

AFFIDAVIT OF POSTING

I, Rosalind Gausman, duly elected Clerk Treasurer of the Town of Dunn, Dane County, Wisconsin, hereby verify that I posted the attached Ordinance 12.6(1) To Amend the Town of Dunn Comprehensive Plan in the following three locations on April 23, 2008:

1. Quick Stop, 1888 Barber Drive, Stoughton
2. The message board at the corner of Third Street and Waubesa Avenue.
3. Dunn town hall, 4156 CTH B, McFarland

Dated the 23 day of April 2008

Rosalind Gausman  
Rosalind Gausman, Clerk Treasurer

Subscribed and sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Notary Public, State of Wisconsin  
Commission expires: \_\_\_\_\_



ORDINANCE NO. 12.6(1)  
TOWN OF DUNN  
DANE COUNTY, WISCONSIN

AN ORDINANCE TO AMEND THE TOWN OF DUNN COMPREHENSIVE PLAN

SECTION I – TITLE/PURPOSE

The title of this ordinance is Amendment # 1 to the Town of Dunn Comprehensive Plan. The purpose of this ordinance is for the Town of Dunn to lawfully amend a previously adopted a comprehensive plan as required under Wis. Stats. S. 66.1001(4)(c).

SECTION II – AUTHORITY

The town board of the Town of Dunn has authority under its village powers under s. 60.22, Wis. stats., its power to appoint a town plan commission under ss. 60.62 (4) and 62.23 (1), Wis. stats., and under s. 66.1001 (4), Wis. stats., to amend this ordinance. The comprehensive plan of the Town of Dunn must be in compliance with s. 66.1001 (4) (c), Wis. Stats., in order for the town board to adopt this ordinance.

SECTION III – ADOPTION OF ORDINANCE

The town board of the Town of Dunn, by this ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the town board present and voting, provides the authority for the Town of Dunn to amend its comprehensive plan under s. 66.1001 (4), Wis. Stats., and provides the authority for the town board to order its publication.

SECTION IV – PUBLIC PARTICIPATION

The town board of the Town of Dunn has adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by s. 66.1001 (4) (a), Wis. Stats.

SECTION V – TOWN PLAN COMMISSION RECOMMENDATION

The Plan Commission of the Town of Dunn, by a majority vote of the entire commission, recorded in its official minutes, has adopted a resolution recommending to the town board the amendment of the Town of Dunn Comprehensive Plan, which contains all of the elements specified in s. 66.1001 (2), Wis. stats.

SECTION VI – PUBLIC HEARING

The Town of Dunn, has held at least one public hearing on this ordinance, with notice in compliance with the requirements of s. 66.1001 (4) (d), Wis. stats.

SECTION VII – AMENDMENT OF TOWN COMPREHENSIVE PLAN

The town board of the Town of Dunn, by the enactment of this ordinance, formally amends the document entitled Town of Dunn Comprehensive Plan, which is on file with the

Town Clerk and which is amended and incorporated herein by reference as Appendix A and is dated April 21, 2008 pursuant to s. 66.1001 (4) (c), Wis. Stats.

**SECTION VIII – SEVERABILITY**

If any provision of this ordinance of its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision of application, and to this end, the provisions of this ordinance are severable.

**SECTION IX – EFFECTIVE DATE**

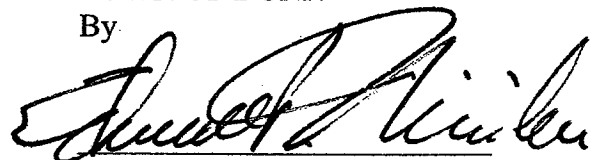
This ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 21 day of April 2008

TOWN OF DUNN

By



Edmond P. Minihan, Chairman

Attest:

Rosalind Gausman

Rosalind Gausman, Clerk

## APPENDIX A

- 1) Add "2.11 Variances and Exceptions" to the Table of Contents (correction)
- 2) Page 2-3, Section 2.2, Density Policy #5, add "Section 2.3 Review Criteria for Site Plans and New Development (e) specifies a maximum lot size of 2 acres. (clarification)
- 3) Page 2-3, Section 2.2 Density Policy #12, add "sold" in the following sentence "if the property sold is deed restricted." (clarification)
- 4) Page 2-4, Section 2.2 Density Policy #13, remove "If parcels are of equal size, the splits will remain with the parcel of oldest creation." Replace at the end of the paragraph. "Generally, if parcels are of equal size, the splits will remain with the parcel of oldest creation. Splits may also be proportionally allocated." (clarification and language change to ensure adequate town flexibility.)
- 5) Page 2-4, Section 2.2, Density Policy, and new number 15 "Rezoning for non-residential development such as LC-1 will not count as a split if the re-zoned property is deed restricted from residential development. (clarification)
- 6) Page 2-4, Section 2.2, Density Policy, add new number 16 "When a property exhausts eligible splits a notice or deed restriction shall be placed on the balance of the land." (clarification of current practice)
- 7) Page 2-4, Section 2.2 Density Policy, add new number 17 "The town acknowledges that some zoning categories minimum lot size requirements may be inconsistent with or conflict with this Plan. The town will deny land divisions that do not comply with the 20,000 square foot minimum in sewerred areas and 1 lot per 35 acre standard density policy in non-sewerred areas. (clarification)
- 8) Page 2-6, second paragraph and "and/or 2.5" so the sentence reads "A site plan per section 2.3 and/or 2.5 will be required. (clarification)
- 9) Page 2-9, Section 2.2 C, Policies, #4 Change "Agricultural Conservation Area" to "Agricultural Preservation Area". (correction)
- 10) Page 2-11, Section 2.2 E, Policies, #3 Delete: "This area should be used primarily for agriculture and open space until more intensive development may be appropriate. Until" Replace with: "This area should be used primarily for agriculture until it is annexed. Prior to" (clarification)
- 11) Page 2-19, Section 2.4a, add the following bullet:
  - "Commercial District C-1 and C-2 with deed restriction allowing only marinas; sales of new and used watercraft and related equipment; snowmobiles and all terrain vehicles and related equipment; repairs and service of watercraft, snowmobiles and all terrain vehicles; incidental retail sales; and indoor and outdoor watercraft storage."
- 12) Page 2-19, Section 2.4, add new section d:

The Town will only support rezoning of land to C-1 or C-2 with the above stated deed restriction. In addition, the following criteria must be met:

  - 1) Marina is determined to be operating in the Town of Dunn prior to September 1, 1979.
  - 2) The zoning change does not create an undue impact on surrounding properties and is consistent with the physical character of the surrounding area." (new, plan changed to acknowledge that Dunn has the most taxable water frontage in Dane County, to

accommodate our residents' boat storage needs, and to allow for expansion of existing marinas.)

13) Page 2-20, Section 2.5 b, Add "c. The preceding standards will be reviewed and considered for C-2 zoning requests and other business proposals." (new to clarify process)

14) Page 2-25, Section 2.11 Variances will not be granted if the proposal would: b: delete "is in" (grammatical correction)

15) Acknowledgements, add David Crane, Village of McFarland representative. (Correction. Changes requested by the Village of McFarland in May 17, 2006 letter should have been changed in the Comp Plan.)

16) Page 2-10, Section D, Policy 4. Remove current wording and replace with "In the event the Town purchases conservation easements in the No Annexation Buffer Area pursuant to the Preservation Program, the Town agrees that such easements shall not prohibit non-motorized, passive public recreational access and uses ("Passive Uses"). Passive Uses include hiking, bicycling, cross-country skiing, snowshoeing, and guided nature walks. Passive Uses do not include playground uses, or soccer, basketball, or football recreational purposes or uses for other organized team sports. During conservation easement negotiations with landowners in the No Annexation Buffer Area, the Town will make efforts to partner with the Village of McFarland, Dane County Parks Department and/or Wisconsin Department of Natural Resources to purchase all or part of the land for Passive Uses." (Correction. Changes requested by the Village of McFarland in May 17, 2006 letter should have been included.)

17) Add language to chapter 2 that references the Kegonsa and Waubesa LSA maps (July 3, 2007) (correction the maps are in the plan but not property referenced).

18) Page 2-14 add policy #2. Change "Prohibit the division of any existing vacant parcel in an existing unsewered subdivision." To "Prohibit the division of any parcel in an existing unsewered subdivision." (clarification)

19) Page 2-19, Section 2.4 (a) second bullet point. Change "Rural Homes Districts RH-1" to "Rural Homes Districts" (clarification)

20) Page 9-1, change paragraph after "The following considerations should be made when using the comprehensive plan:" to "Zoning changes must be consistent with the comprehensive plan." (clarification)