

ORD. AMDT. 17, 09-10

**AMENDING CHAPTER 11 OF THE DANE COUNTY CODE OF
ORDINANCES, REGARDING PRESERVATION OF TOPOGRAPHY NEAR PROPERTY LINES**

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Subsection 11.05(5)(a)13. is created to read as follows:

13. a. Except as authorized in this section, the topography within five (5) feet of any property line at the commencement of any development shall remain unchanged.

i. When land disturbing activities associated with development occur within five (5) feet of any property line, finished grades in that area shall be restored to the topography in existence before the land disturbing activity began. A positive slope of one-half (1/2) inch vertical per one (1) foot horizontal within five (5) feet of the property line is allowed to provide proper drainage away from a one or two family residence.

ii. The established grade of the adjoining property shall determine the finished grade at the property line for any development. The owner of the property under development bears the burden of proof as to the established grade at the property line and the topography within five (5) feet of the property line. The director of the Department of Land and Water Resources may require detailed site grading plans of existing and proposed conditions to be submitted before commencement of land disturbing activities.

b. Existing drainage ways and drainage easements along property lines shall be maintained including, but not limited to, natural watercourses and stormwater management areas shown on subdivision plats and certified survey maps.

c. Development in Floodplain Districts requiring fill to comply with chapter 17 is exempt from this subsection.

d. Upon written application, the director of the Department of Land and Water Resources may authorize exceptions resulting in changes to the existing topography at and within five (5) feet of any property line that would promote the purposes stated in this ordinance. An exception authorized under this subsection may not direct additional stormwater runoff toward adjacent properties. Proposed exceptions may include, but are not limited to, retaining walls, berms and other structures, and other changes to existing grade at and within five (5) feet of a property line. The director of the Department of Land and Water Resources may require the submittal of detailed site grading plans of existing and proposed conditions including, but not limited to, detailed topographical information of the subject and adjoining properties, before land disturbing activities commence.