

TOWN OF VERONA

LAND DIVISION AND DEVELOPMENT ORDINANCE

Ordinance 2022-01

July 2023



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CHAPTER I - GENERAL PROVISIONS

The provisions in this chapter apply to all Land Divisions as defined herein. For all Subdivisions, the requirements of the Dane County Land Division and Subdivision Regulations shall be met. All applications for a Subdivision shall be submitted to both the Town of Verona and Dane County.

Reference to Wisconsin Statutes is to those Statutes in effect at the time of application submission.

1.1 - PURPOSE

- (1) The purpose of this ordinance is to regulate and control the division of land within the boundaries of the Town in order to promote the public health, safety, and general welfare of the Town and to:
 - a. guide the future growth and development of the community in accordance with the Town's adopted Comprehensive Plan and Vision Statement
 - b. preserve the rural character of the Town through the permanent preservation of meaningful Open Space and sensitive natural resources
 - c. encourage residential uses to be concentrated on portions of a Parcel in order to protect and restore environmentally sensitive areas and lands during the development design process in order to meet future community needs for stormwater management, floodwater storage, Open Spaces, agriculturally productive areas, and groundwater recharge
 - d. preserve scenic views by minimizing visibility of new infrastructure/residential uses from existing roads where possible,
 - e. provide commonly owned Open Space areas for passive and/or active recreational use by residents of the infrastructure/residential uses and, where specified, the larger community
 - f. provide for a diversity of Lot sizes
 - g. use ecological planning principles in the design, construction, and long-term management of Open Spaces
 - h. protect and preserve an interconnected network of Open Space throughout the Town

1.2 - PROCESS

This Subdivision and Development Ordinance is based on the Town's Subdivision and Development Ordinance No. 05-04/06-01, last amended on August 1, 2006. The regulations of Dane County Chapter 75 were incorporated into this ordinance and Subdivision Ordinances from adjacent Towns were also reviewed. Multiple discussions were held at Plan Commission meetings for more than two years where the public was encouraged to attend and provide comment. This ordinance was also reviewed by the Town of Verona Public Works Committee, the Natural and Recreational Areas Committee, the Ad Hoc Committee to Study the Impact of Growth in the Town of Verona, the Financial Sustainability

Committee, the Ordinance Committee and the Board of Supervisors. Professional experts at MSA Professional Services provided input on stormwater management and the draft ordinance. The Town's Attorney also reviewed the entire draft ordinance for compliance with statutory regulations and requirements. The Plan Commission recommended Adoption of the Draft Land Division and Development Ordinance at its meeting on November 18th, 2021 and February 17th, 2022. A public hearing was held on February 1st, 2022 and the Town of Verona Board of Supervisors adopted the Ordinance at its meeting on March 1st, 2022. The Plan Commission recommended approval of revisions to the Ordinance at their meeting on June 15th 2023, a public hearing was held on July 5th 2023 and the Town of Verona Board of Supervisors adopted the amended ordinance on July 5th 2023.

1.3 - INTERPRETATION

- (1) ABROGATION AND GREATER RESTRICTIONS. Nothing in this ordinance is intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern as long as the restrictions are not in conflict with State Statutes.
- (2) MINIMUM REQUIREMENTS. The provisions of this ordinance shall be held to be minimum requirements, 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.

1.4 - DEFINITIONS

As used in this ordinance, the following words shall have the following meanings:

- (1) "Applicant" means any person or entity or any agent thereof applying for approval of a Land Division or Subdivision.
- (2) "Berm" is an elevated, landscaped earthen barrier designed to provide screening.
- (3) "Building Envelope" is the area of a Lot/Unit identified as delineating the allowed limits of clearing and grading, and within which all structures and any well and septic systems with the tank and leach field, shall be located.
- (4) "Building Permit" means the permit required for new construction and additions pursuant to the Town of Verona Comprehensive Building Code.
- (5) "Certified Survey Map" or "CSM" means a map that complies with the requirements of Wis. Stats. §236.34.

- (6) "Common Elements" mean all of the Condominium jointly owned by the Homeowners Association.
- (7) "Comprehensive Plan" means a Comprehensive Plan prepared by the Town, pursuant to Wis. Stats. §66.1001 and includes any Unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
- (8) "Concept Plan" means a drawing which shows the overall concept of a proposed Development.
- (9) "Conservation Easement" is an Easement which perpetually prohibits further development or uses inconsistent with, or harmful to, the enhancement, preservation, and protection of a defined area for the benefit of wildlife and plants or natural ecosystems.
- (10) "Conservation Subdivision" is a Subdivision consistent with the applicable provisions and regulations of this ordinance, and which provides for the clustering of residential uses on smaller Parcels to preserve natural features and/or Open Space.
- (11) "Development" means any human-made change to improved or unimproved real property, the use of any principal structure or land, or any other activity that requires issuance of a building permit.
- (12) "Development Agreement" is a contract entered into by the Town and the Developer to expressly define the obligations of both parties and specify the standards and conditions that will govern development of the property.
- (13) "Development Approval" means the review and approval by the Town of items such as a Certified Survey Map, Preliminary Plat, Final Plat, Development Agreement, Declaration of Covenants, or the acceptance of Public Improvements in connection with any of the foregoing.
- (14) "Easement" is a property right given by an owner of land to another person or entity to use the land owned by such owner for one or more specified purposes. Easement does not include a lease or a license.
- (15) "Improvement, Public" means any sanitary sewer, storm sewer, open channel, curb and gutter, water main, roadway, park, parkway, public access, Sidewalk, pedestrian way, bicycle path, trail, planting strip, or other facility for which the Town is proposed to assume the responsibility for maintenance and operation.
- (16) "Land Division" means the division of land into two or more Parcels other than a subdivision.
- (17) "Condominium" is a form of real property ownership established pursuant to the procedures contained in Chapter 703, Wis. Stats.

- (18) "Lot" means a Parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the width, frontage, area, yard, parking area, and other Open Space provisions of this ordinance and any applicable zoning ordinance.
- (19) "May" when used in this document is permissive and does not establish a requirement.
- (20) "Open Space" is land that is permanently set aside for outdoor passive recreational uses and may include grass areas, wooded areas, wetlands, streams, stormwater facilities, and berms. Open Space does not include roads but may include trails.
- (21) "Parcel" is a piece of land, regardless of size, under one ownership described in a deed or other recorded document.
- (22) "Pedestrian Ways" are areas designated for public pedestrian travel other than Sidewalks along streets.
- (23) "Plat" means a map drawn to scale, showing Lots or Units, transportation corridors, rights-of-way, outlots, and Easements.
- (24) "Replat" means the process of changing a map or Plat to change the boundaries of Lots or Units or outlots.
- (25) "Residential Development" means any Development approved for residential use.
- (26) "Shall" when used in this document is mandatory and not discretionary.
- (27) "Ridgetop" is a crest that extends along the highest contours of a ridge and is considered a distinct and important feature in the rural environment.
- (28) "Sidewalk" means that portion of a highway right-of-way improved for use by pedestrians.
- (29) "Site" means the land on which Development takes place.
- (30) "Street" means a public or private way for pedestrian and vehicular traffic.
- a. "Major Thoroughfare" or "Major Street" is a street used or intended to be used primarily for higher speed and/or higher volume through traffic. Major thoroughfares may include freeways, expressways, and other highways and parkways, as well as Arterial Streets.
 - b. "Limited Access Highway" is a highway or arterial road for high-speed traffic, which has many or most characteristics of a controlled-access highway or Interstate highway. These characteristics include limited or no access to adjacent property, some degree of separation of opposing traffic flow, use of grade separated interchanges to

some extent, prohibition of some modes of transportation such as motorcycles, bicycles or horses, and very few or no intersecting cross-streets. (Hwy 18/151).

- c. "Arterial Streets and Highways" are streets which provide for rapid movement of concentrated volumes of traffic over relatively long distances between activity centers. (Hwy 69, Hwys G, M, PB and PD).
- d. "Collector Streets" are streets which provide for moderate speed movement within large areas. They are 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. Collector Streets are designed to provide access to residential properties. (Whalen Rd, Fitchrona Rd, Riverside Road).
- e. "Local Streets" are streets designed for low speeds and volumes which provide access from low traffic generating areas to Collector and Arterial Streets (Cross County Circle, Black Cherry Court, Manhattan Drive).
- f. "Frontage Street" means a Local Street auxiliary to and located on the side of an Arterial Street for control of access and for the provision of service to abutting Development.
- g. "Cul-De-Sac" is a street closed at one end with a turnaround.
- h. "Dead-End Street" is closed at one end with no turnaround.
- i. "Intersection" is where two or more roads or streets meet or cross.

(31) "Subdivision" means a division of land for the purpose of sale or of building development, where the act of division creates 5 or more Parcels or building Sites.

(32) "Traditional Subdivision" is a Subdivision design that is consistent with the applicable provisions and regulations of this ordinance and one which does not provide for the clustering of residential uses on smaller Parcels to preserve natural features and/or Open Space.

(33) "Unit" is a Parcel within a Condominium that is defined by three dimensional measurements of upper and lower limits and perimetrical boundaries.

(34) "Will" when used in this document is mandatory and implies a non-discretionary requirement or action.

(35) "Zoning Districts" defines permitted and conditional uses for a Parcel of land as well as information on size of Parcel, setbacks, and other restrictions.

1.5 - JURISDICTION

This ordinance shall apply to all lands within the corporate limits of the Town of Verona.

1.6 - COMPLIANCE

- (1) No person shall divide or convey any land subject to this ordinance in any manner which results in a Subdivision, Land Division, or a Replat without compliance with all requirements of this ordinance and the following:
 - a. all provisions of the Wisconsin Statutes, including Ch. §236 and §80.08,
 - b. the rules of the Wisconsin Department of Safety and Professional Services for Subdivisions not served by public sewer,
 - c. the rules of the Wisconsin Department of Transportation, contained in Wis. Adm. Code §Trans 233 for subdivisions,
 - d. the rules of the Wisconsin Department of Natural Resources contained in Wis. Adm. Code §NR116 for Flood Plain Management,
 - e. any applicable Dane County ordinances, including Chapter 75: Land Division and Subdivision Regulations,
 - f. the district regulations of the Dane County Zoning Code, and
 - g. all applicable ordinances of the Town.

- (2) All Subdivisions, Land Divisions, and Condominiums shall be consistent with the provisions of the Town's Comprehensive Plan.

1.7 - LAND SUITABILITY

This section applies to CSMs (Certified Survey Maps), Subdivision Plats, and Condominium Plats.

- (1) DETERMINATION OF UNSUITABILITY FOR SUBDIVISION or DEVELOPMENT. No land shall be divided or developed that is deemed unsuitable by the Plan Commission for reasons of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography such as steep slopes, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed development or of the community. The Plan Commission, in applying the provisions of this subsection, shall record in its minutes the particular facts upon which it bases its conclusion that the land is not suitable for such use and afford the Applicant an opportunity to appeal the decision to the Board. Thereafter the Plan Commission or Board may affirm, modify, or withdraw its determination of unsuitability.

- (2) HILLSIDE PROTECTION. Development of Lots/Units resulting in disturbance of slopes greater than 20% is discouraged. For such Lots/Units, the size, shape, and location of the building envelope and driveways shall be designed to minimize erosion and stormwater runoff.

- (3) TESTING. The Town Plan Commission or the Town Board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to groundwater table whenever deemed necessary to

determine the suitability of a Land Division or any part thereof for Development as proposed.

- (4) FLOODPLAIN AND WETLANDS. No lands within the 100-year floodplain or a wetland shall be included in any Building Envelope. A wetland delineation may be required when the potential for a wetland is indicated on the most current DNR and Dane County Wetland maps.
- (5) USE OF ROADS AND UTILITIES. Any potential impact of the Subdivision (5 or more Lots or Units) on the local transportation system and utilities shall be assessed and considered as part of the plat review process. A plat may be rejected if the Town Board determines that the proposed subdivision will have a significant negative impact on traffic flow or safety.

1.8 - FEES AND ESCROWS

APPLICATION FEES. Every Applicant shall pay the Town all of the fees as provided in this section.

- (1) FEES FOR REVIEW AND ADMINISTRATION.
 - a. APPLICATION FEE. Every Applicant shall pay an application fee established by the Town Board at the time of application. No application shall be deemed complete until such fees are paid.
 - b. ENGINEERING FEE. The Applicant shall pay a fee equal to the actual cost to the Town for all engineering work incurred by the Town in connection with the Development Approval, including any required inspections. The fee shall be equal to the actual cost to the Town of engineering services deemed necessary by the Town to ensure that the design and construction of the required improvements are in compliance with the plans, specifications, and ordinances of the Town or any other governmental authority with jurisdiction over the improvement.
 - c. LEGAL FEE. The Applicant shall pay a fee equal to the actual cost to the Town for all legal work incurred by the Town in connection with the Development Approval, including the preparation and review of land division documents, drafting and review of developer agreements, and other services related to the application. The fee shall be equal to the actual cost to the Town of legal services deemed necessary by the Town under the normal agreement the Town has with its attorney.
 - d. ADMINISTRATIVE REVIEW FEES. The Applicant shall pay a fee equal to the cost of any Town administrative or financial work that is undertaken by the Town in connection with the Development Approval. Administrative costs shall include the cost of Town employees' time while engaged in activities related to the Development Approval request based on the hourly rate paid to the employee multiplied by a factor not to exceed 2.0 as determined by the Town Administrator. This fee represents the Town's total cost for wages, statutory expense benefits, insurance, sick leave, holidays, vacation and similar benefits as applicable.
- (2) ESCROW DEPOSIT -- When the Applicant has approval of the Development Agreement, the Applicant shall deposit with the Town, in escrow, the amount established in the Development

Agreement as a reasonable estimate of the fees under subs. (1)(b)-(d) to be incurred by the Town. No application shall be deemed complete until the required escrow deposit is made.

- a. ESCROW REPLACEMENT. If an escrow deposit falls below fifty percent (50%) of the original amount, the Applicant may be required to restore the escrow balance to the original amount required hereunder.
 - b. ESCROW REFUNDS. If funds remain in escrow over and above the Town's fees after withdrawal, approval or final denial of the application, the remaining balance shall be refunded to the Applicant. Any amounts due from the Applicant beyond the balance in the escrow fund shall be invoiced to the Applicant by the Town and shall be due 30 days after the date of the invoice.
 - c. ESCROW INTEREST. The escrow account shall not bear interest for the benefit of the Applicant.
 - d. WITHDRAWALS FROM ESCROW. The Town Clerk/Treasurer shall draw upon the escrowed funds to reimburse the Town for the fees it has incurred in reviewing the Development project on a monthly basis or as necessary.
 - e. ACCOUNTING. An accounting of all fees incurred by the Town and the status of the escrow shall also be provided to the Applicant within thirty (30) days after the month the withdrawals occurred. Any dispute with respect to the propriety or amount of any withdrawal shall be subject to appeal to the Town Board within thirty (30) days after the date of the accounting showing the withdrawal.
 - f. DEFAULT. In the event that the Applicant defaults in restoring the escrow account or in paying any balance invoiced to Developer under this section, the Town shall not be required to act further upon any requests regarding the Development and shall be grounds for denial of the application.
- (3) TRAFFIC IMPACT ANALYSIS. In any case where the Town Engineer or Public Works staff determine that the proposed Development is likely to cause a significant impact on traffic on streets/highways beyond the proposed Development, the Applicant shall pay the fees for a traffic engineer to be retained by the Town to complete and present a Traffic Impact Analysis using Wisconsin Department of Transportation guidelines. An estimate of the fees as determined by the Town Engineer shall be paid into the escrow account within 10 days after notice of the determination by the Town Engineer. If the required escrow deposit is not made, the application may be denied. Where the report of the analysis concludes that the proposed Development will cause off-site public roads, intersections, or interchanges to function below Level of Service C, as defined by the Institute of Transportation Engineers, the Town may deny the application, require a size or density reduction in the proposed Development, or require that the developer construct and/or pay for required off-site improvements.

1.9 - REQUIRED INFORMATION

All Subdivisions and Land Division applications shall comply with the requirements of this section.

- (1) STREET PLANS AND PROFILES. The Applicant shall provide to the Town Engineer plans and profiles for all proposed streets showing existing ground surface and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed Development. All plans and profiles shall satisfy the design standards of this chapter and be approved by the Town Board. The Plat map shall show all proposed joint driveway accesses, contours at 2-foot intervals, and existing and proposed flow of water.
- (2) COVENANTS. The Applicant shall provide for the private maintenance and protection of any common Open Space, stormwater management facility, drainageway or other required Improvement not dedicated to the public and accepted by the Town. The Applicant shall submit proposed protective covenants or other agreements by which the Applicant intends to assure such maintenance and protection. Any such covenants or restrictions shall contain provisions prohibiting their repeal or amendment without approval of the Town Board, shall be made enforceable by the Town, and shall provide that in default of the responsible party designated in the covenants, the Town may complete the work and charge the cost thereof to the responsible party or the properties within the Development as a special charge. The protective covenants or other agreements shall be approved by the Town Board. All required deed restrictions and protective covenants shall be recorded prior to, or concurrently with, the final Plat or Certified Survey Map. Any violation of any covenant or restriction required as a condition of approval of a Land Division shall be deemed a violation of this ordinance.
- (3) HOMEOWNERS ASSOCIATION. Whenever an Applicant proposes that any common Open Space, stormwater management facility, drainageway, or other required Development component is to be privately managed by an owners association, the Applicant shall submit a draft of the legal instruments creating, and rules governing, said owners association. If the Town Board approves the private maintenance of required Development components by such an association, the Applicant shall record along with the recording final Plat or Certified Survey Map either appropriate protective covenants or a binding agreement between the Town and the association assuring such maintenance.

1.10 - VARIANCES

Where, in the judgment of Town Board, the literal application of certain provisions of this ordinance to a particular land division or development is unnecessary to achieve the intent and purpose of this ordinance and would result in unnecessary hardship to the Applicant or where a Town-approved planned Unit development project suggests variance of certain provisions, the Town Board may waive such provisions to the extent deemed just and proper and consistent with Wisconsin law. Such relief shall be granted only upon a finding by the Town Board that the variance will not result in any significant detriment to the public good nor conflict with the intent and purpose of this ordinance or the desirable general development of the community in accordance with the Town Comprehensive Plan. A 4/5 vote of the entire membership of the Town Board shall be required to grant any variance or modification to such provisions.

(1) APPLICATION AND CRITERIA

- a. APPLICATION. Applicants shall apply in writing for a variance from the standards of this ordinance.
- b. PUBLIC HEARING ON APPLICATION. Upon receipt of a complete and acceptable application for a variance and accompanying materials, the Plan Commission shall hold a public hearing on the variance request at its next scheduled meeting occurring more than 14 days after receipt of the application.
- c. DECISION. The Plan Commission shall recommend to the Town Board either approval, conditional approval, or denial of the requested variance.
- d. FINDINGS OF FACT. The decision and recommendation of the Plan Commission shall include findings of fact related to conditions on the Site, the standards for approval of a variance and any impacts on the purposes of this ordinance.
- e. CONDITIONS ON VARIANCES. The Plan Commission may impose conditions on the use, Development or activities subject to the variance. The Plan Commission may require conditions in order to comply with the standards in this ordinance, to mitigate the effect of the variance on other properties in the vicinity, or to better carry out the general intent of this ordinance.
- f. STANDARDS FOR APPROVAL OF THE VARIANCE. The Plan Commission shall not grant a variance unless it finds that ALL of the following standards are met:
 - i. There are conditions unique to the property that do not apply generally to other properties in the area.
 - ii. The variance is not contrary to the spirit, purpose, and intent of the regulations in the Zoning District and is not contrary to the public interest.
 - iii. For a variance from area, setback or dimensional standards in the ordinance, compliance with the strict letter of the ordinance would unreasonably prevent use of the property for a permitted purpose or would render compliance with the ordinance unnecessarily burdensome.
 - iv. The alleged difficulty or hardship is created by the terms of the ordinance rather than by a person who has a present interest in the property.
 - v. The proposed variance does not create substantial detriment to adjacent property.
 - vi. The proposed variance is compatible with the character of the immediate neighborhood and the Town's Comprehensive Land Use Plan.
- g. EFFECT OF DENIAL. If the Plan Commission recommends denial of the variance, and this denial recommendation is upheld by the Board, the same or substantially similar variance cannot be resubmitted for a period of at least one year from the date of denial. The Plan Commission may waive this requirement if it finds there is valid new evidence or proof of change of conditions.
- h. TIME LIMITS ON CONSTRUCTION. The landowner shall obtain zoning permits for any construction authorized by variance within one year from the date the Town Board approved the variance. Failure to obtain required permits within one year shall render

the variance null and void. The Town Board may, upon written request, extend the timeframe for a specific period without another public hearing.

- i. LAND SUITABILITY - SECTION 1.7. The Town Board shall consider those factors in Section 1.7 in addition to any other factors deemed relevant by it for making an informed decision.

1.11 - VIOLATIONS

It shall be unlawful to build upon, divide, rezone, convey, record, or monument any land in violation of this ordinance or the Wisconsin Statutes; and no person shall be issued a Building Permit by the Town authorizing the building on, or improvement of, any Subdivision, Land Division, or Replat until the provisions and requirements of this ordinance have been fully met.

1.12 - PENALTIES

- (1) Any person who shall record a Plat without the required approvals shall be subject to forfeitures as provided in Wis. Stats §236.30.
- (2) Any person who shall convey any Lot in unrecorded Plats shall be subject to forfeitures as provided for in Wis. Stats §236.31.
- (3) Any person failing to place monuments or disturbing monuments in place in violation of Wis. Stats. §236.32 shall be subject to forfeitures as provided therein.

1.13 - APPEALS

Any person aggrieved by an objection to a CSM/Plat or a failure to approve a CSM/Plat may appeal therefrom, as provided in WI Stats. §236.13(5) and §62.23(7)€10, 14 and 15, within 30 days of notification of the rejection of the Plat.

CHAPTER II - CERTIFIED SURVEY MAPS

2.1 - CERTIFIED SURVEY MAP

- (1) GENERAL. Except where a Plat (5 or more Lots) is required for a Land Division, Land Divisions creating not more than 4 Lots shall be accomplished by the recording of a Certified Survey Map (CSM) meeting the technical requirements provided in Section 2.2. The Plan Commission may recommend deed restrictions on Parcels to control additional splits within a specified time

period.

- (2) CONCEPT PLAN REQUIRED. For properties larger than 10 acres, a Concept Plan of the final buildout of the entire property is required.

2.2 - REQUIREMENTS FOR THE CERTIFIED SURVEY MAP

A Certified Survey Map shall be prepared by a registered land surveyor and shall comply in all respects with the requirements of WI Stats. §236.34. In general, a CSM shall illustrate existing structures, wells, septic systems including vents and fields, public dedication of right-of-way, and all Easements. The authority for final review of the CSM and any subsequent recording occurs with Dane County.

2.3 - PROCEDURE FOR APPROVAL

(1) CERTIFIED SURVEY MAP APPROVAL

- a. PRE-APPLICATION MEETING. Prior to the filing of an application for approval of a Certified Survey Map, the Applicant shall consult with Town Staff in order to obtain their advice and assistance. This consultation shall be informal and is intended to apprise the Applicant of the purpose and objectives of these regulations, the Comprehensive Plan of the Town, and to otherwise assist the Applicant in planning the proposed land split. The consultation does not imply any approval by any Town body or Town Staff.
- b. APPLICATION. The Applicant shall file an application for approval along with the proposed draft CSM map with the Clerk/Treasurer or Town Administrator. The application shall be submitted with any applicable review fee. The application shall include the following, if determined by Town Staff to be necessary:
 - i. Narrative. This explains how the project complies with the Comprehensive Plan and fits with surrounding land uses and provides details about any expected impacts on the environment, transportation systems, and/or Town services.
 - ii. Assessment of the parcel's natural and cultural features. This includes a topographical map, a map showing floodplains, waterways, and wetlands, and a map showing surrounding land use within half a mile of the property boundaries. A map showing slopes greater than 12 as well as 20% is required. A map of desirable trees with a diameter of 12 inches or greater at 4.5-foot height that could be impacted by construction may be required.
- c. PLAN COMMISSION REVIEW. The Plan Commission shall review the CSM for conformance with applicable ordinances and statutes, shall consider all public comments received and all recommendations from the Town Engineer and the Town Committees, and shall forward its recommendation to the Town Board for final action. The Plan Commission's recommendation shall be either to approve, to approve with

conditions, or to reject the map, and shall include the reasons for rejection or the imposition of conditions.

- d. TOWN BOARD APPROVAL. The Town Board, within 90 days of the date of the filing of a completed Certified Survey Map application, shall approve, approve conditionally, or reject the Certified Survey Map unless an extension is granted by mutual agreement with the Applicant. The Town Clerk/Treasurer shall then return one copy of the map to the Applicant with the date and action endorsed thereon, and if approved conditionally or rejected, a copy of the conditions of approval or a letter setting forth the reasons for rejection. One copy of the map and letter shall be placed in the permanent files of the Town Plan Commission. Failure of the Town Board to act within 90 days shall constitute an approval unless the time is extended by mutual agreement with the Applicant.
- e. BOUNDARY AGREEMENT. If the property is in an area governed by a boundary agreement, then the proposed land use changes shall be reviewed by the appropriate committee as per the boundary agreement. This review may happen after an affirmative recommendation by the Plan Commission and before or after review by the Town Board.

(2) CERTIFIED SURVEY MAP RECORDATION

- a. TECHNICAL REVIEW. The technical review of the final CSM is performed by Dane County. The Town Clerk shall sign the CSM prior to submission to the county for recordation.
- b. RECORDATION. The Applicant shall record the map with the Dane County Register of Deeds within ninety (90) days of the date of its last approval and within 12 months of the date of the preliminary Certified Survey Map approval by the Town Board. Failure to record the map within such time shall render the Town Board's approval and certification void. A copy of the recorded map shall be filed with the Clerk/Treasurer within thirty (30) days after the date of recording with Dane County.

2.4 - CONSTRUCTION REQUIREMENTS FOR INDIVIDUAL LOTS/UNITS

- a. COMMENCEMENT. No construction shall commence until a Building Permit has been obtained from the Town.
- b. DRIVEWAY REQUIREMENTS. A Town driveway permit shall be obtained before the installation of any culvert for a driveway. Issuance of a Driveway permit is required to obtain any Building Permit.
- c. PROTECTING EXISTING FLORA. The Applicant shall make every effort to protect and retain existing desirable trees, shrubbery, vines, and grasses not actually in existing roadways, drainageways, building foundation sites, private driveways, septic drain fields, paths, or trails. Such vegetation shall be protected and preserved during construction in accordance with sound conservation practices.

CHAPTER III - SUBDIVISION PLATS

3.1 - PLATS

- (1) GENERAL PROVISIONS. A final Plat prepared by a registered land surveyor and approved by the Town Board shall be required for all Subdivisions that result from a Land Division into more than four Lots or Units. The final Plat may consist of only that portion of the approved preliminary Plat which the Applicant proposes to record at that time.
- (2) CONCEPT PLAN. Provisional approval of a Concept Plan and Zoning Districts by the Plan Commission and Town Board is required before a Preliminary Plat can be submitted for approval. The Concept Plan shall consist of the following:
 - a. NARRATIVE. Narrative for the proposed Subdivision outlining how the project fits within the Comprehensive Plan, the surrounding land uses, and expected impacts on the environment and transportation. This narrative shall provide an overview of the area and any natural, archeological, or historical features that are located on the Parcel. Information on impact on the transportation system if applicable, as calculated via increase in daily and/or peak hour trips generated and any recommendations on methods employed to mitigate said impact may also be provided. In addition, the narrative should address any perceived impact on the rural character of the Town, plans to reduce visual impact of Development from Town roads and neighbors, and any expected need for Town services.
 - b. MAP SHOWING THE PARCEL IN CONTEXT OF SURROUNDING AREA. Map shall show an aerial view of land within a half mile of the property. Map should show adjacent ecological, hydrological, recreational, and cultural resources. Driveways and other accesses to the main road within 1,000 foot of the proposed road access should be clearly depicted.
 - c. MAP OF EXISTING CONDITIONS. Map should be drawn to a scale of 1 inch equals 200 feet or 1 inch equals 100 feet with 2-foot contour lines, showing wetland areas, intermittent streams, streams, soil types, location of wells and septic, buildings, natural features (e.g. rock outcrops, woods, prairies), slopes greater than 12 and 20%, 100-year floodplain, and any other features required by Town Staff. Boundaries should be verified so that there is no confusion about the exact location of the Parcel boundaries in relationship to adjacent properties.
 - d. CONCEPT MAP. The concept map shall be drawn to a scale of 1 inch equals 200 feet or 1 inch equals 100 feet and show the outline of the property, the proposed location of Lots or Units, roads and trails, natural areas (e.g. woods, prairies), outlots and parks, wetlands and streams or intermittent streams, 100-year floodplain, stormwater management areas, contour intervals of 2 feet, mailbox location(s), any topographical features of importance, and proposed screening (e.g. Berms, trees). Roads cannot have more than a 10% slope and the vision triangle for the Intersection(s) with the main road shall be shown. Date, scale, and north arrow shall be included.

- e. **BUILDING ENVELOPES.** Building envelopes shall be large enough to accommodate a house and two-car garage, accessory structures, a well, and an area for two private septic systems. If the building envelope is in an established prairie or wooded area, then the area cleared for construction cannot be larger than 30,000 square feet (e.g., 150 feet x 200 feet). Every effort should be made to minimize the removal of trees or disturbance of the prairie.
 - f. **NEIGHBORHOOD MEETING.** The Applicant shall hold a Neighborhood Meeting to discuss the Concept Plan and provide a summary of comments, along with a list of attendees, to the Town. This meeting shall be held prior to the Plan Commission meeting at which the application is being discussed.
- (3) **PRELIMINARY PLAT REQUIRED.** A Preliminary Plat shall be required for all Subdivisions and shall be based upon a survey by a registered land surveyor. The Plat shall be prepared on paper of good quality at a scale of not more than 100 feet to the inch and shall satisfy all of the requirements of Chapter III Section 3.2 of this ordinance.
- (4) **FINAL PLAT.** Plat shall meet the requirements of Dane County Chapter 75 and two copies of the recorded Plat shall be provided to the Town Clerk/Treasurer.

3.2- REQUIREMENTS FOR PLATS

- (1) Every Plat shall comply in all respects with the requirements of Wis. Stats. §236.20. The Plat shall show correctly on its face, all of the following:
- a. names and addresses of the owner, Applicant and land surveyor preparing the Plat
 - b. the title under which the proposed Subdivision is to be recorded
 - c. a complete legal description of the exterior boundaries of the proposed Subdivision
 - d. date, scale, and north arrow
 - e. contours at vertical intervals of not more than 2 feet. Elevations shall be marked on such contours based on North American Vertical Datum of 1988 (NAVD 88),
 - f. location and names of any adjacent Subdivisions, parks, cemeteries and historic sites, and owners of record of abutting unplatted lands
 - g. locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas and other similar significant features within the Parcel being subdivided or immediately adjacent thereto
 - h. any proposed lake, stream or drainageway access with a callout illustration clearly indicating the location of the proposed Subdivision in relation to the access
 - i. any proposed lake, stream or drainageway improvement or relocation
 - j. water elevations of any adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to National Geodetic Vertical Datum of 1929
 - k. the location, width and names of all existing streets, pedestrian paths, public ways, Easements, utility rights-of-way, and all section and quarter section lines within the exterior boundaries of the Plat or immediately adjacent thereto

- l. the location, width, and names of all proposed streets and public rights-of-way such as pedestrian paths and Easements
 - m. the proposed length of right-of-way lines, and names for all proposed new streets or extensions of existing streets
 - n. street widths along the line of any obliquely intersecting streets
 - o. location and description of all utility Easements
 - p. a description of the types of proposed uses of all Lots/Units created by the Subdivision
 - q. the location, size, and approximate dimensions of any areas:
 - i. reserved or dedicated for parks, playgrounds, drainageways or other public use
 - ii. reserved for the common use of property owners within the Plat
 - r. the location of all access points to public ways, a reference to any prior Town approval granted for such access points, and any restrictions imposed as a condition to such approval
 - s. the approximate dimensions of all Lots/Units and outlots together with proposed consecutive Lot/Unit numbers
 - t. location of all Building Envelopes
 - u. approximate centerline radii of all curves
 - v. existing zoning of Parcels in and adjacent to the proposed Subdivision
 - w. corporate limit lines
 - x. certification on the face of the Plat by the surveyor preparing the Plat that it is a correct representation of all existing Land Divisions and features and that they have fully complied with the provisions of this ordinance
 - y. all vision triangles clearly shown on Arterial and Collector Streets designed in accordance with current AASHTO Policy on Geometric Design
 - z. the current Zoning District designation of each Lot and, if a rezoning request is pending or proposed, the proposed zoning classifications
 - aa. all proposed building setback lines required by the applicable Zoning Code
- (2) In addition to the requirements of subsection 3.2 (1), two copies of all preliminary Plats for Traditional Subdivision, Conservation Subdivision, and Condominium shall be filed with the Clerk/Treasurer.

3.3 - APPROVAL PROCESS

- (1) CONCEPT PLAN APPROVAL. Prior to the filing of an application for approval of a Concept, the Applicant shall consult with Town Staff in order to obtain their advice and assistance. This consultation shall be informal and is intended to inform the Applicant of the purpose and objectives of these regulations, the Comprehensive Plan of the Town, and to otherwise assist the Applicant in planning the proposed Development. This consultation does not imply any Town Staff support for the application. Once the Concept Plan has been developed, the Applicant shall file an application for approval of the Concept Plan. Fifteen copies of the Concept Plan shall be provided to the Clerk/Treasurer or Town Administrator, if requested. These may be distributed to the Plan Commission, appropriate committees and Town Staff, the Town Engineer, and Fire District staff for comments and recommendations. The Plan

Commission shall provide a recommendation to the Town Board regarding the zoning and the Concept Plan. The Plan Commission's recommendation shall be either to approve, to approve with conditions, or to reject the map and shall include the reasons for rejection or the imposition of conditions. The Town Board shall vote on approval of the zoning and the Concept Plan.

(2) PRELIMINARY PLAT APPROVAL

- a. After approval of the Concept Plan, the Applicant shall file an application for Preliminary Plat approval and 15 copies of the Preliminary Plat in the office of the Clerk/Treasurer or Town Administrator, if requested. These may be distributed to the Plan Commission, appropriate committees, and the Town Engineer for comments and recommendations.
- b. The Town Plan Commission shall review the Plat for conformance with applicable ordinances and statutes, shall consider all public comments received and all recommendations from the Town Engineer and Town Committees, and shall forward its recommendation to the Town Board for final action. The Plan Commission's recommendation shall be to approve, approve with conditions, or reject the Plat and shall include the reasons for rejection or the imposition of conditions.
- c. The Town Board, within 90 days of the date of the filing of a Preliminary Plat application, shall approve, approve conditionally, or reject the Preliminary Plat unless an extension is granted by mutual agreement with the Applicant. The Town Clerk/Treasurer or Town Administrator shall then return one copy of the Plat to the Applicant with the date and action endorsed thereon and if approved conditionally or rejected, a copy of a letter setting forth the reasons for rejection. One copy of the Plat and letter shall be placed in the permanent files of the Town. Failure of the Town Board to act within 90 days shall constitute an approval unless the time is extended by mutual agreement with the Applicant.
- d. Approval of a Preliminary Plat shall expire twelve (12) months after the date of approval or conditional approval by the Town Board unless within such period an application for final Plat approval is filed as provided in subsection (3).

(3) FINAL PLAT APPROVAL

- a. Prior to the filing of an application for approval of a final Plat, the Applicant shall meet with Town Staff to obtain their advice and assistance. This consultation shall be informal and is intended to inform the Applicant of the consistency of the draft final Plat with the conditional approval of the preliminary Plat. The Applicant shall file an application for final Plat approval and 15 paper copies and one digital copy of the draft final Plat with Clerk/Treasurer or Town Administrator, if requested.
- b. The Town Plan Commission shall review the draft final Plat for conformance with the approved preliminary Plat and all applicable ordinances and statutes, and the Plan Commission shall forward its recommendation to the Town Board for final action. The Plan Commission's recommendation shall be to approve, approve with conditions, or

reject the Plat and shall include the reasons for rejection or the imposition of conditions.

- c. The Town Board shall, within 60 days of the date of filing the original final Plat with the Clerk/Treasurer, approve or reject such Plat unless the time is extended by mutual agreement with the Applicant. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the Applicant. The Town Board may not grant its approval on the final Plat unless the Clerk/Treasurer certifies on the face of the Plat that the copies were forwarded to objecting agencies as required by law, the date thereof, and that no objections have been filed within 20 days or, if filed, have been met. Upon failure of the Town Board to act within 60 days, the time having not been extended, and no unsatisfied objections having been filed, the Plat shall be deemed approved.
- d. Recordation. After the final Plat has been approved by the Town Board, the Town Clerk/Treasurer shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the Applicant for the purpose of recording with the Dane County Register of Deeds. The Plat shall be submitted for recording within six (6) months from the date of the last approval and within 24 months from the first approval, or the approval shall be deemed void.

- (4) REPLAT. When it is proposed to Replat a recorded Subdivision, or part thereof, so as to change the boundaries of a recorded Subdivision, or part thereof, the Applicant or person wishing to Replat shall vacate or alter the recorded Plat as provided in Wis. Stats. §236.40 through 236.44. The Applicant, or person wishing to Replat, shall then proceed as specified for a Concept Plan, preliminary Plat, and final Plat.

3.4 - CERTIFICATES

All final Plats shall include all certificates required by Wis. Stats. §236.21; and, in addition, the surveyor shall certify that the Plat fully complies with all the provisions of this ordinance.

3.5 - COPIES OF RECORDED PLAT

Within one month of the final Plat being recorded with the Dane County Register of Deeds, the Applicant shall provide two (2) copies of the Plat and a digital PDF version of the Plat to the Clerk/Treasurer.

CHAPTER IV - REQUIRED IMPROVEMENTS

All Plats and Certified Survey Maps shall comply with the provisions of this Chapter.

4.1 - STREETS

All proposed streets in any Subdivision or other Development shall be designed and constructed as provided in this section.

(1) STREET ARRANGEMENT

- a. GENERAL PROVISIONS. Street layouts shall conform to the arrangement, width, and location as required by the Town. The Subdivision or Development shall be designed to provide each Lot/Unit with satisfactory access to a public/private street except in the case of shared driveway access.
- b. PROPOSED STREETS. Proposed streets shall extend to the boundary of the tract being developed 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 Development with future development of the adjacent parcels.
- c. STREET NAMES. Street names shall not duplicate or be similar to the name of any other existing street in the Town, and existing street names shall be projected to extensions of the same street wherever possible. The Applicant shall make arrangements for recordation of street names directly with Dane County.

(2) LIMITED ACCESS HIGHWAY

Whenever a proposed Subdivision or Development contains, or is adjacent to, a Limited Access Highway, the design shall provide the following:

- a. When Lots/Units within a proposed Subdivision or Development back up to the right-of-way of an existing or proposed Limited Access Highway or a railroad right-of-way, a planting strip at least 30 feet in depth shall be provided adjacent to the highway or railroad. Such planting strip shall be a part of the Platted Lots/Units and shall be in addition to the required minimum Lot/Unit depth. Planting strips shall be labeled on the face of the Plat or CSM with the following restriction: "This strip reserved for the planting of trees and shrubs. No structures are permitted without approval of the Town Board."
- b. When Lots/Units within a proposed residential Subdivision or Development back up to the right-of-way of an existing or proposed Limited Access Highway, a low-maintenance landscaped Berm shall be designed and constructed at the Applicant's expense according to plans approved by the Town Plan Commission.
- c. Streets parallel to a Limited Access Highway or railroad right-of-way, at the point of their Intersection with a Major Street and highway or Collector Street, which cross said railroad or highway, shall be located at a minimum distance of 250 feet from said highway.

(3) STREET DESIGN STANDARDS

The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the Comprehensive Plan. If no width is specified therein, the minimum widths shall be as follows:

- a. STREET WIDTHS. The following minimum widths shall be provided for all streets. The specified width shall be increased as determined by the Town Public Works Committee or Plan Commission if on-street bike lanes are shown as part of the Town Comprehensive Plan or other Town land use plan.

<u>Type of Street</u>	<u>R.O.W Width to be Dedicated</u>	<u>Pavement Width</u>
Collector Streets	80 feet	36-40 feet
Local Streets	66 feet	22 feet

- b. CUL-DE-SACS. Cul-De-Sacs shall terminate in a circular turnaround having a minimum right-of-way radius of 60 feet and a minimum inside curb radius of 40 feet and shall not exceed 1,000 feet in length without approval by the Verona Fire Department and the Town Board. No more than four (4) Lots/Units shall front a Cul-De-Sac bulb and these Lots/Units shall have a minimum of 30 feet of Lot frontage on said street.
- c. TEMPORARY DEAD ENDS OR CUL-DE-SACS. Temporary Dead Ends or Cul-De-Sacs shall be permitted where a street intersects with the boundary of a Plat or Certified Survey Map or the boundary of a planned phase of Development within a Subdivision. Temporary Dead Ends or Cul-De-Sacs shall meet all of the following standards:
 - i. A temporary turnaround is required if the street serves more than one Lot/Unit on either side of the street.
 - ii. A temporary "T" turnaround is required if the distance from the centerline of the nearest street Intersection to the farthest Lot/Unit line of the last Lot/Unit of the applicable construction phase is 400 feet or less. The "T" turnaround shall have a minimum width of 24 feet, a minimum transverse length of 60 feet, and a minimum radius of 10 feet.
 - iii. Either a temporary "T" or temporary circular turnaround shall be required as determined by the Town Engineer and Public Works Committee when the closed end of a Dead-End Street is not visible from the nearest Intersection or when the distance from the centerline of the nearest intersecting street to the farthest Lot line of the last Lot in the construction phase is greater than 400 feet. A temporary "T" turnaround shall be constructed as specified above in subpar. (c)(2). Circular turnarounds shall have a minimum radius of 40 feet.
- d. STREET GRADES. Street grades shall be established to avoid excessive grading, the excessive removal of ground cover or tree growth, or general leveling of the topography. Unless a greater grade is determined necessary by the Town Engineer due

to exceptional topography, the maximum centerline grade of any street or public way shall not exceed the following:

- i. Collector Streets: 8%
 - ii. Local Streets and Frontage Streets: 10%
 - iii. Pedestrian Ways: 12:1 unless landings of acceptable design are provided. Conformance with ADA requirements is required unless accessibility cannot reasonably be achieved, in which case proper signage shall be provided.
- e. HALF STREETS. Where an existing dedicated half street is adjacent to the tract being developed, the other half of the street shall be dedicated by the Applicant. The Platting of half streets shall not be permitted unless determined necessary by the Town Board to avoid an unreasonable hardship.

(4) STREET INTERSECTION

- a. Streets shall intersect each other at nearly right angles as topography and other limiting factors of good design permit, and all Intersections shall be designed to provide adequate visibility and safety for all users such as motorists, bicyclists, and pedestrians of such streets.
- b. The number of streets converging at one Intersection shall not exceed two unless otherwise approved by the Town Board.
- c. The number of Intersections along Arterial Streets shall be held to the minimum practicable. The distance between such Intersections shall not be less than 600 feet unless necessitated by exceptional topography or other limiting factors of good design.
- d. Property lines at street Intersections shall be rounded with a minimum radius of 15 feet or, when deemed necessary by the Town's Public Works Committee, to provide for safe and efficient traffic movements.
- e. Local Streets need not continue across Arterial or Collector Streets, but if the centerline of two minor streets approach the Major Streets from opposite sides within 150 feet of each other, measured along the centerline of the Arterial or Collector Street, the location shall be adjusted such that the alignment across the Major or Collector Street is continuous and a jog is avoided.
- f. Vision triangles shall be designed by the Town based on speed limit of the Collector Street, and surrounding conditions and shall be noted on the Plat or CSM.

- (5) ACCESS. Every Lot/Unit shall front or abut on a public or private street unless the Town Board approves the use of a shared driveway. Shared driveways shall have a 66-foot wide Easement, which encompasses the entire length of the shared driveway. More than four Lots/Units served by one shared driveway require both Town and County permissions. Private streets may be permitted if adequate provisions are made for permanent public access to and from all Units to be served by such street and for adequate maintenance and repair of the improvements within the right-of-way of such street.

4.2 - EASEMENTS

- (1) UTILITY EASEMENTS. The Applicant shall provide utility Easements of widths deemed adequate by the Town Engineer or Town Staff for the intended purpose.
- (2) DRAINAGE EASEMENTS. Where a Subdivision or Development is traversed by a watercourse, drainageway channel, stream, or low area, an adequate Easement or drainage right-of-way shall be provided substantially conforming to the lines of such watercourse; and parallel streets or parkways may be required in connection therewith. Where necessary, stormwater drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate a 100-year frequency storm event. Design details for drainage facilities shall be subject to review and approval by the Town Staff.
- (3) JOINT DRIVEWAY EASEMENTS. The Applicant shall designate joint driveway Easements where necessary or as required by the Town. The joint driveway Easements shall be shown on the Plat or Certified Survey Map and shall be recorded.
- (4) PRIVATE ROAD EASEMENTS. The private road Easement shall allow access by the property owners, Fire Service, emergency, and other public vehicles and personnel for public services, emergencies, fires and similar events. They shall also include access for public non-motorized transportation users such as pedestrians.

4.3 - PUBLIC SITES AND OPEN SPACES

In the design of the Development or Certified Survey Map, suitable Sites of adequate area for future schools, parks, playgrounds, drainageways, and other public purposes shall be reserved if designated in the Town Comprehensive Plan. Such areas shall be designated on the Plat or map. The location of such Sites shall assure the preservation of scenic and historic Sites, geologic features, stands of trees, marshes, lakes and ponds, watercourses, watersheds, and ravines.

4.4 - REQUIRED IMPROVEMENTS

- (1) SURVEY MONUMENTS. The Applicant shall install survey monuments placed in accordance with the requirements of Wis. Stats. §236.15 and as may be required by the Town Board. The Town Board may waive the requirement for placing monuments required pursuant to Wis. Stats. §236.15(1)(b) – (d) for a reasonable time on the condition that the Applicant provide a letter of credit, surety bond, or other adequate security to ensure that such monuments will be placed within the time required by the Board.
- (2) GRADING. After the installation of temporary block corner monuments by the Applicant and establishment of street grades by Town Staff, the Applicant shall grade the full width of the right-of-way of all streets proposed in accordance with plans and standard specifications

approved by the Town's appropriate committee or commission. The Applicant shall grade the roadbeds in the street right-of-way to subgrade.

- (3) ROADWAY SURFACING. After the installation of all utility and stormwater drainage improvements, the Applicant shall provide for surfacing all roadways and streets proposed to the widths prescribed by this ordinance of the Town. Said surfacing shall be done in accordance with plans and standard specifications approved by the Town's appropriate committee, commission, or Town Staff, and by the Dane County Highway Department where County approval is required.
- (4) BICYCLE AND PEDESTRIAN TRAILS. In all cases where the Town's Comprehensive Plan includes a bicycle or pedestrian trail within a Land Division, the Applicant shall grade and surface the trail and dedicate the trail to the public. Plans and specifications for the improvement of the trail shall be established by the Town Plan Commission and other town committees as necessary.
- (5) LIGHTING. The Applicant shall install streetlights at all street Intersections if required by the Town Board. Streetlights shall meet Town specifications and shall incorporate lighting design techniques to minimize the impact of streetlights on the night sky and on neighbors. All lighting plans shall adhere to the Town of Verona Dark Sky Ordinance as applicable.
- (6) PAVEMENT MARKINGS AND REGULATORY SIGNS. The Applicant shall provide regulatory traffic signs and all markings of traffic lanes, bicycle lanes, restricted parking areas, crosswalks, and other regulatory pavement markings as determined by the Town's appropriate committee, commission, or Town Board. Regulatory traffic signs shall be designed and located according to the USDOT Federal Highway Administration Manual on Uniform Traffic Control Devices.
- (7) STREET NAME SIGNS. The Applicant shall obtain approval of street names from Dane County and provide pole-mounted street name signs. Street name signs shall be mounted at all street Intersections.
- (8) SNOW MAINTENANCE. The Applicant shall provide documentation of the accommodation of snow storage and plans for managing snow melt and runoff.
- (9) SANITARY SEWERAGE.
 - a. PUBLIC SANITARY SEWERS. In all Developments proposed for public sanitary sewer service in the Town's Comprehensive Plan, the Applicant shall provide sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each Lot/Unit within the Subdivision. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and specifications approved by the Town's appropriate committee or commission and the Town Engineer.

- b. PRIVATE SANITARY SYSTEMS. In those areas not served by public sanitary sewer service, private sanitary sewer systems shall be provided in compliance with all applicable County and State regulations.

(10) STORMWATER DRAINAGE FACILITIES.

- a. GENERAL REQUIREMENTS. The Applicant shall provide stormwater drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches and open channels, or other improvements necessary to comply with the provisions of the Dane County stormwater management regulations. At a minimum, stormwater management plans shall meet Dane County standards. Stormwater drainage facilities shall be designed as to present no unreasonable hazard to life or property, and the size, type, and installation of all stormwater drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the County.
- b. DETENTION BASINS AND MAJOR DRAINAGEWAYS. All detention basin areas and drainageways shall be designed and installed in compliance with the Dane County stormwater management regulations. These shall be placed in Common Elements or outlots and may only be placed in Lots/Units if a variance is granted.

(11) WATER SUPPLY FACILITIES. In those areas not served by public water service, private water supply systems shall be provided in compliance with all applicable Town and State regulations.

(12) OTHER UTILITIES. No telephone service lines, fiber optic, or electrical distribution lines rated for less than 40,000 volts shall be located on overhead poles except where underground installation is impossible due to exceptional topography or other physical barriers. Plans indicating the proposed location of all gas, electrical power, and telephone distribution and transmission lines required to service the Development require a Town issued permit for placement in the road right-of-way.

(13) RIGHT-OF-WAY LANDSCAPING. No trees or shrubs may be planted in the road right-of-way. In addition, no other obstructing objects are allowed in the road right-of-way.

CHAPTER V - DEDICATION REQUIREMENTS

5.1 - LAND DEDICATION REQUIREMENTS

- (1) PARK LAND DEDICATION OR FEE REQUIREMENTS. These requirements shall be consistent with those of Dane County for Subdivisions. The Town Board reserves the right to waive these requirements subject to final approval by Dane County.

- (2) OTHER LAND DEDICATIONS. Whenever a tract of land to be developed embraces all or any part of an Arterial Street, drainageway, or other public way, which has been designated in the Town of Verona Comprehensive Plan, that portion of the public way as lies within the proposed Plat or Certified Survey Map shall be made a part of the Plat or CSM and dedicated to the public by the Applicant or conveyed by deed.

CHAPTER VI - CONSTRUCTION PLANS

The purpose of construction plans is to provide the detailed engineering information necessary to build the proposed Subdivision in accordance with the approved Plat or Development plan and all other Development codes and ordinances of the Town of Verona. It shall be the responsibility of Town Staff to review and approve the content of the plans and specifications, and to determine what supplemental information shall be required to assure proper construction of the project.

6.1 - DEVELOPMENT REGULATIONS

- (1) COMMENCEMENT. No Building Permit shall be issued, and no construction or installation of improvements shall commence in a proposed Subdivision or Development, until the final Plat or CSM has been approved by the Town Board and an Applicant's Development Agreement has been approved pursuant to §6.2. Other documents proposed to meet the requirements of this Chapter, such as covenants outlining the responsibilities of the homeowners association for stormwater or private road maintenance, shall be reviewed and approved by the Town and recorded with the Dane County Register of Deeds. Erosion control permits shall be approved by Water and Resource Engineering Division of Dane County before construction begins. A Town of Verona Intersection access permit is also required. Stormwater management permits by Water and Resource Engineering Division of Dane County shall be approved and issued before any earthwork is permitted. Two copies of the stormwater management plan and a copy of the erosion control permit shall be provided to the Town.
- (2) PROTECTING EXISTING FLORA. The Applicant shall make all reasonable efforts to protect and retain existing desirable trees, shrubbery, vines, and grasses not actually in existing roadways, drainageways, building foundation Sites, private driveways, septic drain fields, paths, and trails. Such vegetation shall be protected and preserved during construction in accordance with sound conservation practices.
- (3) DRIVEWAY REQUIREMENTS. A Town driveway permit shall be obtained before the installation of any culvert for a driveway. Issuance of a Driveway permit is required to obtain any Building Permit.

6.2 - DEVELOPMENT AGREEMENT

Approval and recordation with Dane County of a Development Agreement by the Town Board is required before any construction or activity associated with Site preparation can commence.

CHAPTER VII - TRADITIONAL SUBDIVISION DESIGN

7.1 - INTRODUCTION

Traditional Subdivision refers to a Subdivision design that is consistent with the applicable provisions and regulations of this ordinance and one which does not provide for the clustering of residential uses on smaller Parcels to preserve natural features and/or Open Space. Traditional subdivision design may only be employed for parcels equal to or less than 20 acres in size and adjacent to a residential neighborhood in the city of Verona, Fitchburg or Madison.

The rural character of a Traditional Subdivision is predominantly provided by the landscaping of unbuilt area of individual Lots/Units and the placement of the homes. These requirements apply to Subdivisions of 5 or more Lots/Units. In addition to the requirements listed in this chapter, all requirements of Chapters 1 to 6 and Chapter 10 shall be met along with those of Chapter 75 of the Dane County Code of Ordinances.

7.2 - STANDARDS

The Town of Verona Comprehensive Plan, specifically Map 9.6 - Future Land Use, illustrates density standards within the Town. For Residential Development purposes, the maximum number of Lots/Units is determined by dividing the net area by the allowable density. The net area is calculated by subtracting the acreage required for new roads, existing road right-of-way (if applicable), existing on-Site wetlands, proposed stormwater features, and the Open Space requirement of 5% of the gross area. Open Space may include Berms or other landscape features constructed for the purpose of screening.

- (1) AVERAGE AND MINIMUM LOT SIZE. Table 7.1 provides the average and minimum Lot sizes for all Residential Development density categories. For example, if a Parcel is within the 2-4-acre Rural Residential (RR 2-4) density category on the Land Use Map, the average Lot/Unit size within the Development shall be 2 acres with a minimum Lot/Unit size of 1.5 acres. Average Lot/Unit size is used to encourage variation in the Lot/Unit sizes within a Development. If the net acreage is 20 acres, using the allowable density of 1 single-family residence per 2 acres, up to 10 Lots/Units are permitted.

Table 7.1: Traditional Subdivision Development Lot/Unit Size

Density Comp. Plan	Maximum # Lots/Units	Average Lot/Unit size	Minimum Lot/Unit size
1 house/2-4 acres	Net area/2	2 acres	1.5 acres
1 house/4-8 acres	Net area/4	4 acres	1.5 acres
1 house/8-16 acres	Net area/8	8 acres	1.5 acres

* See Comprehensive Plan Map 9.6

- (2) **SETBACKS.** Front and back minimum setbacks for each Lot/Unit shall be the same as those associated with the appropriate Dane County Zoning District. However, setbacks for each Lot/Unit may be increased to provide for protection of natural areas and flora and to better reflect rural design characteristics within the Subdivision. Side yard setbacks shall exceed the Dane County standard of 10 feet and be 25 feet or more, as these setbacks more accurately reflect rural design characteristics.
- (3) **COMMON AREAS MAINTENANCE PLAN.** A maintenance plan shall include language on how to manage the unbuilt common areas, which would include Open Spaces and stormwater management basins, and a mechanism to pay for management and maintenance. This might also include trails within the Subdivision. Any maintenance plan shall be approved by the Plan Commission and Town Board.
- (4) **CONDOMINIUM DEVELOPMENTS.** Condominium Developments with private roads will also be subject to Road Construction Standards but are not required to be dedicated to the Town.
- (5) **DEPTH OF LOT/UNIT.** Excessive depth in relation to width shall be avoided, and a proportion of two (depth) to one (width) shall be considered desirable.
- (6) **FRONTAGE.** Each Lot/Unit shall front a road with 66-feet of frontage or 30-feet of frontage if on a Cul-De-Sac bulb.
- (7) **RIDGETOP LOT/UNIT.** Any lot/unit that either contains or is adjacent to a ridgetop may be subject to additional restrictions in order to preserve the natural appearance of ridges and scenic viewsheds.
- (8) **WOODED LOT/UNIT.** Any lot or unit considered to be a wooded lot may be subject to additional restrictions in order to preserve the existing tree canopy and minimize land disturbance

7.3 - PHASED DEVELOPMENT

The Town may require a phased Development plan to ensure that there is an orderly availability of buildable Lots/Units in the Town.

CHAPTER VIII - CONSERVATION SUBDIVISION DESIGN

Conservation Subdivision refers to Subdivision design that is consistent with the applicable provisions and regulations of this ordinance, and one which provides for the clustering of residential uses on smaller Parcels to preserve natural features and/or Open Space. The value of conserving natural resources and Open Spaces is recognized herein as an important consideration in Subdivision design. The Plat should maximize the benefit of these values in its design. In addition to the requirements listed in this chapter, all requirements of Chapters 1 through 6 and Chapter 10 shall be met along with those of Chapter 75 of the Dane County Subdivision Ordinance. The average Lot/Unit sizes and minimum Lot/Unit sizes are smaller than with a Traditional Subdivision to encourage the use of Conservation Subdivision design for Subdivision Development.

8.1 - PURPOSE

- (1) To provide for a residential Subdivision that permits flexibility of design in order to promote or preserve environmentally sensitive areas, efficient uses of land, and provide for Open Space.
- (2) To preserve in perpetuity unique or sensitive natural resources and Open Space, and to protect wildlife and plant habitats.
- (3) To preserve important historic and archaeological Sites.
- (4) To promote clustering of houses and structures on less environmentally sensitive soils to reduce the amount of infrastructure, including paved surfaces and utility Easements, necessary for Residential Development.
- (5) To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in Residential Development.
- (6) To promote interconnected greenways and habitat corridors in the Town.
- (7) To encourage interaction in the community by clustering houses and provide public gathering places and community facilities as focal points in the neighborhood.
- (8) To encourage road designs that reduce traffic speeds while increasing safety and access for pedestrians and bicyclists.

(9) To promote construction of convenient and environmentally acceptable pedestrian trails and bike paths.

(10) To conserve scenic views and reduce perceived density via conservation design principles.

(11) To protect prime agricultural land and preserve agriculture as an economic activity.

8.2 - STANDARDS

Conservation Subdivision Developments prioritize the preservation of Open Space and reserve at least 30% of the total Development acreage as Open Space. Open Space may include woods, streams, wetlands, grasslands, topographical features, and other natural or cultural features. Additionally, this type of Subdivision may alternately create opportunities for Open Space where none previously existed. Open Space is permanently protected and held in common ownership. The Open Space requirement is obtained by taking 30% of the net area, which is determined by subtracting the current road right-of-way area for all Lots/Units adjacent to a current road from the gross area.

(1) AVERAGE AND MINIMUM LOT/UNIT SIZE. The maximum number of Lots/Units allowed is obtained by dividing the gross area by the rural residential density associated with the Parcel as identified on Map 9.6, Future Land Use in the Town of Verona Comprehensive Plan. If at least 30% of the area is in Open Space, the Applicant may be allowed the average Lot/Unit sizes and minimum Lot/Unit sizes shown in Table 8.1 below, depending on the Residential Development densities identified by Map 9.6 in the Town of Verona's Comprehensive Plan. If stormwater management facilities are designed to retain 100% of a two-year rain event, then the Applicant would be entitled to average and minimum Lot/Unit sizes as shown in Table 8.2. Unlike Traditional Development net area determination, stormwater management features and wetlands may be counted toward the total percentage of Open Space when they are associated with outlots.

The number of permitted Lots/Units for a Conservation Subdivision is obtained by dividing the buildable area by the average Lot/Unit sizes listed in Tables 8.1 or 8.2. The buildable area is determined by subtracting the following from the gross area: a) the Open Space area; b) the area of any new roads; and c) the area of the road right-of-way for any Lot/Unit adjacent to an existing road. The number of Lots/Units cannot be greater than the maximum number allowed as determined in the rural residential density calculation.

Table 8.1: Conservation Subdivision Lot/Unit Size for less than 100% Infiltration Rates

Density Comp. Plan*	Maximum # Lots/Units	Average Lot/Unit size	Minimum Lot/Unit size
1 house/2-4 acres	Gross area/2	1.75 acres	1.5 acres
1 house/4-8 acres	Gross area/4	1.75 acres	1.5 acres
1 house/8-16 acres	Gross area/8	1.75 acres	1.5 acres

* See Comprehensive Plan Map 9.6

Table 8.2: Conservation Subdivision Lot/Unit Size for 100% Infiltration Rates

Density Comp. Plan*	Maximum # Lots/Units	Average Lot/Unit size	Minimum Lot/Unit size
1 house/2-4 acres	Gross area/2	1.5 acres	1.3 acres
1 house/4-8 acres	Gross area/4	1.5 acres	1.3 acres
1 house/8-16 acres	Gross area/8	1.5 acres	1.3 acres

* See Comprehensive Plan Map 9.6

Table 8.3 Conservation Subdivision Lot/Unit Size for 100% infiltration and 35% Open Space

Density Comp. Plan*	Maximum # Lots/Units	Average Lot/Unit size	Minimum Lot/Unit size
1 house/2-4 acres	Gross area/2	1.3 acres	1.2 acres
1 house/4-8 acres	Gross area/4	1.3 acres	1.2 acres
1 house/8-16 acres	Gross area/8	1.3 acres	1.2 acres

* See Comprehensive Plan Map 9.6

- (2) SETBACKS. Setbacks for each Lot/Unit will be determined to provide for protection of natural areas and flora, and to reflect rural design characteristics within the Subdivision. Roads shall be built to Town standards and dedicated to the Town. Condominium Developments with private roads will also be subject to Road Construction Standards but are not required to be dedicated to the Town.

- (3) OPEN SPACE STEWARDSHIP PLAN. The Applicant shall provide a stewardship plan from a qualified professional ecological firm for the implementation of sustainable management activities for the areas in Open Space and provide information on the variety of flora that are appropriate for the Open Space areas. The qualified professional ecological service firm shall be approved by Town Staff prior to their engagement.
- (4) CONDOMINIUM DEVELOPMENTS. Condominium Developments with private roads will also be subject to Road Construction Standards but are not required to be dedicated to the Town.
- (5) DEPTH OF LOT/UNIT. Excessive depth in relation to width shall be avoided and a proportion of two (depth) vs one (width) shall be considered desirable.
- (6) FRONTAGE. Each Lot/Unit shall front a road with 66-feet of frontage or 30-feet of frontage if on a Cul-De-Sac bulb.
- (7) RIDGETOP LOT/UNIT. Any lot or unit that either contains or is adjacent to a ridgetop may be subject to additional restrictions in order to preserve the natural appearance of ridges and scenic viewsheds.
- (8) WOODED LOTS. Any lot or unit considered to be a wooded lot may be subject to additional restrictions in order to preserve the existing tree canopy and minimize land disturbance.

8.3 - OWNERSHIP AND MAINTENANCE OF COMMON OPEN SPACE AND COMMON FACILITIES.

Adequate mechanisms shall be in place to ensure that common Open Space and common facilities are maintained.

- (1) STEWARDSHIP PLAN. Every Conservation Subdivision shall have a plan that provides a means to properly manage the Common Open Space in perpetuity and to properly manage and maintain all Common Facilities. The plan shall be approved by the Town prior to final Plat approval. Any changes to the plan shall be approved by the Town Board. The plan shall do the following:
 - a. Designate ownership of the Common Open Space and/or Common Facilities.
 - b. Establish necessary regular and periodic operation and management responsibilities. Estimate staffing needs, insurance requirements, and other associated costs, and define the means for funding the same on an ongoing basis.
 - c. The Land Stewardship Plan shall include a narrative based on the Site analysis describing:
 - i. existing conditions including all natural, cultural, historic, and scenic elements in the landscape

- ii. the proposed end state for each Common Open Space area and the measures proposed for achieving said end state
- iii. proposed restoration measures, including measures for correcting increasingly destructive conditions such as erosion; and measures for restoring historic features, habitats, or ecosystems
- iv. Operations necessary for managing the stability of the resources, including but not limited to mowing schedules, weed control, planting schedules, and clearing and waste removal.

(2) OWNERSHIP. The designated Common Open Space and/or Common Facilities shall be owned and managed by one or a combination of the following:

- a. HOMEOWNERS ASSOCIATION. A Homeowners Association shall be established if the Common Open Space and/or Common Facilities are proposed to be owned by a Homeowners Association. Membership in the association is mandatory for all purchasers of Lots/Units in the Development and their successors. The Homeowners Association bylaws, guaranteeing continuing management of the Common Open Space and/or other Common Facilities, and the Declaration of Covenants, conditions, and restrictions of the Homeowners Association shall be submitted for approval to the Town as part of the information required for the preliminary Plat. The declaration of covenants, conditions, and restrictions shall be recorded with the Office of the Register of Deeds for Dane County as a condition to recording the Plat. The Homeowners Association bylaws or the declaration of covenants, conditions and restrictions of the Homeowners Association shall contain the following information:
 - i. the legal description of the proposed Common Open Space
 - ii. a description of Common Facilities
 - iii. any restrictions placed upon the use and enjoyment of the Common Open Space and/or Common Facilities
 - iv. persons or entities entitled to enforce the restrictions, which shall include the Town
 - v. a mechanism to assess and enforce payment of the common expenses for the Common Open Space and/or Common Facilities including upkeep and management expenses, real estate taxes, and insurance premiums
 - vi. a mechanism to implement restoration, maintenance, and management of the Common Open Space and/or Common Facilities
 - vii. a mechanism for resolving disputes among the owners or association members
 - viii. the conditions and timing of the transfer of ownership and control of Common Open Space and/or Common Facilities to the Association
 - ix. a requirement that any termination, amendment, or other modification to the bylaws, covenants, conditions, or restrictions which relates to the maintenance or use of the Common Open Space or Common Facilities be approved by the Town Board in order to be effective
 - x. any other matter the Applicant deems appropriate

- xi. Non-Profit Conservation Organization. If the Common Open Space and/or Common Facilities are to be held by a Non-Profit Conservation Organization, the organization shall be approved by the Town. The conveyance to the Non-Profit Conservation Organization shall contain appropriate provisions for reversion or succession to a subsequent Non-Profit Conservation Organization or other acceptable entity if the organization becomes unwilling or unable to uphold the terms of the conveyance
 - b. PUBLIC DEDICATION OF COMMON OPEN SPACE. The Town may accept the dedication of a Conservation Easement or fee title to the Common Open Space and/or Common Facilities provided:
 - i. the Common Open Space and/or Common Facilities are as accessible to the residents of the Town as they are to owners within the Subdivision
 - ii. the Town agrees to and has access to maintain and manage the Common Open Space and/or Common Facilities
- (3) FAILURE TO MANAGE OPEN SPACE. In the event that the organization designated to own and manage the Common Open Space and/or Common Facilities, or any successor organization, fails to manage all or any portion of the Common Open Space and/or Common Facilities in reasonable order and condition in accordance with the management plan and all applicable laws, rules, and regulations, the Town may serve written notice upon such organization and upon the residents and owners of the Common Open Space and/or Common Facilities, setting forth the manner in which the organization has failed to manage the Common Open Space and/or Common Facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this Ordinance, in which case the bond, if any, may be forfeited, and any permits be revoked or suspended. The Town may enter the premises and take corrective action.
- a. The costs of corrective action by the Town shall be charged against the properties within the Subdivision as a special charge pursuant to Wis. Stats. §66.0627 or through any other method allowable by law and shall become a lien on said properties.
 - b. The Town may contract with an independent individual, organization, or business, for a periodic assessment of the Common Open Spaces and/or Common Facilities of the Development to ensure compliance with the Stewardship Plans. The cost for this periodic assessment of the Common Open Spaces and/or Common Facilities shall be charged against the properties within the Subdivision as a special charge pursuant to Wis. Stats. §66.0627 or through any other method allowed by law and shall become a lien on said properties if not paid.

8.4 - VISUAL IMPACT

- (1) The Town may require a vegetated buffer or berm to provide screening between Developments and/or public roads. If a vegetated buffer is required, a landscape plan shall be submitted to the Town for approval.
- (2) The Town may limit the placement of Building Envelopes in visually prominent areas that cannot be adequately screened.

8.5 - PHASED DEVELOPMENT

The Town may require a phased Development plan to ensure that there is an orderly availability of buildable Lots/Units available in the Town.

CHAPTER IX - CONDOMINIUM DEVELOPMENTS

Condominiums are allowed by Wis. Stats. §703.115. The State Legislature has recognized that Subdivision ordinances may apply to Condominiums, but that Subdivision ordinances shall not impose burdens upon the condominiums that are different from those imposed on other properties of a similar character not subject to a declaration of a Condominium. All Condominiums shall comply with Chapter 75 of the Dane County Code as well as the entirety of this Ordinance.

9.1 - STANDARDS

A Condominium Plat prepared under Chapter 703 of the Wisconsin Statutes shall be reviewed by the Town in the same manner as a Traditional Subdivision or a Conservation Subdivision as set forth in this Ordinance and shall comply with the applicable design standards and required improvements of this Ordinance.

CHAPTER X - GUARANTEE OF CONSTRUCTION OF IMPROVEMENTS; PERMIT RESTRICTIONS; IMPROVEMENT MAINTENANCE

10.1 - COMPLETION OF IMPROVEMENTS

- (1) Before the acceptance of Public Improvements by the Town Board, the Applicant shall complete all street, sanitary, and other improvements, including Lot/Unit improvements on individual Lots/Units of the Subdivision as required in this article, as specified in the final Plat,

and as approved by the Town Board. The Applicant shall also dedicate such improvements to the Town free and clear of all liens and encumbrances on the property and Public Improvements thus dedicated.

- (2) Prior to the undertaking of any public or private improvement, the Applicant shall deposit with the Town a true copy of an acceptable agreement showing that the Applicant has deposited, with a bank or other agent acceptable to the Town, cash, a certified check, an irrevocable bank letter of credit, or a surety bond, in an amount estimated by the Town Engineer as sufficient to secure to the Town the satisfactory construction, installation, and dedication of the required improvements. The amount of deposit shall also secure all Lot/Unit improvements on the individual Lots/Units of the Subdivision as required in this article. The amount of the deposit shall represent 115 percent of the estimated construction costs of completion of the required improvements. Such deposit shall comply with all statutory requirements and shall be satisfactory to the Town Attorney as to form, sufficiency and manner of execution as set forth in this article.
- (3) The Applicant shall build and pay for all costs of temporary improvements required by the Town Board and shall maintain the temporary improvements for the period specified by the Town Board.
- (4) All required improvements shall be made by the Applicant at their expense without reimbursement by the Town. All required improvements shall be constructed to the boundaries of the Subdivision.
- (5) If the required improvements are not completed within the time period specified by the Town Board, the Town Board may thereupon declare the guaranty or surety to be in default and require that all the improvements be installed regardless of the extent of building Development at the time the guaranty or surety is declared to be in default.

10.2 - RESPONSIBILITY OF INSPECTING ENGINEER; DEFECTS

- (1) The Town Engineer or agent of the Town shall be responsible for the inspection of the construction of all improvements and shall certify that such construction has been satisfactorily completed in accordance with the approved plans and Town construction standards. If the Town Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the final Plat, the Town construction standards, or the requirements of the Town Board, the Applicant shall be responsible for correcting and completing the improvements. Wherever the cost of improvements is covered by a guaranty or surety, the proprietor and the bank, bond company, or other agent shall be severally and jointly liable for completing the improvements according to specifications. The cost of monitoring construction and all related inspections shall be billed to the Developer.

10.3 - CERTIFICATIONS REQUIRED; REDUCTION OF SURETY

- (1) The Town Board shall not accept the dedication of the required improvements and release or reduce the guaranty or surety until the Applicant has certified, in a manner approved by Town Staff, that the improvements have been completed and are free and clear of any and all liens and encumbrances; until the proprietor's engineer has certified to the Town Engineer that the required improvements have been satisfactorily completed; and until the Applicant's engineer has certified to the Town Engineer, through submission of detailed, reproducible as-built plans, and a certification statement that the layout and design of the improvements are in accordance with approved construction plans for the Subdivision. Upon such approval and recommendation, the Town Board may accept the improvements for dedication in accordance with the established procedure.
- (2) For the case of a private road in a Condominium, the road shall not be approved until the Applicant's engineer has certified to the Town Engineer that the required improvements have been satisfactorily completed; and until the Applicant's engineer has certified to the Town Engineer, through submission of detailed, reproducible as-built plans, and a certification statement, that the layout and design of the improvements are in accordance with approved construction plans for the Subdivision.
- (3) The surety shall be reduced upon actual completion of the improvements, but only to the ratio that the completed improvements bear to the total improvements for the Subdivision. In no event shall the surety be reduced below ten percent of the principal amount before final acceptance of all improvements by the Town Board.
- (4) Whenever, by reason of the season of the year, any improvement on a Lot/Unit required by this article cannot be performed, the Town Building Inspector may issue a certificate of occupancy provided there is no danger to health, safety, or general welfare, upon accepting a cash deposit in an amount to be determined by the Town Engineer for the cost of such improvement. Such funds shall be deposited with the Town. The surety covering such Lot/Unit improvement shall remain in full force and effect until all unfinished work is completed to the specifications of the Town Engineer.
- (5) All required improvements on a Lot/Unit, for which a deposit has been accepted by the Town Engineer and received by the Town at the time of issuance of the certificate of occupancy, shall be installed by the Applicant within one year. If the improvement has not been properly installed at the end of one year, Town Staff shall give two weeks' written notice to the Applicant requiring installation of the improvement. If the improvement is not installed within such two-week period, the Town Engineer may request the Town Board authorize employing an independent contractor for the purpose of the installation of necessary improvements at a sum not to exceed the escrow deposit. At the time of issuance of the certificate of occupancy for which a deposit was made with the Town, the Applicant shall obtain and file a notarized agreement in recordable form from the purchaser of the premises authorizing the installation

of the improvement by the Town at the end of the one year if the improvement has not been properly installed by the Applicant.

10.4 - BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

- (1) No Building Permit shall be issued for the final ten percent of Lots/Units in a Subdivision or other Development, or if ten percent is less than two Lots/Units, for the final two Lots/Units in the Subdivision, until all improvements required by the Town Board have been fully completed and accepted by the Town.
- (2) No certificate of occupancy for any building in a Subdivision or other Development shall be issued prior to the completion of the required Public Improvements, dedication of the improvements to the Town, and acceptance of the improvements by the Town Board, except the second course of asphalt paving, as verified by the Town Engineer.

10.5 - MAINTENANCE OF IMPROVEMENTS FOR PUBLIC ROADS

- (1) The Applicant or contractor retained by the Applicant shall file a maintenance bond with the Town prior to dedication in an amount equal to 10 percent of the construction cost of the required improvements, as estimated by the Applicant's engineer and approved by the Town Engineer and in a form satisfactory to the Town Attorney, in order to ensure the condition and operation of such improvements, including all improvements on the individual Lots/Unit, for a period of one year after the date of their acceptance by the Town Board.
- (2) The Applicant shall maintain all improvements within the Subdivision until approval or acceptance of such improvements by the Town Board.

10.6 - TOWN AUTHORITY

- (1) The Town Board reserves the right, in its sole discretion, to waive or modify any of the requirements in this Chapter 10 based on development specific conditions:
 - a. in response to a written request from a developer or property owner
 - b. on the initiation of the Town Board.