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LAND USE PLAN

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

2.1 Land Use Goals and Objectives

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

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

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

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

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

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

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

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

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

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

Please see Future Land Use Map

2.2 Planning Districts and Policies

Density Policy

These policies apply to all areas in the Town of Dunn except land in the Limited Service Area.

1. Prohibit the division of land outside sewerred areas except for residential development that is permitted per the standard of one (1) land division per 35 acres contiguously owned as of September 1, 1979.
2. Divisions are calculated by dividing net acreage by 35. The quotient is rounded down. Example: 102 acres divided by 35 = 2.91, the 102-acre property is allocated two land divisions.
3. Net acreage is total property acreage not including road ownership or other public right-of-way.
4. Contiguous ownership is defined as *“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.”*
5. The Town recognizes that the one (1) lot per 35 acres owned policy does not mandate the creation of 35-acre lots. Section 2.3 Review Criteria for Site Plans and New Development (e) specifies a maximum lot size of 2 acres.
6. In order to prevent the occurrence of multiple divisions by successive landowners, the limitation of one (1) lot per 35 acres contiguously owned 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. Substandard parcels for residential development (parcels that were smaller than 35 acres as of September 1, 1979) in areas outside of the Limited Service Areas are not permitted to be divided.
8. A split for additional farm residences for parents or children counts toward the one (1) lot per 35 acres owned policy.
9. Secondary farm residences are a permitted use in accordance with Section 10.123(2)(c) of the Dane County Zoning Ordinance and will not constitute a split; however, the residence will always remain as a rental property and cannot be separated from the parcel. Secondary farm residences will undergo a town advisory review to Dane County. The town will issue a positive review only if the proposed building location meets the site plan standards in Section 2.3 (Site Plan and Development Review) and 2.4 (Review Requirements for Rezoning Requests).
10. Separation of farm dwellings and related structures will count toward the one (1) lot per 35 acres owned.
11. The town’s GIS (Geographic Information System) database will be used to calculate acreage unless a certified survey map is available.

12. Land sold to the DNR, Dane County Parks or other public agency will count as a split unless an agreement was made with the town not to count it. The town will consider entering into such an agreement if the property sold is deed restricted to prohibit development.
13. When a property is or was divided, available land divisions remain with the largest parcel unless they are transferred as detailed in #14 below. The Plan Commission will review all property histories. Final determination of available land divisions will be made by the Town Board. Generally, if parcels are of equal size, the splits will remain with the parcel of oldest creation. Splits may also be proportionally allocated.
14. If it was or is the intent to grant an available land division to a parcel split off from the original property, that transfer of development rights must be done by an affidavit, approved by the town, recorded at the Dane County Register of Deeds and filed with the Town Clerk.
15. Re-zones for non-residential development such as LC-1 will not count as a split if the re-zoned property is deed restricted from residential development.
16. When a property exhausts eligible splits a notice or deed restriction shall be placed on the balance of the land.
17. The town acknowledges that some zoning categories minimum lot size requirements may be inconsistent with or conflict with this Plan. The town will deny land divisions that do not comply with the 20,000 square foot minimum in sewerred areas and 1 lot per 35 acre standard density policy in non-sewerred areas.

A. Agricultural Preservation Area

Purpose

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

Policies

1. A two-acre maximum land division size shall be enforced for splits separating a farm dwelling from land. Applicants may request an exception to this rule if additional acreage is needed to include farm residences and usable outbuildings (existing as of January 1, 2006).
2. Purchase of Development Rights or conservation easements are a priority in this land use area.
3. Support bed and breakfasts and other agri-tourism businesses in this land use area, provided they do not negatively impact existing land uses or neighboring residents.
4. Follow the guidelines in Sections 2.3 (Site Plan and Development Review) and 2.4 (Review Requirements for Rezoning Requests) for additional standards.
5. Allow conversion of single family homes to duplexes per policy 2.2 (F) (5).
6. Support conservation efforts and best management practices to protect air and water quality on and adjacent to agricultural lands.

Agricultural Preservation Area

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

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

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

Conditional Uses in the Agricultural Preservation Area

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

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

The Town will consider applications for the following conditional uses. It will not support the granting of any other conditional use in these districts. A site plan per section 2.3 and/or 2.5 will be required.

A-B Agriculture Business District

- Dead stock hauling services. (Use will not be allowed within 500 feet of a neighboring residence.)
- Sales or storage of agricultural byproducts.
- Stockyards, livestock auction facilities. (Use will not be allowed within 500 feet of a neighboring residence.)

A-1 Agriculture District (Exclusive)

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

- Dependency living arrangements.
- Governmental uses. (Use will not be allowed within 500 feet of a neighboring residence.)
- Limited family businesses.
- Horse-boarding stables, riding stables, hay and sleigh rides. (Use will not be allowed within 500 feet of a neighboring residence.)
- Farm family business for retail sales of bridles, saddles, grooming supplies and related items at a horse- boarding or riding stable facility. Said use shall be limited to a maximum of 150 square feet of floor space. (Use will not be allowed within 500 feet of a neighboring residence.)

- The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those residing on the premises, such storage to be in existing accessory farm buildings. The storage of a dealer's inventory or the construction of any new buildings for storage shall be considered a commercial use and subject to the provisions of this ordinance.
- Agricultural entertainment activities which are not a permitted use under 10.123(2)(k) of the Dane County Zoning Ordinance.

A-2 Agriculture District

- Radio and television transmitting towers, microwave towers, community television antenna installations including the buildings or structures necessary for their operation but not including buildings for offices, studios or the like. (Use will not be allowed within 500 feet of a neighboring residence.)
- Cemeteries.
- Dependency living arrangements.
- Governmental uses. (Use will not be allowed within 500 feet of a neighboring residence.)
- Native wildlife rehabilitation facilities. (Use will not be allowed within 500 feet of a neighboring residence.)
- Parking or storage of not more than two trucks, semi- tractors or semi-trailers which have a gross vehicle weight of over 12,000 lbs.
- Limited family businesses.
- The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those residents on the premises, this storage to be in existing accessory farm buildings. The storage of a dealer's inventory or the construction of any new buildings for storage shall be considered a commercial use and subject to the provisions of this chapter.
- Horse-boarding stables, riding stables, hay and sleigh rides, horse shows and similar events. (Use will not be allowed within 500 feet of a neighboring residence.)
- Training of dogs. (Use will not be allowed within 500 feet of a neighboring residence.)
- Training of horses at a horse boarding facility. (Use will not be allowed within 500 feet of a neighboring residence.)

B. Environmental and Cultural Resources Protection Area

Purpose

- Preserve environmentally sensitive and culturally important areas, including woodlands, wetlands, floodplains, wet soils, steep slopes (15 percent or greater over 30 feet), wildlife corridors, woodlands, archaeological sites and other culturally significant areas. This land use area does not prevent existing uses, such as agriculture, from continuing.

Policies

1. Utilize the Town's PDR program to preserve environmental, archaeological, scenic and historic resources.
2. New development shall be allowed only along the edges of Environmental and Cultural Resources Protection Areas. These areas should not otherwise be altered.
3. Encourage the preservation of areas needed to support local wildlife.
4. Existing zoning prohibits all development on and within 25 feet of archeological sites. The Town should consider adopting an Archeological Preservation Ordinance to provide more stringent protection of these areas.
5. A wetland buffer of 100 feet shall be enforced around wetlands with an area of 2 acres or greater. Variances will be considered in situations where previously existing lots would be made unbuildable by this restriction.
6. Request rezoning of important wetlands and appropriate buffers in these areas for conservation and protection.
7. Minimize habitat fragmentation and ensure that a larger area is available for wildlife populations through the following actions:
 - Encourage building only along the "edges" of woodlots to limit habitat fragmentation.
 - Avoid building above wooded slopes. Building above wooded slopes can increase erosion and severely impact wooded areas.
 - Re-map the environmental corridors. The corridors were mapped before GIS technology was available and not all areas match current woodlot and wetland boundaries.
8. The Town shall support all other levels of government in acquiring natural features in this area, especially those within the identified environmental corridors, for public use and protection consistent with the objectives and policies of this Plan.
9. Follow the guidelines in Sections 2.3 (Site Plan and Development Review) and 2.4 (Review Requirements for Rezoning Requests) for additional standards.

Environmental and Cultural Resources Protection Area

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

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

C. Private Conservation Agreement Area

Purpose

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

Policies

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

Private Conservation Agreement Area

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

Lands owned by MāHUNT are also included. These areas have limited public access. For more information see www.mahunt.org.

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

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

D. Parks and Recreation Area

Purpose

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

Policies

1. Allow for only low-impact recreational uses of environmentally sensitive areas.
2. Create a system of connected open spaces and multi-use trails in this area and link them to surrounding jurisdictions.
3. Work with Dane County, Wisconsin DNR (WDNR), the U.S. Fish and Wildlife Service, The Nature Conservancy and others to provide high quality park and recreation areas.
4. In the event the Town purchases conservation easements in the No Annexation Buffer Area pursuant to the Preservation Program, the Town agrees that such easements shall not prohibit non-motorized, passive public recreational access and uses (“Passive Uses”). Passive Uses include hiking, bicycling, cross-country skiing, snowshoeing, and guided nature walks. Passive Uses do not include playground uses, or soccer, basketball, or football recreational purposes or uses for other organized team sports. During conservation easement negotiations with landowners in the No Annexation Buffer Area, the Town will make efforts to partner with the Village of McFarland, Dane County Parks Department and/or Wisconsin Department of Natural Resources to purchase all or part of the land for Passive Uses.
5. Maintain the existing access to the Town’s lakes for park and recreation opportunities.
6. Priorities for facilities and improvements in this land use area should be given to:
 - Minimal development to control maintenance and operation costs and preserve the natural value of the land
 - Trail-oriented activities
 - Make all reasonable accommodations possible for people with disabilities in accordance with the Americans with Disabilities Act

Parks and Recreation Area

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

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

E. Agricultural Transition Area

Purpose

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

Policies

1. Implement the McFarland/Dunn Inter-municipal Cooperation Agreement.
2. The McFarland/Dunn Inter-municipal Cooperation Agreement is currently under litigation. If the agreement fails this area will be governed by the Agricultural Preservation Area standards.
3. This area should be used primarily for agriculture until it is annexed. Prior to annexation, new development should be limited to the guidelines applicable to the Agricultural Preservation Area.

Agricultural Transition Area

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

F. Limited Service Area

Purpose

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

Policies

1. Possibly extend the Kegonsa Limited Service Area (LSA) to include the Quam Drive Area (land in section 25 shown as mixed use on the Future Land Use Map) if a neighborhood plan is approved by the Town Board.
2. Explore the feasibility of removing lands from the Waubesa 1 and Waubesa 2 Sanitary Districts that are not planned for development.
3. The LSA may be extended by the Dunn Town Board provided that the proposed area must be:
 - a. Adjacent to the Waubesa LSA boundary existing on January 4, 1999 (see Waubesa Limited Service Area Boundaries Map).or
Adjacent to the Kegonsa LSA boundary existing on January 1, 1990 (see Kegonsa Limited Service Area Boundaries Map).
 - b. Within 300 feet of the LSA boundary stated above. The Town Board may extend the access to 500 feet upon documentation that special circumstances exist.
 - c. Less than 40,000 square feet. If a larger area is deemed necessary by the Town Board, the property must be deed restricted to prohibit future land division. (This restriction is necessary because the minimum lot size in the LSA is 20,000 square feet. The intent of adding land to the LSA is to provide sewer service not to grant additional lots.)
4. Lots can be divided in the LSA if:
 1. The minimum lot size is 20,000 square feet, and
 2. The entire lot is in the LSA, and
 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.

Limited Service Area

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

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

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

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

G. Unsewered Subdivision Area

Purpose

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

Policies

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

Unsewered Subdivision Area

This land use area includes existing residential areas that are located outside of the Limited Service Areas and are served by on-site waste disposal systems. Most of the remaining parcels in the existing unsewered subdivisions are undeveloped because of site-specific limitations, such as difficulty in providing an acceptable and safe means of providing sewage disposal. Any proposal to develop one of these existing vacant parcels must meet all of the requirements of the Land Use Plan and Future Land Use Map, including demonstrating suitability for an on-site wastewater treatment system that complies with the state plumbing code and the Dane County Sanitary Ordinance.

The zoning districts most appropriate for Residential land use are the RH-Rural Home districts and the R-1A Residential District. The RH-1 Rural Home district allows bed and breakfasts, which have been discussed during this planning process as a possibility for agri-tourism.

H. Mixed Use Area

Purpose

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

Mixed Use Area

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

Policies

Quam Drive

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

Town Hall

1. Preserve the historic Town Hall.
2. Maintain the shop buildings located at the Town Hall site to continue to provide service to Town residents.
3. Explore other uses for the Town Hall site.

Goodland Park Road and Berkan Street

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

2.3 Site Plan and Development Review

A site plan reviewed by the Plan Commission and approved by the Town Board may be required for all proposed development.

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

Site Plan Submittal Requirements

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

Review Criteria for Site Plans and New Development

- a. All land divisions that create a building site will require the approval of the Town regardless of the size of the parcels involved.
- b. Land cannot be added to a non-dividable lot in order to make it dividable.
- c. Where practical, non-agricultural development is to be located on the least productive portion of the farm parcel. Productivity will be measured by the soil classification of the Soil Survey of Dane County, Wisconsin.
- d. The Town will not approve building lots on soils identified in the Dane County Soil Survey as posing severe or very severe limitations on septic system absorption fields, unless the landowner provides proof of suitability for an on-site wastewater treatment system that complies with all provisions of applicable state administrative code and the Dane County Sanitary Ordinance.
- e. The maximum permitted lot size shall be two (2) acres in order to minimize conversion of farmland to non-agricultural use. A two-acre maximum land division size shall be enforced for splits separating a farm dwelling from land. Applicants may request an exception to this rule if additional acreage is needed to include farm residences and usable outbuildings (existing as of January 1, 2006).
- f. Each parcel must front on an accessible public road for at least 66 feet. A public road is considered accessible if driveway access is allowed. For example, if the State Department of Transportation will not allow a driveway access from Hwy 51, then road frontage on Hwy 51 can not be used to meet the 66 foot road frontage requirement.
- g. New or updated roads or utility transmission lines should be located and constructed in a manner that would minimize any impact on prime farmland and other natural resources.

- h. If at all possible, driveways shall not be permitted to cross productive agricultural lands and disrupt the agricultural use of the property. All driveways must permit safe access by fire trucks, ambulances and any other emergency vehicle. The Town Board and/or Plan Commission may require notification of the fire chief or other emergency service provider, as well as their approval of any driveway configuration.
- i. Discourage “flag lots” because long driveways are more difficult for fire and rescue vehicles to access, increase impervious surface, and homes placed significant distances from roadways fragment habitat. When possible, excessive lot depth in relation to lot width shall be avoided in new lots. A depth to width proportion from 1 to 1 (1:1) to 2 to 1 (2:1) shall be considered desirable ratios under normal conditions.
- j. Require, when possible, the clustering of any lots created on a given site.
- k. The Plan Commission may require a “full build-out” plan when lots or new homesites are proposed.
- l. The site plan should indicate a minimal level of tree clearing necessary for a building site. Good site planning will preserve the natural view, protect erodible slopes, preserve woodlands and protect wildlife habitat. It is desirable that development sites be landscaped with native vegetation to blend with the surrounding area.
- m. The proposed site cannot disturb any known historic or archeological site. Prior to approval of any site plan, the State Historical Society may be contacted to see if any historical or archeological site is known to occur on the site proposed for development, and if it is, the applicant will be required to relocate his/her plans for site development to a new location.
- n. The use of shared wells is encouraged. For all new residential development, each dwelling unit will be required to have its own well, or present the Town with a carefully considered and detailed shared-well agreement. If a shared well will be used, an agreement recorded at the Dane County Register of Deeds is required.
- o. All necessary measures will be taken to ensure that endangered and threatened species occurring on a proposed site will be protected.
- p. The Town may require deed restrictions, covenants and/or similar notations to be included on certified survey maps, plats or other documents recorded at the Dane County Register of Deeds.
- q. Driveways may be shared. Any driveway proposed for joint use will be required to have multi-party access easements and maintenance agreements that are reviewed and approved by the Town and recorded at the Dane County Register of Deeds.
- r. Section 2.6 Protect Scenic Views and Natural Character policies.
- s. Minimize earthmoving and disruption of existing topography and drainage patterns.
- t. Encourage a variety of stormwater management practices including rain gardens, bio-retention basins, preservation of local infiltratable soils, native vegetation, residential roof runoff directed to pervious yard areas, and other similar techniques to reduce water runoff and to maintain or increase groundwater recharge.
- u. Discourage filling or developing of the floodplains or area within 300 feet of them.

LAND USE

Compliance with Open Space Preservation Handbook

In addition to these standards, anyone proposing a re-zone, site plan or conditional use permit is required to complete the preliminary planning review checklist found in the Town of Dunn Open Space Preservation Handbook, and included in the Appendix to this Plan. Additionally, refer to the Open Space Preservation Handbook when development is proposed and adhere to the recommendations to protect the important features found within each Study Area. Staff should review the checklist mentioned and update the checklist as necessary. The Town should work on a ranking system to determine what is most important to protect.

2.4 Review Requirements for Rezoning Requests

- a. The Town will support rezoning of land only to the following zoning districts if all provisions of this Plan and the Future Land Use Map are addressed and satisfied:
 - Residential Districts R-1, R-1A, R-2, R-3 and R-3A
 - Rural Homes Districts
 - Agriculture (Exclusive) A-1, Agriculture A-2 and Agriculture Business A-B
 - Limited Commercial District LC-1
 - Conservancy District CO-1
 - Historic Overlay District HD
 - Commercial District C-1 and C-2 with deed restriction allowing only marinas; sales of new and used watercraft and related equipment; snowmobiles and all terrain vehicles and related equipment; and repairs and service of watercraft, snowmobiles and all terrain vehicles; incidental retail sales; and outdoor watercraft storage.
- b. The Town will not support the rezoning of land to any other zoning district with the special exception of the Mixed Use areas. In these areas the Town will allow rezonings to accommodate the uses identified for each area. The Town should also support changes to the Dane County Zoning Ordinance that allow for mixed-use areas.
- c. The Town requires that a minimal amount of farmland be rezoned when considering rezonings of agricultural land to nonagricultural uses. Areas to be considered for rezoning should be:
 1. Land which is inaccessible to the farm machinery needed to produce and harvest agricultural products.
 2. Land where development would not disturb or destroy any important natural features such as significant woodland areas, wetlands, steep slopes (15 percent or greater over 30 feet).
 3. Consistent with the adopted Future Land Use Map and related policies outlined in this Plan.
 4. Land with non prime agricultural soils or soils that are not well suited to agricultural production.
 5. Land located such that there would be no possible conflict with the surrounding agricultural uses.
 6. Land that would not cut up a field or place the house in the middle of a field.
- d. The Town will only support rezoning of land to C-1 or C-2 with the above stated deed restriction. In addition, the following criteria must be met:
 1. Marina is determined to be operating in the Town of Dunn prior to September 1, 1979.
 2. The zoning change does not create an undue impact on surrounding properties and is consistent with the physical character of the surrounding area.

Compliance with Open Space Preservation Handbook

In addition to these standards, compliance with the Open Space Preservation Handbook is required as per section 2.3 above.

2.5 Business Site Plan and Development Review

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

2.6 Protect Scenic Views and Natural Character

- a. Preserve viewsheds from within wetland areas and stream corridors which currently contain few signs of human development. Such areas include but are not limited to:
 - **Hook Lake Viewshed** in sections 28,29,32, and 33.
 - **Wetland Systems Viewshed** (adjacent to U.S. Fish and Wildlife Service and WDNR lands) in section 35.
 - **Waubesa Wetlands Viewshed** in section 7,17, and 18.
 - **Grass Lake Viewshed** in sections 30 and 31.
 - **Lower Mud Lake Viewshed** in sections 10 and 11.
- b. Discourage building on hilltops where development would dominate the landscape, which spreads light further distances and impacts viewsheds. When possible, the peak of the roof line should be lower than the highest contour of the land.
- c. Any new development will be located such that it does not disturb scenic views or impact the Town's rural character.
 1. Preserve scenic vistas by following the Town's communication tower ordinance and modifying it as needed to properly guide the location and design of communication facilities.
 2. The communication tower ordinance does not apply to wind generation facilities and state laws prohibit local governmental blockage of a wind project unless it poses a threat to area residents' health or safety. The Town should adopt a wind tower ordinance or follow Dane County's ordinance when it is adopted. An ordinance should address the maximum rated capacity, height limits, setbacks, allowable noise levels, and required compliance with various standards such as the Uniform Building Code, National Electric Code, and FAA regulations.
 3. Prohibit the use of billboards and other large signs that detract from the Town's rural character.

2.7 Environmental Protection and Conservation Guidelines

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

2.8 Intergovernmental Land Use Planning

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

2.9 Mineral Extraction

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

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

2.10 Involving the Town in Land Use Decisions

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

2.11 Variances and Exceptions

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

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

Variances will not be granted if the proposal would:

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