

2

LAND USE PLAN

The Town of Dunn's character is and has been defined by both the variety and the abundance of its open spaces. Land conservation has been a local priority, and a successful one, for several decades. The Town's first Land Use Plan, created in 1979, recognized the importance of protecting Dunn's resources because they are central to the Town's rural identity and the plan resulted in the creation of a model Open Space Preservation Plan. The early identification and protection of farmland and natural resources in the Town has allowed it to retain its character and identity despite its location adjacent to the rapidly growing and expanding Madison Metropolitan Area.

2.1 Land Use Goals and Objectives

Goal 1: Plan for the 200-year future of the Town of Dunn.

- 1-1: Make land use decisions based on the Comprehensive Plan and Future Land Use Map.
- 1-2: Consider long-term implications of land use decisions

Goal 2: Ensure any future development is sensitive to the natural environment.

- 2-1: Environmentally, culturally and archaeologically important areas shall be protected from development.
- 2-2: Any new development will be located such that it does not disturb scenic views or impact the Town's rural character.

Goal 3: Participate in local and regional planning efforts to achieve a well-planned regional land use pattern.

- 3-1: Involve the public in Town planning efforts.
- 3-2: Encourage higher density developments to be located in and immediately adjacent to cities and villages or in Mixed Use Areas that won't negatively impact the Town of Dunn (refer to the Intergovernmental Plan for additional actions for this objective).

Goal 4: Maintain the Town's existing agricultural resources and maintain this as an economic and social way of life.

- 4-1: Utilize existing and new techniques to protect the Town's agricultural and environmentally sensitive areas.
- 4-2: Only allow development practices that protect the Town's agricultural lands.

Goal 5: Allow a limited amount of planned, mixed-use development provided that such development is located in the areas designated on the Future Land Use map.

- 5-1: Ensure businesses are properly located and related to Town needs.
- 5-2: Allow businesses that support the Town's agricultural economy.
- 5-3: Carefully monitor any mineral extraction activities in the Town.

Please see Future Land Use Map

2.2 Planning Districts and Policies

Land Division Allocation Policy

Areas outside of the Limited Service Area. Land Divisions outside of the Limited Service Area are governed by the following Land Division Allocation Policy.

1. No land located outside Limited Service Areas may be divided, except for development that is permitted per the standard of one (1) land division per 35 acres per Base Farm Tract. This policy shall be referred to as the Land Division Allocation Policy.
2. Divisions are calculated by dividing Base Farm Tract acreage by 35. The quotient is rounded down. (Example: a 102 acre Base Farm Tract, divided by 35 = 2.91. The 102-acre Base Farm Tract property is allocated two land divisions.)
3. In addition to the land divisions allocated above, for parcels of at least 20 acres, a residential dwelling unit and outbuildings may be divided from the base farm tract, subject to paragraph 12 below, provided that a deed restriction is recorded on the base farm tract prohibiting residential development and stating that all land divisions on the property have been exhausted. In addition, the remaining land may be required to be rezoned to the A-4 zoning category.

Exceptions to the 20 acre minimum requirement will be considered for parcels 5 acres or more but less than 20 acres only if the applicant demonstrates the agricultural viability of the remaining vacant land. Any exceptions granted are at the sole discretion of the Plan Commission.

4. In order to prevent the occurrence of multiple divisions by successive landowners, the limitation of the Land Division Allocation Policy shall run with the land, shall be cumulative, and shall apply to those persons or entities owning land on September 1, 1979 and to their grantees, heirs, successors and assigns.
5. Parcels that were smaller than 35 acres as of September 1, 1979 are not permitted to be divided to create a new residential lot. However, a residential dwelling unit and outbuildings may be divided from the base farm tract as provided in paragraph 3 above.
6. Land sold to the State of Wisconsin Department of Natural Resources, Dane County Parks or other public agencies or non-profit organizations having land conservation as a primary mission will count as a land division unless an agreement was made with the Town not to count it. The Town will consider entering into such an agreement, at the discretion of the Plan Commission, only if the property sold is restricted by deed restriction, conservation easement, or other encumbrance acceptable to the Plan Commission to prohibit development.
7. When a property is divided, available land divisions remain with the Base Farm Tract unless they are transferred by an affidavit, approved by the Town Board, recorded at the Dane County Register of Deeds and filed with the Town Clerk.
8. Determination of available land divisions will be made by the Plan Commission.
9. When a Base Farm Tract exhausts all available land divisions under the Land Division Allocation Policy, a deed restriction shall be recorded at the Dane County Register of Deeds

and filed with the Town Clerk on the balance of the Base Farm Tract prohibiting further land divisions.

10. All land divisions will require a Certified Survey Map approved by the Plan Commission regardless of the size of the parcels involved.
11. Adding land to a non-dividable parcel does not make it dividable.
12. The maximum permitted size of a lot resulting from a land division shall be two (2) acres in order to minimize conversion of farmland to non-agricultural use. A maximum of 2.3 acres (net) will be considered if needed to meet RH-1 zoning requirements.
13. The two-acre maximum land division size shall be enforced for a land division separating a residential dwelling unit and accessory buildings from the Base Farm Tract. Applicants may request an exception to the two acre maximum if additional acreage is needed to include the residential dwelling unit and usable residential and agricultural accessory buildings.
14. The Plan Commission may require newly created lots to be clustered with existing lots.
15. The Plan Commission may require a site plan when new lots or residential dwelling units are proposed.
16. Each lot resulting from a land division must front on an accessible public road for at least 66 feet. A public road is considered accessible if driveway access is allowed. For example, if the State Department of Transportation will not allow a driveway access from Hwy 51, then road frontage on Hwy 51 cannot be used to meet the 66 foot road frontage requirement.
17. No land may be divided without town approval except that parcels over 35 acres may be divided from the parent parcel, provided that:
 - a. Both the parcel being transferred and the parent parcel must be at least 35 acres.
 - b. No building rights are transferred. Any division that intends a building right to be transferred with the divided land requires Town approval in advance of the transaction.

Areas within the Limited Service Area: Lands within the Limited Service Area may be divided if all of the following standards are all satisfied:

1. The minimum size of the newly created lot is 20,000 square feet
2. The entire parent parcel is located within the limited service area
3. All requirements of the county zoning, shoreland zoning, floodplain zoning, and Town and County Land Divisions and Subdivision ordinances are met.
4. Each lot resulting from a land division must front on an accessible public road for at least 66 feet. A public road is considered accessible if driveway access is allowed. For example, if the State Department of Transportation will not allow a driveway access from Hwy 51, then road frontage on Hwy 51 cannot be used to meet the 66 foot road frontage requirement.
5. In sewerred areas only, the Plan Commission may in its sole discretion permit smaller size lots when it determines:

- a. The size of the newly created lots will be compatible with the sizes of already existing lots in the immediate area, and
- b. The size of the newly created lots will not be detrimental to the public health or welfare or public policies as expressed in the provisions of this Ordinance or any applicable master plan

A. Agricultural Preservation Area

Purpose

- Preserve farmland in the Town for long-term farm use and maintain agriculture as a major economic activity and way of life.
- Protect farm operations from incompatible adjacent land uses or activities that will adversely affect the long-term agricultural investment in land and improvements.

Policies

1. A two-acre maximum land division size shall be enforced for splits separating a farm dwelling from land. Applicants may request an exception to this rule if additional acreage is needed to include farm residences and usable outbuildings, or to meet RH-1 zoning requirements.
2. Purchase of Development Rights or conservation easements are a priority in this land use area.
3. Support bed and breakfasts and other agri-tourism businesses in this land use area, provided they do not negatively impact existing land uses or neighboring residents.
4. Follow the guidelines in Sections 2.3 (Site Plan and Development Review) and 2.4 (Review Requirements for Rezoning Requests) for additional standards.
5. Allow conversion of single family homes to duplexes per policy 2.2 (F) (5).
6. Support conservation efforts and best management practices to protect air and water quality on and adjacent to agricultural lands.

Agricultural Preservation Area

This land use area includes agricultural lands and farming operations; farmsteads and homes with densities generally not exceeding one (1) single family residential unit per 35 acres owned; woodlands, non-tillable slopes, agriculture-related and farm family businesses; and mineral extraction operations.

This land use area covers most of the Town of Dunn and this Plan continues to support this as the predominant land use in the Town. New housing should be limited in this area to prevent incompatibilities with farm operations. When housing is allowed, it should follow the guidelines presented below.

The zoning category most compatible with this district is the A-1 Exclusive Agriculture District and the A-4 zoning district for parcels smaller than 35 acres. The Town generally does not support rezoning of land from A-1 Exclusive Agriculture to any other zoning category. The A-2 Agriculture and A-B Agriculture Business zoning districts may be suitable for parcels proposed for farm-related businesses or services. Rezones in this planning district are guided by specific policies.

Conditional Uses in the Agricultural Preservation Area

The Town will support conditional uses in each district only if all provisions of the Land Use Plan and the Future Land Use Map are addressed and met and after consideration of the following factors:

- a. The use is complementary with agricultural uses.
- b. The need of the proposed use for a location in an agricultural area.
- c. Compatibility with existing or permitted use on adjacent lands.
- d. The productivity of the lands involved.
- e. The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.
- f. The need for public services created by the proposed use.
- g. The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
- h. The effect of the proposed use on water or air pollution, soil erosion and rare or irreplaceable natural resources.

The Town will consider applications for the following conditional uses. It will not support the granting of any other conditional use in these districts. All Applications will be evaluated to determine compliance with the six standards detailed in Dane County Ordinance 10.255(2)(h). A site plan per section 2.3 and/or 2.5 will be required.

A-B Agriculture Business District

- Farm residences
- Limited family businesses within existing residence
- Limited rural businesses
- Bed and breakfast in an existing farm residence
- Agricultural related plant or livestock genetic laboratories
- Agricultural related experimental laboratories
- Agricultural related landscape supply or business associated with a plant or tree nursery
- Dead stock hauling services. (Use will not be allowed within 500 feet of a neighboring residence.)
- Sales or storage of agricultural byproducts.
- Stockyards (Use will not be allowed within 500 feet of a neighboring residence.)
- Livestock auction facilities. (Use will not be allowed within 500 feet of a neighboring residence.)
- Biopower facilities for distribution, retail, or wholesale sales
- Governmental, institutional, religious, or nonprofit community uses
- Transportation, communication, pipeline, electric transmission, utility, or drainage uses not required by law
- Non-metallic mineral extraction

A-1EX Exclusive Agriculture District

The Department of Agriculture, Trade and Consumer Protection must be notified prior to the approval of any conditional use permit in this district.

- Farm residences
- Limited family businesses within existing building
- Limited rural businesses operated by an owner or operator of the farm
- Sale of agricultural and dairy products not produced on the premises
- Seasonal storage of recreational equipment and motor vehicles in existing buildings.
- Farm related exhibitions, sales or events exceeding 5 days a year
- Agricultural entertainment activities: exceeding 45 days a year or in excess of 200 persons
- Horse-boarding stables, riding stables, hay and sleigh rides, and horse training facilities.
- Sale of bridles, saddles, and grooming supplies. Said use shall be limited to a maximum of 150 square feet of floor space.
- Governmental, institutional, religious, or nonprofit community uses.
- Non-metallic mineral extraction
- Small scale electric generating stations.

A-2 Agriculture District

- Additional livestock on 3 to 16 acres
- Sale of agricultural and dairy products not produced on the premises
- Training of dogs.
- Retail sales of pet food, pet supplies and related items. Said use shall be limited to a maximum of 100 square feet.
- Horse boarding and riding stables.
- Horse shows/events.
- Training of horses at a horse boarding facility.
- Hay and sleigh rides
- Retail sale of bridles, saddles, grooming supplies and related items at a horse boarding or riding stable. Said use shall be limited to a maximum of 150 square feet of floor space.
- Native wildlife rehabilitation facilities.
- Seasonal storage of recreational equipment and motor vehicles (not owner's or occupant's).
- Dependency living arrangements.
- Limited family businesses.
- Communications towers

- Religious uses
- Schools
- Governmental uses.
- Cemeteries.
- Parking or storage of not more than two trucks, semi- tractors or semi-trailers which have a gross vehicle weight of over 12,000 lbs.
- Mineral extraction operations
- Sanitary plumbing fixtures in agricultural accessory buildings on parcels over 5 acres.

A-4 Agriculture District

- Livestock in excess of 1 animal unit per acre
- Sale of agricultural and dairy products not produced on the premises
- Incidental sale of non-alcoholic beverages and snacks
- Seasonal storage of recreational equipment and motor vehicles in existing buildings
- Farm related exhibitions, sales or events exceeding 5 days a year
- Agricultural entertainment activities: exceeding 45 days a year or in excess of 200 persons
- Horse boarding stables, riding stables, hay and sleigh rides, and horse training facilities
- Sale of bridles, saddles, and grooming supplies. Said use shall be limited to a maximum of 150 square feet of floor space.
- Governmental, institutional, religious, or nonprofit community uses
- Transportation, communication, pipeline, electric transmission, utility, or drainage uses not required by law.

B. Environmental and Cultural Resources Protection Area

Purpose

- Preserve environmentally sensitive and culturally important areas, including woodlands, wetlands, floodplains, wet soils, steep slopes (15 percent or greater over 30 feet or on 25 percent or greater slopes), wildlife corridors, woodlands, archaeological sites and other culturally significant areas. This land use area does not prevent existing uses, such as agriculture, from continuing. This district is an overlay district and the policies of the underlying Area also apply.

Policies

1. Utilize the Town's PDR program to preserve environmental, archaeological, scenic and historic resources.
2. New development shall be allowed only along the edges of Environmental and Cultural Resources Protection Areas. These areas should not otherwise be altered. Exceptions will only be considered in situations where the reasonable use of previously existing lots is made impractical by this restriction.
3. Encourage the preservation of areas needed to support local wildlife.
4. Existing zoning prohibits all development on and within 25 feet of archeological sites. The Town should consider adopting an Archeological Preservation Ordinance to provide more stringent protection of these areas.
5. A wetland buffer of 100 feet shall be enforced around wetlands with an area of 2 acres or greater. Variances of no greater than 25 feet will only be considered in situations where the reasonable use of previously existing lots is made impractical by this restriction. The 100 foot buffer shall be measured from the DNR Wetland Inventory where a wetland delineation is not available. The Town may require a wetland delineation to determine this buffer at the discretion of the Plan Commission.
6. Request rezoning of important wetlands and appropriate buffers in these areas for conservation and protection.
7. Minimize habitat fragmentation and ensure that a larger area is available for wildlife populations through the following actions:
 - Encourage building only along the “edges” of woodlots to limit habitat fragmentation.
 - Avoid building above wooded slopes. Building above wooded slopes can increase erosion and severely impact wooded areas.
 - Collaborate with regional partners to update the environmental corridor map if needed.

Environmental and Cultural Resources Protection Area

This land use area includes continuous systems of environmental corridors such as drainage ways, stream channels, floodplains, wetlands and woodlands. New development should be allowed only along the edges of these areas to protect environmental resources, protect private property from damage and preserve wildlife habitat.

The A-1 Exclusive Agriculture District and the CO-1 Conservancy District are the zoning districts most compatible with this land use area. County floodplain and wetland overlay zoning districts cover most of these areas. In addition, the Historic Overlay zoning district can be used to protect the Town's cultural and historic resources in this area and throughout the Town.

8. The Town shall support all other levels of government in acquiring natural features in this area, especially those within the identified environmental corridors, for public use and protection consistent with the objectives and policies of this Plan.
9. Follow the guidelines in Sections 2.3 (Site Plan and Development Review) and 2.4 (Review Requirements for Rezoning Requests) for additional standards.

C. Private Conservation Agreement Overlay Area

Purpose

- Continue to encourage conservation easements on private land to ensure the protection of the Town's environmentally, agriculturally and culturally significant resources.

Policies

1. Support The Nature Conservancy, the Natural Heritage Land Trust, American Farmland Trust, WDNR, Dane County Parks and similar organizations in acquiring conservation easements on appropriate lands from willing landowners.
2. Pursue conservation agreements with willing landowners.
3. Consider identifying Town lands that should be targeted for protection through easements.
4. All Agricultural Preservation Area policies apply or as defined per agreement if stricter.
5. Zoning districts that are appropriate to this land use area vary, and any district could have a conservation easement attached to it.

Private Conservation Agreement Area

This land use area is located throughout the Town of Dunn and includes land with conservation easements that are owned by the Town of Dunn, the Natural Heritage Land Trust, The Nature Conservancy, Wisconsin Department of Natural Resources or American Farmland Trust. The land is privately owned and public access is not allowed in these areas.

Because it is impossible to determine which landowners will pursue easements, the Future Land Use Map does not identify additional Conservation Agreement parcels. As easements are secured, the map should be updated.

This land use area is extremely important because the easements generally protect the land in perpetuity and maintain the land for agricultural or conservation purposes, which is one of the most important objectives of the Town's Comprehensive Plan.

D. Parks and Recreation Area

Purpose

- Provide sufficient parks and nature-based recreation areas to meet the needs of the residents of the Town of Dunn.

Policies

1. Allow for only low-impact recreational uses of environmentally sensitive areas.
2. Create a system of connected open spaces and multi-use trails in this area and link them to surrounding jurisdictions.
3. Work with Dane County, Wisconsin DNR (WDNR), the U.S. Fish and Wildlife Service, The Nature Conservancy and others to provide high quality park and recreation areas.
4. 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.
5. Maintain the existing access to the Town’s lakes for park and recreation opportunities and pursue new opportunities for these access points.
6. Priorities for facilities and improvements in this land use area should be given to:
 - Minimal development to control maintenance and operation costs and preserve the natural value of the land
 - Trail-oriented activities
 - Make all reasonable accommodations possible for people with disabilities in accordance with the Americans with Disabilities Act
 - Recommended Improvement Projects listed within the Town’s Parks & Open Space Plan

Parks and Recreation Area

This land use area includes publicly owned lands, including land owned by Dane County Parks, WDNR, the Town of Dunn, the U.S. Fish and Wildlife Service and lands privately owned by The Nature Conservancy.

The A-1 Exclusive Agriculture District and the CO-1 Conservancy District are the zoning districts most compatible with the Park and Recreation Area land use. Also, the Historic Overlay Zoning District may be used to protect important historic sites. It should be noted that the Town does not support Recreational District (RE-1) zoning.

E. Agricultural Transition Area Overlay

Purpose

- Provide for the orderly transition of agricultural land into the Village of McFarland in the area that is identified in the McFarland/Dunn Inter-municipal Cooperation Agreement for eventual urban expansion.

Policies

1. This area should be used primarily for agriculture until it is annexed. Prior to annexation, new development should be limited to the Agricultural Preservation Area policies.
2. Implement the McFarland/Dunn Inter-municipal Cooperation Agreement.
3. The McFarland/Dunn Inter-municipal Cooperation Agreement expires in 2025. Efforts should be made to renew this agreement.

Agricultural Transition Area

This land use area is generally located to the east of the Village of McFarland corporate limits (as defined at the time of this writing) and encompasses the area that is proposed for the Village's urban expansion, as defined in the McFarland/Dunn Inter-municipal Cooperation Agreement, which was adopted by the Village and the Town in 2005. The land in this area is primarily used for farming, with scattered open lands and woodlots, farmsteads and single family residential development at a density of approximately one (1) home per 35 acres.

F. Limited Service Area

Purpose

- o Permit sewer development in the Town of Dunn only in infill areas within the Waubesa and Kegonsa Limited Service Areas (see Waubesa and Kegonsa Limited Service Area Boundaries Maps) and in areas designated on the Future Land Use Map for limited service area expansion.

Policies

1. Possibly extend the Kegonsa Limited Service Area (LSA) to include the Quam Drive Area (land in section 25 shown as mixed use on the Future Land Use Map) if a neighborhood plan is approved by the Town Board and meets the Capital Area Regional Planning Commission Limited Service Area Policy.
2. Should the Town of Dunn Town Board deem it in their interest, the Dunn Town Board may petition the Capital Area Regional Planning Commission (CARPC) in order to extend the Limited Service area. Expansions are limited to special facilities, institutional uses, existing development experiencing wastewater disposal problems or infill development, per the CARPC Limited Service Area Policy.

Limited Service Area

This land use area encompasses the residentially zoned land within the Lake Kegonsa and Lake Waubesa Limited Service Areas. The land in this district is generally used for higher density residential development, including single family and duplex housing. Limited service areas are established in areas where only a limited range of urban services are needed.

These situations usually involve areas of existing development experiencing sewage disposal problems, or unique sites or facilities requiring sanitary sewer service but no other urban services. The zoning districts that are compatible with this land use area are the Residential R-1 through R-3A districts.

It is not the Town's intent to encourage development in the areas of the sanitary district that are not currently in the LSA.

Proposals to expand a Limited Service Area which was established to serve existing development may be considered if the following criteria are met:

- (A) Extensions for infill development should be limited to vacant lots or parcels contiguous to existing development or permanent open space, or a combination thereof, on at least two sides; and immediately adjacent to and having direct access to sanitary sewer and existing public streets or roads. Any area proposed for infill must contribute to the solution of the stated water quality problem and must be consistent with resolution of the problem as defined in the application for creation of the LSA;
- (B) The additional development should be consistent with the goals and objectives of the *Dane County Land Use and Transportation Plan* and Wisconsin's Comprehensive Planning Legislation.
- (C) Residential development should meet the definition of Conservation Subdivisions in §66.1027(1)(a) Wis. Stats., with compact lots, common open space and maintenance/protection of natural features. Suggested guidelines include a minimum net density (exclusive of open space) of two dwelling units per acre (which corresponds to a

maximum lot size of about 20,000 sq. ft.). It is also recommended that a mix of housing types be included.

(D) Lots that are brought into the LSA are deed restricted to prohibit future land divisions.

3. Lots can be divided in the LSA if:

- a. The entire parent parcel is located within the LSA boundary (if only a portion of the parent parcel is within the LSA boundary, it cannot be divided), and
- b. All requirements of the county zoning, shoreland zoning, floodplain and both the county and Town subdivision ordinances, Town Comprehensive Plan and Future Land use Map must be met.
- c. The minimum lot size is 20,000 square feet. The Plan Commission may in its sole discretion permit smaller size lots when it determines:
 - i. The size of the newly created lots will be compatible with the sizes of the already existing lots in the immediate area, and
 - ii. The size of the newly created lots will not be detrimental to the public health or welfare or public policies as expressed in the provisions of Ordinance #12-3 Land Division Ordinance.

4. Except for the Quam Drive Area (land in section 25 shown as mixed use on the Future Land Use Map), minimize population density by prohibiting new zoning for multifamily residential dwellings, without respect to whether the form of ownership is condominium or otherwise. This provision shall be construed and applied so as: 1) not to alter the rights of location of community living arrangements; and 2) not to discriminate against low-income housing.
5. Rezoning to R-3A for duplexes may be permitted in areas otherwise suitable for residential use on the condition that the density of dwelling units per acre does not exceed the maximum permissible density that the Town would approve for new R-1 zoning. This allows for duplex zoning in some areas if the density is the same. For example, a 40,000 square foot lot in a sewered area could have a duplex since the density would be one (1) residence per 20,000 square feet. In unsewered areas of the Town, a duplex would be allowed on a two (2) acre lot.
6. Follow the guidelines in Sections 2.3 (Site Plan and Development Review) and 2.4 (Review Requirements for Rezoning Requests) for additional standards.

G. Unsewered Subdivision Area

Purpose

- Allow only the development of vacant parcels in existing unsewered subdivisions in this area.

Policies

1. Prohibit the creation of any new unsewered subdivisions in the Town of Dunn.
2. Prohibit the division of any parcel in an existing unsewered subdivision.
3. If in the future an unsewered subdivision is provided with sewer service, the parcels in that subdivision may not be further divided.
4. Allow for the conversion of single family homes to duplexes per policy 2.2 F(5).
5. Follow the guidelines in Sections 2.3 (Site Plan and Development Review) and 2.4 (Review Requirements for Rezoning Requests) for additional standards.

Unsewered Subdivision Area

This land use area includes existing residential areas that are located outside of the Limited Service Areas and are served by on-site waste disposal systems. Any proposal to develop one of these existing vacant parcels must meet all of the requirements of the Land Use Plan and Future Land Use Map, including demonstrating suitability for an on-site wastewater treatment system that complies with the state plumbing code and the Dane County Sanitary Ordinance.

The zoning districts most appropriate for Residential land use are the RH-Rural Home districts and the R-1A Residential District.

H. Mixed Use Area

Purpose

- To provide a compatible mix of uses in an area that preserves and enhances the Town's rural character and resources while also providing important community-oriented places to live, work, recreate and more.
- Protect and enhance the unique rural character of the Town by establishing and enforcing design standards that require appropriate and quality designs for the mixed-use areas of the Town.

Mixed Use Area

This land use area allows for a variety of community-oriented uses, including government, institutional, limited commercial and residential. The following areas in the Town of Dunn are designated as Mixed Use on the Future Land Use Map: the Quam Drive area and the area along Goodland Park Road and Berkan Street.

Policies

Quam Drive

1. Create a detailed site plan for this area with substantial neighborhood input. The Town must approve this detailed site plan. Focus on creating safe access to the church, not increasing traffic on Quam Drive, mitigating negative effects of stormwater runoff from the site and adhering to dark night sky principles to limit light pollution.
2. The Town will consider a variety of rezone requests for this district provided they meet the stated purpose and intent.
3. Primary uses in this area should be residential, senior housing, religious, limited neighborhood-oriented business, and possibly recreational or other uses determined to be acceptable by the neighborhood.
4. Design guidelines should be created and followed for this area.

Goodland Park Road and Berkan Street

1. Support limited neighborhood-oriented commercial development in this area, such as a grocery store, ice cream store, or bait shop with input from local residents and the Waubesa Beach Neighborhood Association for the types of uses. A site plan must be approved by the Town.
2. Primary uses in this area should be residential, recreation oriented, or neighborhood oriented commercial.
3. To maintain consistency with the Town's rural character and the surrounding buildings, building heights in this area should generally not exceed 2.5 to 3 stories.

2.3 Site Plan and Development Review

A site plan reviewed by the Plan Commission and approved by the Town Board shall be required for all proposed development that is not located in a platted subdivision for parcels greater than 2 acres in size without an established building envelope. A site plan may be required, at the discretion of the Plan Commission, for new development on parcels smaller than 2 acres and for replacement of existing homes on parcels larger than 2 acres.

The following standards shall apply unless more restrictive standards are in place for a property's existing zoning or planning classification.

Site Plan Submittal Requirements

- a. All existing property boundaries, lot lines and easements must be shown.
- b. All existing uses, structures, roads and driveways must be shown.
- c. Areas of differing soil productivity shall be delineated.
- d. All natural features, such as woodlands, wetlands, floodplains and steep slopes (15 percent or greater over 30 feet) shall be delineated.
- e. All proposed uses.
- f. The Plan Commission may require a "full build-out" plan when lots or new homesites are proposed.
- f. Other information requested by the Plan Commission.

Review Criteria for Site Plans and New Development

- a. All land divisions that create a building site will require a final Certified Survey Map, approved by the Town, regardless of the size of the parcels involved.
- b. Each parcel must front on an accessible public road for at least 66 feet. A public road is considered accessible if driveway access is allowed. For example, if the State Department of Transportation will not allow a driveway access from Hwy 51, then road frontage on Hwy 51 cannot be used to meet the 66 foot road frontage requirement.
- c. Discourage "flag lots" because long driveways are more difficult for fire and rescue vehicles to access, increase impervious surface, and homes placed significant distances from roadways fragment habitat. When possible, excessive lot depth in relation to lot width shall be avoided in new lots. A depth to width proportion from 1 to 1 (1:1) to 2 to 1 (2:1) shall be considered desirable ratios under normal conditions.
- d. Require, when possible, the clustering of any lots created on a given site.
- e. The use of shared wells is encouraged. For all new residential development, each dwelling unit will be required to have its own well, or present the Town with a carefully considered and detailed shared-well agreement. If a shared well will be used, an agreement recorded at the Dane County Register of Deeds is required.
- f. The Town may require deed restrictions, covenants and/or similar notations to be included on certified survey maps, plats or other documents recorded at the Dane County Register of Deeds.

- g. Driveways may be shared. Any driveway proposed for joint use will be required to have multi-party access easements and maintenance agreements that are reviewed and approved by the Town and recorded at the Dane County Register of Deeds.
- h. Where practical, non-agricultural development is to be located on non-prime farmland. Prime and non-prime farmland will be determined with GIS with data provided by the Soil Survey of Dane County, Wisconsin.
- i. New or updated roads, driveways, or utility transmission lines should be located and constructed in a manner that would minimize any impact on prime farmland and other natural resources.
- j. If at all possible, driveways shall not be permitted to cross productive agricultural lands and disrupt the agricultural use of the property. All driveways must permit safe access by fire trucks, ambulances and any other emergency vehicle. The Town Highway Foreman and Town Land Use Manager must approve all access permits and may require a site inspection and/or a Town easement for road work and snow plowing. The Town Board and/or Plan Commission may require notification of the fire chief or other emergency service provider, as well as their approval of any driveway configuration.
- k. The site plan should indicate a minimal level of tree clearing necessary for a building site. Good site planning will preserve the natural view, protect erodible slopes, preserve woodlands and protect wildlife habitat. It is desirable that development sites be landscaped with native vegetation to blend with the surrounding area.
- l. Section 2.6 Protect Scenic Views and Natural Character policies.
- m. Minimize earthmoving and disruption of existing topography and drainage patterns.
- n. Encourage a variety of stormwater management practices including rain gardens, bio-retention basins, preservation of local infiltratable soils, native vegetation, residential roof runoff directed to pervious yard areas, and other similar techniques to reduce water runoff and to maintain or increase groundwater recharge.
- o. Lands that are unsuitable for development include, but are not limited to:
 - i. All areas mapped as Floodplain by the Federal Emergency Management Agency (FEMA), Wisconsin Department of Natural Resources, or Dane County Zoning and discourage filling or developing within 300 feet of Floodplains. When a proposed land division is located in an area where flooding or potential flooding may be a hazard, the Plan Commission may request technical assistance from any of these agencies in determining whether the land is suitable or unsuitable for the use proposed.
 - ii. All wetlands as defined in NR 103.02(5) of the Wisconsin Administrative Code, including a 100 foot buffer (around wetlands with an area of 2 acres or greater). Variances of no greater than 25 feet will only be considered in situations where the reasonable use of previously existing lots is made impractical by this restriction. The 100 foot buffer shall be measured from the DNR Wetland Inventory where a wetland delineation is not available. The Town may require a wetland delineation to determine this buffer at the discretion of the Plan Commission.
 - iii. All area within 75 feet of the ordinary high-water mark of navigable streams and lakes, as identified by Wisconsin Department of Natural Resources.

- iv. All areas having slopes 15 percent or greater.
 - v. Areas that provide habitat for threatened, endangered, or special concern species in the opinion of a natural resource specialist.
 - vi. Burial sites and Indian mounds.
 - vii. Drainageways that contain running water during spring runoff, or during storm events plus a 25 foot buffer from the edge of the drainageway.
 - viii. Lands having bedrock within six (6) feet of the natural undisturbed surface
 - ix. For unsewered development, all soil types as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Natural Resource Conservation Service, which have very severe limitations, unless in conformance with the applicable state administrative code and the Dane County Private Sewage System Ordinance.
 - x. Lands that are encumbered by a conservation easement which prohibits the land division or the type of development proposed.
 - xi. Areas of archeological, historical, or geological importance.
 - xii. Lands within the Environmental and Cultural Resources Protection Area, as stated in the policies of 2.2(B) in the Comprehensive Plan.
- p. The Plan Commission, when applying the provisions of this section, shall recite the particular reasons upon which it bases its conclusion that the land is not suitable for a proposed use, and afford the land divider an opportunity to present evidence regarding such unsuitability if the land divider so desires. Thereafter, the Plan Commission may affirm, modify or withdraw its determination of unsuitability.
- q. The land divider shall provide all necessary maps, data, and information for determining suitability.

2.4 Review Requirements for Rezoning Requests

- a. The Town will support rezoning of land only to the following zoning districts if all provisions of this Plan, section 2.3 of this Plan, and the Future Land Use Map are addressed and satisfied:
 - Residential Districts R-1, R-1A, R-2, R-3 and R-3A
 - Rural Homes Districts
 - Agriculture (Exclusive) A-1EX, Agriculture A-4, Agriculture A-2, and Agriculture Business A-B
 - Limited Commercial District LC-1
 - Conservancy District CO-1
 - Historic Overlay District HD
 - Commercial District C-1 and C-2 according to paragraph d below.
- b. The Town will not support the rezoning of land to any other zoning district with the special exception of the Mixed Use areas. In these areas the Town will allow rezonings to accommodate the uses identified for each area. The Town should also support changes to the Dane County Zoning Ordinance that allow for mixed-use areas.
- c. The Town requires that a minimal amount of farmland be rezoned when considering rezonings of agricultural land to nonagricultural uses. Areas to be considered for rezoning should be:
 1. Land which is inaccessible to the farm machinery needed to produce and harvest agricultural products.
 2. Land where development would not disturb or destroy any important natural features such as significant woodland areas, wetlands, steep slopes (15 percent or greater over 30 feet).
 3. Consistent with the adopted Future Land Use Map and related policies outlined in this Plan.
 4. Land with non prime agricultural soils or soils that are not well suited to agricultural production.
 5. Land located such that there would be no possible conflict with the surrounding agricultural uses.
 6. Land that would not cut up a field or place the house in the middle of a field.
- d. The Town will only support rezoning of land to C-1 or C-2 if the following criteria are met:
 1. The parcel contains a marina 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.
 3. A deed restriction is created, allowing only marinas; sales of new and used watercraft and related equipment; snowmobiles and all terrain vehicles and related equipment; and repairs and service of watercraft, snowmobiles and all terrain vehicles; incidental retail sales; and outdoor watercraft storage

2.5 Business Site Plan and Development Review

- a. Prohibit the development of new industrial, commercial, manufacturing and business sites.
- b. Businesses permitted in the LC-1 Limited Commercial zoning district are only allowed on lots that are not within a subdivision or other grouping of houses. Any proposed LC-1 use must meet all of the following conditions and standards.
 1. A site plan shall be prepared and submitted to the Town Plan Commission for its approval. The site plan shall show all existing and proposed buildings, parking areas, landscaping, waste disposal areas and any existing and proposed screening and fencing.
 2. The name and width of the road(s) serving the business shall be shown on the site plan. If the business requires any special access improvements, these shall be shown on the site plan.
 3. A plan for storage and/or disposal of solid waste and hazardous materials used in the operation shall be submitted to the Town.
 4. Off-street parking shall be delineated on the site plan, in accordance with the Dane County Zoning Ordinance. No parking or storage of vehicles is permitted within the street right-of-way. The projected traffic levels and types of vehicles proposed to service or use the business shall also be delineated. Parking should be located behind the building or screened from the main road by vegetation.
 5. If the business is to operate at night, all outdoor lighting shall be designed so as not to create glare or shine directly on neighboring residences.
 6. Businesses requiring high amounts of water usage, large septic tanks or needing fire protection provided by a public system with hydrants should be directed to an urban service area in another municipality. The Town of Dunn does not intend to provide these services.
 7. Businesses shall satisfy the requirements of the Dane County Construction Site Erosion Control Ordinance, Chapter 14, Sec. 14.50-14.99. Stormwater runoff from a commercial development shall be no greater than what existed prior to development.
 8. Hours of operation shall be clearly stated
 9. Outside loudspeakers shall be prohibited.
 10. LC-1 zoning will not be allowed within 500 feet of a neighboring residence.
 11. External lighting shall be restricted to safety lights at the entrance and exists of buildings.
 12. Require visual landscaping barriers to block views between LC-1 area and neighboring residences.
 13. The number of on-site employees shall not exceed six.
 14. At the discretion of the Plan Commission, properties can be deed restricted to clearly state that the business is not open to the public. (If such a deed restriction is placed on the property, meetings with clientele must be conducted off-site).

15. Business signage is limited to one sign on a building and signs shall not be illuminated.
- c. The preceding standards will be reviewed and considered for C-2 zoning requests and other business proposals.

2.6 Protect Scenic Views and Natural Character

- a. Preserve viewsheds from within wetland areas and stream corridors which currently contain few signs of human development. Such areas include but are not limited to:
 - **Hook Lake Viewshed** in sections 28, 29, 32, and 33.
 - **Wetland Systems Viewshed** (adjacent to U.S. Fish and Wildlife Service and WDNR lands) in section 35.
 - **Waubesa Wetlands Viewshed** in section 7, 17, and 18.
 - **Grass Lake Viewshed** in sections 30 and 31.
 - **Lower Mud Lake Viewshed** in sections 10 and 11.
- b. Discourage building on hilltops where development would dominate the landscape, which spreads light further distances and impacts viewsheds. When possible, the peak of the roof line should be lower than the highest contour of the land.
- c. Where possible, require clustering of new development with existing development to limit new viewshed impacts.
- d. Any new development will be located such that it does not disturb scenic views or impact the Town's rural character. To the extent possible, encourage new communication towers and wind energy systems to locate in areas that minimize viewshed impacts.

2.7 Environmental Protection and Conservation Guidelines

- a. When and where possible, restore the quality and continuity of degraded environmental areas, such as streams and wetlands.
- b. Continue to expand the Town's PDR program and explore other incentives and programs to compensate private property owners for the protection of agricultural and environmentally sensitive areas. The Town's PDR program has been designed to:
 - Permanently protect vulnerable lands and important resources;
 - Retain scenic views of open space, natural areas and farmland;
 - Preserve the quality of life and rural character of the Town; and
 - Limit the expansion of public services needed for residential and commercial development.

2.8 Intergovernmental Land Use Planning

- a. Encourage higher density developments to be located in cities and villages in areas that will not negatively impact the Town of Dunn (refer to the Intergovernmental Plan for additional actions for this objective).
- b. Work with neighboring communities and Dane County to promote growth in urban areas where it can be efficiently served by urban services.
- c. Create intergovernmental agreements to implement the Land Use Plan and Future Land Use Map.
- d. The Town should support a regional Transfer of Development Rights (TDR) program that would designate the Town of Dunn as a “sending” area, or area that would be protected from development. It should be noted that the Quam Drive Mixed Use area could possibly be designated as a “receiving” area, or area where carefully planned growth could occur.

2.9 Mineral Extraction

The Town intends to participate in the rezoning and conditional use deliberation of any application for a new mineral extraction operation in coordination with Dane County. Therefore, all materials submitted to the County Zoning Administrator must also be submitted by the applicant to the Town Plan Commission. The following mineral extraction policies will be used by the Town Plan Commission in reviewing all mineral extraction applications:

- a. A detailed mineral extraction operation plan will be submitted to the Plan Commission and will include the following:
 - 1) A site map showing the areas to be mined, all access roads, all rights-of-way, all structures, and all utilities, within 1/4 mile of the property lines of the site.
 - 2) Information about the site, including the zoning district of the site and all adjoining and adjacent parcels.
 - 3) A description of the mineral extraction activities, including methods and procedures to be used.
 - 4) The hours of operation, and whether or not blasting will be conducted on site.
 - 5) How the operator intends to limit the noise exposure to adjoining and adjacent residents.
 - 6) A timetable for completion of various stages of the nonmetallic mining.
- b. All mineral extraction areas shall be surrounded by a fence that shall be no less than 10 feet from the top edge of a slope of the mineral extraction operation. The fence shall be posted with "Warning" signs. A gate shall be erected across all access roads, which shall be kept closed and locked whenever there is no authorized activity being conducted on the site.
- c. All mineral extraction sites shall be reclaimed so that all final slopes shall have the topsoil that was removed or disturbed, or replaced with soil at least as adequate as the topsoil that was removed, for the purpose of providing adequate vegetative cover, and stabilization of soil conditions.
- d. Excavations made to a water-producing depth shall be filled to not less than three (3) feet above the water level, measured at the high-water mark.
- e. All applicants must follow the Ordinance #11-21 Regulating Blasting within the Town of Dunn.
- f. The applicant shall submit proof that any proposed blasting is within the limitations set by the Wisconsin Department of Commerce and the Town of Dunn Blasting Ordinance. Also, the applicant must provide a process to review claims of structural damage to neighboring uses and ways to compensate landowners for any damages. This process must be approved by the Town.
- g. In addition, the applicant must submit evidence that all applicable regulations of the Wisconsin Department of Commerce, Wisconsin Department of Natural Resources, and the U.S. Department of Labor's Mine Safety and Health Administration and Occupational Safety and Health Administration have been met.
- h. The conditional use shall conform to all applicable regulations of the district in which it is located. This limits other uses beyond the mineral extraction, such as hot blacktop mix and ready-mix concrete operations which would require separate permits. It also relates to certain uses which are allowed only in other zoning districts, such as commercial truck repair or sales.

2.10 Involving the Town in Land Use Decisions

- a. All neighbors within a minimum of 300 feet of a proposed rezoning or request for development of a lot shall be notified of the Public Hearing at which the proposal will be discussed.
- b. The Town requires notification of any lot line adjustment between adjacent property owners. Lot line adjustments by Certified Survey Map must be approved by the Town of Dunn Plan Commission.
- c. The Plan Commission shall not hold more than two (2) pre-application meetings in a 12 month period with an applicant to discuss land use changes to a specific parcel. The Plan Commission may update this policy as needed.

2.11 Variances and Exceptions

Variances will be reviewed on a case-by-case basis. Variances may be approved, without a formal plan amendment if:

- a. The proposed change is an administrative function needed to allow an existing use to continue operations and the Town Board finds the use to be existing prior to September 1, 1979 and/or,
- b. The proposed change involves a land sale to a government, quasi-government, or non-profit agency for the purpose of environmental protection, open space preservation or farmland preservation.

Variances will not be granted if the proposal would:

- a. Result in new residences or businesses.
- b. Conflict with existing agricultural operations.

2.12 Definitions

The following words and phrases shall have the designated meaning unless a different meaning is expressly provided or the context clearly indicates a different meaning:

1. BOARD. The Dunn Town Board.
2. BASE FARM TRACT. Lands under contiguous ownership as of September 1, 1979, except lots determined to have been legally created prior to September 1, 1979, as determined by a parcel status determination approved by the Plan Commission.
3. CERTIFIED SURVEY MAP. A map of land division meeting all of the requirements of Section 236.34 of the Wisconsin Statutes and in full compliance with the provisions of this ordinance.
4. CLERK. The Dunn Town Clerk.
5. CONDOMINIUM. Property subject to a condominium declaration established under Wis. Stats. Chapter 703.
6. CONTIGUOUS OWNERSHIP. All parcels under common ownership that share a common boundary. A public road, navigable waterway, or connection at only one point should not be considered to break up contiguity.
7. DRAINAGEWAY. A route or course along which water moves or may move to drain an area.
8. EASEMENT. The area of land set aside on or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.
9. IMPROVEMENT, PUBLIC. Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.
10. LAND DIVIDER. Any person, firm, corporation, partnership, or entity of any sort, which divides or proposes to divide land in any manner which results in a land division.
11. LAND DIVISION. The division of a lot, parcel or tract of land where the act of division creates fewer than five lots, parcels or building sites.
12. LAND USE MANAGER. The Land Use Manager of the Town of Dunn.
13. LIMITED SERVICE AREA. Areas where only one or a few urban services, such as sanitary sewer service, are provided to accommodate special or unique facilities or institutional uses which are appropriately located outside urban service areas, or areas of existing development experiencing wastewater disposal or water supply problems.
14. LOT. A parcel of land defined by a Certified Survey Map or Plat.
15. PARCEL. Contiguous land under the control of a land divider whether or not separated by streets, highways, or railroad rights-of-way. May not correspond with tax parcels.

16. PARENT PARCEL. The original parcel which the land divider seeks to divide.
17. PLAN COMMISSION. The Dunn Plan Commission.
18. PUBLIC WAY. Any public road, street, highway, walkway, drainageway, or part thereof.
19. REPLAT. Process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or a part thereof. The division of a block, lot or outlot within a recorded subdivision plat without changing the exterior boundaries of said block, lot or outlot is not a replat but is a land division.
20. RESIDENTIAL DWELLING UNIT. A single family dwelling or that part of a duplex, apartment, or other multiple family dwelling occupied by one family or one distinct set of inhabitants.
21. RURAL CHARACTER. Patterns of land use and development:
 - A. In which open space, the natural landscape, and vegetation predominate over the built environment;
 - B. That provide visual landscapes that are traditionally found in rural areas and communities;
 - C. That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
 - D. That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
 - E. That generally do not require the extension of urban governmental services; and
 - F. That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.
22. STREET. A public way for pedestrian and vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.
23. STRUCTURE. Anything which has the capacity to contain, used for the occupation or shelter of man or animal or for the storage, receiving, retaining or confining of personal property, the use of which requires temporary or permanent location on the ground or attachment to something having temporary or permanent location on the ground. The term does not include the facilities and appurtenances of public utilities other than buildings.
24. SUBDIVISION. The division of a lot, parcel or tract of land where the act of division:
 - A. Creates five or more lots, parcels or building sites; or
 - B. Creates five or more lots, parcels or building sites by successive divisions within a period of five years.
25. TAX PARCEL. A specific tract of real estate defined by a legal description and used for taxing purposes. Tax parcel boundaries may not correspond to Parcels as defined above.
26. TOWN. The Town of Dunn situated in Dane County, Wisconsin.