

Town of Springfield

CHAPTER 6  
LAND DEVELOPMENT ORDINANCE

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**6.01 DISCLAIMER ABOUT THIS ORDINANCE AND THE PROCESS**

(1) All persons reviewing the provisions of this ordinance should be aware that the Town of Springfield is only one of a number of governmental bodies which may have jurisdiction over proposed land divisions or developments. The Town of Springfield cannot make any representations or approvals on behalf of any other governmental body. No land division may be made unless all required approvals have been given.

(2) No statement or actions by any official, employee or agent of the Town of Springfield should be construed or taken as binding act upon the Town. The Town acts only through adoption of a resolution, motion or ordinance by the Springfield Town Board at a lawfully conducted Town Board meeting. This includes, but is not limited to, interpretation of this ordinance.

(3) The Town of Springfield has no responsibility whatsoever for assuring that land and/or buildings sold in the Town are in compliance with any ordinances, regulations or rules. The Town also assumes no responsibility for the suitability of any property whose subdivision has been approved by the Town Board.

(4) Applicants for development projects are advised that the Town may decide to obtain expert advice on a proposed development. That advice may include, without limitation,

engineering, environmental, planning, legal or water resource or other advice. The Town does not pay for such advice, and will require the applicant to agree to pay for these consultants as a condition of accepting an application.

## **6.02 THE PURPOSE OF THIS ORDINANCE AND AUTHORITY TO ADOPT IT.**

(1) **TITLE.** This Chapter shall be known as the Land Division Ordinance of the Town of Springfield and will be referred to in this Chapter as “this Chapter” or “this Ordinance.”

(2) **AUTHORITY.** The Town of Springfield has elected to exercise Village powers. Therefore, these regulations are adopted under the authority granted by Sections 61.35, 62.23, 66.0217, and 236.45 of the Wisconsin State Statutes.

(3) **PURPOSE.** The purpose of this ordinance is to maintain the high quality of life and beautiful physical environment which exists in the Town of Springfield. To secure that end, this Ordinance regulates and controls the division of land within the corporate limits of the Town of Springfield in order to promote the public health, safety and general welfare of the community. This Ordinance also is intended to allow the Town to plan for the future delivery of public services and to avoid the need to provide public services in an uneconomic or inappropriate manner.

(4) **INTENT.** The intent of this Ordinance is to implement the Comprehensive Plan of the Town, and thereby, to promote the public health, safety, convenience and general welfare of the community. The regulations are designed to lessen congestion in the highways and streets, to foster the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to discourage overcrowding of the land; to protect the community's agriculture base; to facilitate adequate provision for transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; and to allow the division of large tracts of land into smaller parcels where such proposed divisions meet the requirements of this Ordinance. The regulations are made with the reasonable consideration of, but not limited to, the present character of the Town and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, protecting farming and open spaces, and providing for the most appropriate use of land in the Town of Springfield.

(5) **ABROGATION AND GREATER RESTRICTIONS.** This ordinance shall not be construed to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to laws. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

(6) **INTERPRETATION.** In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

(7) SEVERABILITY. In the event that a court should determine that a portion of this ordinance is invalid, the remaining portions of the ordinance shall stand and be valid, and shall be construed as a complete enactment.

### **6.03 DEFINITIONS OF TERMS USED IN THIS ORDINANCE.**

In this Chapter the following words and phrases shall have the designated meaning unless a different meaning is expressly provided or the context clearly indicates a different meaning:

(1a) ADEQUATE PUBLIC FACILITIES. Means sufficient transportation facilities, on-site wastewater treatment and private water supply to accommodate a proposed land development.

(1) BOARD. The Town Board of the Town of Springfield.

(2) CERTIFIED SURVEY MAP. A map of land division, not a subdivision, prepared in accordance with Section 236.34 of the Wisconsin Statutes and in full compliance with the applicable provision of this chapter. A certified survey map has the same legal force and effect as a subdivision map.

(3) CLERK. The Town of Springfield Clerk.

(3a) CLUSTER DEVELOPMENT. A form of subdivision development in which residences are located in close proximity on small lots which are surrounded or buffered by an area of open space.

(4) COMPREHENSIVE DEVELOPMENT PLAN. A map of land division, not a subdivision, prepared in accordance with Section 236.34 of the Wisconsin Statutes and in full compliance with the applicable provision of this chapter. Such a plan shall specify and clearly illustrate the location, relationship, and nature of all primary and secondary uses, public and private easements, public and private roads, pedestrian paths and common open space.

(5) COPY. A true and accurate copy of all sheets of the original subdivision plat or certified survey map.

(5a) DEVELOPER. A person proposing or constructing a subdivision or other land division.

(6) DIVIDE. To convey, record, survey, parcel, split or in any other manner alter an interest in real property so as to cause a parcel of land to be allotted, allocated, severed, split or rendered into smaller parcels of land.

(7) GREENWAY. An open area of land, the primary purpose of which is to carry stormwater on the ground surface in lieu of an enclosed storm sewer. Greenways may serve multiple purposes in addition to their principal use including but not limited to, vehicular, bicycle, and pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water retention basin, park development and other related uses.

(7a) INTERGOVERNMENTAL AGREEMENT. The Agreement between the City of Middleton and Town of Springfield providing for a defined boundary and agreed on pattern of land uses.

- (8) **LAND DIVISION.** A division of a parcel of land which is not a subdivision and which results in the creation of a new or remaining parcel or building sites of **39.0** acres each or less in area, regardless of whether the act of division also creates one or more lots, parcels or building sites on 40.0 acres or more.
- (9) **LAND(S).** Any real estate or interest in real estate.
- (10) **LOT.** A land area of 39.0 acres or less.
- (11) **COMPREHENSIVE PLAN.** The Town of Springfield's plan for guiding and shaping the growth or development of the Town and neighborhoods therein, adopted under sec. 66.1001, Wis. Stats.
- (12) **OFFICIAL MAP.** A map indicating the location, width, extent of the existing and proposed street, highway, parkways, parks and playgrounds in future development adopted or amended by the Town Board pursuant to Section 62.23(6) of the Wisconsin Statutes.
- (13) **OUTLOT.** A parcel of land, other than a lot, building site, or block, so designated on the plat or certified survey map.
- (14) **PARCEL.** Contiguous lands under the control of a developer or developers not separated by streets, highway or railroad rights-of-way.
- (15) **PLAT.** A map of a subdivision prepared in conformity to the requirements of Ch. 236, Wis. Stats.
- (16) **PLAN COMMISSION.** The Town of Springfield Plan Commission.
- (17) **PRELIMINARY PLAT.** A map showing the salient features of a proposed subdivision or land division, as described in this ordinance, submitted to the Town for purposes of preliminary consideration, prior to all final plats and, when required, prior to all land divisions.
- (18) **PUBLIC WAY.** Any public road, street, highway, walkway, drainageway, or part thereof.
- (19) **REPLAT.** Process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or a part thereof. The division of a block, lot or outlot within a recorded subdivision plat without changing the exterior boundaries of said block, lot or outlot is not a replat but a land division.
- (20) **RESIDENTIAL DWELLING UNIT.** A single family dwelling or the part of a duplex, apartment, residential condominium or other multiple family dwelling occupied by one family or one distinct set of inhabitants.
- (21) **SEWER SERVICE.** The public sanitary sewer service provided by the Madison Metropolitan Sewerage District and a Sanitary Districts of the Town of Springfield.
- (22) **SHORELAND.** Any land lying within 75 feet of the ordinary high water mark of a navigable waterway.
- (22a) **STORMWATER.** The portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels or pipes into a defined surface water channel or a constructed infiltration facility.

(23) STREET, ROAD, HIGHWAY. A public way for pedestrian and vehicular traffic whether designated as a street, highway, road, land, way, avenue or however otherwise designated.

(A) Arterial Streets and Highways Those streets which provide rapid movement of concentrated volumes of traffic over relatively long distances. They provide principally for movement of persons and goods between high activity area.

- i. Principal Arterials Those streets serving the major interstate corridors and corridors which connect major cities and regions. These routes provide the highest level of mobility and form a continuous system with constant operating conditions under a high degree of access control.
- ii. Primary Arterials Those streets serving long trips between important cities and the major intracommunity corridors within the metropolitan area. These routes provide for a high degree of mobility under a high degree of access control.
- iii. Standard Arterials Streets which more commonly provide for intermediate length trips, thus serving through traffic movement in trade areas, or feeding traffic to the primary and principal arterials from lower activity area not served by such routes.

(B) Collector Streets Those streets which provide moderate speed movement of persons and goods within large areas. They are basically local streets which usually, because of more directness of routing and higher capacity than other local streets, receive higher volumes of traffic to be distributed from or collected toward nearby arterial streets.

- i. Connector Streets Those streets which perform a semi-arterial function as well as serving as distribution and land access streets.
- ii. Distributor Streets Those streets which perform the function of gathering and distributing traffic from and to the local streets and adjacent lands.

(C) Local Streets Those streets which are designed for low speeds and volumes and are to provide access from low-generation land activities to the collector and arterial systems.

(D) Marginal Access Streets Those streets which are parallel and adjacent to arterial streets and highway and which provide access to abutting properties and protection from through traffic.

(E) Alleys Streets which provide secondary means of access for vehicular services to the back or side of property otherwise abutting a street.

(F) Cul-de-sac Streets closed at one end with turnarounds.

(G) Dead-end Streets Streets closed at one end without turnarounds.

(24) DEVELOPER. Any person, firm, corporation, partnership or other entity which divides or proposes to divide land in any manner which results in a land division or subdivision.

(25) SUBDIVISION. A division of a parcel of land where the act of division creates either:

- (A) Five or more lots, parcels or building sites of 39 acres each or less in area; or
- (B) Five or more lots, parcels or building sites of 39 acres each or less in area by successive divisions within a period of five years.

(26) STRUCTURE. Anything which has the capacity to contain, used for the occupation or shelter of man or animal or for the storage, receiving, retaining or confining of personal property, the use of which requires permanent location on the ground or attachment to something having

permanent location on the ground. The term does not include the facilities and appurtenances of public utilities other than buildings.

(27) TOWN. The Town of Springfield, Dane County, Wisconsin.

(27a) TRANSFER OF DEVELOPMENT RIGHTS (TDR). A town program that requires a developer of land in certain areas identified for development in the comprehensive plan to contribute to the conservation of land in other areas identified in the plan for long-term preservation, but only if such developer elects to develop at a density that exceeds policies normally applicable in the Agricultural Preservation District as described in the Comprehensive Plan. The TDR program is part of the town's overall farmland preservation, rural character preservation, and growth management strategy. The rules for the town's TDR program are established in the town's comprehensive plan and by policy of the Town Board, both of which may be amended from time to time. This ordinance does not create or recognize property rights. It merely allows exchange among property owners of development potential permitted under zoning and other police power regulations.

(28) TREASURER. The Town of Springfield Treasurer.

(29) UTILITY EASEMENT. An easement to place, replace, maintain or move utility facilities.

(30) WETLAND. Real estate which has been delineated as a wetland by the official wetland boundary maps of Dane County.

#### **6.04 WHAT LAND DEVELOPMENTS ARE COVERED BY THIS ORDINANCE.**

(1) These regulations shall apply to all land and condominium developments within the Town of Springfield.

(2) Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this chapter and obtain all necessary permits for projects occurring within this chapter's jurisdiction. State agencies are required to comply when Wisconsin Statutes Section 13.48(13) applies. The construction, reconstruction, maintenance and repair of State highways and bridges by the Wisconsin Department of Transportation are exempt when Wisconsin Statutes Section 30.12(4)(a) applies.

(3) The provisions of this ordinance as they apply to division of tracts of land into less than five

(5) parcels shall not apply to:

(a) Transfers of interests in land by will or pursuant to court order;

(b) Leases for a term not to exceed 10 years, mortgages or easements;

(c) The sale or exchange of parcels of land between owners of adjoining property if: (i) additional lots are not thereby created; and (ii) the lots resulting are not reduced below 40,000 square feet with a minimum 150 foot width at the building line, 66-foot right-of-way for roads, and (iii) the lots created have applicable offsets, setback requirements or such other minimum size required by Town Ordinance, Dane County Ordinances or Chapter 236 of the Wisconsin Statutes or any other applicable laws or ordinances.

#### **6.05 THE PROCESS OF TOWN REVIEW OF PROPOSED LAND DEVELOPMENTS.**

As Amended February 20, 2019

(1) **REVIEW DEVELOPMENT STANDARDS AND PLANS.** Developers are responsible, before preparing a proposal, for reviewing the Town's development standards and plans to assure that their plans meet the requirements contained in those standards.

(2) **INFORMAL CONFERENCE.** Before formally submitting an application for a proposed land division or subdivision, the applicant is encouraged to bring a concept plan to the Plan Commission for a pre-submission conference as provided for in sec. 6.07.

(3) **EXTRATERRITORIAL REVIEW.** In the case of lands lying less than three miles from the corporate limits of the City of Middleton or one and one-half miles from the Village of Waunakee, the applicant should consult with the village or city to determine whether the plat is subject to review by the village or city. The applicant and not the Town of Springfield, is responsible for all extraterritorial review and requirements.

(4) **STAGES.** Informal review includes a preliminary conference. Formal review of land divisions shall include the preliminary plat and final plat, which are provided for herein. Certified survey maps shall be reviewed in one phase.

(5) **COST OF REVIEW.** All costs of review by the Town shall be paid by the party proposing the land division.

## **6.06 LAND DEVELOPMENTS REQUIRED TO MEET TOWN STANDARDS.**

All land divisions must comply with the standards of this Chapter.

(1) **COMPLIANCE.** No subdivision, land division, replat, or condominium development within the jurisdiction of this chapter shall be entitled to be approved or recorded without compliance with all requirements of this chapter that are in effect when a subdivider submits a preliminary plat, certified survey map, or condominium plat, and with the following:

- (a) The provisions of Wis. Stats. Chapters 703, 80.08, and 236, including § 236.45(2)(ac).
- (b) All other Town ordinances that are in effect when a subdivider submits a preliminary plat, certified survey map, or condominium plat, including but not limited to the zoning ordinance and any official map ordinance.
- (c) The comprehensive plan in place when a subdivider submits a preliminary plat, certified survey map, or condominium plat.
- (d) All other master plans, comprehensive plans, and components of such plans prepared by state, regional, county or municipal agencies, when such plans have been duly adopted by the Town Board when a subdivider submits a preliminary plat, certified survey map, or condominium plat.
- (e) The provisions of Wis. Admin. Code Chapter SPS 385 for subdivisions, land divisions, or replats not served by public sanitary sewer.
- (f) All other applicable state statutes, administrative rules, county ordinances, and all intergovernmental agreements to which the Town is a party.

(2) LAND SUITABILITY.

(a) No land shall be subdivided or divided if the land is determined by the Town Board, with the advice of the Plan Commission, to be not readily or appropriately developable.

(b) A determination that land is not suitable for development shall be made on the basis of evidence. Prior to making a determination that land is unsuitable for development, the Town shall provide the specific basis for its proposed determination to the land developer, and afford the developer a hearing at which the developer may present evidence and argument on the issue.

(c) Land is not developable if:

1. the land has unsuitable soils based on the Dane County Soil Survey or soil data which identify the area as unsuitable for development;

2. the land is located in a floodplain;

3. the land proposed for building sites is located less than 75 feet from the ordinary high water mark of a lake, stream or river, or the delineated edge of a wetland,

4. the land is proposed to be used in a manner contrary to the zoning or comprehensive plan of the Town.

5. the land on which the development is proposed has a slope of more than 20 percent

(d) In determining that land is unsuitable, the Town may rely on adopted official soil maps which identify soils which have limitations for residential or commercial development, or on other reliable soil information.

(3) SURFACE WATER DIVERSION. No land shall be divided or subdivided if the town determines, on the basis of evidence, that the development thereof would, despite the provision of stormwater management required by applicable ordinances, create a substantial probability of material damage or injury to adjoining properties through alteration in the flow of surface water.

(4) DESIGN REVIEW. The proposal shall comply with the Town's design standards for land divisions.

(5) STORM WATER MANAGEMENT. The proposal shall comply with the requirements of Subchapter II, Chapter 14, Dane County Code, related to erosion control and storm water management.

(6) THERMAL PROTECTION. Certain portions of the Town of Springfield are located within the watershed of streams which have been determined to be thermally sensitive. In these areas, development may not be approved unless the Developer demonstrates that the development will not cause thermal pollution of streams and surface waters.



## **6.07 TRANSFER OF DEVELOPMENT RIGHTS.**

(1) The town hereby establishes a transfer of development rights (TDR) program. The rules of the TDR program are established in the town's comprehensive plan and by policy of the Town Board. The town may condition approval of the plat or certified survey map on compliance with such rules. The town may require verification from the subdivider that TDR program rules, including a recordable agricultural conservation easement or easements pertaining to "sending areas," have been met before the town provides required signatures on the final plat or certified survey map, before the subdivider records the final plat or certified survey map, and/or before building permits are issued for the affected lots.

## **6.08 THE PRELIMINARY CONFERENCE.**

(1) It is recommended that, prior to the filing of an application for the approval of a certified survey map or a preliminary plat, the developer or divider shall consult with the Town Plan Commission to obtain its advice and assistance. This consultation is neither formal nor mandatory, but is intended to inform the developer of the purpose and objectives of these regulations, any applicable master plans and plan implementation devices and to otherwise assist the developer in planning the development. No such consultation shall in any manner bind the Town Plan Commission or the Town Board to approve a plat or certified survey map. Further, no developer may rely upon or cite any advice or information provided by the Town Plan Commission or Town Board as evidence of the official actions of the Town.

## **6.09 THE PRELIMINARY PLAT.**

(1) Before submitting a final plat for approval, the developer shall prepare and submit to the Town:

- (a) a preliminary plat,
- (b) The completed Town of Springfield Site Assessment Checklist and all documentation required that checklist;
- (c) the written application for approval; and
- (d) the required application fees.

(2) The preliminary plat may include the entire contiguous area owned or controlled by the developer even though only a portion thereof is proposed for development at the time.

- (3) Every preliminary plat shall be prepared according to the following requirements:
- (a) General. A preliminary plat shall be required for all subdivisions and shall be based on a survey by a land surveyor registered in this state. The plat map shall be prepared in conformance with the requirements of Ch. 236, Wis. Stats., the Dane County Subdivision Ordinance, applicable surveying standards and other applicable legal requirements.
  - (b) The preliminary plat shall show all plat data as required by Dane County Subdivision Ordinance.

(c) The developer shall provide road and street plans and profiles showing existing ground surfaces, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon USGS data, and plans and profiles shall be approved by the Town Board, with the advice of the Town Road Supervisor. Streets plans shall conform in all respects to applicable zoning ordinances, the Town Plan, and the road standards of the Wisconsin Department of Transportation.

(e) The Town Board shall require submission of a draft of all prospective covenants which the developer intends to regulate land use in the proposed subdivision and otherwise protect proposed development. No covenant may be recorded without the prior approval of the Town Board. All covenants which insure to the benefit of the public shall be drafted so as to be enforceable by the Town. Commercial plats shall contain standard drainage, public utility, street maintenance and construction erosion control covenants in a form prescribed by the Town.

(f) The surveyor preparing the preliminary plat shall certify on the face of the plat that he has fully complied with the provisions of this ordinance.

(g) All preliminary and final plat submittals shall include components, and/or be accompanied by narrative, demonstrating how applicable provisions of the Town's transfer of development rights program and comprehensive plan will be met, including but not limited to applicable conservation neighborhood design standards.

(h) All preliminary and final plat submittals shall be accompanied by proposed private covenants, and the following shall be included in such covenants and on the face of the plat: "Through Section 823.08 of Wisconsin Statutes, the Wisconsin Legislature has adopted a right-to-farm law. This statute limits the remedies of owners of later established residential property to seek changes to pre-existing agricultural practices in the vicinity of residential property. Active agricultural operations are now taking place and may continue on lands in the vicinity of the Plat of \_\_\_\_\_. These active agricultural operations may produce noises, odors, dust, machinery traffic, or other conditions during daytime and evening hours."

(4) The developer shall file fifteen (15) copies of the plat and the application with the Clerk at least twenty-one (21) days prior to the meeting of the Town Plan Commission at which action is desired. The developer shall also submit fifteen (15) copies of the Site Assessment Check list and all supporting documentation. The Town Plan Commission may waive the requirement that the preliminary plat include the entire area owned by the developer where it is unnecessary to fulfill the purpose of the ordinance and undue hardship would result from strict enforcement of this provision. Where a developer has control of lands which are equal to or in excess of 80 acres in area, or are smaller parcels separated only by existing public roads, in lieu of a preliminary plat on the entire area, the developer may elect to submit a comprehensive development plan.

(5) The Clerk shall forward five (5) copies of the preliminary plat to the Town Plan Commission which shall examine it for conformity with all ordinances, administrative rules and regulations and for compliance with any applicable Town master plan.

(6)

- (a) The Town Plan Commission shall recommend approval, conditional approval or rejection of the proposed plat to the Town Board.
- (b) If approval or conditional approval is recommended, the preliminary plat shall be referred to the Board for consideration. The Town Board shall then approve, conditionally approve, or reject the preliminary plat.
- (c) One copy of the plat shall be returned to the developer, the developer's surveyor, or engineer with the date and action endorsed thereon. If the plat is approved conditionally or rejected, the conditions of approval or reasons for rejection shall be endorsed thereon or attached thereto.
- (d) Unless the time is extended by written agreement between the developer and the Board, failure to complete the action therein required within ninety (90) days of filing of the preliminary plat constitutes an approval of the preliminary plat.

(7) Approval or conditional approval of a preliminary plat shall entitle the final plat to approval provided the final plat conforms substantially to the preliminary plat, including any conditions of that approval, conforms to applicable requirements in Section 6.06, and is submitted within 36 months of the last required approval of the preliminary plat, unless extended by the Town Board. Previous preliminary plat approvals shall not constitute grounds for approval upon resubmission.

#### **6.10 THE FINAL PLAT.**

- (1) The developer shall prepare and file six (6) copies of the final plat together with a written application for approval with the Clerk within six months of the approval of the preliminary plat and at least fourteen (14) days prior to the meeting of the Town Board at which action is desired.
- (2) The Clerk shall forward two (2) copies of the plat to the Town Board. The Town Board shall examine it for conformity with the preliminary plat and any conditions or approval, with the requirements of this ordinance, and with the requirements of any other ordinances, statutes, administrative rules and regulations, or local plans which may be applicable to it. The Plat shall be prepared in conformity with the following standards:
  - (a) A final plat prepared by a land surveyor registered in this state shall be required for all subdivisions. It shall comply in all respects with the requirements of this Chapter, Section 236.20 of the Wisconsin Statutes and the Dane County Subdivision Ordinance.
  - (c) The final plat shall show, correctly and on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes and this ordinance, the following:
    - (i) Exact length and bearing of the centerline of all streets.
    - (ii) Exact street width along the line of any obliquely intersecting street.
    - (iii) Size of culvert, if any, for each driveway of each lot in the land division.
    - (iv) All land reserved for future public acquisition or reserved for the common use of property owners within the plat.
    - (v) Special restrictions required by the Town Board relating to access control along public ways or to the provisions of planting strips.

- (3) All improvements required by this Chapter shall be made or guaranteed in the manner described in this Chapter. If the final plat meets the requirements listed in Section 6.09(6), the Town shall approve the final plat of the subdivision within sixty (60) days from the date officially submitted to the Town Clerk.
- (4) The Town Board shall require that restrictive covenants or deed restrictions be filed with the final plat. Any easements noted on the plat for the benefit of private parties, including adjacent landowners, shall be embodied on in written easement deeds which shall be recorded.
- (5) All final plats shall meet all the surveying and monuments requirements of Section 236.15 of the Wisconsin Statutes. All final plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes; and, in addition, the surveyor shall certify that he/she has fully complied with all the provisions of this ordinance.
- (6) The Town Board shall approve or shall reject the plat. The Town Board shall indicate the reasons for any rejection of the plat. One copy of the plat shall then be returned to the developer, the surveyor, or engineer with the date and action endorsed thereon, and if approved or rejected, the conditions or requirements of approval or reasons for rejection shall be endorsed thereon or attached thereto. Unless the time is extended by written agreement between the developer and the Board, failure to complete the action required herein within sixty (60) days of filing the final plat shall constitute an approval of the final plat.
- (7) The final plat may, if permitted by the Town Board, include only that portion of the approved preliminary plat which the developer proposes to record at this time.
- (8) After the final plat has been approved by the Board and the contract and security filed in accordance with this ordinance, the developer shall submit the final plat to the Clerk. After the developer has executed the developer's agreement to provide all required improvements, has posted the security required by this ordinance, has paid all fees imposed pursuant to the ordinance and any area assessments, and after the developer has met all other requirements, the Clerk shall execute the certificate inscribed upon the face of the plat or certified survey attesting to the approval thereof and return it to the developer for recording. The Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed. The plat shall be returned to the developer for recording.
- (9) After the final plat has been approved by the Town Board, all associated conditions satisfied, state agency review under Section 236.12 of Wisconsin Statutes completed, all required fees paid, any required covenants and deed restrictions filed, and a development agreement and sureties insuring their installation filed, the Town Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the County Register of Deeds. The plat must be recorded within 12 months after the date of the last Town Board approval of the plat and within 36 months after the first approval, or the Town approval shall be deemed void. Recording fees shall be paid by the subdivider. The subdivider shall provide a recorded copy of the plat to the Town Clerk in the requested format(s) within 10 days of its recording.

As Amended February 20, 2019

## **6.11 LAND DIVISION BY A CERTIFIED SURVEY MAP.**

(1) A certified survey map which has been approved by the Town Board, and meets all of the requirements of Section 236.34 of the Wisconsin Statutes and of this ordinance, may be utilized to create a land division as defined in Section 6.03. The Board resolution approving the certified survey map shall be reproduced legibly on the face of the certified survey map. All unpaid or outstanding taxes, assessments and special assessments shall be paid prior to the approval unless determined otherwise by the Town Board.

(2) An applicant for a land division by CSM shall file ten (10) copies of the certified survey map and a written application for approval with the Clerk. An applicant shall submit ten (10) copies of the Town's site assessment checklist and all supporting documentation. The certified survey map must be prepared in conformance with the submittal requirements of Chapter 236 of the Wisconsin Statutes and the Dane County Subdivision Ordinance, and also include or be accompanied by the following:

(a) Demonstration of how applicable provisions of the Town's transfer of development rights program and comprehensive plan will be met, including but not limited to applicable residential development siting standards.

(b) The following note on the face of the certified survey map: "Through Section 823.08 of Wisconsin Statutes, the Wisconsin Legislature has adopted a right-to-farm law. This statute limits the remedies of owners of later established residential property to seek changes to pre-existing agricultural practices in the vicinity of residential property. Active agricultural operations are now taking place and may continue on lands in the vicinity of this certified survey map. These active agricultural operations may produce noises, odors, dust, machinery traffic, or other conditions during daytime and evening hours."

(3) The Town Board shall within sixty (60) days approve, approve conditionally, or reject the certified survey map based on a determination of conformance with the provisions of this ordinance. One copy of the certified survey map shall be returned to the developer with the date and action endorsed thereon or attached thereto. Unless the time is extended by written agreement between the developer and the Board, failure to complete the action required herein within sixty (60) days of the filing of the map shall constitute an approval of the certified survey map.

(4) After the certified survey map has been approved by the Town Board, the development agreement has been executed and recorded, the security filed in accordance with this ordinance and any fee imposed pursuant to this ordinance has been paid, the developer shall submit the certified survey map to the Clerk. The Clerk shall cause the certificate inscribed upon the map attesting to such approval to be duly executed. The certified survey map shall be returned to the developer for recording.

(5) After the certified survey map has been approved by the Town Board, all associated conditions satisfied, any required state agency review completed, all required fees paid, and any required covenants, deed restrictions, development agreement, and surety filed, the Town Clerk

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shall cause the certificate inscribed upon the map attesting to such approval to be duly executed and the map returned to the subdivider for recording with the County Register of Deeds. The certified survey map must be recorded within 12 months after the date of the last Town Board approval of the map and within 36 months after the first approval, or the Town approval shall be deemed void. Recording fees shall be paid by the subdivider. The subdivider shall provide a recorded copy of the map to the Town Clerk in the requested format(s) within 10 days of its recording.

(6) GENERAL. A certified survey map prepared by a surveyor registered in this state shall be required for all land divisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes and conform to the requirements of the Dane County Subdivision Ordinance.

(7) INFORMATION REQUIRED. A sketch showing the present zoning and any proposed zoning change for the land division and all adjacent lands shall be submitted along with the map. The map itself shall show correctly on its face, in addition to the information required by section 236.34 of the Wisconsin Statutes, the following:

- (a) All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.
- (b) Setbacks or building lines required by Town Ordinance.
- (c) All lands reserved for future acquisition.
- (d) Date of map.
- (e) Size of culvert, if any, for the driveway of each lot.

(8) CERTIFICATES.

- (a) The surveyor shall certify on the face of the map that the surveyor has fully complied with all the provisions of this ordinance. The Board shall certify its approval on the face of the map.
- (b) The following certificate of approval shall be provided legibly on the face of the map:

This certified survey, including any dedications shown thereon, has been duly approved by the Town Board of the Town of Springfield, Dane County, Wisconsin, on \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_ Clerk

(9) CRITICAL BUILDING LOCATIONS. Any building or structure and its location on the lot shall be dimensioned to the nearest 0.1 foot where the building or structure is to be located within five (5) feet of the proposed property boundaries or the zoning yard requirements, or such other requirement as is consistent with the subdivision regulations of Dane County.

(10) DEDICATIONS AND IMPROVEMENTS REQUIRED. Any land division effectuated by a certified survey shall be subject to the provisions of this ordinance concerning the reservation and dedication of land; and, unless a waiver is granted, the provisions of this ordinance concerning required improvements.

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## **6.12 CONSTRUCTION OF PUBLIC IMPROVEMENTS.**

(1) Prior to commencing construction of any required improvement, the developer shall prepare construction plans and specifications and submit them to the Town Road Supervisor or designee for review and approval. The Town Road Supervisor may require the submission of the plans and accompanying construction specifications before authorizing construction or installation of the improvements. The Plans shall include:

- (a) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
- (b) Stormwater and surface water drainage plans.
- (c) Such additional plans or information as may be required by the Town Road Supervisor.
- (d) Plans and specification for all utilities and underground facilities.

(2) **PRIVATE CONTRACTS.** The developer shall engage one general contractor whose qualifications have been approved by the Board for each major phase of construction (grading, utilities, streets) or one general contractor for a contract which includes more than one phase of construction.

(3) **SCHEDULING.** All scheduling of the contemplated improvements shall be approved by the Town Road Supervisor. Construction may not be commenced on any phase of construction until all approvals and conditional requirements are satisfied and a copy of the private contract has been filed with and approved by the Board. Construction shall not proceed until all State of Wisconsin approvals are granted.

(4) **STREET GRADING.**

- (a) The developer shall furnish standard drawings which indicate the existing and proposed grades of streets shown on the plat, and after review of design engineering work on the streets by the Town Road Supervisor and approval of street grades by the Board, the developer shall grade or cause to be graded the full width of the right-of-way of the streets proposed to be dedicated, including the vision clearance triangle on corner lots. In those cases where existing street right-of-way is made a part of the developer's plat or abuts the plat, the developer shall grade or cause to be graded that portion of the right-of-way between the existing pavement and the property line. The bed for the roadways in the street right-of-way shall be graded to sub-grade elevation. The Town Road Supervisor shall inspect the proposed street before grading and approve all grading within right-of-way. The street grading shall extend for a sufficient distance beyond the right-of-way to insure that the established grade will be preserved. The grading of rights-of-way for principal and primary arterials shall only be required where necessary to provide access to the streets or lots in the plat. Lots which abut principal and primary arterials shall be graded to proposed street grade or to a grade approved by the Town Road Supervisor prior to the sale of affected properties.
- (b) The developer shall engage a licensed professional engineer to set sub-base grade in accordance with approved centerline grade and cross section; and to set grades necessary to comply with other grading requirements, including vision clearance on corner lots, centerline

and lot line grades for greenways, terrace grading for abutting streets and other required grades. The grading program shall consist of the following elements:

1. The stripping and removal of all topsoil, debris and vegetation within the street right-of-way.
2. Grading of full street right-of-way to a tolerance of 0 to 0.2 feet below proposed centerline grade. Fill sections shall be constructed of approved materials, which do not include topsoil, debris, vegetation, etc.
3. Grading beyond right-of-way to insure that the established grade will be preserved.
4. Grading of vision clearance triangle on corner lots (Maximum embankment of three (3) feet above curb elevation within a triangle formed by two intersection street line or their projections and a line joining points on such street lines located 25 feet from the street intersection).
5. Where the public greenway is included in the plat, the developer is responsible for an acceptable continuous drainageway in the greenway as determined by the Town Road Supervisor.
6. All additional plat grading, where applicable, lot abutting greenways, terraces of streets abutting plats public easements for sanitary sewer and sidewalk, and other requirements of ordinances and special conditions of plat approval. There shall be a plan for disposal of any surplus soil or earth.

(5) **SIZING AND OVERSIZING OF DRAINAGEWAYS.** The cost of constructing storm sewer and storm water drainage including retention basins which serve the plat or project but which are not necessary to serve the entire drainage basin or subbasin in which it is located shall be borne solely by the developer. Those costs which are attributable solely to increasing the capacity of the required storm sewer and storm water drainage facilities to enable them to serve the entire drainage basin or subbasin shall be paid by the Town and recovered through area charges or special assessments levied against all benefited properties. Any costs to be borne by the developer under this subsection shall be paid before the final plat is inscribed by the Town Clerk or before any building permit is issued. Any area charges levied pursuant to this subsection shall be subject to adjustment based upon the Consumer Price Index. In making such adjustments the year that the area charges for the drainage basin or subbasin were established shall be used as the base year.

(6) **UTILITIES.**

- (a) If the developer elects to install underground utilities and the standard street improvement in the same year, provision must be made for mechanical compaction of all ditches for underground utilities that fall within the street right-of-way.
- (b) Prior to commencing construction of any required utilities, the developer shall submit the proposed construction schedule, plans, specifications and contract to the Town Road Supervisor.

(7) **GREENWAYS.** Greenways included within platted or re-platted area shall receive the following prescribed treatment by the owner of the land division.



(a) The developer shall be responsible for an acceptable continuous drainageway through the proposed plat as determined by the Town Road Supervisor. The developer shall furnish the Town Road Supervisor a plan outlining the greenway boundaries and location of existing drainageways, if any. In addition, the developer shall furnish to the Town Road Supervisor a set of cross-sections (on 50' stations) of the greenway oriented upon a base line as prescribed by the Town Road Supervisor. Where a natural drainageway exists which has acceptable hydraulic capacities including alignment and grade as determined by the Town Road Supervisor, construction will not be required and the existing natural growth shall be preserved. When such natural growth is not preserved by action of the developer or an acting agent, the developer shall be responsible for repairing the disturbed areas by sodding. However, in certain locations, as determined by the Town Road Supervisor, where the hydraulic capacities including alignment and grade are not acceptable, then such alignment, grade and slopes shall be improved by the developer to the interim minimum requirements of a ten-foot wide ditch bottom with four to one side slopes, all to be seeded.

(b) The developer shall install permanent pipes or culverts at a grade designated by the Town Road Supervisor under all streets crossing a greenway or drainageway. Said installation shall be in accordance with the Standard Specifications for Road and Bridge Construction of the Department of Transportation of the State of Wisconsin. All costs of the installation shall be the responsibility of the developer. The permanent pipe or culvert shall not be installed prior to the installation of a street crossing a greenway unless done pursuant to written agreement between the Engineer and the developer. Culverts required across intersections for temporary street drainage, shall be furnished and installed by the developer at the developer's expense. All temporary culverts installed by the developer shall be completely removed when the streets are constructed to standards and the area restored to as near to original condition as possible as determined by the Town Road Supervisor.

(c) The Town Road Supervisor shall inspect the property prior to and after the installation of utilities.

(d) All ditching and culvert installation shall be done in strict accordance with grades approved by the Engineer. The developer's engineer shall be responsible for setting all required grades in the field for construction purposes.

(e) In order to assure proper drainage, the ground elevation along any lot line common with the boundary of a greenway shall not be less than four (4) feet above the flowline of the greenway, or where designated to an elevation established by the Engineer, prior to the sale of affected properties. The flowline grade shall be established by the Engineer. All lot grading and building elevations shall provide for positive drainage. Grading or filling within the greenway limit is prohibited except as authorized by the Engineer. The Town Road Supervisor shall inspect all work before it is certified as complete.

(8) **STREET CONSTRUCTION.**

(a) General After completion of the underground utilities and approval thereof, the streets shall be constructed.

(b) Standard Street Improvements

1. Standard street improvements may include, in the sole discretion of the Town Board, concrete curb and gutter, and ornamental street lights and shall include bituminous base course and bituminous surface course.

2. The developer shall prepare final plans and specifications for the standard street improvements and submit them, together with all soil sub-grade data obtained by its soils engineer, to the Town Road Supervisor.
3. Upon written approval by the Town Road Supervisor, the developer may proceed to construct the standard street improvements. Standard street improvements shall be installed to the boundary line of the subdivision unless the street culminates in a cul-de-sac, the topography or other physical conditions make it impossible to do so, or unless this requirement is waived, in writing, by the Town Board Plan Commission.
4. The street/road shall be constructed to Town Specifications as described in the Town Highway Development Ordinance.

(c) Inspection of Street Improvements. The Town Road Supervisor shall inspect all street improvements before the same are accepted by the Town. All improvements shall include a one (1) year warranty by the Developer.

(9) **CHANGE ORDERS.** When extra work not specified in the contract is required to complete the project, the Town will notify the Developer or the engineering representative. No extra work shall proceed until the Developer or the representative has entered into a written agreement for the additional work.

(10) **EROSION CONTROL.** The developer shall take all steps necessary to prevent the erosion, siltation, sedimentation, washing and blowing of dirt and debris caused by grading, excavations open cuts, side slopes, and other activities by the developer or the contractors. Reasonable methods of control shall include, but not be limited to, seeding and mulching, sodding, berm construction, pond construction, and watering. In such cases where the method of control has failed, the subdivided shall clean up the materials which have been displaced prior to construction of additional improvements. Plans for erosion control shall be submitted to the Town Road Supervisor for review and approval before any land surface disturbances are made. The Engineer's decision may be appealed to the Board.

(11) **FLOOD PLAIN/SHORELAND.** All provisions of Dane County Ordinances relating to flood plain and shoreland zoning are incorporated herein and adopted by reference.

(12) **INSPECTION.** Prior to commencing any work within the subdivision, the developer shall make arrangements with the Town Road Supervisor to provide for adequate inspection. The Town Road Supervisor shall inspect and approve all completed work prior to approval of the final plat or any release of the securities deposited pursuant to This ordinance-1 3(c).

(13) **DRIVEWAYS.** Each lot in a land division shall be served by a driveway which meets the requirements of this Ordinance and the Town of Springfield Driveway ordinance.

(14) **STREET/ROAD SIGNS COSTS.** The developer shall be responsible for the initial cost of the street/road name signs for new roads. The Town will order and install the signs after

construction of the subdivision roads. The developer will be billed for the cost and installation. Payment will be required prior to issuing any building permits.

**(15) ACCEPTANCE OF PUBLIC IMPROVEMENTS.**

(a) After the developer has installed all required improvements, the developer shall notify the Town Road Supervisor in writing that the work is complete and ready for final inspection. The Town Road Supervisor shall inspect the improvements and forward a letter to the developer indicating the Town Road Supervisor's approval or disapproval. When the improvements have been approved by the Town Road Supervisor, the Clerk will prepare a final billing for engineering, inspection and legal fees and submit it to the developer for payment. In addition, the developer and all general contractors shall file lien waivers or affidavits, in a form acceptable to the Town and approved by the Town Attorney, evidencing that there are no claims, actions or demands for damages, based upon contract or tort arising out of or in any way related to the project and that no monies are owed to any surveyor, mechanic, sub-contractor, materialman or laborer.

(b) Resolution When the engineering, inspection, and legal fees have been paid and when the necessary lien waivers and affidavits have been filed, a resolution accepting the project will be prepared and presented to the Town Board.

(c) Security Release The security furnished pursuant to Section 6.13(9) shall remain in full force for a period of one year after the completion of the project and acceptance by the Board unless partially released as provided therein, subject to the limitations in Section 6.13(9)(g). The security shall be held to guarantee the work performed pursuant to private contracts against defects in workmanship and materials. If any defect appears during the period of the guarantee, the developer or its contractor shall, at its expense, install replacements or perform acceptable repairs. In the event that the developer fails to install the replacement or perform the repairs, the Town may do so and deduct the cost thereof from the security. Unless defects have appeared and have not been repaired, the Town shall release the security to the developer upon expiration of the one year guarantee period.

**6.13 DESIGN STANDARDS.**

(1) STREET ARRANGEMENT. In any new subdivision the street layout shall conform to the arrangement, width and location indicated on any official map, master plan or component neighborhood development plan of the Town. In areas for which plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. Each lot of the subdivision or land division shall have access to a public street which is, at a minimum, sufficient to allow ingress and egress of motor vehicles.

(a) Arterial Streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and

shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they connect.

- (b) Collector Streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches, shopping centers and other concentrations of population, and to the major streets into which they feed.
- (c) Local Streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- (d) Proposed Streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts. Temporary turnarounds shall be required where the street ends at the boundary of the subdivision. The road right-of-way shall continue to the adjacent lands and connect to roads constructed on such lands if approved by the Town Board.
- (e) Arterial and Highway Protection. Whenever the proposed subdivision contains or is adjacent to a major highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen plantings contained in a non-access reservation along the rear property line, or by the use of frontage streets.
- (f) Reserve Strips controlling access to roads or highways are prohibited except where control of such strips is placed with the Town under conditions approved by the Town Board.

(2) **STREET NAMES AND NUMBERING.**

- (a) Street names and building numbers shall be assigned in accordance with the provisions of Chapter 76 of the Dane County Ordinances.
- (b) The following designations shall be used only in the situations indicated.
  - 1. Lane - a street, one block long, not ending in a cul-de-sac.
  - 2. Circle - a cul-de-sac of nine lots or more.
  - 3. Court - a cul-de-sac of eight lots or less.

(3) **LIMITED ACCESS HIGHWAYS RIGHTS-OF-WAY.** Whenever the proposed subdivision or land division contains or is adjacent to a limited access highway the design shall provide the following treatment:

- (a) In Residential Districts a buffer strip at least 30 feet of depth, in addition to the normal lot depth required, shall be provided adjacent to a limited access arterial highway. As used in this section, the term "buffer strip" means an area of hedges, trees, tall grasses or other foliage which creates a visual screen between two areas. The lot depth required, including such buffer strip, shall not be less than 150 feet. The strip shall be a part of the platted lots, but shall have the following restriction lettered on the face of the plat:

“This strip reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited, and the rear 30 feet of the strip shall not be counted as any required yard. Maintenance of this strip is a responsibility of the lot owner.”

(b) Commercial and Industrial Districts shall have on each side of the limited access highway and streets approximately parallel to and at a suitable distance from such highway for the appropriate use of the land between such highway, but not less than one hundred and fifty (150) feet.

(c) Streets Parallel to a Limited Access Highway shall, when intersecting a major street or highway which crosses said highway, be located at a minimum distance of two hundred and fifty (250) feet from said highway. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradient

(d) Location of Local Streets in residential areas immediately adjacent to arterial streets and highways shall be avoided.

(4) STREET DESIGN STANDARDS.

(a) Minimum Right-of-way. The minimum right-of-way for all proposed streets and roads shall be 66 feet or such other width as is specified by the Town comprehensive plan, official map or neighborhood development study; or if no width is specified therein, the minimum widths shall be 66 feet.

(b) Cul-de-Sac Streets. Cul-de-sac street ends are prohibited unless authorized by a variance granted by the Town Board. No variance shall be granted unless the Town Board finds, after hearing, that use of cul-de-sac street ends is necessary to overcome limitations imposed by the physical characteristics of the land, so that development may occur which is consistent with the policies stated in this chapter. If the Town Board grants a variance, the cul-de-sac shall conform to the following standards:

1. Streets designed to have one end permanently closed shall not exceed 1,200 feet in length.
2. Except as provided herein, streets which are designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right-of-way diameter of 150 feet, and a minimum paved diameter of 100 feet. The reverse curve on a cul-de-sac shall have a 75 foot minimum radius when the bulb is centered on the street and 100 foot minimum radius when the bulb is offset.
3. In areas zoned B-1, B-2, C-1, C-2, Industrial or other Commercial zone, all streets which are designed to have one end permanently closed, shall terminate in a circular turnaround having a minimum right-of-way of 175 feet, and a minimum paved diameter of 120 feet.
4. All cul-de-sac streets shall have an area reserved for pushing plowed snow off the end of the bulb of the cul-de-sac. The area reserved shall be calculated based on the length of the street and the snowfall data for the area in question.
5. The Town may permit the construction of loop cul-de-sacs where deemed advantageous to the Town.

(c) Street Grades and Radii of Curvature Unless necessitated by exceptional topography and subject to the approval of the Town Road Supervisor, the street grades and radii of curvature

shall conform to the Design Standard in the Town Road Ordinance. In the event of a conflict between the Town and Town standards, the Town Road Supervisor shall determine which standard shall be applied, on the basis of which standard is best suited to the estimated traffic load of the proposed road.

(5) BLOCKS.

(a) The widths, lengths and shapes of blocks shall be suited to the planned use of the land; zoning requirements; stormwater management; need for convenient access, control and safety of street traffic; and the limitations and opportunities of topography.

(b) Blocks in residential areas shall not be less than six hundred (600) feet nor more than fifteen hundred (1500) feet in length unless otherwise dictated by exceptional topography or other limiting design factors.

(c) Width. Blocks shall have sufficient width to provide for two tier of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

(6) LOTS.

(a) The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated. Development shall be taken with due regard to property values, adjacent uses and the character of the neighborhood.

(b) No lot may have frontage on streets on two parallel sides nor may a lot be platted so that the building will face the reverse side of the lot. The Town Board may grant a variance from this requirement where necessary, the physical characteristics of the land so require in order to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation. There shall be no "flag lots," also known as "dogleg lots" or "panhandle lots."

(c) Residential lots to be served by private sewage disposal facilities shall comply with the rules of the State of Wisconsin and the Dane County Sanitary Code.

(d) Lots must front on and have access to a state, Town highway or approved Town road. Every lot shall front or abut on a public street or road for a distance of at least sixty-six (66) feet

(e) Side lot lines shall be substantially at right angles or radial to street lines.

(f) Lots shall follow municipal boundary lines rather than cross them.

(g) Corner lots shall have sufficient width to permit adequate building setbacks from side streets.

(h) Residential lots fronting or backing on arterial highways shall be platted with extra depth to permit generous distances between the buildings and such traffic-ways.

(i) Depth and width of properties reserved or laid out for commercial or industrial use shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(j) Lot Sizes.

1. Each lot served by a private on-site wastewater treatment system shall have a minimum area of 1.0 acre if in the agricultural preservation area designated in the Town comprehensive plan and 1.5 acres in all other areas. The Town may require a recorded restriction on or with a final plat or certified survey map to assure such minimums are maintained.

2. Notwithstanding subsection 1, the Town Board may allow lots as small as 0.5 acre each if at least one of the following conditions is present:

- i. the existing size of a redevelopment area would not allow for lots of the minimum prescribed in subsection 1.
- ii. the development is served by a wastewater treatment system which uses one or more group drain fields.
- iii. the development will provide affordable single-family lots or homes that will be priced below the average per acre Dane County rural lot or home price.
- iv. smaller lot sizes would aid in the implementation of the Town's transfer of development rights program.

3. In preparing proposed developments, the developer shall plan the lots sizes with due regard for the adjacent uses and lots. In the case of land divisions which abut other development with larger lot sizes, the lots which abut the existing development shall have a lot size which transitions from the existing development to the smaller lots which predominate in the development. The transitional lots shall be sized at least halfway between the average size of the existing platted lots and the average of the remaining new lots.

(7) EASEMENTS.

(a) Utility Lines to be Underground in Newly Developed Areas. All new electric distribution lines, all new telephone lines from which lots are individually served, all cable television and all other common carrier services installed within a newly platted area shall be underground unless the Town Board shall specifically find after study that location, topography, soil, water table, solid rock, boulders, stands of trees, hedges or other physical conditions would make under ground installation unreasonable or impracticable. Associated equipment and facilities which are appurtenant to underground electric and communications systems, such as but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches and above-grade pedestal-mounted terminal boxes may be located above ground.

(b) Easement Conditions The developer shall include appropriate easements in the plat, shall prepare appropriate easement deeds and record the same with the final plat. Easements shall be for the installation of gas, electric and communication lines. Such easements as shall be noted as "Utility Easements" on the final plat or certified survey map. Prior to approval of the final plat or certified survey map, the concurrence of the electric and communications companies serving the area as to the location and width of the utility easements shall be noted on the final plat or certified survey map.

(c) Drainage Easements Where a subdivision is traversed by a water course, drainage way, channel or stream, an adequate drainage way or easement shall be provided as required by the Town Board. The location, width, alignment and improvement of such drainage way or easement shall be subject to the approval of the Town Board. Parallel

streets or parkways may be required in connection therewith. Wherever possible, the storm water drainage shall be maintained by landscaped open channels or adequate size and grade to hydraulically accommodate maximum potential volumes of flow, these sizes and design details to be subject to review and approval by the Town Road Supervisor and Town Board. Drainage easements shall maintain existing water flow patterns onto neighboring lands.

(8) **DEVELOPMENT AGREEMENT.** Before any final plat or certified survey map is approved, the developer shall enter into a development agreement with the Town wherein the developer agrees to install all required improvements within eighteen (18) months of the date that the plat or certified survey map is recorded. The Town Board may allow phased construction of plats.

(9) **SECURITY REQUIRED.**

(a) At the time the development agreement is executed, the developer shall file security with the Town in an amount equal to one hundred twenty percent (120%) of the estimated cost of the required improvements as determined under the procedure in Section 236.13 (2) (am) 1d of the Wisconsin Statutes. If the developer's project will be constructed in phases, the amount of security is limited to the phase of the project that is currently being constructed.

(b) The type of security may be a certificate of deposit, certified check, performance bond, or irrevocable letter of credit, as determined by the developer. When a certificate of deposit or certified check is posted as security, the instrument must be negotiable by the Town. When a letter of credit is posted as security, the Town must be the beneficiary. When a performance bond is posted, the requirements of Section 236.13 (2) (am) 1m of the Wisconsin Statutes apply. Each security shall otherwise be subject to Town Board and Town Attorney approval.

(c) Such security shall guarantee that such improvements will be completed according to Town specifications by the developer or its contractors not later than eighteen (18) months from the date that the plat is recorded or, where phasing is included or permitted, that each phase will be completed by the date specified in the installation and completion schedule.

(d) Such security shall be held by the Town and either released or used in the manner specified in this section. The provision of security by the developer shall not release the developer from its obligations under the development agreement nor prejudice the right of the Town to recover the full cost of completion of the improvements if the developer fails to complete the same.

(e) As work progresses on installation of improvements constructed as part of the contract, the Town Road Supervisor or designee, upon written request from the developer from time to time, is authorized to recommend, and the Town Board is authorized to approve, a reduction in the amount of surety. The amount of surety remaining shall be equal to 120% of the estimate of the Town Road Supervisor or designee of costs of work remaining to be completed and accepted and to insure performance of the one-year guarantee as specified in Section 6.12(13)(c) against defects in workmanship and materials on work accepted.

(f) Security shall be required for not more than 14 months after the date the public improvements for which the security is provided are substantially completed, as defined in Section 236.13 (2) (am) 2 of the Wisconsin Statutes, and upon such substantial completion, the amount of the security the developer is required to provide shall be reduced to be no more



than an amount equal to the total cost to complete any uncompleted public improvements plus 10 percent of the total cost of the completed public improvements.

(g) Governmental Units. The State of Wisconsin, a school district, Dane County and a City, Village or Town of Dane County may, in lieu of the bond or security provisions of this ordinance, may file a resolution duly adopted by such governmental unit agreeing to comply with the provisions of this section.

(10) CONSTRUCTION IN PHASES. All subdivisions of more than 12 lots shall be constructed in phases.

- (a) The phases shall be specified in the conditions of approval of the subdivision. Construction of the second and subsequent phases may not begin until building permits have been issued for sixty percent (60%) of the lots in the preceding phase.
- (b) Improvements constructed during the first and each subsequent, stage, of construction shall not be accepted nor shall any occupancy permits be issued within the completed area of the subdivision or development until the security required for the next stage of construction has been posted with the Town.
- (c) The developer shall record deed restrictions reviewed by the Town (or its designated representative) which specify that the lots included in future construction phases shall not be conveyed, transferred or sold unless the Town's approval is obtained.
- (d) Erosion control plans and measures submitted and approved shall address the erosion problems posed by the construction of the project in phases.

(11) RESERVATION AND DEDICATION OF LAND.

- (a) Public Ways. Whenever a tract of land to be divided or subdivided abuts, includes or is adjacent to all or any part of a street, an arterial street, drainage way or other public way which has been designated in any applicable master plan or official map, said public way or street shall be incorporated into the plat and dedicated to the public or to the Town by the developer in the locations and dimensions indicated on said plan or map.
- (b) Public Sites and Open Spaces. In designing a land division or subdivision, due consideration shall be given by the developer to the reservation of suitable sites of adequate area for future drainage ways or other public purposes. In the location of such facilities, consideration shall be given to the protection and preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, water courses, watersheds, wetlands, wildlife habitat and ravines.
- (c) Storm water management. The deed covenants of every land division shall provide that the Town shall have the right to maintain or repair all storm water management features, including all easements, structures and ditches, if the owner or homeowners' association fails to maintain the same after notice has been given by the Town. The Town may recover the cost of such repairs from the responsible property owners.

(12) SURVEY MONUMENTS. Before final approval of any plat or certified survey map within the corporate limits of the Town, the developer shall install survey monuments placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes and as may be required by the Town Road Supervisor. The Town Board may allow deferral of installation of monuments otherwise required under Section 236.15(b),(c) and (d), for a period not to exceed

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three (3) years on condition that the developer execute a surety bond to insure the placing of such monuments within the time required.

(13) DEVELOPMENT DESIGN STANDARDS. The plat or certified survey map shall adhere to residential development design standards or conservation neighborhood design standards included within the comprehensive plan, as applicable and to the extent specified in the comprehensive plan.

(14) WASTEWATER DISPOSAL.

- (a) On site systems. The lots shall be configured so that each lot has sufficient soil suitable for installation of private on-site wastewater treatment systems and a reserve drain field or disposal field. No land which requires holding tanks may be developed for new construction.
- (b) Sanitary Sewers and Water Mains. Where public sewage treatment, storm water or water services are available, such services shall be planned in the plat and installed in the land division by the Developer. No person shall install a private well or septic system in any lot served by water or sewer services.
- (c) All developments shall have easements allowing installation of public sewer interceptors and laterals and water service in the event such services later become available.
- (d) Where no public water supply system is available, either a well for each parcel or a water supply system shall be installed.

(15) STORM SEWER AND STORM WATER DRAINAGE FACILITIES. Storm water management facilities shall be constructed according to the requirements of the Dane County Storm Water Management Ordinance.

(16) GROUNDWATER RECHARGE.

- (a) Certain areas of the Town contain soils and subsoil formations which recharge groundwater aquifers which are vital to the Town and adjacent communities. These areas shall be designated by the Town in the comprehensive plan.
- (b) In designated groundwater recharge areas, special additional restrictions shall apply:
  - i. Impervious surface shall be limited to 10,000 square feet per lot;
  - ii. Storm water management plans shall maximize infiltration;
  - iii. Construction activity compaction of the soil shall be minimized.

(17) FENCING. If the development of a land division creates a requirement for a new partition fence under Ch. 90, the developer and lot owners shall be responsible for the cost of such partition regardless of whether the owner of the adjacent land would be liable for a part of the cost under Ch. 90, Wis. Stats. Fences shall be built as right-of-way fences.

#### **6.14 BUILDING PERMITS.**

No building permits shall be issued for erection of a structure on any lot created by a land division or subdivision until all the requirements of this ordinance have been met. No construction of any kind may commence until the final plat has been recorded.

**6.15 FEES.**

(1) **GENERAL.** The developer shall pay the Town all costs incurred by the Town and all fees as hereinafter required and at the times specified.

(2) **PRELIMINARY PLAT AND CERTIFIED SURVEY REVIEW FEE.** The developer shall pay a fee of Two Hundred Fifty Dollars (\$250.00) plus Fifty Dollars (\$50.00) for each lot or parcel within the preliminary plat or certified survey to the Treasurer at the time the application or reapplication for approval of any preliminary plat or certified survey is filed.

(3) **ENGINEERING, INSPECTION AND ATTORNEY FEES.**

(a) The developer shall pay all engineering, inspection, consulting and legal fees incurred by the Town for services performed by or on behalf of the Town in conjunction with the design, inspection and review of any preliminary plat, certified survey, final plat, comprehensive development plan, or contract, with the drafting of legal documents, and with such inspections as the Town Road Supervisor deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town or any other governmental authority. Consulting, engineering, inspection and legal fees shall be the actual costs to the Town on the basis of submitted invoices. Such fees may be billed monthly, or upon completion of the project as determined by the Board.

(b) To guarantee payment of the engineering, inspection and attorneys fees, the Town may require the developer to deposit the sum of \$1,000.00 plus \$100.00 for each lot or parcel within the preliminary plat or certified survey with the Town Clerk at the time that the application for approval is first filed. If such fees are paid timely, the deposit will be refunded at the time that the final plat or certified survey is approved by the Town Board or thirty days after the preliminary plat, certified survey, or final plat is rejected. In the event that the developer fails to pay such fees within fourteen (14) days of the time when the Town submits its bill therefore, the Town may deduct the amount of such fees from the security deposit. The developer shall replenish the deposit. Failure to maintain the required security balance shall constitute grounds for issuance of a “stop work” order by the Town.

(c) The developer shall reimburse the Town for the cost of time of Town officers or employees who are engaged in providing services or assistance to the developer in connection with the proposed or approved plat or land division. The developer shall also reimburse the Town for the cost of per diems, mileage and advertising or notices of any special meetings called solely to accommodate a request from the developer.

(d) The Clerk shall not sign the plat or certified survey map until such time as all fees and expenses have been paid and all dedications or fees in lieu of dedications have been paid.

(4) **PARK AND RECREATION FACILITY IMPACT FEE.**

(a) **Intent.** This section is intended to impose an impact fee in an amount based upon the number of new residential dwelling units, in order to finance the acquisition of parkland and development of park and recreational facilities, the demand for which is generated by new residential development. Collected fees shall be used to finance capital costs for new or enlarged capital improvements that substantially benefit those developments that pay the

fees. The parks and recreational facility impact fee described in this subsection has been imposed under, and is authorized by, Section 66.0617 of the Wisconsin Statutes.

(b) Timing. The impact fee shall be paid with each building permit application, except that a development agreement under this Chapter may provide for fee payment at an earlier date. As used in this section, the term "building permit" shall not include permits required for remodeling, rehabilitation, or other improvements to an existing structure or rebuilding a damaged or destroyed structure, which result in no increase in the number of residential dwelling units.

(c) Amount. The park and recreational facility impact fee shall be \$1,000 per residential dwelling unit. The Town Board may grant a waiver or exception to this amount if it determines that its imposition would have a substantial adverse effect on the availability of low-cost housing.

(d) Basis. The fee amount in subsection (c) is per the public facility needs assessment adopted pursuant to Resolution 2019-01 and on file with the Town Clerk. The adopted needs assessment shall also be used as the basis for expenditure of collected impact fees pursuant to this section. At the time that the Town collects each impact fee, it shall provide to the applicant or developer from which it received the fee an accounting of how the fee will be spent, which may be the needs assessment or a summary thereof.

(e) Accounting. The Town Treasurer shall place all collected impact fees in a separate segregated interest-bearing account, which shall be accounted for separately from the other Town funds. Each collected fee shall be identified by parcel number and date paid within the fund. Impact fee revenues and interest earned on impact fee revenues may be expended only for the particular capital costs for which the impact fee was imposed, unless the fee is refunded under subsection f.

(f) Refunds. Any collected impact fee that is not used within 8 years after it is collected to pay the capital costs for which it was imposed shall be refunded to the payer of such fee, along with any interest that has accumulated.

(g) Appeals. A developer or an applicant for a building permit may appeal the amount, collection, or use of the impact fee, and any property owner may appeal a decision on a claim for refund of unexpended impact fees, under the provisions of Chapter 68 of the Wisconsin Statutes. If the notice of appeal challenges the imposition of an impact fee, or the amount imposed, the developer or applicant may pay the fees imposed under protest and the building inspector shall issue any building permits withheld solely due to the nonpayment of the fees. If the applicant prevails on appeal, the Town Treasurer shall refund that portion of the fee so paid as finally determined in the appeal process.

## **6.16 OFFENSES AND PENALTIES.**

(1) No person may subdivide land, advertise, vend, sell or convey an interest in property without first obtaining any and all necessary approvals of any land division, plat, or certified survey map required to create a legal lot.

(2) No person may construct a public improvement serving a land division without obtaining the required approval thereof.

(3) No person may construct a structure unless the structure is located on a lawful lot of record.

(4) Any person who violates this ordinance shall forfeit not less than one hundred nor more than two thousand dollars per violation plus the costs of prosecution. The Town may also obtain an injunction to forbid the violator from continuing the violation. The Town Board hereby finds that a violation of this ordinance, by reason of irreversible effects on the land, air and water resources of the Town, constitutes an irreparable injury to the Town.

#### **6.17 WAIVER.**

(1) Where, in the judgment of the Town Board, it would be inappropriate to apply the provisions of this ordinance to a land division because extraordinary or undue hardship resulting from the characteristics of the land would result, the Town Board may waive or modify any requirement, other than requirements of state law or the recording of the certified survey map or plat map, and only to the extent a waiver is found to be just and proper.

(2) The Town Board shall grant such relief only where it will not be detrimental to the public good, impair the intent and purpose of this ordinance, or impair the desirable general development of the community in accordance with the master plan.

(3) Any developer who requests a waiver of a provision of this ordinance shall make a written application for a waiver and file the application with the Town Clerk. The Town Board shall hold a public hearing on the application not less than 10 days after it is filed. The Town Clerk shall mail a notice of the hearing to all adjacent landowners and to the Town Highway Department. The waiver application shall state the basis for the application and the specific hardship which is claimed to exist.

(4) Any waiver, exception, or variance which is granted pursuant to this section shall be made in writing, shall state the reasons which justified its and shall be filed with the Town Clerk.

(5) Neither the grant or denial of a waiver by the Town shall constitute a precedent which in any way restricts the discretion of the Town to grant or deny a similar variance request in the future.