

# ATTACHMENT A

## TOWN OF DUNN

### ORDINANCE #12-3 (A)

#### LAND DIVISION 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. BOARD. The Dunn Town Board.
2. BASE FARM TRACT. Unplatted lands under contiguous ownership as of September 1, 1979, except lots determined to have been legally created prior to September 1, 1979, as documented by a parcel status determination approved by the Plan Commission. The size of the Base Farm Tract is determined by assessed acreage as of September 1, 1979 as documented by 1980 assessment records.
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 designated on the Town of Dunn Future Land Use Map as "Limited Service Area". This includes the Waubesa and Kegonsa Limited Service Areas. Historically, the Limited Service Areas are 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.

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

Section 2: Introduction

- (1) **AUTHORITY.** This ordinance is adopted pursuant to Wisconsin State Statutes, including but not limited 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 buffering to reduce conflicts between residential development and non-residential uses;
  - (I) To protect and enable the restoration of environmentally sensitive areas and biological diversity, and maintain environmental corridors;
  - (J) To preserve archaeological sites, historic buildings and their settings;
  - (K) To provide for the most efficient use of public infrastructure and related public facilities;
  - (L) 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 certified surveys, is, to the extent necessary to implement the provisions of this ordinance delegated to the Plan Commission.

- (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 Land Division 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.
- (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 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 Chapter NR 116 of the Wisconsin Administrative Code for the Floodplain Management Program.
  - (G) The rules of the Wisconsin Department of Natural Resources contained in Chapter NR 115 of the Wisconsin Administrative Code for shoreland protection .
  - (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 subdivision, zoning, sanitary, building and official mapping ordinances.
- (3) 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.
  - (4) 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 parcel or lot 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.
  - (5) 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.
  - (6) LOT LINE ADJUSTMENTS BY CSM. Where the sale or exchange of parcels involves only a change of lot lines and not the creation of additional buildable parcels, such lot line

adjustments executed by Certified Survey Map (“CSM”) must be considered at a Plan Commission meeting. The Plan Commission may approve or deny the CSM. The Plan Commission reserves the right to deny approval of any Certified Survey Map that violates or is not in the spirit of the land division policies, including the 2 acre lot size maximum. For example, if a Certified Survey Map is proposed that expands a lot from 2 acres to 4 acres, the Plan Commission may deny it based on the grounds that it is inconsistent with the 2 acre maximum lot size policy. Exceptions to this lot line adjustment policy could be granted if the Plan Commission determines that the lot line adjustment proposal is for agricultural or environmental purposes and preserves and protects agricultural activity and the Town’s rural character. Additionally, prior to approval by the Plan Commission of such a CSM, a notice of potential approval and copy of the CSM shall be provided via hand delivery or first class mail by the Land Use Manager to the owners of property located within 300 feet of the CSM property.

(7) SURVEY MONUMENTS. Before approval of any final certified survey map within the corporate limits of the Town, the land divider 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 Plan Commission. The Plan Commission may waive the placing of monuments required under Section 236.15(b), (c) and (d), for a reasonable time on condition that the land divider execute a surety bond to ensure the placing of such monuments within the time required.

(8) LAND SUITABILITY. No land division 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 lot, 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 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. A variance from the 100-foot wetland buffer may be considered by the Town Board.

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 20 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. 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.
9. Lands that are encumbered by a conservation easement which prohibits the land division or the type of development proposed.
10. Areas of archaeological, historical, or geological importance.
11. Lands within the Town's Environmental and Cultural Resource Protection Area, unless a variance has been granted to the applicant by the Plan Commission.
12. Areas of parcels that are outside the LSA, when a portion of the parcel is within the LSA. If a parcel includes an area exceeding 5,000 square feet within the LSA, then development and structures requiring sanitary service must be located within the LSA portion of the property and must connect to sewer service.

(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 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.

- (C) The land divider shall provide all necessary maps, data, and information for determining suitability.
- (10) 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.
- (11) PENALTIES.
- (A) Any person, firm or corporation who fails to comply with the provisions of this ordinance shall, upon violation 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 land divider when a subdivision is created by successive land divisions.
- (12) APPEALS.
- (A) The following decisions of the Plan Commission may be appealed to the Town Board:
    1. Rejection of a certified survey map;
    2. Determination of available land divisions;
    3. Determination that land is unsuitable for land division.

- (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.

Section 4: 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) Secondary farm residences approved by a Conditional Use Permit will count as a land division according to the Land Division Allocation Policy and the calculation in Section 4(2), even if these secondary farm residences are not divided from the Base Farm Tract. Secondary farm residences approved by a Conditional Use Permit are subject to the siting standards listed in Town of Dunn Ordinance 13-3 and the Town of Dunn Comprehensive Plan. Secondary farm residences may be subsequently divided from the

Base Farm Tract with a Certified Survey Map, subject to Section 4(4) and Section 4(14) below.

- (4) 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 Section 4(14) 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 FP-1 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.

- (5) Subject to Plan Commission approval, the land division permitted by the terms of Section 4(4) above may occur prior to the construction of a residential dwelling unit and outbuildings.
- (6) 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.
- (7) 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 Section 4(3) above.
- (8) 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.
- (9) 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.
- (10) Determination of available land divisions will be made by the Plan Commission.
- (11) 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.

- (12) All land divisions will require a Certified Survey Map approved by the Plan Commission regardless of the size of the parcels involved.
- (13) Adding land to a non-dividable parcel does not make it dividable.
- (14) 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.
- (15) 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.
- (16) The Plan Commission may require newly created lots to be clustered with existing lots.
- (17) The Plan Commission may require a site plan when new lots or residential dwelling units are proposed.
- (18) 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 direct driveway access is permitted. If direct driveway access is not permitted, shared access may be permitted so long as the newly created lot has 66 feet of road frontage and a shared driveway agreement is recorded. For example: Lot A is proposed to have 66 feet of road frontage, but the Wisconsin Department of Transportation (DOT) will not permit direct driveway access from US 51 to Lot A. However, if the DOT will permit access to Lot A through a shared access on Lot B, then Lot A can meet the Town's road frontage requirement. This specific example would be subject to DOT approval for a shared access permit.
- (19) Any division that intends a building right to be transferred with the divided land requires Town approval in advance of the transaction. Parcels over 35 acres may be divided from the parent parcel without Town Approval, provided that:
  - a. Both the parcel being transferred and the remaining parcel must be at least 35 acres.
  - b. No building rights are transferred.

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 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
- (2) The parent parcel has a minimum lot size of 40,000 square feet
- (3) 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.
- (4) The minimum size of the newly created lot is 20,000 square feet. For sewerred lots in the Limited Service Area only, the Plan Commission may in its sole discretion permit smaller size lots if the following criteria are met:
  - a. The minimum size of the parent parcel is 40,000 square feet, and
  - b. Only one land division per 20,000 square feet of the parent parcel is allowed, and
  - c. The size of the newly created lots will be compatible with the sizes of the already existing lots in the immediate area, and
  - d. All requirements of the county zoning, shoreland zoning, floodplain zoning ordinances and both the County and Town Subdivision and Land Division ordinances, Town Comprehensive Plan and Future Land Use Map are met, and
  - e. 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.
- (5) 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 direct driveway access is permitted. If direct driveway access is not permitted, shared access may be permitted so long as the newly created lot has 66 feet of road frontage and a shared driveway agreement is recorded. For example: Lot A is proposed to have 66 feet of road frontage, but the Wisconsin Department of Transportation (DOT) will not permit direct driveway access from US 51 to Lot A. However, if the DOT will permit access to Lot A through a shared access on Lot B, then Lot A can meet the Town's road frontage requirement. This specific example would be subject to DOT approval for a shared access permit.

Section 5: Procedure

PRE-APPLICATION.

Prior to the filing of an application for the approval of a certified survey map, the landowner is encouraged to consult with the Plan Commission or Land Use staff to obtain their advice and assistance, to be informed of the existence and objectives of these regulations, of the Town of Dunn Comprehensive Plan requirements, any other applicable plans or requirements, and to be otherwise assisted in the submission of the application for planning the land division. The Plan Commission may require the landowner to furnish such maps or other information as will assist it during the pre-application phase. An individual is limited to two (2) pre-application meetings per 12 month period unless the Plan Commission, at their sole discretion, chooses to grant additional pre-application meetings.

#### APPLICATION.

- (1) APPLICATION FOR APPROVAL. The certified survey map shall be accompanied by a written application for approval. Where a change in zoning classification is being or will be requested in connection with the land division, an application for the appropriate rezone should accompany the land division application.
- (2) INFORMATION REQUIRED. The map shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:
  - (A) All existing building, watercourses, drainage ditches and other features pertinent to proper division including the locations of water wells, dry wells and drainfield vent pipes.
  - (B) Setbacks or building lines required by the Town Plan Commission.
  - (C) Date of the map.
  - (D) CERTIFICATES.
    - (1) The surveyor shall certify on the face of the map that he has fully complied with all the provisions of this Ordinance.
    - (2) Certificate of Approval. The following certificate of approval shall be typed, lettered or otherwise reproduced legibly on the face of the map:

Approved by the Town of Dunn Plan Commission at a meeting held the \_\_\_ day of \_\_\_\_\_ 20\_\_.

If land is dedicated to the public, this additional certificate shall

appear:

Land dedication accepted by the Dunn Town Board on the \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

- (3) Dedication. Dedication of streets and other public areas shall require the owner's and the mortgagee's, if any, certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.
- (E) **CRITICAL BUILDING LOCATIONS**. Any building or structure and its location on the lot shall be dimensioned to the nearest 0.1 foot where the location of such building or structure will be critical in relation to proposed property boundaries or to zoning requirements.
- (3) The Land Use Manager shall schedule a public hearing before the Plan Commission within ninety (90) days from the date a certified survey map is filed. Notices of the public hearing shall be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed map and to the owners of all properties within a minimum of 300 feet of the exterior boundaries of the proposed map. Should the Plan Commission recommend denial of a certified survey map, the applicant may follow the appeal process in Section 3, paragraph 12.
- (4) If the Certified Survey Map includes a dedication of land to the public, The Town Clerk shall schedule a public hearing before the Town Board to take place within ninety (90) days from the date a certified survey map is filed to consider acceptance of the dedication to the public.
- (5) After the map has been approved by the Plan Commission and any fee imposed pursuant to Section 6 has been paid, and all other conditions of approval have been met, the landowner shall submit the map to the Clerk. The Clerk shall cause the certificate inscribed upon the map attesting to such approval to be duly executed and the map returned to the land divider for recording.
- (6) The land divider shall record the certified survey map with the Register of Deeds for Dane County within 12 months after it has been approved, and shall file a certified copy of the recorded map with the Clerk within ten (10) days after the map is recorded.

Section 6:     Fees

- (1) **GENERAL**. The land divider shall pay the Town all fees as herein required and at the times specified.

(2) CERTIFIED SURVEY REVIEW FEE.

- (A) The fees for a certified survey map shall be determined by the Town Board and listed in the Town's fee schedule.
- (B) A reapplication fee determined by the Town Board and listed in the Town's fee schedule shall be paid to the Treasurer at the time any certified survey which has previously been reviewed is submitted for approval.

The above and foregoing Ordinance was adopted by the Town Board of the Town of Dunn at a regular meeting held on XX XX, 2021.

APPROVED:

\_\_\_\_\_  
Edmond P. Minihan, Town Chairman

ATTEST:

\_\_\_\_\_  
Cathy Hasslinger, Town Clerk

Adopted:  
Published: