

ATTACHMENT A

TOWN OF DUNN

ORDINANCE #12-3 (B)

SUBDIVISION ORDINANCE

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Section 1: 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. ASSESSOR. The assessor for the Town of Dunn
2. BOARD. The Dunn Town Board.
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. CLUSTER DEVELOPMENT. A development pattern and technique wherein structures are

arranged in closely related groups to enable building at higher densities in certain areas while preserving natural features in others. A cluster development would normally incorporate private common open space areas and give emphasis to the pedestrian as opposed to the automobile in its design.

6. CONDOMINIUM. Property subject to a condominium declaration established under Wis. Stats. Chapter 703.
7. 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.
8. DRAINAGEWAY. A route or course along which water moves or may move to drain an area.
9. EASEMENT. The area of land set aside 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.
10. GOVERNMENTAL UNIT. Any municipality or the State of Wisconsin.
11. GREENWAY. An open area of land, the primary purpose of which is to carry storm water on the ground surface in lieu of an enclosed storm sewer. Greenways may serve multiple purposes in addition to their principal use including, but not limited to, vehicular, bicycle, and pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water retention basis, park development and other related uses.
12. 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.
13. 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. Any lands divisions within the Town of Dunn must be in accordance with the Land Division Ordinance, Chapter 12-3 (A).
14. LOT. A parcel of land defined by a Certified Survey Map or Plat.
15. NET ACREAGE. Total property acreage not including road ownership or other public right-of-way.
16. OFFICIAL MAP. A map indicating the location, width, and extent of existing and

proposed streets, highways, parkways, parks and playground as adopted and amended by the Town Board pursuant to Section 62.23(6) of the Wisconsin Statutes.

17. OUTLOT. A parcel of land, other than a lot, building site, or block, so designated on the plat or certified survey map.
18. PARCEL. Contiguous land under the control of a subdivider whether or not separated by streets, highways, or railroad rights-of-way. May not correspond with tax parcels.
19. PARENT PARCEL. The original parcel which the subdivider seeks to divide.
20. PLAN COMMISSION. The Dunn Plan Commission.
21. PLANNING DIRECTOR. The Town of Dunn Planning Director.
22. PLANNED UNIT DEVELOPMENT (PUD). Planned unit development. A form of land development permitted after following the procedures for creating a planned unit development district as provided in the Dane County Code of Ordinances section 10.153. The planned unit development district is designed to allow variation in the types and arrangements of land uses and structures in developments conceived and implemented as cohesive, unified projects.
23. PRELIMINARY PLAT. A map showing the salient features of a proposed subdivision, as described in Section 4, submitted to the Town for purpose of preliminary consideration prior to all final plats and, when required, prior to all land divisions.
24. PUBLIC WAY. Any public road, street, highway, walkway, drainageway, or part thereof.
25. 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.
26. 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.
27. 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.
28. 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.

29. SUBDIVIDER. Any person, firm, corporation, partnership, or entity of any sort, which divides or proposes to divide land in any manner which results in a subdivision.

30. 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.

31. TAX PARCEL. A unit of land delineated for the sole purpose of creating a complete, accurate, and equitable unit of taxation in support of taxpayers contributing a fair share of support for the community services received. Tax parcel boundaries may not correspond to Parcels as defined above.

32. TOWN. The Town of Dunn situated in Dane County, Wisconsin.

33. TOWN ATTORNEY. Any attorney engaged by the Town to perform legal work relating to this Ordinance.

34. TOWN ENGINEER. Any registered professional engineer engaged by the Town to perform engineering work relating to this Ordinance.

Section 2: Introduction

(1) AUTHORITY. This ordinance is adopted pursuant to the Village Powers of the Town under Sections 60.10(2)(c), 60,22(3), 61.34(1) of the Wisconsin Statutes, the authority contained in Section 236.45 of the Wisconsin Statutes, and the purposes listed in Sections 236.01 and 236.45 of the Wisconsin Statutes.

(2) PURPOSE.

(A) To guide the future growth and development of the Town consistent with the Town of Dunn's current adopted Comprehensive Plan;

(B) To promote the public health, safety, and general welfare of the community;

(C) To preserve agricultural land and farming as a viable activity;

(D) To encourage the appropriate use of land throughout the Town;

(E) To guide the detailed analysis of development proposals so as to locate and coordinate appropriate areas for development and conservation;

- (F) To preserve the rural character of the Town through the permanent preservation of meaningful open space and sensitive natural resources;
 - (G) To preserve prime agricultural land by clustering development on lands that have low agricultural potential;
 - (H) To provide commonly-owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community;
 - (I) To provide buffering to reduce conflicts between residential development and non-residential uses;
 - (J) To protect and enable the restoration of environmentally sensitive areas and biological diversity, and maintain environmental corridors;
 - (K) To preserve archaeological sites, historic buildings and their settings;
 - (L) To provide for the most efficient use of public infrastructure and related public facilities;
 - (M) To provide for the most efficient use of lands deemed suitable for development.
- (3) **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to laws. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.
- (4) **INTERPRETATION.** In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and 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.
- (5) **PLAN COMMISSION.** The authority to approve or object to preliminary or final plats, is, to the extent necessary to implement the provisions of this ordinance delegated to the Plan Commission, provided, however, that the final plats dedicating streets, highways, or other land shall be approved by the Town Board.
- (6) **SEVERABILITY.** The provisions of this ordinance are severable. If any provision of the ordinance is invalid or unconstitutional, or if its application to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.
- (7) **REPEAL.** All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed.
- (8) **TITLE.** This ordinance shall be known as, referred to, or cited as the "Town of Dunn

Subdivision Ordinance."

- (9) EFFECTIVE DATE. This ordinance shall take effect on the day after its publication as provided by law.

Section 3: General Provisions

- (1) JURISDICTION. Jurisdiction of these regulations shall include all lands within the Town. The provisions of this ordinance as it applies to divisions of tracts of land into less than five (5) parcels shall not apply to:

- (A) Transfers of interests in land by will or pursuant to court order;
- (B) Leases for a term not to exceed ten years, mortgages or easements;
- (C) The sale or exchange of parcels of land between owners of adjoining property via lot line adjustments if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by Chapter 236 of the Wisconsin Statutes or any other applicable laws or ordinances. Such lot line adjustments will not increase or decrease the allotted building sites on either property.
- (D) Cemetery plats under section 157.07 of the Wisconsin Statutes.

- (2) COMPLIANCE. No person shall divide any land located within the Town which results in a subdivision, land division, certified survey map or replat; and no such subdivision, land division, certified survey map or replat shall be entitled to be recorded; and no street be laid out or improvements placed therein without compliance with all requirements of this ordinance and the following:

- (A) The Town of Dunn Comprehensive Plan
- (B) All applicable provisions of the Dane County Code of Ordinances
- (C) The provisions of Wis. Stats. Chapter 236 and Wis. Stats. § 80.08
- (D) The rules of the Wisconsin Department of Safety and Professional Services, contained in Chapter SPS 383 and related chapters of the Wisconsin Administrative Code for land divisions not served by public sewer.
- (E) The rules of the Division of Transportation Infrastructure Development, Wisconsin Department of Transportation, contained in Chapter TRANS 233 of the Wisconsin Administrative Code for subdivisions that abut a state trunk highway or connecting street.
- (F) The rules of the Wisconsin Department of Natural Resources contained in the Wis. Adm. Code for Floodplain Management Program.
- (G) The rules of the Wisconsin Department of Natural Resources contained in

Chapters NR 115 and 116 of the Wisconsin Administrative Code, for shoreland and wetland protection and floodplain management.

- (H) All other applicable rules contained in the Wisconsin Administrative Code not listed in this Subsection and
- (I) All applicable Town of Dunn and Dane County ordinances and regulations, including land division, subdivision, zoning, sanitary, building and official mapping ordinances.

(3) IMPROVEMENTS.

(A) Contract. Before any final plat map is inscribed by the clerk the subdivider shall enter a contract with the Town wherein the subdivider agrees to install all required improvements within eighteen (18) months of the of Town Board approval, or the approval shall lapse.

(B) Security Required.

1. At the time said contract is entered, the subdivider shall file a performance bond or irrevocable letter of credit with the Town in an amount equal to the estimated cost of the required improvements as determined by the subdivider's engineer and approved by the Town Engineer.
2. The security posted shall be in such form as is acceptable to the Town Board and approved by the Town Attorney. When a letter of credit is posted as security the Town must be the beneficiary.
3. The security deposit shall guarantee that all required improvements will be completed according to Town specifications by the subdivider or its contractors not later than eighteen (18) months from the date that the plat is recorded and shall be used, applied, or released pursuant to Section 11(2).

(4) RESERVATION AND DEDICATION OF LAND.

(A) Public Ways. Whenever a tract of land to be divided or subdivided embraces all or any part of an arterial street, drainageway or other public way, said public way shall be made a part of the plat and dedicated by the subdivider in the locations and dimensions indicated on said plan or map.

(5) CERTIFIED SURVEY. Any land division other than a subdivision, shall be surveyed with a certified survey map prepared by a licensed surveyor as provided in Sec. 236.34, Wis. Stats., and in accordance with the requirements of this ordinance and Town of Dunn

Ordinance #12-3 (A), the Land Division Ordinance.

- (6) **NON COMPLIANCE.** No person, partnership, firm, corporation, or entity of any sort shall be issued a building permit by the Town authorizing the building on, or improvement of, any land division, subdivision, or replat within the jurisdiction of this ordinance not approved by the Plan Commission as of the effective date of this ordinance until the provisions and requirements of this ordinance have been fully met. The Plan Commission or Town Board may deny requests for building permits, rezoning or other approvals for any person, firm or corporation who fails to comply with the provisions of this ordinance.
- (7) **APPLICABILITY TO CONDOMINIUMS.** This ordinance is expressly applicable to condominium developments within the Town's jurisdiction, pursuant to Section 703.27(1), Wis. Stats. For purposes of this ordinance, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of land division or subdivision.
- (8) **SURVEY MONUMENTS.** Before final approval of any plat or certified survey map within the corporate limits of the Town, the subdivider shall install survey monuments placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes and as may be required by the Town Engineer. The Town Board may waive the placing of monuments required under Section 236.15(b), (c) and (d), for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required.
- (9) **LAND SUITABILITY.** No plat shall be approved if the resulting lots are determined to be unsuitable for a developed use by the Plan Commission for reason of flooding or potential flooding, adverse soil or rock formations, severe erosion potential, unfavorable topography, inadequate drainage, inadequate water or sewage disposal capabilities, or any other condition which is potentially harmful to the health, safety, or welfare of the future residents of the proposed lots, adjacent lots, or of the community. A portion of a proposed lot may contain such conditions, provided the overall lot is not deemed unsuitable.
 - (A) Lands that are unsuitable for development include, but are not limited to:
 1. All areas mapped as Floodplain by the Federal Emergency Management Agency (FEMA), Wisconsin Department of Natural Resources, or Dane County Zoning. 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.

2. 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). The applicant may petition the Plan Commission to waive the 100 foot buffer.
 3. All areas within 75 feet of the ordinary high-water mark of navigable streams and lakes, as identified by Wisconsin Department of Natural Resources.
 4. All areas having slopes 15 percent or greater.
 5. Areas that provide habitat for threatened, endangered, or special concern species in the opinion of a natural resource specialist.
 6. Burial sites and Indian mounds.
 7. Drainageways that contain running water during spring runoff, or during storm events plus a 25 foot buffer from the edge of the drainageway.
 8. Lands having bedrock within six (6) feet of the natural undisturbed surface.
 9. 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.
 10. Lands that are encumbered by a conservation easement which prohibits the land division or the type of development proposed.
 11. Areas of archaeological, historical, or geological importance.
- (B) 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 subdivider an opportunity to present evidence regarding such unsuitability if the subdivider so desires. Thereafter, the Plan Commission may affirm, modify or withdraw its determination of unsuitability.
- (C) The subdivider shall provide all necessary maps, data, and information for determining suitability.

- (10) **OUTLOTS.** No outlot in a subdivision may be used as a building site unless it is in compliance with all restrictions imposed by Chapter 236 of the Wisconsin Statutes and the provisions of this ordinance. No outlot in a subdivision may be used as a building site unless it is in compliance with all the provisions of this ordinance. An outlot may be conveyed whether or not it may be used as a building site.
- (11) **VIOLATIONS.** It shall be unlawful to build upon, rezone, divide, further divide, convey, record or monument any land in violation of this ordinance or of the Wisconsin Statutes. The Town may institute appropriate action or proceedings to enjoin violations of this ordinance or the applicable Wisconsin Statutes.
- (12) **PENALTIES.**
- (A) Any person, firm or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1,000) and the costs of prosecution for each violation, including the Town's reasonable and actual attorney fees and disbursements incurred in the prosecution of such violations, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a separate offense.
 - (B) Recordation improperly made has penalties provided in Sec. 236.30, Wis. Stats.
 - (C) Conveyance of lots in unrecorded plats has penalties provided in Sec. 236.31, Wis. Stats.
 - (D) Monuments disturbed or not placed have penalties as provided for in Sec. 236.32, Wis. Stats.
 - (E) Assessor's plat made under Sec. 70.27 of the Wisconsin Statutes may be ordered by the Town at the expense of the subdivider when a subdivision is created by successive land divisions.
- (13) **APPEALS.**
- (A) The following decisions of the Plan Commission may be appealed to the Town Board:
 - 1. Rejection of a preliminary plat;
 - 2. Rejection of a final plat;
 - 3. Determination that land is unsuitable for subdivision;

4. Determination that a change in a recorded plat and its exhibits is a major change;
 5. Rejection of a proposed change in a recorded plat and its exhibits.
- (B) A written Notice of Appeal must be filed with the Clerk within 14 days of the date of the Plan Commission action.
- (C) The Notice of Appeal shall state the action of the Plan Commission appealed from, shall specify the reasons stated by the Plan Commission for taking such actions, shall specify the reasons why the landowner believes said action was inappropriate; shall include an agreement to extend the time for acting on the certified survey, for a period of ninety (90) days from the date of the Plan Commission action; and shall state the names and addresses of the owners of all properties within 300 feet of the proposed land division.
- (D) The Clerk shall file the Notice of Appeal with the Board and shall schedule the appeal for consideration by the Board at a meeting, open to the public, within forty-five (45) days of the filing of the Notice of Appeal. The Clerk shall send notice of the time scheduled for the consideration of the appeal to the landowner and to all property owners within 300 feet of the proposed land division at least ten (10) days prior to the hearing of the appeal.
- (E) Within thirty (30) days of the appeal hearing, the Board shall affirm, modify, or reverse the action of the Plan Commission or shall refer the matter back to the Plan Commission for further consideration. Notice of the decision of the Board shall be sent to landowner and the Plan Commission.
- (F) The provisions of Chapter 68 of the Wisconsin Statutes shall not be applicable to any determination made pursuant to the provisions of this ordinance.
- (G) Any person aggrieved by an objection to a plat or a failure to approve a plat may, after review by the Board, appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e)(10) to (15) of the Wisconsin Statutes.

Section 4: Procedure

- (1) PRE-APPLICATION. Prior to the filing of an application for the approval of a certified survey map or preliminary plat, the subdivider shall consult with the Planning Director to obtain their advice and assistance, to be informed of the presence and objectives of these regulations, of any applicable plans and of any plan implementation devices, and to be otherwise assisted in planning the subdivision or land divisions. The Planning Director may require the subdivider

to furnish such maps or other information as will assist it during the pre-application phase.

- (2) INITIAL APPLICATION. After the initial conference, the subdivider shall submit a series of maps and descriptive information to the Planning Director according to the following. Mapping for the initial application can be done in any combination of features as long as individual map components can be distinguished and the relationship between map components can be determined.
- (A) Inventory and mapping of existing resources including the following mapped at a scale of no less than one inch = 50 feet:
1. Topographic contours at 2-foot intervals.
 2. United States Department of Agriculture, Natural Resource Conservation Service soil type locations and identification of soil type characteristics such as agricultural capability, depth to bedrock and water table, and suitability for wastewater disposal systems. Type and stability of bedrock should also be noted, particularly in karst areas and areas with high potential for groundwater contamination due to fractured bedrock or the presence of arsenic and mercury.
 3. Hydrologic characteristics, including surface water bodies, floodplains, groundwater recharge and discharge areas, wetlands, natural swales, drainage ways, and steep slopes.
 4. Land cover on the site, according to general cover type (pasture, woodland, etc.), and stand-alone trees with a caliper of more than [24] inches measured four feet off the ground. The inventory shall include comments on the health and condition of the vegetation.
 5. Current and past land use, all buildings and structures on the land, cultivated areas, brownfields, waste sites, and history of waste disposal practices, paved areas, and all encumbrances, such as easements or covenants.
 6. Known critical habitat areas for rare, threatened or endangered species.
 7. Views of the site, including views onto the site from surrounding roads, public areas and elevated areas, including photographs with a map indicating the location where the photographs were taken.
 8. Unique geological resources, such as rock outcrops and glacial features.
 9. Cultural resources: brief description of historic character of buildings and

structures, historically important landscapes, and archeological features. This includes a review of existing inventories, including those the State Historical Society of Wisconsin maintains for historic buildings, archaeological sites, and burial sites.

- (B) Development yield analysis. The subdivider shall submit a table showing the maximum number of dwelling units that would be permitted under the Dane County zoning ordinance and Town Comprehensive Plan, consistent with the minimum lot size, lot widths, set backs, and other provisions of the zoning ordinance and compare it to the number of dwelling units proposed. Land that is undevelopable because of other laws and ordinances that prohibit development in certain areas (e.g. floodplains, wetlands, steep slopes, and drainage ways) shall be excluded from the development yield analysis.
- (C) Site analysis and concept plan. Using the inventory provided in section 2 (A), the development yield analysis provided in section 2 (B), and applying the standards specified in sections 8-12 of this ordinance, the subdivider shall submit a concept plan including at least the following information at a scale of no less than one inch = 50 feet:
 - 1. Open space areas indicating which areas are to remain undeveloped and trail location.
 - 2. Boundaries of areas to be developed and proposed general street and lot layout.
 - 3. Number and type (i.e., single-family, multi-family) of housing units proposed.
 - 4. Proposed methods for and location of water supply, stormwater management (e.g., best management practices), and sewage treatment.
 - 5. Inventory of preserved and disturbed natural features and prominent views.
 - 6. Preliminary development envelopes showing areas for lawns, pavement, buildings, and grading.
 - 7. Proposed methods for ownership and management of open space.
- (D) General location map. The subdivider shall submit a map showing the general outlines of existing buildings, land use, and natural features such as water bodies or wooded areas, roads and property boundaries within 500 feet of the tract. This information may be presented on an aerial photograph at a scale of no less than 1 inch: 400 feet.

(3) PRELIMINARY PLAT REVIEW.

- (A) Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and a written application for approval, and shall file five (5) copies of the plat and the application with the Planning Director. The subdivider shall also forward a copy to the local electric and telephone utilities. When the subdivider expects the Town to act as the transmitting authority in accordance with Section 236.12 Stat., the application shall state that the transmittal responsibility lies with the Town, shall contain a list of the other authorities to which the plat must be submitted, and shall be accompanied by such additional fees and copies of the plat as are necessary to be transmitted to such authorities.
- (B) The preliminary plat shall cover the entire area owned or controlled by the subdivider even if only a small portion thereof is proposed for development at the time, and shall be prepared in accordance with this ordinance. The Plan Commission may waive the requirement that the preliminary plat cover the entire area where it is unnecessary to fulfill the purpose of the ordinance and undue hardship would result from strict application thereof.
- (C) The Planning Director shall forward two copies of the preliminary plat to the Plan Commission which shall examine it for conformity with the requirements of this ordinance and with the requirements of any other ordinances, statutes or administrative rules and regulations, and for compliance with any applicable master plan.
- (D) Within 90 days of the receipt of the application, the Plan Commission shall take action to approve, approve conditionally, or reject the preliminary plat and shall state in writing any conditions of approval or reasons for rejection. The Plan Commission shall establish as a condition of approval that within a reasonable time limit the subdivider shall meet or enter an agreement to meet all other conditions of approval. One copy of the preliminary plat shall be returned to the subdivider, his surveyor, or engineer with the date and action attached hereto; and if approved conditionally or rejected, the conditions of approval or reasons for rejection shall be attached thereto. Unless the time is extended by written agreement between the subdivider and the Board, failure to complete the action herein required within ninety (90) days of filing of the preliminary plat shall constitute an approval of the preliminary plat.
- (E) Approval or conditional approval of a preliminary plat entitles the final plat to approval provided the final plat conforms substantially to the preliminary, including any conditions of that approval, and conforms to any applicable local

plans and ordinances. If the final plat is not submitted within thirty-six (36) months of the last required approval of the preliminary plat, any approving authority may refuse to approve the final plat regardless of prior action taken on the preliminary plat.

- (F) Whenever a proposal to replat or subdivide one or more recorded subdivisions, or any part of a recorded subdivision, is filed with the Plan Commission, it shall schedule and hold a public hearing on the proposed preliminary plat of the replat or resubdivision before taking action. The Plan Commission shall mail notices of the proposed replat or resubdivision and of the scheduled hearing thereon at least 10 days prior to the time of such hearing to the owners of all properties within 300 feet of the proposed replat or resubdivision.

(4) FINAL PLAT REVIEW.

- (A) The subdivider shall prepare and file seven (7) copies of the final plat together with a written application for approval with the Clerk within thirty-six (36) months of the approval of the preliminary plat.
- (B) The Clerk shall forward two (2) copies of the plat to the Plan Commission. The Plan Commission shall examine it for conformity with the preliminary plat and any conditions of approval, with the requirements of this ordinance, and with the requirements of any other ordinances, statutes, administrative rules and regulations, or local plans which may be applicable to it.
- (C) The Plan Commission shall approve or reject the final plat within 60 days of its submission, unless the time is extended by agreement with the subdivider or subdivider's agent. The shall establish as condition of final approval that within a reasonable time limit, the subdivider shall meet or enter and agreement to meet all requirements and conditions of approval. One copy of the plat shall then be returned to the subdivider, his surveyor, or engineer with the date and action attached thereto, and the conditions or requirements of approval or reasons for rejection shall be attached thereto. Unless the time is extended by written agreement between the subdivider and the Plan Commission, failure to complete the action required herein within sixty (60) days of filing the final plat shall constitute an approval of the final plat.
- (D) The final plat may, if permitted by the Plan Commission, include only that portion of the approved preliminary plat which the subdivider proposes to record at that time.
- (E) The final plat is entitled to approval provided that it conforms substantially to the preliminary plat as approved, including any conditions of that approval, and

conforms to any applicable local plans and ordinances. If the final plat is not submitted within thirty-six (36) months of the last required approval of the preliminary plat, the Plan Commission may reject the final plat regardless of any prior action on the preliminary plat.

- (F) After the final plat has been approved by the Board and the contract is entered and security filed in accordance with Section 3, Paragraph 3 (B) hereof, and all other conditions of approval have been met, the subdivider shall submit the final plat to the Clerk. The Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording.
 - (G) The subdivider shall file two (2) certified copies of the final plat with the Clerk within ten days after it has been recorded.
- (5) REPLATS.
- (A) When it is proposed to replat a recorded subdivision, or part thereof, so as to change its boundaries, or any part thereof, the person wishing to replat shall vacate or alter the recorded plat as provided in Section 236.40 through 236.44 of the Wisconsin Statutes and shall then proceed as specified in Sections 3 through 7.
 - (B) The Clerk shall schedule a public hearing before the Plan Commission when a preliminary plat of a replat is filed and shall cause notices of the proposed replat and public hearing to be mailed, at the subdivider's expense, to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 300 feet of the exterior boundaries of the proposed replat.
- (6) LAND DIVISIONS BY CERTIFIED SURVEY. Refer to Ordinance 12-3 (A), the Land Division Ordinance

Section 5: Preliminary Plat

- (1) GENERAL. A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a land surveyor registered in this state. A preliminary plat shall be prepared on paper of good quality capable of clearly legible reproduction at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:
 - (A) Title under which the proposed subdivision is to be recorded.

- (B) Location of proposed subdivision by: government lot, quarter-quarter section, township, range, county, and state; and a location map showing the relationship between the plat and its surrounding area and to existing streets.
 - (C) Date, scale and north point.
 - (D) A description of the material of which the corner marker is composed.
 - (E) Names and addresses of the owner, subdivider, the surveyor, the engineer, and the professional land planner involved in the plat preparation.
 - (F) The entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even if only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this ordinance and undue hardship would result from strict application thereof.
 - (G) The present zoning and any proposed zoning change for the plat and all lands adjacent thereto.
- (2) PLAT DATA. All preliminary plats shall show the following:
- (A) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby.
 - (B) Topographic data including contours at vertical intervals of not more than 2 feet. Elevation values shall be based on the National Geodetic Vertical Datum of 1929 (NGVD 29) or the North American Datum of 1988 (NAVD 88) or future adjustments to NAVD 88 as defined by the National Geodetic Survey and should also be so noted on the plat.
 - (C) Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, based upon or established by the best available data.
 - (D) Significant natural resource features on the site, i.e. wetlands, floodplains, watercourses, existing wooded areas, steep slopes, drainage ways, rare, threatened and endangered species, Town of Dunn environmental corridors, and other natural resource features, views and other prominent visual features.
 - (E) Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and

quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.

- (F) Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.
 - (G) Burial sites categorized under Wis. Stat. § 157.70, Indian mounds, national and state register listed properties, and locally designated historic properties.
 - (H) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, based upon or established by the best available data.
 - (I) Location, size and invert elevation of any existing sanitary sewers, culverts and drain pipes; the location of manholes, catchbasins, power and telephone poles; and the location and size of any existing gas mains or water wells within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size, and invert elevations.
 - (M) Existing zoning on and adjacent to the proposed subdivision.
 - (N) Corporate limit lines.
 - (Q) Depth to ground water throughout the proposed subdivision.
- (3) SUBDIVISION DESIGN FEATURES
- (A) Layout of proposed streets, showing right-of-way widths, types of improvements, street surface widths, and proposed street names.
 - (B) Locations and type of proposed public easements (i.e. drainage, utility, pedestrian, public access to waterways, etc.); and all conservation easements.
 - (C) Layout of proposed blocks and lots within the plat.
 - (D) Basic data regarding proposed and existing (if applicable) lots and blocks, including numbers, dimensions, area.
 - (E) Minimum front, side and rear yard building setback lines for all lots.

- (F) Indication of the use of any lot.
 - (G) Location and size of all proposed and existing sanitary sewer lines and water mains, proposed community sewer and water system, or individual on-site septic systems and potable water sources.
 - (H) Location and size of all proposed and existing storms sewers (lines, drain inlets, manholes), culverts, retention ponds, swales, infiltration practices and areas, and other stormwater facilities within the plat and to a distance of 100 feet beyond the site.
 - (I) Development envelopes showing areas for grading, lawns, pavement and buildings.
 - (J) Open space areas, other than pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres. Provide information on the conditions, if any, of the dedication or reservation.
 - (K) Management plan for restoration and long-term management of the open space areas.
- (4) TESTING.
- (A) The Town may require, and where sanitary sewers are unavailable shall 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 ground water table.
 - (B) Where sanitary sewers are unavailable, the soil and percolation tests required by Wis. Adm. Code SPS 385 shall be performed and the results shall be submitted with the preliminary plat. After approval of the preliminary plat but prior to submitting an application for approval of the final plat, each individual lot shall be tested for percolation as specified in Wis. Adm. Code SPS 385 and the results of such tests shall be submitted to the Plan Commission.
- (5) PRELIMINARY CONSTRUCTION PLANS. The Plan Commission may require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect to proposed development.
- (A) Grading and Erosion Control Plan. A plan showing existing and proposed grades, drainage patterns, and stormwater facilities. The plan shall show the location and extent of grading activities in and adjacent to the plat, overall area of the

site in acres, total impervious surface area of project, total pervious area, stockpile locations, erosion and sediment control facilities, and a schedule for erosion and sediment control practices including site specific requirements to prevent erosion at the source. Major trees to be preserved, with a diameter of [24] inches or more measured twelve (12) inches above ground level, shall be shown on the preliminary grading and erosion control plan. Adequate measures for protecting major trees shall be shown on the plan.

- (B) Provisions for sewage disposal, water supply, stormwater management, and flood control.
- (6) AFFIDAVIT. The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provision of this ordinance.

Section 6: Final Plat

- (1) GENERAL. A final plat prepared by a land surveyor registered in this state shall be required for all subdivisions. It shall comply in all respects with the requirements of Section 236.20 of the Wisconsin Statutes.
- (2) INFORMATION REQUIRED. The plat shall show correctly on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes and Section 4 hereof, the following:
 - (A) Exact length and bearing of the center line of all streets.
 - (B) Exact street width along the line of any obliquely intersecting street.
 - (C) Railroad rights-of-way within and abutting the plat.
 - (D) Exact location and description of utility and drainage easements
 - (E) Setbacks or building lines required by the Town Plan Commission.
 - (F) Restrictive covenants, deed restrictions, conservation easements for the proposed subdivision shall be filed with the final plat.
 - (G) The legal instruments detailing the ownership of the common open space, as required in section 13, which shall be filed with the final plat.
 - (H) Special restrictions required by the Town Plan Commission relating to access control along public ways or to the provision of planting strips.

- (l) The rural fire number assigned to each lot.
- (3) DEED RESTRICTIONS. The Plan Commission may require that deed restrictions be filed with the final plat.
- (4) SURVEYING AND MONUMENTING. All final plats shall meet all the surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.
- (5) CERTIFICATES. All final plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this Ordinance.
- (6) APPLICATION FOR APPROVAL. The plat shall be accompanied by a written application for approval on forms furnished by the Plan Commission, and, if they have not been previously submitted, the results of the soil and percolation tests required by Section 5 Paragraph 4(B).

Section 7: Development Yield

- (A) The development yield analysis in section 4, Paragraph 2 (B) shall establish the base development yield for the parcel.
- (B) The base development yield may be increased if the development complies with one or more of the following standards. Each standard provides a development yield bonus of 5% in addition to the base development yield. The maximum bonus permitted is 20%.
 - 1. Creating an endowment where the principal would generate sufficient annual interest to cover the conservation easement holder's yearly costs (taxes, insurance, maintenance, enforcement, etc.).
 - 2. Providing for access by the general public to trails, parks, or other recreational facilities, excluding golf courses.
 - 3. Providing affordable housing, to include a minimum of 25 percent of all units that would be affordable to moderate-income households, as defined by the U.S. Department of Housing and Urban Development.
 - 4. Reusing historical buildings and structures, including those sites inventoried by the State Historical Society of Wisconsin. The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall apply.

Section 8: Performance Standards

- (A) Conservation Target. Conservation subdivisions shall identify a conservation target or targets. This target shall be identified at the time of the initial application. Conservation targets may include, but are not limited to, forest stewardship, water quality preservation, farmland preservation, natural habitat restoration, viewshed preservation, or archaeological and historic properties preservation. The Plan Commission shall have the authority to specify which areas shall be preserved.
- (B) Residential Lot Requirements
1. Minimum Lot Size
 - Septic on-site: 1 acre.
 - Sewer: 1/4 acre.
 2. Lots shall be configured to minimize the amount of impervious surfaces. Maximum Lot Coverage: 35% (includes buildings and other impervious surfaces such as driveways and patios).
 3. Most lots shall take access from interior local streets. Existing farmsteads to be preserved will have a driveway as part of the historic landscape that does not access a local street but should be preserved.
 4. Lots shall be configured to minimize the amount of road length required for the subdivision.
 5. Development envelopes shall be configured to minimize loss of woodlands.
 6. If agricultural uses are being maintained, lots shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.
 7. All lots within a neighborhood shall abut open space on at least one side. A local street may separate lots from the open space.
 8. Lots shall be oriented around one or more of the following:
 - i. A central green or square.
 - ii. A physical amenity such as a meadow, a stand of trees, or some other natural or restored feature.

9. Development envelopes should not be located on ridges, hilltops, along peripheral public roads or in other visually prominent areas.
10. Residential structures shall be oriented to maximize solar gain in the winter months to the extent practicable.
11. A 35 foot native vegetation buffer shall be maintained around open water areas, unless a specific common beach or grassed area is identified.
12. Stormwater Best Management Practices (BMPs)
 - i. Minimize the use of curb and gutter and maximize the use of open swales.
 - ii. Roof down spouts should drain to porous surfaces.
 - iii. Landscape plantings should be used to increase infiltration and decrease runoff.
 - iv. Natural open drainage systems shall be preserved.
 - v. Control peak rates of runoff for the 1, 2, 10, and 100-year 24-hour design storms to “predevelopment” levels.
 - vi. Maintain the post development stay-on volume to at 100% of the predevelopment stay-on volume for the one-year average annual rainfall period, as defined by WDNR.
 - vii. Provide at least 80% sediment control.

Section 9: Residential Cluster Siting Standards

- (A) All residential lots and dwellings shall be grouped into clusters. Each cluster shall contain no more than 15 dwelling units and no less than 5 units.
- (B) Residential clusters shall be located to minimize negative impacts on the natural, scenic and cultural resources of the site and minimize conflicts between incompatible uses.
- (C) Residential clusters shall avoid encroaching on rare plant communities, high quality sites, or endangered species identified by the Department of Natural Resources.
- (D) Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and local or regional recreational trails.
- (E) Residential clusters should be sited to achieve the following goals, to the extent practicable.
 - i. Minimize impacts to prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices.

- ii. Minimize disturbance to woodlands, wetlands, grasslands, and non-invasive mature trees.
- iii. Prevent downstream impacts due to runoff through adequate on-site storm water management practices.
- iv. Protect scenic views of open land from adjacent roads. Visual impact should be minimized through use of landscaping or other features.
- v. Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.

(F) Landscaping around the cluster may be necessary to reduce off site views of residences.

Section 10: Open Space Design

- (A) Common Open Space. The minimum open space required shall be owned and maintained under one of the alternatives listed in Section 13, as approved by the Town. The uses within the open space shall be accessible to the residents of the development. These uses may also be available to the general public providing the proper approvals are received. The required open space shall be undivided and restricted in perpetuity from future development, as specified in Section 13.
- (B) Open space shall be designated as part of the development. The minimum required open space is 60 % of the gross acreage.
- (C) Open Space Conservation Ranking (in order of significance). The areas to be preserved shall be identified on a case-by-case basis in an effort to conserve and provide the best opportunities to restore and enlarge the best quality natural features of each particular site.
 - i. First priority will be given to intact natural communities, rare and endangered species, environmental corridors, natural and restored prairies, significant historic and archaeological properties, active agricultural operations and steep slopes.
 - ii. Second priority will be given to areas providing some plant and wildlife habitat and open space values.
 - iii. Third priority will be given to areas providing little habitat but providing viewshed, recreation, or a sense of open space.

- (D) The following areas or structures may be located within the open space area and shall be counted toward the overall open space percentage required:
- i. parking areas for access to and use of the open space developed at a scale limited to the potential users of the open space.
 - ii. privately-held buildings or structures provided they are accessory to the use of the open space.
 - iii. Shared septic systems and shared potable water systems.
- (E) Road rights of way shall not be counted towards the required minimum open space.
- (F) No more than 50 percent of the required open space may consist of water bodies, ponds, floodplain, or wetlands.
- (G) That portion of open space designed to provide plant and animal habitat shall be kept as intact as possible. Trails shall be designed to avoid fragmenting these areas.
- (H) Accessible open space in upland areas shall be available for recreational uses such as trails, play fields, or community gardens but should be designed in a manner that avoids adversely impacting archeological sites.
- (I) A pathway system connecting open space areas accessible to neighborhood residents, and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels shall be identified in the plan.

Section 11: Street Standards

- (A) Neighborhood streets may take the form of a two-way street, a pair of one-way streets on either side of a landscaped median, or a one-way loop street around a small neighborhood green. Streets shall be developed according to the following standards that promote road safety, assure adequate access for fire and rescue vehicles, and promote adequate vehicular circulation:
- (B) The applicant must demonstrate that access to the development has the capacity to handle traffic generated by the proposed project, and will not endanger the safety of the general public.
- (C) Streets shall have the following design standards:
- i. Right-of-way widths. The right-of-way width for each road shall be wide enough to provide for all public services, including roadway drainage,

sidewalks, trails, and walkways, utilities, and snow storage. The minimum right-of-way shall be provided in accordance with the following:

<u>Right-of-Way</u>	<u>ADT less than 250</u>	<u>ADT over 250</u>
One-way roadway	20'	30'
Two-way roadway	40'	50'

ii. Travel land widths for local roads shall be determined by the expected average daily traffic (ADT) and shall be within the following ranges:

<u>Travel Lanes</u>	<u>ADT < 100</u>	<u>100-250 ADT</u>	<u>>250</u>
Two-way roadway*	18'-24'	20'-26'	22'-28'
One-way roadway*	11'-13'	11'-13'	11'-14'
(curbed sections**)	13'	13'	13'
Shoulder or gutter			
Pan width	2'-4'	2' - 4'	2' - 4'

*Does not include shoulder or gutter pan.

**Measured from curb face to curb face.

(D) Additional Standards:

- i. Design Speed: Maximum 25 miles per hour.
- ii. Vertical Curves: Minimum 50' (when grade difference less than 1%, no curve is needed).
- iii. Horizontal Curves: Minimum radius of 125'
- iv. Road Grades: Maximum grade 8%
- v. Super-elevation: Maximum e= 0.04 feet/feet
- vi. Pavement Strength: 7 ton minimum
- viii. Clear Zones:
 - Shoulder sections: 10' from edge of travel lane
 - Curbed sections: 2' from face of curb
- ix. Bridges: Width shall be traveled way, plus 2' each side. Design Loading for Structural Capacity HS-20, plus 5' sidewalk necessary to maintain pedestrian crossing.

- x. Cul-de-sacs should be designed as semi-circular and circular loop roads. Minimum 30' outside radius around a landscaped island with an minimum 10' radius. Open space internal to these road features can be counted toward the open space requirements.
 - xi. Sidewalks, trails, and other walkways. Minimum 5 feet width.
- (E) If determined necessary by the Tree Board, shade trees shall be planted on both sides of the street.
- (F) Street connections to adjacent parcels shall be provided in logical locations to avoid creating landlocked parcels and provide for connecting street patterns.
- (G) Where streets will connect with streets having differing standards, the street dimensions shall be the same as those of the connecting street. All street widenings shall occur at the nearest intersection.
- (H) The developed area should have sidewalks on at least one side of the street.

Section 12: Sewage and Water Facilities

- (A) Water for a conservation subdivision shall be provided by individual onsite wells or by one or more community wells meeting the permit requirements of the State of Wisconsin and Dane County. The use of shared or community wells is encouraged. Plans for shared or community wells should include a wellhead protection plan with separation distances for the zone of influence and sources of pollution.
- (B) All conservation subdivisions shall be provided with adequate sewage treatment facilities meeting the standards of the appropriate Sanitary District and the permit requirements of the Wisconsin Department of Commerce and the Department of Natural Resources. Where sewage treatment is not provided by a publicly owned wastewater treatment works, a common sewage treatment and disposal unit located on the common open space lands is encouraged.

Section 13: Ownership and Maintenance of Open Space and Common Facilities

- (A) The designated common open space and common facilities may be owned and managed by one or a combination of the following:
1. A homeowners' association.
 2. A condominium association established in accordance with the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes.

3. A nonprofit conservation organization.
 4. The Town of Dunn or another governmental body empowered to hold an interest in real property.
 5. An individual who will use the land for open space purposes as provided by a conservation easement.
- (B) Homeowners' Association. A homeowners association shall be established if the common open space is proposed to be owned by a homeowners association. Membership in the association is mandatory for all purchasers of homes in the development and their successors. The homeowners' association bylaws, guaranteeing continuing maintenance of the open space and other common facilities, and the declaration of covenants, conditions and restrictions of the homeowners association shall be submitted for approval to the Town of Dunn as part of the information required for the preliminary plat. The homeowners' association bylaws or the declaration of covenants, conditions and restrictions of the homeowners association shall contain the following information:
1. The legal description of the common land;
 2. A description of common facilities;
 3. The restrictions placed upon the use and enjoyment of the lands or facilities;
 4. Persons or entities entitled to enforce the restrictions;
 5. A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums;
 6. A mechanism for resolving disputes among the owners or association members;
 7. The conditions and timing of the transfer of ownership and control of land facilities to the association;
 8. Any other matter the developer deems appropriate.
- (C) Condominium Associations. If the common open space and facilities is to be held under the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes, the condominium instruments shall identify the restrictions placed upon the use and

enjoyment of the common open space. All common open space shall be held as a “common element” as defined in section 703.0 1(2) of the Wisconsin Statutes.

(D) A Nonprofit Conservation Organization. If the common open space is to be held by a nonprofit conservation organization, the organization must be acceptable to the Town. The conveyance to the nonprofit conservation organization must contain appropriate provisions for reversion in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.

(E) Public Dedication of Open Space and Streets.

1. The Town may accept the dedication of fee title or dedication of a conservation easement to the common open space. The Town may accept the common open space provided:

- a. The common open space is accessible to the residents of the Town;
- b. The Town agrees to and has access to maintain the common open space..

(F) Individual Ownership. An individual may hold fee title to the land while a nonprofit or other qualified organization holds a conservation easement uses for the common open space.

(G) Maintenance Plan. Every conservation subdivision must include a plan that provides evidence of a means to properly manage the common open space in perpetuity and evidence of the long-term means to properly manage and maintain all common facilities, including any storm water facilities. The plan shall be approved by, the Town Board prior to final plat approval.

1. The plan shall accomplish the following:

- a. Designate the ownership of the open space and common facilities in accordance with section 13 (A).
- b. Establish necessary regular and periodic operation and maintenance responsibilities.
- c. Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
- d. Include a land stewardship plan specifically focusing on the long-term management of common open space lands. The land stewardship plan shall include a narrative 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 the end state.
- iii. Proposed restoration measures, including: Measures for correcting increasingly destructive conditions, such as erosion; and measures for restoring historic features and habitats or ecosystems.
- iv. The operations needed for maintaining the stability of the resources, including: mowing schedules; weed control; planting schedules; clearing and cleanup; at the Town's discretion, the applicant may be required to place in escrow sufficient funds for the maintenance and operation costs of common facilities for a maximum of one year.

2. In the event that the organization established to own and maintain the open space and common facilities, or any successor organization, fails to maintain all or any portion of the common facilities in reasonable order and condition upon the residents and owners of the open space and common facilities, setting forth the manner in which the organization has failed to maintain the 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 this Ordinance, in which case the bond, if any, may be forfeited, and any permits may 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 assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties. The Town, at the time of entering upon such common facilities for the purpose of maintenance, shall file a notice of such lien in the office of the County Register of Deeds upon the properties affected by such lien.

3. Management plans can be amended by the owner identified under section 13 (A) with the approval of the Town Board.

Section 14: Acceptance of Improvements

- (1) RESOLUTION. After the subdivider has installed all required improvements, he shall notify the Town Engineer in writing that the work is complete and ready for final inspection. Prior to acceptance of improvements by the Town, the subdivider shall

furnish to the Town Engineer such "as built" drawings as the Town Engineer requires to show the specifications of completed construction. The Town Engineer shall inspect the improvements and forward a letter to the subdivider indicating his approval or disapproval. When the improvements have been approved by the Town Engineer, the clerk will prepare a final billing for engineering, inspection, and legal fees and submit it to the subdivider for payment. In addition, the subdivider and all general contractors shall file lien waivers or affidavits, in a form acceptable to the Town and approved by the Town Attorney, evidencing that there are no claims, actions, or demands for damages, based upon contract or tort arising out of or in any way related to the project and that no monies are owed to any surveyor, mechanic, sub-contractor, materialman, or laborer. When the engineering, inspection, and legal fees have been paid and when the necessary lien waivers and affidavits have been filed, a resolution accepting the project will be adopted by the Town Board.

(2) RELEASE OF SECURITY.

- (A) The security furnished pursuant to Section 2(3) shall remain in full force for a period of one (1) year after the completion of the project and acceptance by the Board unless partially released as hereinafter provided. The security shall be held to guarantee the work performed pursuant to private contracts against defects in workmanship and materials. If any defect appears during the period of guarantee, the subdivider or its contractor shall, at its expense, install replacements or perform acceptable repairs. In the event that the subdivider fails to install the replacement or perform the repairs, the Town may do so and deduct the cost thereof from the security deposit. Unless defects have appeared and have not been repaired, the Town will release the security to the subdivider upon expiration of one (1) year guarantee period.
- (B) The Town may from time to time but not more often than monthly during the course of construction, partially release the security furnished pursuant to Section 2(3) when:
1. The reduced security deposit will be sufficient to guarantee the work performed pursuant to private contracts against defects in material and workmanship or will be at least twenty-five percent (25%) of the total cost of improvements, whichever is greater; and
 2. Affidavits of lien waivers, in a form acceptable to the Town and approved by the Town Attorney, evidencing full payment for the subdivision improvements which have been completed, are submitted with the request for a partial security release; and
 3. An application for a partial security release has been filed with the Town

Engineer on or before the 10th day of the month.

Section 15: Signing of Plat

After entering the contract to provide all required improvements, after posting the security required by Section 2(3), after payment of any fee imposed pursuant to Section 2(4)(B) and of any area assessments, and after the subdivider has met all other requirements, the Clerk shall execute the certificate inscribed upon the face of the plat or certified survey attesting to the approval thereof and return it to the subdivider for recording.

Section 16: Building Permits

No building permits shall be issued for the construction or erection of any structure on any parcel created by any land division or subdivision or comprehensive development of land until all required improvements have been made and installed, and have been inspected and accepted in accordance with Section 14 of this Ordinance.

Section 17: Fees

- (1) GENERAL. The subdivider shall pay the Town all fees as hereinafter required and at the times specified.
- (2) PRELIMINARY PLAT AND CERTIFIED SURVEY REVIEW FEE.
 - (A) The subdivider shall pay a fee as specified in the Town of Dunn Fee Schedule to the Treasurer at the time the application for approval of any preliminary plat or certified survey is filed.
- (3) ENGINEERING, INSPECTION AND ATTORNEYS FEES.
 - (A) The subdivider shall pay all engineering, inspection, consulting and legal fees incurred by the Town for services performed by or on behalf of the Town in conjunction with the design, inspection and review of any preliminary plat, certified survey, final plat, comprehensive development plan, or contract, with the drafting of legal documents, and with such inspections as the Town Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town of any other governmental authority. Consulting, engineering, inspection and legal fees shall be the actual costs to the Town on the basis of submitted invoices plus the hourly rate (salary + benefits) costs for time spent by any employees of the Town. Such fees may be billed monthly, or upon completion of the project as determined by the Board.

- (B) To guarantee payment of the engineering, inspection and attorneys fees, the subdivider shall deposit the required deposit fee established in the fee schedule with the Town Clerk at the time that the application for approval is first filed. If such fees are paid timely, the deposit will be refunded at the time that the final plat or certified survey is inscribed by the Town Clerk or thirty days after the preliminary plat, certified survey, or final plat is rejected. In the event that the subdivider fails to pay such fees within fourteen days of the time when the Town submits its bill therefore, the Town may deduct the amount of such fees from the deposit for fees or the security deposit.

The above and foregoing Ordinance was adopted by the Town Board of the Town of Dunn at a regular meeting held on _____.

APPROVED:

Edmond P. Minihan, Town Chairman

ATTEST:

Cathy Hasslinger, Town Clerk

Adopted:
Published: