within a quarter
2417 section, the corners of which have been relocated, monumented, and coordinated
2418 by town or county, the plat shall be tied directly to one of the section or quarter
2419 corners so relocated, monumented, and coordinated. The exact grid bearing and
2420 distance of such tie shall be determined by field measurements, and the material
2421 and state plane coordinates of the monument marking the relocated section or
2422 quarter corner to which the plat is tied shall be indicated on the plat.

2423

2424 (k) Certificates. All final plats shall provide all the certificates required by Sec.
2425 236.21, Wis. Stats. In addition, the surveyor shall certify that the surveyor has
2426 fully complied with all sections of this chapter.

2427
2428 (l) Recording. The final plat shall be recorded within 6 months of the last
2429 approval and 24 months of the first approval.

2430
2431 **(2) Proposed restrictive covenants, deed restrictions, and conservation**
2432 **easements for the proposed subdivision shall be filed with the final plat.**

2433 The restrictive covenants, deed restrictions and conservation easements shall be in
2434 a form and substance acceptable to the Town Board. The Town Board may
2435 require that the restrictive covenants, deed restrictions, or another notice
2436 document contain a provision that notifies future owners of lots or parcels created
2437 by the subdivision that special assessments for public improvements related to the
2438 subdivision may be imposed by the Town.

2439

2440

2441

2442 **SUBCHAPTER 8 REQUIRED IMPROVEMENTS FOR SUBDIVISIONS**

2443

2444 **3.34 Required Improvements.**

2445

2446 **(1) General Standards.** The improvements prescribed in this chapter are
2447 required as a condition of approval of a final plat for a subdivision. The required
2448 improvements in this chapter shall be installed in accordance with design
2449 standards specified in this chapter and the engineering standards and
2450 specifications contained within the Town of Springdale Building Code. Where
2451 standards and specifications have not been adopted, the improvements shall be
2452 made in accordance with good engineering practices, approved prior to the start of
2453 construction by the Town Engineer.

2454

2455 **(2) Payment for Improvements.** The required improvements described in this
2456 chapter shall be installed, furnished, and financed at the sole expense of the
2457 subdivider.

2458

2459 **(3) Agreement providing for proper installation of improvements.**

2460

2461 (a) **Contract.** Prior to installation of required improvements and prior to approval
2462 of the final plat, the subdivider shall enter into a written contract with the Town
2463 requiring the subdivider to furnish and construct such improvements at the
2464 subdivider's sole cost and in accordance with plans and specifications and usual
2465 contract conditions, which shall include provision for inspection of construction
2466 details by the Town Engineer.

2467

2468 (b) **Financial Guarantees.**

2469

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- 2470 (1) The agreement shall require the subdivider to make an escrow deposit in a
2471 form approved by the Town Board, or, in lieu thereof, to furnish a performance
2472 bond or irrevocable letter of credit, the amount of the deposit and the penal
2473 amount of the bond or letter of credit to equal 125% of the amount estimated by
2474 the Town Engineer for the total cost of improvements to be furnished under the
2475 contract, including the cost incurred by the Town Engineer for estimates and
2476 inspections.
2477
- 2478 (2) On request of the subdivider, the contract may provide for completion of part
2479 or all of the improvements covered thereby prior to acceptance of the plat, and, in
2480 such event, the amount of the deposit or bond or letter of credit shall be reduced
2481 in a sum equal to the estimated cost of the improvements so completed prior to
2482 acceptance of the plat only. If the required improvements are not complete within
2483 the specified period, all amounts held under performance bond shall be turned
2484 over and delivered to the Town and applied to the cost of the required
2485 improvements. Any balance remaining after such improvements have been made
2486 shall be returned to the subdivider. The Town Board, at its option, may extend the
2487 bond period for additional periods not to exceed two years each period.
2488
- 2489 (3) The time for completion of the work and the several parts thereof shall be
2490 determined by the Town Board upon recommendation of the Town Engineer after
2491 consultation with the subdivider. The completion date shall be a component of the
2492 contract.
2493
- 2494 (4) The subdivider shall pay the Town for all costs incurred by the Town for
2495 review and inspection of the subdivision. This would include review and
2496 preparation, at the Town Board's discretion, of plans and specification by the
2497 Town Engineer, Town Planner, Town Attorney, as well as other costs of a similar
2498 nature.
2499
- 2500 **(4) Required Construction Plans; Town Review; Inspections.**
2501
- 2502 (a) **Engineering reports, construction plans, and specifications.** As required
2503 under Sec. 3.30 of this chapter, engineering reports, plans and proposed
2504 construction specifications shall be submitted simultaneously with the filing of the
2505 final plat. At the final plat stage, construction plans for the required improvements
2506 conforming in all respects with the standards of the Town Engineer and all
2507 applicable town ordinances shall be prepared at the subdivider's expense by a
2508 professional engineer, who is registered in the State of Wisconsin, and such plans
2509 shall contain the professional engineer's seal. Such plans, together with the
2510 quantities of construction items, shall be submitted to the Town Engineer for
2511 approval and an estimate of the total cost of the required improvements. Upon
2512 approval, they shall become a part of the contract required. Simultaneously with
2513 the filing of the final plat with the Town Clerk, or as soon thereafter as
2514 practicable, copies of the construction plans and specifications shall be furnished
2515 for the following public improvements:

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- 2516 (1) Street plans and profiles showing existing and proposed grades, elevations,
2517 and cross sections of improvements.
2518
- 2519 (2) Private sewage system plans and profiles showing the locations, grades, sizes,
2520 elevations and materials of required facilities.
2521
- 2522 (3) Storm sewer and open channel plans and profiles showing the locations,
2523 direction of flow, grades, sizes, cross sections, elevations, and materials of
2524 required facilities.
2525
- 2526 (4) Private well plans for each building envelope.
2527
- 2528 (5) Erosion and sedimentation control plans showing those structures required to
2529 retard the rate of runoff water and those grading and excavating practices that will
2530 prevent erosion and sedimentation.
2531
- 2532 (6) Planting plans showing the locations, age, caliper, species, and time of
2533 planting of required grasses, vines, shrubs and trees.
2534
- 2535 (7) Grading plan showing existing and proposed grades and spot elevations for the
2536 corners of all lots and the proposed top of foundation elevation for all proposed
2537 dwellings and accessory buildings.
2538
- 2539 (8) Additional special plans or information as required by town officials.
2540
- 2541 (b) **Review and Approval by Town Engineer.** The Town Engineer shall review
2542 or cause to be reviewed the plans and specifications for conformance with the
2543 requirements of this chapter and other pertinent town ordinances and design
2544 standards recommended by the Town Engineer and approved by the Town Board.
2545 If the Town Engineer rejects the plans and specifications, the Town Engineer
2546 shall notify the subdivider, who shall modify the plans or specifications or both
2547 accordingly. When the plans and specifications are corrected to the Town
2548 Engineer's satisfaction, the Town Engineer shall approve the plans and
2549 specifications for transmittal to the Town Board. The Town Board shall approve
2550 the plans and specifications before the improvements are installed and
2551 construction has commenced.
2552
- 2553 If the subdivider disagrees with or objects to the requirements of the Town
2554 Engineer, the subdivider may appeal the ruling of the Town Engineer to the Town
2555 Board, which shall hold a hearing to determine whether the objection is valid.
2556
- 2557 (c) **Other requirements.**
2558
- 2559 (1) *Governmental units.* Governmental units to which these bond and contract
2560 sections apply may file, in lieu of such contract or bond, a letter from officers
2561 authorized to act on their behalf agreeing to comply with this section.

2562

2563 (2) *Plats lying within extraterritorial jurisdictions.* Before final approval by the
2564 Town Board of any final plat located within the extraterritorial jurisdiction of the
2565 Village of Mount Horeb, the City of Verona or the City of Madison, the
2566 subdivider shall give evidence that the subdivider has complied with all
2567 requirements of the village or city that has extraterritorial jurisdiction over the
2568 subdivision.

2569

2570 (3) *Survey monuments.* Before final approval of any final plat within the town,
2571 the subdivider shall install survey monuments placed in accordance with the
2572 requirements of Chapter 236, Wis. Stats., and as may be required by the Town
2573 Engineer.

2574

2575 (d) **Construction and Inspection.**

2576

2577 (1) Prior to starting any of the work covered by the plans approved in this section,
2578 written authorization to start the work shall be obtained from the Town Engineer
2579 upon receipt of all necessary permits and in accordance with the construction
2580 methods of this chapter. Building permits shall not be issued until all
2581 improvements required by this chapter have been satisfactorily completed.

2582

2583 (2) Construction of all improvements required by this chapter shall be completed
2584 within two (2) years from the date of approval of the final plat by the Town
2585 Board, unless good cause can be shown for the Town Board to grant an extension.

2586

2587 (3) During the course of construction, the Town Engineer shall make or cause to
2588 be made such inspections as the Town Board deems necessary to ensure
2589 compliance with the plans and specifications as approved. The subdivider shall
2590 pay the actual cost incurred by the town for such inspections. This fee shall be the
2591 actual cost to the town of inspectors, engineers, and other parties necessary to
2592 ensure satisfactory work.

2593

2594 (e) **Record plans.** After completion of all public improvements and prior to final
2595 acceptance of such improvements, the subdivider shall make or cause to be made
2596 three copies of record plans showing the actual location of all valves, manholes,
2597 stubs, sewers, and water mains and such other facilities as the Town Engineer
2598 shall require. These plans shall be prepared on the original Mylars of the
2599 construction plans and shall bear the signature and seal of a professional engineer
2600 registered in the State of Wisconsin. The presentation of the record plans shall be
2601 a condition of final acceptance of the improvements and of the surety bond
2602 ensuring their completion.

2603

2604

2605 **3.35 Street Improvements.** The subdivider shall construct streets, roads and
2606 alleys as outlined on the approved plans based on the requirements of this chapter.

2607

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- 2608 (1) **General considerations.** The streets shall be designed and located in relation
2609 to existing and planned streets, to topographical conditions and natural terrain
2610 features such as streams and existing tree growth, to public convenience and
2611 safety, and in their appropriate relation to the proposed uses of the land to be
2612 served by such streets.
2613
- 2614 (2) **Construction standards.** Construction of all streets shall conform to the state
2615 department of transportation Standard Specifications for Road and Bridge
2616 Construction, the state Standard Specification for Sewer and Water, and any other
2617 construction standards or specifications included in the Town of Springdale Road
2618 Ordinance, and shall be subject to approval of the Town Engineer before
2619 acceptance. Where the town's standards may be more restrictive or require higher
2620 performance than the state standards, the town standards shall prevail.
2621
- 2622 (3) **Conformance to official map.** The arrangement, width, grade, and location
2623 of all streets shall conform to the official map.
2624
- 2625 (4) **Grading.**
2626
- 2627 (a) With the submittal of the final plat, the subdivider shall furnish drawings that
2628 indicate the existing and proposed grades of roads, streets, and alleys shown on
2629 the plat.
2630
- 2631 (b) Proposed grades will be reviewed by the Town Engineer for conformance
2632 with town standards and good engineering practice. Street grades require the
2633 approval of the Town Board after receipt of the Town Engineer's
2634 recommendations.
2635
- 2636 (c) The subdivider shall grade the full width of the right-of-way of the streets and
2637 alleys proposed to be dedicated, including the vision clearance triangle on corner
2638 lots.
2639
- 2640 (d) When an existing street right-of-way is made a part of the plat or abuts the
2641 plat, the subdivider shall grade that portion of the right-of-way between the
2642 existing pavement and the property line.
2643
- 2644 (e) The bed for the roadways in the street rights-of-way shall be graded to
2645 subgrade elevation.
2646
- 2647 (f) The Town Engineer shall approve all grading within rights-of-way, and such
2648 grading shall extend for a sufficient distance beyond the right-of-way to ensure
2649 that the established grade will be preserved.
2650
- 2651 (g) Where electric and other communications or utility facilities are to be
2652 installed underground, the utility easements shall be graded to within six inches of
2653 the final grade by the subdivider, prior to the installation of such facilities; earth

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- 2654 fill piles or mounds of dirt or construction materials shall not be stored on such
2655 easement areas.
2656
- 2657 (h) Cut and filled lands shall be graded to a maximum slope of 1:4 or the soil's
2658 angle of repose, whichever is the lesser, and covered with permanent vegetation.
2659
- 2660 (5) **Street construction.** After storm sewer, water, and other necessary utilities
2661 have been installed, the subdivider shall construct and dedicate, as part of the
2662 subdivision, streets and curbs and gutters. The subdivider shall surface roadways
2663 to the widths prescribed by town specifications. Construction shall be to town
2664 standard specifications for street improvements
2665
- 2666 (6) **Completion of street.**
2667
- 2668 (a) No building permit shall be issued for the construction of any residential
2669 dwelling until sewer, water, grading, graveling, and the bituminous binder course
2670 necessary to service the property for which the permit is required are installed in
2671 the street.
2672
- 2673 (b) The Town Board may issue a waiver of these requirements in unusual or
2674 special circumstances such as excessively severe weather conditions, heavy
2675 construction temporarily in the area, or construction material shortages (i.e.,
2676 cement, asphalt). The issuance of a waiver shall be at the discretion of the Town
2677 Board.
2678
- 2679 (c) The subdivider requesting a waiver shall do so in writing, presenting such
2680 information and documentation as required by the Town Board. The waiver shall
2681 be in written form and shall detail which improvement requirements are
2682 temporarily waived and for what period of time.
2683
2684
- 2685 **3.36 Curb and gutter.** Where adequate storm water runoff can be achieved
2686 through the use of road ditches on each side of local streets or collector streets
2687 within a subdivision, curbs and gutters shall not be required. If, however, the
2688 subdivider is allowed to install concrete curbs and gutters by the Town Board,
2689 they shall be installed in accordance with plans and standard specifications
2690 approved by the Town Board, on file with the Town Clerk, only after the
2691 installation of all utility and stormwater drainage improvements. Wherever
2692 possible, provision shall be made at the time of construction for driveway access
2693 curb cuts.
2694
2695
- 2696 **3.37 Sidewalks.** Sidewalks are not required in a subdivision. If, however, the
2697 subdivider is allowed to construct sidewalks by the Town Board, the sidewalks
2698 shall conform to the following requirements.
2699

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2700 (1) Sidewalks shall be constructed of concrete and shall be five (5)-foot wide and
2701 installed on both sides of all local, collector, and arterial streets. Where, in the
2702 opinion of the Plan Commission and Town Board, the subdivision would be better
2703 served by an alternative form of pedestrian access, the Town Board may grant an
2704 exception to the concrete sidewalk requirements. The construction of all
2705 sidewalks or alternative pedestrian access shall be in accordance with plans and
2706 standard specifications approved by the Town Engineer.

2707
2708 (2) In addition, wider-than-standard sidewalks may be required by the Town
2709 Board in the vicinity of schools, commercial areas, and other places of public
2710 assemblage, and the Town Board may require the construction of sidewalks in
2711 locations other than required under this Code if such walks are necessary, in its
2712 opinion, for safe and adequate pedestrian circulation.

2713
2714 (3) For all building permits issued between May 1 and October 15, sidewalks
2715 must be installed before an occupancy permit is issued. For permits issued after
2716 October 15 and before May 1, the sidewalks must be installed by the following
2717 June 15.

2718
2719
2720 **3.38 Sanitary sewer system.** The subdivider shall make adequate private sewer
2721 systems available to each lot within the subdivision. The design plans for such
2722 sewers shall conform with all applicable state and county regulations for private
2723 sewer systems and shall be reviewed and approved by the Town Engineer and by
2724 the appropriate county agency and department of natural resources. Upon
2725 construction, the installed sewers shall be inspected by the Town Engineer.

2726
2727
2728 **3.39 Water supply facilities.** The subdivider shall cause to be installed private
2729 well systems that provide each lot with potable water. The wells shall conform to
2730 all applicable state and county standards.

2731
2732
2733 **3.40 Other utilities.**

2734
2735 (1) The subdivider shall cause electric power and telephone facilities to be
2736 installed in a such a manner as to make adequate service available to each lot in
2737 the subdivision.

2738
2739 (2) Where available, the subdivider shall cause natural gas and cable television to
2740 be installed in such a manner as to make adequate service available to each lot in
2741 the subdivision.

2742
2743 (3) All new electrical distribution, television cables and telephone lines from
2744 which lots are individually served shall be underground unless the Town Board
2745 specifically allows overhead poles for the following reasons:

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2746 (a) Topography, soil, water table, solid rock, boulders, or other physical
2747 conditions would make underground installation unreasonable or impractical; or
2748

2749 (b) The lots to be served by such facilities can be served directly from existing
2750 overhead facilities.

2751 (4) Plans indicating the proposed installation of all gas, electric power, television
2752 cables and telephone distribution and transmission lines required to service the
2753 subdivision shall be subject to review and approval by the Town Board, upon the
2754 recommendation of the Town Engineer, and such plans shall be filed with the
2755 Town Clerk.
2756

2757

2758

2759 **3.41 Street trees.** The subdivider shall plant street trees in the terrace area
2760 between the sidewalk and the street along all streets proposed to be dedicated.
2761 Such street trees shall be of a species and type compatible with the character of
2762 the conservation subdivision as determined by the Town Engineer. Street trees
2763 shall be placed so that there is an average of one tree for every 50 feet of street
2764 frontage, except in those locations where the Town Engineer determines such
2765 plating would be unfeasible or hazardous in terms of traffic visibility. Street trees
2766 shall be set back at least 10 feet from driveways, 15 feet from nonarterial street
2767 intersections, and 30 feet from arterial street intersections. Street trees shall be no
2768 smaller than 2 inches in diameter at the time of planting.

2769

2770

2771 **3.42 Street signs.** The subdivider shall install at the intersections of all streets
2772 proposed to be dedicated a street name sign of a design and installation to be
2773 specified by the Town Engineer.
2774

2775

2776

2777 **3.43 Storm Water Drainage Facilities.** The subdivider shall provide storm
2778 water drainage facilities, which may include curb and gutter, catch basins and
2779 inlets, storm sewers, road ditches, storm water retention/detention, and open
2780 channels, as may be required by the specific topographical location of the
2781 subdivision. Storm sewers are to be of adequate size and grade to hydraulically
2782 accommodate the 10-year storm; culverts shall be designed to accommodate the
2783 10-year storm and shall be sized so that the 25-year frequency storms do not cause
2784 flooding of adjacent streets and roadways. Upon approval of the Town Engineer,
2785 storm water swales and ditches may be sized for from 25-year to 100-year
2786 frequency storms, depending upon the estimated amount of damage that would be
2787 incurred by adjacent properties if flooding did occur during one of those events.
2788 Storm drainage facilities shall be so designed as to minimize hazards to life or
2789 property, and the size, type and installation of all storm water drains and sewers
2790 proposed to be constructed shall be in accordance with the plans and
specifications approved by the Town Board as part of the preliminary plat review
and approval process, upon recommendation of the Town Engineer. Storm sewers

2791 oversized to accommodate runoff from offsite adjacent properties shall be
2792 installed by the subdivider.

2793

2794

2795 **3.44 Erosion Control.** Pursuant to applicable town ordinances, the subdivider
2796 shall cause all gradings, excavations, open cuts, slide slopes, and other land
2797 surface disturbances to be mulched, seeded, sodded, or otherwise protected so that
2798 erosion, siltation, sedimentation and washing shall be prevented. The subdivider
2799 shall submit an erosion control plan that specifies measures that shall be taken to
2800 assure the minimization of erosion problems in accordance with town applicable
2801 ordinances, and in compliance with Wisconsin Best Management Practices.

2802

2803

2804 **3.45 Partition Fences.** When the land included in a subdivision abuts upon or is
2805 adjacent to land use for any agricultural purpose, the subdivider shall erect, shall
2806 keep, and shall maintain partition fences, satisfying the requirements of
2807 Wisconsin Statutes for a legal and sufficient fence, between such land and the
2808 adjacent land. A covenant binding the subdivider, developer, its grantees, heirs,
2809 successors, and assigns to erect and maintain such fences, without costs to the
2810 adjoining property owners, so long as the land is used for farming or grazing
2811 purposes, shall be included upon the face of the final plat.

2812

2813

2814 **3.46 Easements.**

2815

2816 (1) **Utility easements.** The Town Board, on the recommendation of appropriate
2817 agencies serving the town, shall require utility easements for poles, wires,
2818 conduits, storm and sanitary sewer, gas, water and head mains or other utility
2819 lines. It is the intent of this chapter to protect all established easements so as to
2820 assure proper grade, to assure maintenance of the established grade, to prohibit
2821 construction of permanent fences or retaining walls over underground installation
2822 and to prevent the planting of trees in utility easement areas.

2823

2824 (2) **Drainage easements.** Where a subdivision is traversed by a watercourse,
2825 drainage way, channel or stream:

2826

2827 (a) There shall be provided a storm water easement or drainage right-of-way
2828 conforming substantially to the lines of such watercourse and such further width
2829 or construction, or both, as will be adequate for the purpose and as may be
2830 necessary to comply with this section; or

2831

2832 (b) Wherever possible, it is desirable that drainage be maintained by an open
2833 channel with landscaped banks and adequate width for maximum potential
2834 volume flow. In all cases, such watercourse shall be of a minimum width
2835 established as the high-water mark or, in the absence of such specification, not
2836 less than 30 feet. If, in the opinion of the Town Engineer, the easement shall be

2837 for a major drainage swale, the easement shall be of sufficient width to contain a
2838 100-year frequency storm. If the drainage easement is located in an established
2839 floodway or flood fringe district, the entire floodplain area shall be included
2840 within the drainage easement.

2841
2842 (3) **Easement Locations.** Such easements shall be at least 12 feet wide, or wider
2843 where recommended by the Town Engineer, and may run across lots or alongside
2844 of rear lot lines. Evidence shall be furnished to the Plan Commission and Town
2845 Board that easements and any easement provisions to be incorporated in the plat
2846 or in deeds have been reviewed by the individual utility companies or the
2847 organization responsible for furnishing the services involved.

2848
2849
2850 **3.47 Rural Address Numbering Signs.** The subdivider shall be responsible for
2851 installing rural address numbering signs for each lot of the subdivision. Such
2852 signs shall conform to the requirements of Chapter 76, Dane County Code, Ord.
2853 Amdt. 32 (1999-2000).

2854

2855

2856

2857

SUBCHAPTER 9 SUBDIVISION DESIGN STANDARDS

2858

2859 **3.48 General Considerations.** In every case the design standards specified
2860 herein shall be considered the minimum required to satisfy the purposes of this
2861 chapter.

2862

2863 (1) Conservation subdivisions created under residential density option 3 shall
2864 identify a conservation theme or themes. This theme shall be identified at the time
2865 of initial application. Conservation themes may include, but are not limited to,
2866 forest stewardship, water quality preservation, farmland preservation, natural
2867 habitat restoration, viewshed preservation, or archeological and historic properties
2868 preservation. The Plan Commission alone shall have the authority to specify
2869 which areas of the parcel to be subdivided shall be preserved.

2870

2871 (2) Each residential lot within a subdivision shall be large enough to
2872 accommodate a house and an attached two-car garage.

2873

2874

2875 **3.49 Residential Lot Requirements.**

2876

2877 (1) The minimum residential lot shall be equal to one acre.

2878

2879 (2) The principal building setbacks, maximum lot coverage by impervious
2880 surfaces, and the maximum height of all buildings shall conform to all
2881 requirements of Chapter 10 of the Dane County Code.

2882

LAND DIVISION AND SUBDIVISION CODE

- 2883 (3) Most lots shall take access from interior local streets. Existing farmsteads to
2884 be preserved shall have a driveway as part of the historic landscape that does not
2885 access a local street but should be preserved.
2886
- 2887 (4) Lots shall be configured to minimize the amount of road length required for
2888 the subdivision.
2889
- 2890 (5) Pursuant to Chapter 10 of the Dane County Code, every lot that fronts or abuts
2891 a public street or road shall front or abut for a distance of at least 66 feet, except
2892 for cul-de-sac lots, which shall provide a minimum of 33 feet of frontage.
2893
- 2894 (6) Building envelopes shall be configured to minimize loss of woodlands and
2895 major trees.
- 2896 (7) If agricultural uses are being maintained, lots shall be configured in a manner
2897 that maximizes the usable area remaining for such agricultural uses with
2898 appropriate buffers between agricultural uses and residential structures.
2899
- 2900 (8) All lots within a neighborhood shall abut open space on at least one side. A
2901 local street may separate lots from the open space.
2902
- 2903 (9) Lots within a conservation subdivision created under Residential Option
2904 Number 3 shall be oriented around one or more of the following:
2905
- 2906 a) A central green or square.
2907
- 2908 b) A physical amenity such as a meadow, a stand of trees, or some other natural or
2909 restored feature.
2910
- 2911 (10) Building envelopes should not be located on ridges, hilltops, along peripheral
2912 public roads or in other visually prominent areas.
2913
- 2914 (11) Residential structures shall be oriented to maximize solar gain in the winter
2915 months.
2916
- 2917 (12) Each lot shall be located within one (1) zoning district.
2918
- 2919 (13) A 30-foot wide native vegetation buffer shall be maintained around open
2920 water areas, unless a specific common beach or grassed area is identified.
2921
- 2922 (14) Storm water management for each lot shall meet or exceed whenever
2923 possible the following standards:
2924
- 2925 a) Minimize the use of curb and gutter and maximize the use of open swales.
2926
- 2927 b) Roof downspouts shall drain to porous surfaces.
2928

- 2929 c) Peak discharge during a 10-year storm event shall not be greater than that
2930 during a 10-year storm before platting of the subdivision.
2931
- 2932 d) The development shall capture 80% of the sediments/pollutants from 2-year
2933 storm event.
2934
- 2935 e) Landscape plantings shall be used to increase infiltration and decrease runoff.
2936
- 2937 f) Natural open drainage systems shall be preserved.
2938
2939
- 2940 **3.50 Residential Cluster Siting Standards in Conservation Subdivisions**
2941 **Created Under Residential Density Option 3.**
2942
- 2943 (1) All residential lots and dwellings shall be grouped into clusters. Each cluster
2944 shall contain no fewer than 5 dwelling units nor more than 20 dwelling units.
2945
- 2946 (2) Residential clusters shall be located to minimize negative impacts on the
2947 natural, scenic and cultural resources of the site and conflicts between
2948 incompatible uses.
2949
- 2950 (3) Residential clusters shall avoid encroaching on rare plant communities, high
2951 quality sites, or endangered species identified by the Wisconsin Department of
2952 Natural Resources.
2953
- 2954 (4) Whenever possible, open space shall connect with existing or potential open
2955 space lands on adjoining parcels and local, regional or national recreational trails.
2956
- 2957 (5) Residential clusters should be sited to achieve the following goals, to the
2958 extent practicable:
2959
- 2960 (a) Minimize impacts to prime farmland soils and large tracts of land in
2961 agricultural use and avoid interference with normal agricultural practices.
2962
- 2963 (b) Minimize disturbance to woodlands, wetlands, grasslands, and mature trees.
2964
- 2965 (c) Prevent downstream impacts due to runoff through adequate on-site storm
2966 water management practices.
2967
- 2968 (d) Protect scenic views of open land from adjacent roads. Visual impact should
2969 be minimized through use of landscaping or other features.
2970
- 2971 (e) Protect archeological sites and existing historic buildings or incorporate them
2972 through adaptive reuse.
2973

2974 (f) Landscaping around the residential cluster may be necessary to reduce off site
2975 views of residences.

2976

2977

2978 **3.51 Open Space Design Standards in Conservation Subdivisions Created**
2979 **Under Residential Density Option 3.**

2980

2981 (1) Common Open Space. The minimum open space required shall be owned and
2982 maintained under one of the alternatives listed in Sec. 3.52 of this chapter, as
2983 approved by the Town Board. The uses within the open space shall be accessible
2984 to the residents of the subdivision. These uses may also be available to the general
2985 public providing the proper approvals are received. The required open space shall
2986 be undivided and restricted in perpetuity from future development.

2987

2988 (2) Open space shall be designated as part of the subdivision plat. The minimum
2989 required open space in acres shall be equal to the number of acres occupied by all
2990 residential lots in the subdivision, or 50% of the gross acreage, whichever is
2991 greater.

2992

2993 (3) Open Space Conservation Ranking (in order of significance). The acres to be
2994 preserved shall be identified on a case-by-case basis in an effort to conserve and
2995 provide the best opportunities to restore and enlarge the best quality natural
2996 features of each particular site and to maximize the amount of agricultural land.

2997

2998 (a) First priority shall be given to intact natural communities, rare and endangered
2999 species, environmental corridors, natural and restored prairies, significant historic
3000 and archeological sites, and steep slopes.

3001

3002 (b) Second priority will be given to areas providing some plant and wildlife
3003 habitat and open space values.

3004

3005 (c) Third priority will be given to areas providing little habitat but providing
3006 viewshed, recreation, or a sense of open space.

3007

3008 (d) The following areas or structures may be located within the open space area
3009 and shall be counted toward the overall open space percentage required:

3010

3011 1) Parking areas for access to and use of the open space developed at a scale
3012 limited to the potential users of the open space.

3013

3014 2) Privately held buildings or structures provided they are accessory to the use of
3015 the open space.

3016

3017 (e) Local street and town road rights-of-way shall not be counted toward the
3018 required minimum open space.

3019

3020 (f) No more than 50% of the required open space may consist of water bodies,
3021 ponds, floodplains, or wetlands.

3022

3023 (g) That portion of open space designed to provide plant and animal habitat shall
3024 be kept as intact as possible. Trails shall be designed to avoid fragmenting these
3025 areas.

3026

3027 (h) Accessible open space in upland areas shall be available for recreational uses
3028 such as trails, play fields, or community gardens, but should be designed in a
3029 manner that avoids adversely impacting archeological or historical sites.

3030

3031 (i) A pathway system connecting open space areas accessible to neighborhood
3032 residents and connecting these areas to local streets and to planned or developed
3033 trails on adjacent parcels shall be identified on the plat.

3034

3035

3036 **3.52 Ownership and Maintenance of Open Space and Common Facilities.**

3037

3038 (1) **Alternatives.** The designated common open space and common facilities may
3039 be owned and managed by one or a combination of the following:

3040

3041 (a) A homeowners' association.

3042

3043 (b) A condominium association established in accordance with the Condominium
3044 Ownership Act, Chapter 703, Wis. Stats.

3045

3046 (c) A nonprofit conservation organization.

3047

3048

3049 **3.53 Street Improvement Design Standards.**

3050

3051 (1) Local streets in any subdivision may take the form of a two-way street, a pair
3052 of one-way streets on either side of a landscaped median, or a one-way loop street
3053 around a common open space or neighborhood green. Streets shall be developed
3054 according to standards that promote road safety, assure adequate access for fire
3055 and rescue vehicles, and promote adequate vehicular circulation.

3056

3057 (2) The subdivider must demonstrate that access to the subdivision has the
3058 capacity to handle traffic generated by the proposed project and will not endanger
3059 the safety of the general public.

3060

3061 (3) Streets shall conform to design standards contained within the Town of
3062 Springdale Town Road Code and general design standards of Sec. 3.35 of this
3063 chapter.

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SUBCHAPTER 10 VARIANCES, PENALTIES AND VIOLATIONS

3.54 Variance.

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

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

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

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

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

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

(e) The granting of the variance or waiver will not materially compromise the goals, objectives and policies of the Land Use Plan or the provisions of this chapter.

(f) The legal standard of undue hardship requires that the property owner demonstrate that without a variance there is no reasonable use of the property. When the property owner has any reasonable use for the property, the statute takes precedence and the variance should be denied. [State v. Kenosha County Board of Adjustment, 218 Wis. 2d 396, 577 N.W.2d 813 (1998).]

(3) *Application.* Application for any variance or waiver of any provision of this chapter shall be made in writing by the land divider or subdivider at the time when the preliminary certified survey map or preliminary plat is filed with the Town Clerk for consideration by the Plan Commission. The application shall state

LAND DIVISION AND SUBDIVISION CODE

3112 fully all facts relied upon by the petitioner, and shall be supplemented with maps,
3113 surveys, plans or other additional data that may aid in the consideration of the
3114 requested variance or waiver.

3115

3116 (4) *Procedures.*

3117

3118 (a) An application for a variance or waiver of any provision of this chapter shall
3119 be submitted to the Town Clerk at least 2 weeks prior to the regularly scheduled
3120 meeting of the Plan Commission at which the petitioner would like the Plan
3121 Commission to act on the application.

3122

3123 (b) At least 7 days prior to the Plan Commission meeting, the Town Clerk shall
3124 notify the owners of properties within 1000 feet of the property of the application
3125 for a variance or waiver, and shall provide the date, time and location of the Plan
3126 Commission meeting.

3127

3128 (c) At its meeting, the Plan Commission shall allow for public comment on the
3129 requested variance or waiver of any provision of this chapter.

3130

3131 (d) In reviewing an application for a variance or waiver of any provision of this
3132 chapter, the Plan Commission shall consider information provided with the
3133 application under subsection (3) above, public comment provided under
3134 subsection (4)(c) above, written public comments or petitions received by the
3135 Town Clerk prior to the meeting, and the criteria stipulated in subsection (2)(a)
3136 through (d) above.

3137

3138 (e) The Plan Commission, if it approves of the requested variance or waiver of
3139 any provision of this chapter, shall do so by motion or resolution based upon the
3140 information presented to it. A majority vote of the entire membership of the Plan
3141 Commission shall be required to recommend that the Town Board grant the
3142 requested variance or waiver, and the reasons shall be entered into the minutes of
3143 its proceedings.

3144

3145 (f) After review by the Plan Commission, the petition for a variance or waiver of
3146 any provision of the chapter shall be placed on the agenda of the next regularly
3147 scheduled meeting of the Town Board. In considering whether to approve or deny
3148 the petition to modify or waive any provision of this chapter, the Town Board
3149 shall consider the recommendation of the Plan Commission, the information
3150 provided with the application under subsection (3) above, input from a public
3151 hearing regarding the potential impact of the proposed variance or waiver on
3152 properties in the neighborhood in which the property is located, and the criteria
3153 specified in subsection (2)(a) through (d) above.

3154

3155 (g) The Town Board, if it approves the petition for a variance or waiver of any
3156 provision of this chapter, shall do so by motion or resolution based upon
3157 information presented to it, and the reasons shall be entered into the minutes of its

3158 proceedings. Such relief shall be granted without detriment to the public good,
3159 without establishment of precedence, and without impairing the purpose and
3160 intent of this chapter or the desirable general development of the town consistent
3161 with the adopted Town of Springdale Land Use Plan.

3162 (h) If the Plan Commission fails to recommend the requested variance or waiver,
3163 the Town Board may overrule the recommendation and approve the petition. Such
3164 approval shall require a supermajority vote of the entire membership of the Town
3165 Board as follows: if the Town Board consists of three (3) members, a unanimous
3166 vote shall be required to achieve a supermajority vote; if the Town Board consists
3167 of five (5) members, four (4) of the members shall be required to achieve a
3168 supermajority vote. Such approval shall be by motion or resolution subject to the
3169 regulations in subsection (4)(f) above and the reasons shall be entered into the
3170 minutes of the proceedings.

3171

3172

3173 **3.55 Enforcement, Violations and Penalties.**

3174

3175 (1) *Violations*. It shall be unlawful to build upon, divide, convey, record, or
3176 monument any land in violation of this chapter or state law, and no person shall
3177 be issued a building permit by the Town of Springdale authorizing the building on
3178 or improvement of any property created by a land division or subdivision until the
3179 requirements of this chapter have been fully met. The Town of Springdale may
3180 institute appropriate action or proceedings to enjoin violations of this chapter or
3181 applicable state law.

3182

3183 (2) *Penalties*. Penalties for violation of this chapter shall be as follows:

3184

3185 (a) Any person who fails to comply with this chapter shall, upon conviction, shall
3186 forfeit no less than fifty dollars (\$50.00) nor more than five hundred (\$500.00),
3187 and also pay the costs of prosecution for each violation including the town's
3188 reasonable and actual attorney fees and disbursements incurred in the prosecution
3189 of such violations. Each day a violation exists shall constitute a separate offense.

3190

3191 (b) Recordation improperly made has penalties provided in Sec. 236.30, Wis.
3192 Stats.

3193

3194 (c) Conveyance of lots in unrecorded plats has penalties provided for in Sec.
3195 236.31, Wis. Stats.

3196

3197 (d) Monuments disturbed or not placed have penalties provided for in Sec.
3198 236.32, Wis. Stats.

3199

3200 (e) Assessor's plat made under Sec. 70.27, Wis. Stats. may be ordered by the
3201 Town Board as a remedy solely at the expense of the subdivider, when a
3202 subdivision is created by successive land divisions.

3203

3204

3205 **3.56 Appeals.**

3206

3207 Any person aggrieved by an objection to a plat or certified survey map or failure

3208 to approve a plat or certified survey map may appeal therefrom as provided in

3209 Sec. 62.37(7) and 236.13(5), Wis. Stats.

3210

3211

3212

END OF CHAPTER