

LAND DIVISION AND SUBDIVISION RULES, REGULATIONS & PROCEDURES

Adopted – December 10, 1974

Amended – December 18, 2000

Amended – November 6, 2006

TOWN OF VIENNA DANE COUNTY, WISCONSIN

SECTION 10.1 INTRODUCTION

10.1.1 Authority

10.1.1.1 The Town of Vienna has elected to exercise village powers. Therefore, this ordinance is adopted under the authority granted by Sections 61.35, 62.23, and 236.45, Wis. Stats., and after having received the recommendation of the Town Plan Commission and under general authority given to towns.

10.1.1.2 This ordinance shall be interpreted and enforced by the Town Board, Town of Vienna.

10.1.2 Purpose and Intent The purpose of this ordinance is to promote the public health, safety, and general welfare of the Town of Vienna, and is designed to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision for transportation, water, sewerage, surface drainage, schools, parks, playgrounds and other public requirements; to facilitate the division of larger parcels into smaller parcels of land, and to restrict residential subdivisions to Type II Subdivisions in which public sanitary sewer facilities are available.

10.1.3 Issuance of Building Permits. Any building except a farm or commercial building not used for residential purposes shall be built only upon one or more lots complying with all the requirements of this ordinance and specifically Section 10.5.5 hereof, and no building permit shall be issued for the construction of any building except a farm or commercial building not used for residential purposes upon any parcel of land not complying with all the provisions of this ordinance.

10.1.4 Severability If any section, provision, or portion of this ordinance is adjudged invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

10.1.5 Repeal All other ordinances or parts of ordinances of the Town of Vienna inconsistent or in conflict with this ordinance, to the extent of inconsistency or conflict only, are hereby repealed.

10.1.6 Title This ordinance shall be known as the "Land Division and Subdivision Regulations, Town of Vienna, Dane County, Wisconsin."

10.1.7 Effective Date This ordinance shall be effective after a public hearing, adoption by the Town Board of Vienna, and publication.

10.1.8 Definitions For the purpose of this ordinance, certain words used therein are defined as follows:

10.1.8.1 Plan Commission — The Town Plan Commission for the Town of Vienna is the Planning Committee for the purposes of this ordinance.

10.1.8.2 Subdivision — The division of a lot or parcel of land by the owner thereof or his agent where the act of division creates one or more parcels of land less than 80 acres in size.

10.1.8.3 Parcel — Contiguous lands under the control of a sub-divider(s) not separated by streets, highways, or railroad rights-of-way.

10.1.8.4 Lot – A lot is a parcel of land resulting in a division of a parcel pursuant to this ordinance.

10.1.8.5 Plat – A map of a subdivision.

10.1.8.6 Street — A public way for vehicular and/or pedestrian traffic.

10.1.8.7 Sub-divider — Person or persons requesting review or action on a certified survey or subdivision.

10.1.8.8 Certified Survey Map — (CSM) A map of land division prepared in accordance with Section 236.34, Wis. Stats., and in full compliance with the applicable provisions of this ordinance.

10.1.8.9 Preliminary Plat — A map showing the salient features of a proposed subdivision as described in Section 10.3.2 submitted to the Town Plan Commission for the purposes of preliminary consideration by the Town Plan Commission prior to any land division.

10.1.8.10 Subdivision, Type I — A subdivision located in an area in which public sanitary sewer facilities will not be available within one (1) year from the date of submission of the final plat.

10.1.8.11 Subdivision, Type II A — subdivision located within an area in which public sanitary sewer facilities are available or will be available within one (1) year of the date of the submission of the final plat.

10.1.8.12 Utility Easement — An easement to place, replace, maintain, or move utility facilities.

10.1.8.13 Owner For purposes of this ordinance the word ³owner² if used herein shall be deemed to mean the person holding the fee title to the lands involved except that where lands have been divided on a land contract the land contract vendee shall be deemed the owner.

10.1.8.14 Comprehensive Plan — The Town of Vienna Smart Growth Comprehensive Plan (Smart Growth Plan²) adopted June 12, 2006, and as amended from time to time.

SECTION 10.2 GENERAL PROVISIONS

10.2.1 Jurisdiction The provisions of this ordinance shall apply to all areas within the Town of Vienna, Dane County, Wisconsin.

10.2.2 Compliance with Ordinances, Statutes, Regulations, and Plans Any person, firm or corporation dividing land which results in a subdivision shall prepare a plat of the subdivision in accordance with the requirements of this ordinance and:

(a) The provisions of Chapter 236, Wis. Stats.;

(b) The rules of the State Board of Health relating to lot size and lot elevation if the subdivision is not served by a public sewer and provisions for such service have not been made. Soil survey information data shall also be considered in determining any areas not suitable for on-site soil absorption sewerage disposal systems due to inorganic soil, soil subject to flooding, ground water contamination or silting, soils with a high or fluctuating water table, proximity to bedrock or excessive slopes;

(c) The rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment on the streets if the subdivision or any lot contained therein abuts on a state trunk highway or street connecting thereto;

(d) The rules of the Wisconsin Department of Natural Resources contained in NR 116, Wisconsin Administrative Code for Flood Plain Management Program, NR 216 relating to Storm Water Discharge Permits, and NR 151, Run Off Management;

(e) The Smart Growth Plan and all applicable ordinances of the Town of Vienna;

(f) Plans of any Utility or Sanitary District within the Town of Vienna;

(g) All applicable Dane County and DeForest-Vienna extraterritorial ordinances and zoning classifications; and

(h) Subchapter II of Chapter 14 of the Dane County Code of Ordinances relating to erosion control and storm water management, as amended and adopted by the Town of Vienna.

10.2.3 Land Suitability

10.2.3.1 No land shall be divided or subdivided which is held unsuitable by the Town Board, following recommendation thereof by the Town Plan Commission, for reason of flooding or potential flooding, storm water management, soil limitations, inadequate drainage, severe erosion potential, incompatible surrounding land use, or any other condition likely to be harmful to the

health, safety, or welfare of the present or future residents or users of the area or harmful to the community or the Town of Vienna.

10.2.3.2 The Town Plan Commission in applying the provisions of this section shall, in writing or in its meeting minutes, recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use, after affording the sub-divider(s) an opportunity to present evidence regarding such suitability at a public hearing.

10.2.3.3 The Town Plan Commission shall determine such unsuitability at the time the CSM or preliminary plat is considered for approval except the sub-divider may, as a part of the pre-application procedures, request a prior determination of land suitability providing that the sub-divider shall provide all necessary information including an application, maps, and data for such a determination to be made. The sub-divider shall also complete and file the Town's Development Application and Fees form. In forwarding its recommendation to the Town Board on the CSM or preliminary plat, as the case may be, the Town Plan Commission shall also forward its conclusion on land suitability as provided for in Section 10.2.3.2 above.

10.2.4 Dedication of Lands for Streets and Public Ways Whenever a parcel of land to be divided contains all or part of an existing or proposed street, drainage way, greenway, or other public way, said street or public way shall be required to be dedicated. Prior to final plat approval, dedication shall be in accordance with all Town ordinances.

10.2.5 Exceptions

10.2.5.1 The provisions of this ordinance shall not apply to transfers of interests in land by will or pursuant to Court order, leases for a term not to exceed ten (10) years, mortgages or easements, or the sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this ordinance, leases or transfers of lands within a planned development approved pursuant to Section 10.5.6 hereof.

10.2.5.2 The provisions of Section 10.3 shall not apply with respect to a division of a parcel of land to be divided by an owner who owned said parcel prior to December, 1984, and who has sold or transferred (or intends to) any part of said parcel to a member of the owner's family so that said member may build a residence for said family member's personal residence or for the owner's personal residential use. If an owner or family member intends to build a residence for his personal residence, the owner or family member may divide the existing parcel once so as to create a parcel in order to sell or transfer either the new or former residence, provided however, any subsequent transfer by sale or otherwise (except those as set forth in Sections 10.2.5.1 and 10.2.6.3 shall be subject to the provisions of this ordinance. A residence built in accordance with Section 10.2.5 shall use the same road cut, unless the Town Board determines otherwise, as that of the owner or transferor of said parcel. The resulting parcels shall each comply with the provisions of this ordinance relating to minimum and maximum lot size and all other provisions of this ordinance, the Town's adopted land use plan, and all applicable Dane County and extraterritorial ordinances. For the purpose of Section 10.2.5, members of an owner's family shall mean such owner's mother, father, and children. Further, the term ³owner² for the purposes

of Section 10.2.5 means (i) natural individual(s) related by blood or marriage or (ii) organizations wherein the entire beneficial ownership interests therein are owned by natural individual(s) who are related to one another by blood or by marriage and the transfer of the property is to or for the benefit of a member of said individual's family as herein defined. The provisions set forth in this Section 10.2.5.2 shall expire and be null and void as of September 20, 2009.

10.2.6 Land Division Standard

10.2.6.1 Property owners who have owned a parcel of land for a minimum of twenty (20) years will be allowed one (1) land division for each seventy-five (75) acres owned. Any residential rezone or residential building site(s) created in the Agricultural Preservation Area on or after January 1, 1984, shall be subtracted from and count against the total available splits from the original parcel. Separation or division of existing farm buildings, structures, and residence from the original parcel, as allowed by general variance, would be exempt from this policy and would not be counted as a residential building split as per the allowable one (1) split per 75 acres. In order to be considered eligible for consideration, farm buildings, structures, and residences proposed for separation or division of the original parcel must be effectively functioning as a part of a farming operation or otherwise useable for such operation. For farm parcels that transfer ownership from one immediate family member to another, the years owned for the original owner shall carry forward to the subsequent owner. Property owners choosing to use the provisions set forth in Section 10.2.6.3 shall forfeit their right to use the provisions set forth in Section 10.2.5.2.

10.2.6.2 Farms that are owned by an entity, corporation, or group of persons other than an individual are also subject to ownership policies. If an existing owner incorporates or establishes ownership with one or more individuals, the ability to divide the property will be based on the duration of ownership from the original owner (or qualified family member if the farm has been passed on) so long as that owner (or immediate family member) is part of the corporation and is a majority owner in that corporation. If at any time that owner (or immediate family member) ceases to be a part of the corporation, the ownership shall reset to twenty (20) years.

10.2.6.3 Any parcel less than eighty (80) acres contiguous to an existing subdivision, as set forth in Section 10.3.2, and in existence on December 10, 1974, may be developed in accordance with all the provisions of this ordinance except the minimum plat area requirements for Section 10.3.2 hereof. Any contiguous parcel twenty (20) acres or less shall be included in the preliminary plat.

10.2.6.4 The division of any parcel authorized under Sections 10.2.5.2 or 10.2.6 above shall be accomplished only by means of a certified survey map, which shall be submitted to the Town Planning Committee and Town Board for approval as provided for in Chapter 236, Wis. Stats., as amended.

10.2.6.5 For the purposes of Section 10.2.5, agricultural lands added to existing and active agricultural operations after December, 1984, shall qualify for the exceptions allowed in Section 10.2.5 as long as the family member for which the land division is requested is actively

employed and receiving a substantial portion of his or her income from either the new or combined agricultural operation which was in existence prior to December, 1984.

SECTION 10.3 PROCEDURE

10.3.1 Application Procedure

10.3.1.1 Prior to the filing of an application for approval of a CSM or preliminary plat, the sub-divider(s) shall consult with the Town Plan Commission and file with the Town Clerk a Development Application stating an intent to subdivide land containing the name and address of the sub-divider, a description of the land to be subdivided and a general description of the subdivision. In said Development Application, the sub-divider shall agree to pay all costs and fees incurred pursuant to this ordinance and required under the Town of Vienna Development Application and Fees. This step does not require formal filing of a CSM or plat but is intended to inform the sub-divider of the objectives of these regulations and to otherwise assist him in planning the development; and in so doing, to informally reach mutual conclusions regarding the general program and objectives of the development. No such consultations shall in any manner bind the Town Plan Commission or the Town Board to approve a plat, a land division, or any other land use control. Further, no sub-divider may rely upon or cite any advice or information provided by the Town Plan Commission, Town officers, or Town Board as evidence of the official actions of the Town. If the sub-divider decides to proceed with the application, the sub-divider shall execute a pre-development agreement with the Town in accordance with Section 10.3.1.3 and pay the application fees as required under Town Ordinance No. 6-5-06-01.

10.3.1.2 The Town Plan Commission may, upon filing of said Development Application, consult professional assistance. Any such expense incurred by the Town shall be chargeable to the sub-divider's deposit.

10.3.1.3 Subsequent to the application procedure under Section 10.3.1.1 and prior to any further request or meeting with the Town, the sub-divider shall enter into a pre-development agreement with the Town. The pre-development agreement shall provide that the sub-divider pay the Town's review services, guarantee payment of all Town costs and guarantee the payment of all public improvement costs if the subdivision or CSM is approved or granted. The sub-divider shall acknowledge that, by entering into a pre-development agreement, the Town is not indicating approval or acceptance of any proposed CSM, land division, or development plan of the sub-divider and that the Town reserves all legal rights to approve, conditionally approve, or reject any subdivision or development plan submitted by the sub-divider at any time.

10.3.2 Preliminary Plat Procedure

10.3.2.1 Prior to submitting a final plat for approval, the sub-divider shall cause to be prepared a preliminary plat and file with the Town Board a written application for approval of the preliminary plat, which shall include all data required by this ordinance, accompanied by six (6) copies of the plat. For areas not contiguous to an existing subdivision, the minimum land area to be included in the preliminary plat shall be not less than eighty (80) acres. For areas contiguous to an existing subdivision, the minimum land area included in the preliminary plat shall be not

less than twenty (20) acres except as provided in Section 10.2.6.3. Upon such filing, the preliminary plat shall be referred to the Town Plan Commission for review and recommendation.

10.3.2.2 The sub-divider shall plan all of the land contained within the preliminary plat. For the purpose of Section 10.3.2, planning of lots means the laying out of all lots, proposed dedication of streets, easements and public ways, proposing the grading, graveling, and blacktopping of streets, and proposing for planting of trees, burial of electrical and telephone services, and proposing to fully comply with all provisions of this ordinance. The Town Plan Commission shall within sixty (60) days from the date submitted, unless the time is extended by agreement with the sub-divider(s), recommend to the Town Board that the Town Board approve, approve conditionally, or reject the preliminary plat based on its determination of conformance with the provisions of this ordinance. If required by the Town Plan Commission, the sub-divider shall include in the preliminary plat all contiguous land owned or controlled by the sub-divider.

10.3.3 Final Plat Procedure If the preliminary plat has been approved or been approved conditionally, the sub-divider shall submit eight (8) copies of the final plat to the Town Plan Commission in accordance with Wisconsin Statutes and in accordance with the approved preliminary plat and all applicable Town ordinances. The sub-divider shall pay to the County Surveyor's office the cost of printing four (4) copies of the recorded plat. For the purpose of Section 10.3.3, planning of lots means to lay out all lots, dedicate all streets, easements and public ways, provide for grading, graveling, and blacktopping of streets, and provide for planting of trees, burial of electrical and phone services, and to fully comply with all requirements of this ordinance. All improvements required by this ordinance shall be made or guaranteed in a manner described in Section 10.6 of this ordinance prior to final plat approval. If the final plat meets the requirements of this ordinance, and has been submitted within twenty-four (24) months from the approval date of the preliminary plat and the conditions have been met in the case of preliminary plats given conditional approval, the Town Plan Commission shall recommend to the Town Board approval, conditional approval, or rejection of the final plat of the subdivision. The Town Board shall act thereon within thirty (30) days after such recommendation.

10.3.4 Certified Survey Map Procedure When a land division is created which requires the Town's approval of a certified survey map, the sub-divider may first consult with the Town Plan Commission regarding the requirements for certified surveys as permitted under the Town of Vienna Development Application and Fees. Following a consultation, a copy of the final map in the form of a certified survey map, in accordance with Section 236.34, Wis. Stats., and this ordinance, and a pre-development agreement if required by the Town Plan Commission, shall be submitted to the Town Plan Commission at least ten (10) days prior to the regular meeting of the Town Plan Commission. The Town Plan Commission shall, within forty-five (45) days of the filing, recommend to the Town Board approval, conditional approval, or rejection of the map unless an agreement is entered to extend the review period.

The Town Board, after receiving such recommendation, shall approve, approve with conditions, or reject the map within ninety (90) days of the filing. If approved, the sub-divider shall record the map with the applicable county register of deeds within the period provided by law. Failure to do so shall necessitate re-approval of the map by the Town Board. To the extent reasonably practicable, the certified survey map shall comply with the provisions of this ordinance relating

to general requirements, design standards, and required improvements. A copy of the recorded survey map shall be returned to the Town Clerk prior to the issuance of any building permits.

SECTION 10.4 PLAT AND DATA SUBMISSION REQUIREMENTS

10.4.1 Preliminary Plat The preliminary plat shall be based upon a survey by a registered land surveyor and shall be submitted in fourteen (14) copies at a scale of not more than 100 feet to one inch and shall show correctly on its face:

- (a) Date, graphic scale and north point;
- (b) Name of the proposed subdivision;
- (c) Name, address and telephone number of the person to be contacted regarding the plat;
- (d) Location of the proposed subdivision by government lot, quarter section, section, township, range, and county;
- (e) A scaled drawing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U. S. Public Land Survey, and the total acreage encompassed thereby;
- (f) Location and names of adjacent subdivision, parks and cemeteries;
- (g) Location, right-of-way width, and names of any existing or proposed streets, alleys, or other public ways; easements, and railroad and utility rights-of-way included within or adjacent to the proposed subdivision;
- (h) Location of existing property lines, buildings, drives, streams and water courses, lakes, marshes, rock outcrops, wooded areas, and other similar significant features within the parcel being subdivided;
- (i) Water elevations of adjoining lakes (artificial or otherwise) or streams at the date of the survey and approximate high and low water elevations;
- (j) Contours at vertical intervals of not more than two (2) feet;
- (k) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, or other public uses which are to be used for group housing, shopping centers, church sites, or other uses not requiring lotting;
- (l) Existing and proposed land use and zoning for the proposed plat and surrounding land;
- (m) Approximate dimensions of all lots and proposed lot and block numbers;
- (n) When requested by the Town Plan Commission, a draft of the proposed development agreement including the form of the letter of credit and a draft of a protective covenant whereby

the sub-divider proposes to regulate land use and otherwise protect the proposed development;
and

(o) All other requirements of Wisconsin Statutes or county ordinances or applicable extraterritorial ordinances.

10.4.2 Final Plat The final plat of the proposed subdivision shall comply with the requirements of the Wisconsin Statutes, this ordinance, and applicable county ordinances or applicable extraterritorial ordinances.

SECTION 10.5 DESIGN STANDARDS

10.5.1 Streets

10.5.1.1 The arrangement, character, extent, width, grade and location of all streets shall conform to and be related to: existing and planned streets; topographic conditions; existing natural features including streams, lakes and tree growth; public convenience and safety; existing and proposed uses of land served by such streets; and to the most advantageous development of adjoining uses. Prior to final plat approval dedication and improvement of streets shall be in accordance with Town ordinances.

10.5.1.2 The arrangement of streets in a subdivision shall provide, where possible, for the continuation or appropriate projection of existing or proposed collector and arterial streets in the area.

10.5.1.3 Local streets shall be laid out so as to discourage their use by through traffic.

10.5.1.4 Where a subdivision abuts or contains an existing or proposed arterial street, the Town Plan Commission may require marginal access streets, reverse frontage lots with screen planting contained in a non-access reservation along the rear of the property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

10.5.1.5 The number of intersections along arterial streets shall be held to a minimum. Wherever practicable the distance between such intersections shall be not less than twelve hundred (1200) feet.

10.5.1.6 Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Town Plan Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with regard for the requirements of approach grades and future grade separation.

10.5.1.7 Street jogs with centerline offsets of less than one hundred fifty (150) shall be avoided.

10.5.1.8 A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.

10.5.1.9 Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than seventy-five degrees (75_) and not more than two streets shall intersect at one point.

10.5.1.10 Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the Town under conditions approved by said Town Plan Commission.

10.5.1.11 All street rights-of-way shall be of the width specified on applicable official plans and official maps, or if not specified therein, they shall not be less than the width specified in Section 10.5.1.15 of this ordinance.

10.5.1.12 The minimum radius of curvature on the centerline shall be as specified in Section 10.5.1.15 of this ordinance.

10.5.1.13 The maximum street grade shall be as specified in Section 10.5.1.15 of this ordinance.

10.5.1.14 The design of the vertical alignment of the center-line shall be based on the minimum safe stopping sight distance in accordance with the design standards of the American Association of State Highway Officials.

10.5.1.15 Specifications:

STREETS (A table)				
	Principle & Primary Arterials	Standard Arterials & Collectors	Local	Marginal Access
Minimum Right-of-Way Width in feet	120	80	66	50
Minimum Radius of Curvature in Feet of Center-Line	450	250	150	
Maximum Grade	6%	8%	10%	

10.5.1.16 Cul-de-sacs and permanent dead end streets shall not be permitted unless specifically approved in writing by the Town Plan Commission.

10.5.1.17 Temporary dead-end streets shall not be permitted without a suitable turn-around and until provisions for snow removal and the future road extension have been approved by the Town Plan Commission. Appropriate arrangements shall be made for those parts of temporary turn-arounds outside of street right-of-way to revert to the abutting property owners at such time as streets shall be extended.

10.5.1.18 In commercial and industrial districts, alleys or other definite and assured provisions shall be made for off-street parking, loading, and service access consistent with and adequate for the uses proposed. The width of alleys shall be not less than twenty-four (24) feet. Alleys shall not be permitted in residential areas.

10.5.1.19 Half streets shall be prohibited except where necessary for continuity of the street plan in the area.

10.5.1.20 Street names shall be in accordance with the county ordinance.

10.5.1.21 Private driveways or roads with a slope in excess of five percent (5%) shall be paved.

10.5.2 Utility Easements

10.5.2.1 Easements across lots or along rear or side lot lines shall be provided for utilities where necessary and shall be at least six (6) feet wide on each side of lot lines and shall be designated as utility easement on the plat or certified survey map. The Town Plan Commission shall solicit the recommendation of the utility companies and work closely with any Utility or Sanitary District within the Town of Vienna regarding utility easement needs to service the subdivision and land division.

10.5.2.2 Where utility facilities are to be installed under-ground, the utility easements shall be graded to within six (6) inches of the final grade by the sub-divider prior to the installation of such facilities and earth fill, piles, or mounds of dirt shall not be stored on such easement.

10.5.2.3 All utility lines, when carried overhead on poles, shall be placed in utility easements unless waived by the Town Plan Commission.

10.5.2.4 Utility facilities when installed on utility easements, whether overhead or underground, shall not be closer than one (1) foot to a property line or three (3) feet to any monument.

10.5.2.5 All platted lots shall be served by underground utilities unless waived by the Town Plan Commission.

10.5.3 Drainage-way Easements Where a subdivision is traversed by a water course, drainage-way, channel or stream, there shall be provided an adequate drainage-way easement as required by the Town Plan Commission. The location, width, alignment, and grading of such easements shall be of such a width and design to accommodate the anticipated discharge from the property being subdivided and also the anticipated run-off that will occur when property at a higher elevation in the drainage basin is developed.

10.5.4 Blocks

10.5.4.1 The length, width, and shape of blocks shall be suited to the planned use of the land, zoning requirements, needs for convenient access, control and safety of street traffic, and the limitations and opportunities of topography. Block lengths in residential areas shall not, as a general rule, be less than six hundred (600) feet in length between street lines unless dictated by exceptional topography or other limiting factors of good design.

10.5.4.2 Blocks shall have sufficient widths to provide two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic.

10.5.4.3 Pedestrian ways or cross walks, not less than ten (10) feet in width, shall be provided near the center and entirely across any block nine hundred (900) feet or more in length where deemed essential to provide adequate pedestrian circulation or access to schools, shopping centers, churches, or transportation facilities.

10.5.5 Lots

10.5.5.1 The size, shape, and orientation of the lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The Town Plan Commission and/or Town engineer may require a residential building footprint and its distance to all property lines at any time. Lots should be designed to provide an esthetically pleasing building site.

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

10.5.5.3 All lots shall front or abut a public street.

10.5.5.4 All lots shall include off-street parking from the road setback for at least four (4) vehicles.

10.5.5.5 Side lot lines shall be substantially at right angles or radial to street lines.

10.5.5.6 Corner lots shall have an extra width of ten (10) feet over the minimum requirement to permit adequate building setbacks from side streets.

10.5.5.7 In case a parcel is subdivided into smaller parcels, such parcels shall be arranged as to allow the re-subdivision of any such parcels into normal lots in accordance with the provisions of this ordinance.

10.5.5.8 Lot lines shall follow political boundary lines rather than cross them.

10.5.5.9 Double frontage or reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

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

10.5.5.11 Lot width as measured from the building setback line and lot area for residential development shall conform to the requirements of the county zoning ordinance and applicable area extraterritorial ordinances but shall not be less than specified below except, however, if by reason of physical features for a particular lot, the Town Plan Commission determines to grant a variance as to that particular lot size as permitted below.

Type I Subdivision (not served by public sewer)			Type II Subdivision (served by public sewer)		
Lot Area Square Feet		Lot Frontage	Lot Area Square Feet		Lot Frontage
Minimum	Maximum	Width	Minimum*	Maximum	Width
20,000	40,000	100	15,000	40,000	100

* Lots less than 20,000 square feet may be required to include dedicated green space, drainage way, environmental corridor, or land dedicated to the public.

Certified Survey (CSM) Lot					
Type I CSM (not served by public sewer)			Type II CSM (served by public sewer)		
Lot Area Square Feet		Lot Frontage	Lot Area Square Feet		Lot Frontage
Minimum*	Maximum	Width	Minimum*	Maximum	Width
25,000	92,000	100	20,000	40,000	100

* Minimum lot size square footage may be reduced or include dedicated green space, drainage way, environmental corridor, or land area dedicated to the public if the Town finds that the lot would be appropriate and compatible for the area and for the type of development and use contemplated. Lots should be designed to provide an aesthetically pleasing building site.

10.5.6 Planned Developments

10.5.6.1 The requirements and standards of this ordinance may be waived by the Town Plan Commission for planned developments providing such proposed developments shall be planned as a unit, be appropriate to the site and location, shall be of sufficient size to permit the unified development of the area, and shall not conflict with other laws or requirements or with the purpose or intent of this ordinance, and is approved by the Town Plan Commission. In addition, continued provision, maintenance, and use of open space, recreation areas, services, and amenities shall be assured in a manner acceptable to the Town Plan Commission.

10.5.6.2 It is the intent of this section to permit, in addition to other types of planned development, cluster subdivisions and planned unit developments with owner-occupied row housing and with privately owned common property comprising a major element of the development.

SECTION 10.6 REQUIRED IMPROVEMENTS

10.6.1 Survey Monuments

The sub-divider shall install survey monuments in accordance with the requirements of Section 236.15, Wis. Stats.

10.6.2 Public Water Supply If public water service is available, water mains shall be installed so as to provide service to each lot within the subdivision.

10.6.3 Sewage Disposal System

10.6.3.1 In Type I Subdivision, provision for private sewage disposal systems shall be as specified by the Wisconsin Administrative Code and the Dane County Sanitary Ordinance.

10.6.3.2 In Type II Subdivision where public sanitary sewers are available at the time of platting, the subdivision shall be provided with sanitary sewers to each lot within the subdivision.

10.6.3.3 In Type II Subdivision where public sanitary sewers are not available at the time of platting, provision for private sewage disposal systems for the period until sanitary sewage disposal systems are available shall be as specified by the Wisconsin Administrative Code and the Dane County Sanitary Ordinance. In addition, the subdivision shall be provided with sanitary sewer easements to each lot within the subdivision consistent with an overall plan for ultimately providing public sanitary sewers.

10.6.3.4 For purposes of this ordinance, determination of whether sewer facilities will not be available to the subdivision within a period of one (1) year shall be made by the Town Plan Commission after review of sewer facilities, plans, and programs affecting the area in which the subdivision is located. Such review shall be done with the assistance of any Utility District within the Town of Vienna, Dane County Planning, and the Madison Metropolitan Sewerage District

10.6.4 Grading and Surfacing. Roads shall be completed or provisions made therefor in accordance with Town Road Ordinance.

10.6.5 Storm Water Drainage Facilities. The storm water drainage facilities of a size and design that will adequately accommodate design volumes of flow and that will present no hazard to life or property shall be installed in accordance with plans and specifications approved by the Town Plan Commission. Storm water management proposals shall comply with the requirements of Subchapter II, Chapter 14, Dane County Code, as amended, relating to erosion control and storm water management.

10.6.6 Erosion Control. The sub-divider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected as site preparation proceeds so that erosion, siltation, sedimentation, and washing are prevented.

10.6.7 Street Lights. The Town Plan Commission may require the sub-divider to install street lights

10.6.8 Landscaping. Landscaping shall be in accordance with the Town landscaping requirements and any applicable extraterritorial landscaping ordinances

10.6.9 Installation of Improvements. The sub-divider shall install all improvements required by the Town Plan Commission and approval of the final plat shall be given only after the work has been completed or there shall have been filed with the Town Plan Commission one of the following: (a) A duly completed and executed letter of credit or surety bond in a form acceptable to the Town attorney and in an amount sufficient to complete the work to satisfaction to the Town Plan Commission. (b) A certified check, in an amount sufficient to complete the work, drawn on an approved bank and payable to the Town of Vienna. As the work progresses, the Town may permit the exchange of said check for another check of sufficient amount to complete the remaining improvements agreed upon. If the improvements are not completed within the specified time, the Town may use the bond or the certified check to complete the remaining work provided for. (c) Other collateral satisfactory to the Town Board in an amount sufficient to complete the work.

SECTION 10.7 VARIANCES AND FEES

10.7.1 Variances

10.7.1.1 Where the Town Board finds that unnecessary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done; provided that the public interest is secured and that such variation will not have the effect of nullifying the intent and purpose of these regulations.

10.7.1.2 Any modifications or variance thus granted shall be entered into the Town records setting forth the reasons which, in the judgment of the Board of Appeals (Town Board), justified the modification or variance. A copy of the minutes shall be kept by the Town Clerk.

10.7.2 Administrative Fees

10.7.2.1 General

10.7.2.1.1 The sub-divider shall pay the Town all fees as hereinafter required and at the times specified before being entitled to the recording of a plat or certified survey map.

10.7.2.1.2 At the time of submitting a plat or certified survey application, the sub-divider shall pay to the Town Clerk filing fees. All filing fees shall be set by Town Board resolution.

10.7.2.2 Engineering and Attorney Fees The sub-divider shall pay a fee equal to the actual cost to the Town for all engineering and legal work incurred by the Town in connection with the plat or certified survey map, including inspections required by the Town. The sub-divider shall pay a fee equal to the actual cost to the Town for such inspection as the Town Board deems necessary to assure that the construction of the requirement improvements is in compliance with the plans, specifications, and ordinances of the Town or any other governmental authority.

10.7.2.3 Administrative Fee The sub-divider shall pay a fee equal to the cost of any legal, administrative, or fiscal work which may be undertaken by the Town in connection with the plat or certified survey map.

10.7.2.4 Preliminary Plat And Certified Survey Map Review Fee

10.7.2.4.1 The sub-divider shall pay a fee as established by resolution of the Town Board to the Town Clerk at the time of first application for final plat approval of said plat to assist in defraying the cost of review.

10.7.2.4.2 A reapplication fee as established by resolution of the Town Board shall be paid to the Town Clerk at the time of a reapplication for approval of any final plat which has previously been reviewed.

10.7.2.5 Escrow Account At the time of filing with the Town Clerk a proposed subdivision or certified survey, the sub-divider shall deposit with the Town Treasurer an escrow fund for subdivisions and for certified surveys in amounts as established by resolution of the Town Board. As required at the sole discretion of the Town Board, funds may be drawn from said escrow accounts for payment of engineering, legal, and other administrative and review costs under this ordinance incurred by the Town in reviewing the proposed land division. Monies not required for such administrative costs shall be returned to the sub-divider. If Town costs exceed the initial escrow account amount, the Town reserves the right to require additional escrow account deposits from the sub-divider.

SECTION 10.8 REMEDIES

Any person, firm, or corporation who fails to comply with the provisions of these regulations shall, upon conviction thereof, be subject to penalties and forfeitures as provided in Sections 236.30, 236.31, 236.32, 236.335, and 236.35, Wis. Stats. Failure to comply with the

requirements of this ordinance shall invalidate purported transfers of titles at the option of the purchaser in accordance with provisions of Section 236.31(3), Wis. Stats. Building permits shall also be refused for construction on sites created in violation of these requirements.

SECTION 10.9 PAYMENT FOR ALL SERVICES

If the sub-divider making the request and/or application fails to pay and/or reimburse the Town for any obligation owed under this ordinance, in addition to any other remedies provided by law the Town Board, Town Plan Commission, and/or Town officers may immediately stop any process involved and may refuse to grant the required and/or application sought. In the event the obligations are not paid and/or reimbursed to the Town, the Town may elect to collect its costs and all costs of collection, including attorneys¹ fees and costs, as a special charge upon the next tax roll on lands owned by the sub-divider making the request and/or application pursuant to the authority of Section 66.0627, Wis. Stats. In the event the obligations to the Town are paid in full after the action has been stopped, it shall be in the sole discretion of the Town as to whether to decide to renew the application process and/or grant the request and/or application.

The foregoing ordinance was duly adopted at a regular meeting of the Town Board of the Town of Vienna on 06 November, 2006.

- Carlton Hamre, Chairperson
- Daniel Muxfeld, Supervisor
- Shawn Haney, Supervisor

I hereby certify that the foregoing ordinance relating to land divisions and subdivision regulations within the Town of Vienna was published as a Class 1 notice under ch. 985, Wis. Stats., on the 6th day of November, 2006.

Dated: Nov. 6, 2006 Robert Pulvermacher, Clerk