

Town of Vienna

Procedures for review of: Land Divisions, Zoning Changes, and Construction of Buildings

The following procedures have been adopted by the town board and planning commission of the Town of Vienna to guide review of land development proposals within the Town of Vienna

Before any development request, landowners should review these procedures and the town's Land Division and Subdivision Regulations, building code, and the Town Land Use Plan. Those documents are available at the Town Clerk's Office in the Town of Vienna Hall.

Note: For any proposed land division, zoning change, and/or building permit, the owner or agent should file a request with the town clerk (form available at the town office) before making any request to Dane County Zoning or to the Vienna DeForest Zoning Administrator (or lands within the Vienna- DeForest Extraterritorial Zoning District).

I. Actions Covered By Procedures:

1. **Land Divisions:** Under the town Land Division and Subdivision Regulations, a land division is the division of a lot or parcel of land by the owner thereof or his agent where the act of division creates one or more parcels of land less than 80 acres in size. These divisions generally require the recording of a subdivision plat, a minimum of 20 or 80 acres in size, depending on the location. Certified surveys of smaller parcels are allowed **only** for landowners who owned the parcel to be divided prior to December 1, 1984 and wish to build a residence for themselves or members of their immediate family.
2. **Zoning Changes:** Whenever a development is contemplated, which is not a permitted use in the existing zoning district, the owner must request a zoning change. Because most of the town is zoned Exclusive Agricultural, such a change will generally be needed for all uses other than agricultural uses. This change may be to a new zoning district, or it may require a conditional use within the existing zoning district. All zoning changes must be consistent with the requirements and policies contained in the town land use plan.
3. **Other Building Requests:** Some developments require county and town building permits, but do not require a land division or zoning change. These include: residential additions and alterations; residential garages, attached or detached; storage sheds; and new residential or commercial buildings constructed on an existing parcel in a zoning district in which they are a permitted use (for example, a single family house built on a vacant subdivision lot in an R-1 district). All these types of development require an application, but are reviewed with a different procedure (see description under **Procedures for Other Building Requests**).

Note: Agricultural buildings, located on agricultural lands and used for agricultural purposes, such as barns, tobacco sheds, corn cribs etc. do not require building permits from the town or the county (**Electrical permits for Ag buildings are required if the Ag buildings are connected to or have electrical service**)

II. Procedures For Land Divisions:

- Step 1:** The owner shall complete an application entitled "Notice of Intent" and file the application with the town clerk. The owner shall the appropriate review fee as stipulated in Section 10.72 of the "Town of Vienna Land Division and Subdivision Regulations"
- Step 2:** The application shall be sent to the town planning commission, the town board, and

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- Step 3:** Public meeting of the plan commission. The planning commission may request that a preliminary plat be filed in order to provide enough information on which to base a decision. If so... See step 7.
- Step 4:** Recommendation as to approval or rejection will be made within 30 days of the date the request was filed with the town clerk, unless extended by the town plan commission. The recommendation shall be provided to the town board or any other interested person who has requested the same.
- Step 5:** Public meeting/ hearing of the town board.
- Step 6:** The town board acts on the recommendation of the plan commission within 30 days of the recite of the recommendation of the plan commission, unless extended.
- Step 7:** If the application is approved, the owner shall file a preliminary plat application with the town clerk, to meet the requirements of the “Town of Vienna Land Division and Subdivision Regulations”. The owner must also file an application with the Dane County (or ETZ) Plat Review Officer; as per the Dane County (or ETZ) Land Division and Subdivision regulations.
- Step 8:** The Town Plan Commission and the Town Board review the preliminary plat, or certified survey, as in the procedures described in Steps 3, 4, 5, & 6 (except that the town board must approve or reject the preliminary plat application within 40 days from the date the preliminary plat was submitted). Upon final approval or disapproval of the land division (and zoning change if applicable), the town board shall notify in writing the town building inspector.
- Step 9:** The County (or ETZ) Zoning Committee approves or disapproves the proposed land division (and zoning change if applicable). If approved, the County (or ETZ) Zoning Office issues a zoning permit, after recording the land division or subdivision.
- Step 10:** The town building inspector, if applicable, a town building permit. To issue a permit, the building inspector must receive in writing a notification of town board approval of any zoning change or conditional use, along with recording of the land division or subdivision.

III. Procedure For Zoning Changes:

- Step 1:** The owner shall complete an application entitled “notice of Intent” for zoning change, and file the application with the town clerk.
- Step 2:** The application shall be sent to the town planning commission, the town board, and the town building inspector by the town clerk.
- Step 3:** Public hearing before the Plan Commission.
- Step 4:** Recommendation by the plan commission as to consistency with the town land use plan within 30 days of the written request for a zoning change, unless extended by the plan commission.
- Step 5:** Public meeting/ hearing before the town board.
- Step 6:** The town board acts on the recommendation of the town plan commission within 30 days of the public hearing, unless extended by submitting a written recommendation to the County (or ETZ) Zoning Committee. The town board transmits it’s decisions on the zoning request to the town building inspector.

- Step 7:** The County (or ETZ) Zoning Committee holds a public hearing and acts on the recommendation from the town board; and then the County Board acts on the recommendation of the County Zoning Committee.
- Step 8:** The County (or ETZ) Zoning Office issues a zoning permit if the request is approved.
- Step 9:** The town building inspector issues, if appropriate, a building permit. To issue a permit, the building inspector must receive in writing a notification of town board approval of the zoning change or conditional use.

IV. Procedure For Other Building Requests:

- Step 1.** Owner shall complete an application entitled “notice of Intent” for building a structure, and file the application with the town clerk.
- Step 2.** The town clerk shall notify (verbally or in writing) the town board chairman and the plan commission chairman, that the application has been filed.
- Step 3.** The application shall remain on file for two working days after the date of filing. During this time, the town board chairman and/ or plan commission chairman may review the application, and, if desired, request a more detailed review by the full plan committee and town board. If such a request is made, the review shall proceed as in steps 3, 4, 5, and 6 of the procedure for zoning changes.
- Step 4.** If no comment is made within two working days, the town clerk enters “No Comment” in the town board and plan commission action spaces on the application form and transmits the application to the building inspector, who may then issue a permit. If the plan commission and town board elect to comment, the town clerk notifies the building inspector of the town board’s action on the application
- Step 5.** The town building inspector issues a building permit upon recite of a favorably reviewed application from the town clerk.