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## LAND USE PLAN

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

### 2.1 Land Use Goals and Objectives

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

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

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

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

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

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

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

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

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

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

**Please see Future Land Use Map**

## 2.2 Planning Districts and Policies

### ***Land Division Allocation Policy – Applicable to all land use categories on the Town of Dunn Future Land Use Map***

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 2.2(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 Section 2.3. Secondary farm residences may be subsequently divided from the Base Farm Tract with a Certified Survey Map, subject to paragraph 4 and paragraph 15 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 paragraph 15 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 2.2(3) 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 paragraph 4 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.
  - a. To promote the clustering of residential lots, preservation of farmland, and efficient use of land, the Town Board may grant a variance from this requirement for new lots located outside of the Limited Service Area. Variances will be considered only if the proposal meets all of the following criteria:
    - i. The property owner requesting a variance must demonstrate that a new parcel with a shared driveway will better meet the Review Criteria for New Development than locations affording 66 feet of road frontage.

- ii. There is an existing driveway which serves the parent parcel and this driveway can be shared with the new lot. Farm roads are not considered driveways. A permanent shared driveway easement agreement must be recorded and shown on a Certified Survey Map.
  - iii. The proposed lot is clustered with existing development and/or existing residential or commercial lots.
  - iv. The proposed lot is allowed under the Town's Land Division Allocation Policy and an additional land division does not occur where there otherwise would not be one granted without a road frontage variance. For example, if a property does not have 132 feet of road frontage, it cannot be subdivided since the Land Division Allocation Policy typically requires 66 feet of road frontage without a variance.
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.

## Land Use Categories from the Town of Dunn Future Land Use Map

### 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.
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 FP-35 Farmland Preservation District for parcels at least 35 acres in size and the FP-1 Farmland Preservation zoning district for parcels smaller than 35 acres. The Town generally does not support rezoning of land from FP-35 Farmland Preservation to any other zoning category. The RM Rural Mixed-Use and FP-B Farmland Preservation 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.

## B. Environmental and Cultural Resources Protection Area

### Purpose

- Preserve environmentally sensitive and culturally important areas, including woodlands, wetlands, floodplains, wet soils, steep slopes (20 percent or greater), wildlife corridors, woodlands, archaeological sites and other culturally significant areas. This land use area does not prevent existing uses, such as agriculture, from continuing. This district is an overlay district and the policies of the underlying Area also apply.

### Policies

1. Utilize the Town's PDR program to preserve environmental, archaeological, scenic and historic resources.
2. New development shall be allowed only along the edges of Environmental and Cultural Resources Protection Areas. These areas should not otherwise be altered. Variances from this policy will be considered only in the following situations:
  - a. Where the reasonable use of lots, existing as of December 2006, is made impractical by this restriction.
  - b. If the proposed development avoids the underlying reason for the Environmental and Cultural Resources Protection Area (ex. wetlands, wetland buffer, woodlot, stream, etc.) as determined by the Plan Commission, then the Plan Commission may consider allowing development in a portion of the Protection Area. In this situation, a detailed site plan must be submitted to the Plan Commission for approval.
3. Encourage the preservation of areas needed to support local wildlife.
4. Dane County Zoning prohibits all development on and within 25 feet of archaeological sites. The Town should consider adopting an Archaeological 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. The 100 foot buffer shall be measured from the Wisconsin Department of Natural Resources (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. Variances from this policy will be considered only in the following situations:
  - a. Variances of no greater than 25 feet will be considered in situations where the reasonable use of lots existing as of December 2006 existing lots is made impractical by this restriction.
6. Request rezoning of important wetlands and appropriate buffers in these areas for conservation and protection.

### 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 FP-35 Farmland Preservation and the NR-C Natural Resource Conservancy 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.



7. Minimize habitat fragmentation and ensure that a larger area is available for wildlife populations through the following actions:
  - Encourage building only along the “edges” of woodlots to limit habitat fragmentation.
  - Avoid building above wooded slopes. Building above wooded slopes can increase erosion and severely impact wooded areas.
  - Collaborate with regional partners to update the environmental corridor map if needed.
8. The Town shall support all other levels of government in acquiring natural features in this area, especially those within the identified environmental corridors, for public use and protection consistent with the objectives and policies of this Plan.
9. Follow the guidelines in Sections 2.3 (Site Plan and Development Review) and 2.4 (Review Requirements for Rezoning Requests) for additional standards.

### C. Private Conservation Agreement Overlay Area

#### **Purpose**

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

#### **Policies**

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

#### **Private Conservation Agreement Area**

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

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

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

## D. Parks and Recreation Area

### **Purpose**

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

### **Policies**

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

### **Parks and Recreation Area**

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

The FP-35 Farmland Preservation and the NR-C Natural Resource Conservancy 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 Overlay

### Purpose

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

### Policies

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

### Agricultural Transition Area

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

**F. Limited Service Area**

**Purpose**

- 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. Newly constructed Residential Dwelling Units, accessory structures, and relocated structures connecting to sewer service must be sited with at least 50% of the footprint of the structure located within the LSA. Structures existing as of December 2006 may be connected to sewer service if any part of the structure is in the LSA. Structures outside of the LSA cannot connect to sewer service. If a structure is within the LSA, it must connect to sewer service.

**Policies**

1. Should the Town of Dunn Town Board deem it in their interest, the Dunn Town Board may petition the Capital Area Regional Planning Commission (CARPC) in order to extend the Limited Service area. The Town Board will only consider extensions of the LSA to parcels that are designated as Mixed Use Area on the Town of Dunn Future Land Use Map.
2. For the Town Board to consider an extension of the LSA, a neighborhood plan must first be approved by the Town Board and the extension must meet the Capital Area Regional Planning Commission Service Area Policies. Approval of a neighborhood plan must be conditioned upon CARPC approval of LSA extension.
3. Lots can be divided in the LSA if:
  - a. The entire parent parcel is located within the LSA boundary (if only a portion of the parent parcel is within the LSA boundary, it cannot be divided), and
  - b. The parent parcel has a minimum lot size of 40,000 square feet
  - c. 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 Single Family Residential SFR-08 through Two-Family Residential TFR-08. The Limited Service Area is the most appropriate area for the Planned Unit Development (PUD) zoning district, which is allowed in limited circumstances.

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

- d. The minimum lot size of newly created lots is 20,000 square feet. The Plan Commission may in its sole discretion permit smaller size lots if the following criteria are met:
  - i. The minimum size of the parent parcel is 40,000 square feet, and
  - ii. Only one land division per 20,000 square feet of the parent parcel is allowed, and
  - iii. The size of the newly created lots will be compatible with the sizes of the already existing lots in the immediate area, and
  - iv. 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
  - v. The size of the newly created lots will not be detrimental to the public health or welfare or public policies as expressed in the provisions of Ordinance #12-3 Land Division Ordinance.
4. Except for the Quam Drive Area (land in section 25 shown as mixed use on the Future Land Use Map), minimize population density by prohibiting new zoning for multifamily residential dwellings, without respect to whether the form of ownership is condominium or otherwise. This provision shall be construed and applied so as: 1) not to alter the rights of location of community living arrangements; and 2) not to discriminate against low-income housing.
5. Rezoning to TFR-08 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 SFR-08 zoning. This allows for duplex zoning in some areas if the density is the same. For example, a 40,000 square foot lot that is located within the LSA could be rezoned to allow for a duplex since the density would be one (1) residence per 20,000 square feet. In areas outside of the LSA, a duplex would be allowed on a two (2) acre lot. The minimum lot size requirement for a duplex applies to all existing and newly created lots. The maximum lot size requirements under 2.2(15) of the Comprehensive Plan must be met for any newly created lot. Only one available land division is required when a land division results in a new parcel with duplex zoning outside of the LSA of the Town.
6. Follow the guidelines in Sections 2.3 (Site Plan and Development Review) and 2.4 (Review Requirements for Rezoning Requests) for additional standards.

## G. Unsewered Subdivision Area

### **Purpose**

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

### **Policies**

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

### **Unsewered Subdivision Area**

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

The zoning districts most appropriate for Residential land use are the RR Rural Residential districts and the SFR-1 Single-Family Residential District.

## H. Mixed Use Area

### **Purpose**

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

### **Mixed Use Area**

This land use area allows for a variety of community-oriented uses, including government, institutional, limited commercial and residential. The Quam Drive area in the Town of Dunn is designated as Mixed Use on the Future Land Use Map.

### **Policies**

#### Quam Drive

1. Create a detailed site plan for this area with substantial neighborhood input. The Town must approve this detailed site plan. Focus on creating safe access to the church, not increasing traffic on Quam Drive, mitigating negative effects of stormwater runoff from the site and adhering to dark night sky principles to limit light pollution. Site plan approval is contingent upon approval of extending the Sewer Service Area by the Town Board and Capital Area Regional Planning Commission. The Town will consider a variety of rezone requests for this district provided they meet the stated purpose and intent.
2. 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.
3. Design guidelines should be created and followed for this area.



## 2.3 Site Plan and Development Review

A site plan reviewed and approved by the Plan Commission shall be required for all proposed development that is not located in a platted subdivision for parcels greater than 2 acres in size without an established building envelope. In general, for lots over 2 acres, a site plan is not required if a new structure is built within 100 feet of the existing structure it is replacing. If a structure is proposed to be relocated outside of this 100 foot radius, the applicant must demonstrate that there is a compelling environmental or agricultural reason for siting the structure in the new location and that the new location better meets the Town's siting standards as listed in Section 2.3 of this plan. For example, if the existing home location is within an environmental corridor, within the 100 foot wetland buffer, located more than 200 feet from the road, and on a steep slope which is causing stormwater management problems, and a new site is proposed that moves the home outside of the environmental corridor, outside the 100 foot wetland buffer, closer to the road, or off of a steep slope, then a site outside of a 100 foot radius of the existing home may be considered. Some conditions for restoring the abandoned homesite to vegetative cover may be required. Notwithstanding the above, the Plan Commission has the authority to require a site plan for any new structure or replacement structure regardless of the size of the lot involved.

Postage stamp rezones must meet the requirements of this Section.

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 (12 percent or greater) shall be delineated.
- e. All proposed uses.
- f. The Plan Commission may require a "full build-out" plan when lots or new homesites are proposed.
- g. Other information requested by the Plan Commission.

### ***Review Criteria for Site Plans and New Development***

- a. All land divisions that create a building site will require a final Certified Survey Map, approved by the Town, regardless of the size of the parcels involved.
- b. Each 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.

In areas outside of the Limited Service Area, variances to this requirement may be considered according to the procedure detailed in Section 2.2 (18) above.

- c. Discourage “flag lots” because long driveways are more difficult for fire and rescue vehicles to access, increase impervious surface, and fragment habitat. When possible, excessive lot depth in relation to lot width shall be avoided in new lots. A depth to width proportion from 1 to 1 (1:1) to 2 to 1 (2:1) shall be considered desirable ratios under normal conditions.
- d. Require, when possible, the clustering of any newly created lots with existing lots. Existing lots include adjacent lots and lots that are located across the street from the proposed development. If multiple lots are created, require, when possible, these lots to be clustered with each other. Additionally, require, when possible, the clustering of any structures on a given site with existing structures on that lot or near existing structures or existing lots.
- e. For all new residential development, each dwelling unit will be required to have its own well, or required to present the Town with a carefully considered and detailed shared-well agreement. If a shared well will be used, an agreement recorded at the Dane County Register of Deeds is required.
- f. The Town may require deed restrictions, covenants and/or similar notations to be included on certified survey maps, plats or other documents recorded at the Dane County Register of Deeds.
- g. 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.
- h. 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.
- i. Where practical, non-agricultural development is to be located on non-prime farmland. Prime and non-prime farmland will be determined with GIS with data provided by the Soil Survey of Dane County, Wisconsin.
- j. Where practical, non-agricultural development is to be located on slopes that are less than 12 percent since developing on these lands creates additional considerations including a greater need for post-development erosion control, and issues with road construction, maintenance, and safety.
- k. New or updated roads, driveways, or utility transmission lines should be located and constructed in a manner that would minimize any impact on prime farmland and other natural resources. Long driveways are discouraged as they are more difficult for fire and rescue vehicles to access, increase impervious surface, and fragment habitat.
- l. If at all possible, driveways shall not be permitted to cross productive agricultural lands and disrupt the agricultural use of the property. All driveways must permit safe access by fire trucks, ambulances and any other emergency vehicle. The Town Highway Foreman and Town Planning

Director must approve all access permits and may require a site inspection and/or a Town easement for road work and snow plowing. The Town Board and/or Plan Commission may require notification of the fire chief or other emergency service provider, as well as their approval of any driveway configuration.

- m. 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.
- n. Section 2.6 Protect Scenic Views and Natural Character policies.
- o. Minimize earthmoving and disruption of existing topography and drainage patterns.
- p. 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.
- q. Lands that are unsuitable for development include, but are not limited to:
  - i. All areas mapped as Floodplain by the Federal Emergency Management Agency (FEMA), Wisconsin Department of Natural Resources, or Dane County Zoning and discourage filling or developing within 300 feet of Floodplains. When a proposed land division is located in an area where flooding or potential flooding may be a hazard, the Plan Commission may request technical assistance from any of these agencies in determining whether the land is suitable or unsuitable for the use proposed.
  - ii. All wetlands as defined in NR 103.02(5) of the Wisconsin Administrative Code, including a 100 foot buffer (around wetlands with an area of 2 acres or greater). Variances from this wetland buffer policy could be considered according to the variance policies listed in section 2.2(B)(5) of this Plan. The 100 foot buffer shall be measured from the DNR Wetland Inventory where a wetland delineation is not available. The Town may require a wetland delineation to determine this buffer at the discretion of the Plan Commission.
  - iii. All area within 75 feet of the ordinary high-water mark of navigable streams and lakes, as identified by Wisconsin Department of Natural Resources.
  - iv. All areas having slopes 20 percent or greater.
  - v. Areas that provide habitat for threatened, endangered, or special concern species in the opinion of a natural resource specialist.
  - vi. Burial sites and Indian mounds.
  - vii. Drainageways that contain running water during spring runoff, or during storm events plus a 25 foot buffer from the edge of the drainageway.
  - viii. 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.

- ix. Lands that are encumbered by a conservation easement which prohibits the land division or the type of development proposed.
- x. Areas of archeological, historical, or geological importance.
- xi. Lands within the Environmental and Cultural Resources Protection Area, as stated in the policies of 2.2(B) in the Comprehensive Plan.
- xii. 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.
- r. 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.
- s. The land divider shall provide all necessary maps, data, and information for determining suitability.

## 2.4 Review Requirements for Rezoning Requests

- a. The Town will support rezoning of land only to the following zoning districts if all provisions of this Plan, section 2.3 of this Plan, and the Future Land Use Map are addressed and satisfied:
  - Single Family Residential Districts SFR-08 and SFR-1
  - Two-Family Residential District TFR-08
  - Rural Residential Districts RR-1, RR-2, RR-4, RR-8, and RR-16
  - Farmland Preservation Districts FP-35 and FP-1
  - Rural Mixed-Use Districts RM-8 and RM-16
  - Farmland Preservation Business Districts FP-B
  - Limited Commercial District LC
  - Natural Resource Conservancy District NR-C
  - Historic Overlay District HD
  - General Commercial District GC according to the terms of paragraph d below.
  - Planned Unit Development PUD according the terms of paragraph e below.
- b. The Town will not support the rezoning of land to any other zoning district with the special exception of the Mixed Use areas. In these areas the Town will allow rezonings to accommodate the uses identified for each area. The Town should also support changes to the Dane County Zoning Ordinance that allow for mixed-use areas.
- c. Postage stamp rezones are allowed at the discretion of the Plan Commission. Postage stamp rezones must meet the siting standards listed in Section 2.3 and postage stamp rezones for LC are subject to the standards listed in Section 2.5. Postage stamp rezones are generally not allowed for residences.
- d. 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 (20 percent or greater).
  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.
- e. The Town will only support rezoning of land to GC if the following criteria are met:
  1. The parcel contains a marina determined to be operating in the Town of Dunn prior to September 1, 1979.

2. The zoning change does not create an undue impact on surrounding properties and is consistent with the physical character of the surrounding area.
  3. A deed restriction is created, allowing only marinas; sales of new and used watercraft and related equipment; snowmobiles and all terrain vehicles and related equipment; and repairs and service of watercraft, snowmobiles and all terrain vehicles; incidental retail sales; and outdoor watercraft storage.
- f. Planned Unit Development (PUD) is to be used only in limited circumstances for properties that have historically supported businesses and can support neighborhood-friendly, limited commercial uses. The PUD process gives the Town broad control over the specific uses, scale, design, and landscaping of the site. PUD may be appropriate for former business sites where a new business or commercial use would benefit the neighborhood. PUD may also be appropriate for former business sites where residential development is impossible or impractical.

The Town will support applications to the Planned Unit Development (PUD) district at its discretion and only if the following criteria are met:

1. The PUD is a redevelopment of a former or current business site existing on or after September 1, 1979.
2. There is neighborhood support of the PUD.
3. The scale of the proposed use, particularly the size of buildings, fits the character of the neighborhood
4. There is a community benefit, such as removal and/or replacement of dilapidated structures, or adaptive reuse of usable existing buildings,
5. There is a natural resources benefit, such as wetland or prairie restoration, or stormwater management improvement like rain gardens or ponds.
6. There is sufficient infrastructure to serve the new use, including but not limited to water, sewer, and roads. There is no public water provided in the Town and only certain areas are served by public sewer. Existing roads must be able to support the PUD.
7. Lighting for the proposed use must follow dark sky principles.
8. The design fits with the rural character of the Town.
9. The proposal must meet all applicable Town, County, State, and Federal regulations.

g. The Town strongly encourages that all properties that are less than 35 acres in size limit the number of livestock to one (1) animal unit for each full acre. Animal unit is defined in the Dane County Zoning Code. A deed restriction limiting the number of livestock to one (1) animal unit for each full acre shall be required for any requests to rezone to districts that allow for unlimited animal units.

## 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 Limited Commercial zoning district are only allowed on lots that are not within a subdivision or other grouping of houses. Any proposed LC 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 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 area and neighboring residences.
  13. The number of on-site employees shall not exceed six.
  14. At the discretion of the Plan Commission, properties can be deed restricted to clearly state that the business is not open to the public. (If such a deed restriction is placed on the property, meetings with clientele must be conducted off-site).
  15. Business signage is limited to one sign on a building and signs shall not be illuminated.

- c. The preceding standards will be reviewed and considered for GC zoning requests and other business proposals.



## 2.6 Protect Scenic Views and Natural Character

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

## 2.7 Environmental Protection and Conservation Guidelines

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

## 2.8 Intergovernmental Land Use Planning

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

## 2.9 Mineral Extraction

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

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

## 2.10 Involving the Town in Land Use Decisions

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

## 2.11 Variances and Exceptions

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

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

Variances will not be granted if the proposal would:

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

## 2.12 Requirements for Conditional Use Permit Requests

The Town will review conditional uses in each district to determine if all provisions of the Land Use Plan and the Future Land Use Map are addressed and met including, but not limited to consideration of the following factors:

- a. Consistency with the Town Comprehensive Plan
- b. Whether the use is complementary with adjoining properties.
- c. Compatibility with existing or permitted use on adjacent lands.
- d. Impacts of noise, dust, lights, odor, contamination, parking, traffic, and other changes related to the use on public safety and rural character of the Town
- e. The productivity of the lands involved.
- f. The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.
- g. The need for public services created by the proposed use.
- h. The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
- i. The effect of the proposed use on water or air pollution, soil erosion and rare or irreplaceable natural resources.

The Town has reviewed the conditional uses listed in the Dane County zoning ordinance in light of the goals, objectives, and policies found in this plan. The conditional uses listed below represent those that, based upon their nature and well-known or anticipated impacts, the Town believes could be reasonably consistent with this plan. All applications will be evaluated to determine compliance with the standards detailed in Dane County Ordinance 10.255(2)(h). A site plan per section 2.3 and/or 2.5 will be required.

### NR-C Natural Resource Conservation Zoning District

- Establishment and development of public parks, private parks, recreational areas, boat access sites, outdoor education areas, historic areas, wildlife refuges, game preserves, and private wildlife habitat areas
- Soil conservation, shoreland, wetland and ecological restoration practices not listed as a permitted use
- Construction and maintenance of roads, railroads, or utilities which cannot practically be located outside of the NR-C district

### RE Recreational Zoning District

- Campgrounds
- Caretaker's residence

### FP-1 Small-lot Farmland Preservation Zoning District

- Agricultural accessory use
  - Agricultural entertainment
  - Limited farm business
  - Farm related exhibitions, sales, or events not exceeding 10 days/year
  - Sale of agricultural and dairy products not produced on the premises
  - Incidental sale of non-alcoholic beverages and snacks
  - Sanitary facilities in an agricultural accessory building
- Transportation, communication, pipeline, electric transmission, utility, or drainage uses not required by law

FP-35 General Farmland Preservation Zoning District

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

- Agricultural accessory uses:
  - Agricultural entertainment, over 10 days/year
  - Farm related exhibitions, sales or events, over 10 days/year
  - Farm Residence, subject to 10.103(11)
  - Attached accessory dwelling units associated with a farm residence
  - Limited Farm Business, subject to 10.103(13)
  - Sale of agricultural and dairy products not produced on the premise
  - Incidental sale of non-alcoholic beverages and snacks
  - Secondary farm residence (*according to 2.2(3), a secondary farm residence is only permissible if it complies with the Town's land division allocation policy*).
- Transportation, communication, pipeline, electric transmission, utility, or drainage uses not required by law
- Non-metallic mineral extraction

FP-B Farmland Preservation – Business

- Agricultural accessory uses:
  - Agricultural entertainment, over 10 days/year
  - Farm related exhibitions, sales or events, over 10 days/year
  - Farm Residence, subject to 10.103(11)
  - Attached accessory dwelling units associated with a farm residence (*if the property is 2 acres or greater in size*)
  - Limited Farm Business, subject to 10.103(13)
  - Sale of agricultural and dairy products not produced on the premise
  - Incidental sale of non-alcoholic beverages and snacks
- Agricultural accessory uses:
  - Commercial animal boarding for farm animals, and not including domestic pets
- Transportation, communication, pipeline, electric transmission, utility, or drainage uses not required by law
- Non-metallic mineral extraction

AT-35 Agriculture Transition, 35 acres Zoning District

- Agricultural accessory uses:
  - Agricultural entertainment, over 10 days/year



- Attached accessory dwelling units associated with a farm residence
- Farm related exhibitions, sales or events, over 10 days/year
- Farm Residence, subject to 10.103(11)
- Limited Farm Business, subject to 10.103(13)
- Sale of agricultural and dairy products not produced on the premise and incidental sale of non-alcoholic beverages and snacks
- Transportation, communication, pipeline, electric transmission, utility, or drainage uses not required by law
- Non-metallic mineral extraction

RM-8 Rural Mixed-Use, 8-16 acres Zoning District

- Agricultural entertainment activities occurring 10 days/year or more
- Attached accessory dwelling units
- Farm related exhibitions, sales or events exceeding 5 days a year
- Governmental, institutional, religious, or nonprofit community uses
- Large animal boarding
- Limited family business
- Property maintenance sheds (600 sq. ft. or less)
- Sanitary facilities in agricultural accessory buildings
- Tourist or transient lodging
- Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not required by law

RM-16 Rural Mixed-Use, 16-35 acres Zoning District

- Agricultural entertainment activities occurring over 10 days/year
- Attached accessory dwelling units
- Farm related exhibitions, sales or events exceeding 5 days a year
- Governmental, institutional, religious, or nonprofit community uses
- Large animal boarding
- Limited family business
- Mineral extraction
- Sanitary facilities in agricultural accessory buildings
- Tourist or transient lodging
- Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not required by law

RR-1 Rural Residential, 1 to 2 acres Zoning District

- Limited family business
- Day Care Centers
- Governmental or religious uses
- Transient or Tourist Lodging
- Transportation, communication, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use

RR-2 Rural Residential, 2 to 4 acres Zoning District

- Animal use exceeding one animal unit per acre
- Limited family business
- Attached accessory dwelling units
- Day Care Centers
- Governmental, institutional, religious, or nonprofit community uses
- Transient or Tourist Lodging
- Transportation, communication, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use

RR-4 Rural Residential, 4 to 8 acres Zoning District

- Attached accessory dwelling units
- Animal use exceeding one animal unit per acre
- Limited family business
- Day Care Centers
- Governmental, institutional, religious, or nonprofit community uses
- Transient or Tourist Lodging
- Transportation, communication, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use

RR-8 Rural Residential, 8 to 16 acres Zoning District

- Attached accessory dwelling units
- Animal use exceeding one animal unit per acre
- Limited family business
- Day Care Centers
- Governmental, institutional, religious, or nonprofit community uses
- Property management sheds
- Transient or Tourist Lodging
- Transportation, communication, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use

RR-16 Rural Residential, 16 to 35 acres Zoning District

- Attached accessory dwelling units
- Animal use exceeding one animal unit per acre
- Limited family business
- Day Care Centers
- Governmental, institutional, religious, or nonprofit community uses
- Property management sheds
- Transient or Tourist Lodging
- Transportation, communication, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use

SFR-08 Single-Family Residential, small lots Zoning District

- Governmental uses
- Religious uses

- Transportation, utility, communications, pipeline, electric transmission, utility, or drainage uses

SFR-1 Single-Family Residential, 1 to 2 acres Zoning District

- Governmental uses
- Religious uses
- Transient or tourist lodging
- Transportation, utility, communications, pipeline, electric transmission, utility, or drainage uses

SFR-2 Single-Family Residential, 2 to 4 acres Zoning District

- Attached accessory dwelling units
- Day care centers
- Governmental uses
- Institutional uses
- Religious uses
- Nonprofit community uses
- Transient or tourist lodging
- Transportation, utility, communications, pipeline, electric transmission, utility, or drainage uses

TFR-08 Two-Family Residential Zoning District

- Governmental uses
- Religious uses
- Transportation, utility, communications, pipeline, electric transmission, utility, or drainage uses

MFR-08 Multi-Family Residential Zoning District

- Governmental uses
- Religious uses
- Transportation, utility, communications, pipeline, electric transmission, utility, or drainage uses

LC Limited Commercial Zoning District

- Contractor, landscaping or building trade operations
- Incidental parking for employees
- Indoor storage and repair
- Incidental indoor maintenance
- Utility services associated with a permitted use
- Undeveloped natural resource and open space areas
- Agricultural and agricultural accessory uses (livestock not permitted)
- Transportation, utility or communication use required by law

GC General Commercial Zoning District

- Contractor, landscaping or building trades operation
- Communication towers

- Transportation, communication, pipeline, electric transmission, utility, or drainage uses not required by law

HC Heavy Commercial Zoning District

- Communication towers
- Transportation, communication, pipeline, electric transmission, utility, or drainage uses not required by law

RI Rural Industry Zoning District

- Communication towers
- Mineral extraction operations
- Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not required by law

MI Manufacturing and Industrial Zoning District

- Communication towers
- Mineral extraction operations
- Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not required by law

UTR Utility, Transportation and Right-of-Way Zoning District

- Transportation, utility, communication or other similar uses, not required by law
- Storage structures, not to exceed 250 square feet

## Conditional Use Permit Conditions

The following conditions may be required for any Conditional Use Permit approval based on the intensity of the proposed use. Any, or all of these conditions may be considered by the Town. This list is not exhaustive and additional conditions may be placed on any Conditional Use Permit. Additionally, conditions for Conditional Use Permits within 500 feet of a neighboring residence may be applied to Conditional Use Permits that are more than 500 feet from a neighboring residence.

	Conditional Use Permit limited to Indoors		Conditional Use Permit Includes Outdoor Use	
	<i>Within 500 feet of a neighboring residence</i>	<i>More than 500 feet from a neighboring residence</i>	<i>Within 500 feet of a neighboring residence</i>	<i>More than 500 feet from a neighboring residence</i>
<b>Hours of Operation for non-agricultural entertainment CUPs</b>	7 am to 7 pm	6 am to 10 pm	Outdoor use limited to 8 am to 7 pm	6 am to 10 pm
<b>Hours of Operation for agricultural entertainment CUPs</b>	7 am to 9 pm, or dusk, whichever is later	6 am to 10 pm	Outdoor use limited to 7 am to 9 pm, or dusk, whichever is later	6 am to 10 pm
<b>Number of Employees</b>	Shall not exceed 3 full, or part time, employees	Shall not exceed 6 full, or part time, employees	Shall not exceed 3 full, or part time, employees	Shall not exceed 6 full, or part time, employees
<b>Outdoor lighting</b>	External lighting shall be restricted to safety lights at the entrance and exits of buildings. Lighting must be dark skies compliant and no light shall spill over neighboring property line.	Lighting must be dark skies compliant and no light shall spill over neighboring property line.	External lighting shall be restricted to safety lights at the entrance and exits of buildings. Lighting must be dark skies compliant and no light shall spill over neighboring property line.	Lighting must be dark skies compliant and no light shall spill over neighboring property line.
<b>Noise</b>	Limited to 60 dBA measured at the property line. For a period of a total of 10 minutes per day, decibel levels may reach 100 dBA between 9 am to 5 pm. Outdoor loudspeakers or radios are prohibited.	Limited to 60 dBA measured at the property line. For a period of a total of 10 minutes per day, decibel levels may reach 100 dBA between 9 am to 5 pm. Outdoor loudspeakers are prohibited.	Between 7 pm and 7 am, limited to 40 dBA measured at the property line. Between 7 am and 7 pm, limited to 60 dBA measured at the property line. For a period of a total of 10 minutes per day, decibel levels may reach 100 dBA between 9 am to 5 pm.	Between 7 pm and 7 am, limited to 40 dBA measured at the property line. Between 7 am and 7 pm, limited to 60 dBA measured at the property line. For a period of a total of 10 minutes per day, decibel levels may reach 100 dBA between 9 am to 5 pm.

			Outdoor loudspeakers or radios are prohibited.	Outdoor loudspeakers are prohibited.
<b>Trash removal</b>	Applicant shall be responsible for contracting with a trash and recycling removal company if trash and recycling exceeds what is allowed for collection that is provided by the Town of Dunn.	Applicant shall be responsible for contracting with a trash and recycling removal company if trash and recycling exceeds what is allowed for collection that is provided by the Town of Dunn.	Applicant shall be responsible for contracting with a trash and recycling removal company if trash and recycling exceeds what is allowed for collection that is provided by the Town of Dunn.	Applicant shall be responsible for contracting with a trash and recycling removal company if trash and recycling exceeds what is allowed for collection that is provided by the Town of Dunn.
<b>Parking</b>	No parking or storage of vehicles is permitted within the street right-of-way.	No parking or storage of vehicles is permitted within the street right-of-way.	No parking or storage of vehicles is permitted within the street right-of-way.	No parking or storage of vehicles is permitted within the street right-of-way.
<b>Number of events</b>	Number of events may be restricted based on anticipated traffic, noise, intensity of events, impact on neighboring properties, and impact on municipal infrastructure and services.	Number of events may be restricted based on anticipated traffic, noise, intensity of events, impact on neighboring properties, and impact on municipal infrastructure and services.	Number of events may be restricted based on anticipated traffic, noise, intensity of events, impact on neighboring properties, and impact on municipal infrastructure and services.	Number of events may be restricted based on anticipated traffic, noise, intensity of events, impact on neighboring properties, and impact on municipal infrastructure and services.
<b>Signs</b>	Limited to one sign on a building and signs shall not be illuminated	Limited to one sign on a building and signs shall not be illuminated	Limited to one sign on a building and signs shall not be illuminated	Limited to one sign on a building and signs shall not be illuminated
<b>Visual Screening</b>	N/A	N/A	Visual landscaping barriers to block views between the use and the neighboring residence may be required.	Visual landscaping barriers to block views between the use and the neighboring residence may be required.
<b>Stormwater management</b>	All stormwater resulting from the Conditional Use Permit must be managed on site. Rain gardens may be required.	All stormwater resulting from the Conditional Use Permit must be managed on site. Rain gardens may be required.	All stormwater resulting from the Conditional Use Permit must be managed on site. Rain gardens may be required.	All stormwater resulting from the Conditional Use Permit must be managed on site. Rain gardens may be required.
<b>Business activities</b>	Materials and inventory must be stored indoors. Business-related activities must be conducted indoors,	Materials and inventory may be stored outdoors, if not visible from the road or neighboring property lines.	Materials and inventory must be stored indoors. Business-related activities must be conducted indoors,	Materials and inventory may be stored outdoors, if not visible from the road or neighboring property lines.

**LAND USE**

	with the exception of one outdoor play area for day cares		with the exception of one outdoor play area for day cares	
<b>Dust</b>	Gravel or dirt roads must be wetted prior to vehicles traveling over the road. Gravel and dirt will be required to be removed from public roads.	Gravel or dirt roads must be wetted prior to vehicles traveling over the road. Gravel and dirt will be required to be removed from public roads.	Gravel or dirt roads must be wetted prior to vehicles traveling over the road. Gravel and dirt will be required to be removed from public roads.	Gravel or dirt roads must be wetted prior to vehicles traveling over the road. Gravel and dirt will be required to be removed from public roads.
<b>Odors</b>	Odor abatement measures may be required as a condition of the Conditional Use Permit. Such measures may restrict the time, day, or season of the odor producing use. The odor producing use may be restricted to specific locations on the property.	Odor abatement measures may be required as a condition of the Conditional Use Permit. Such measures may restrict the time, day, or season of the odor producing use. The odor producing use may be restricted to specific locations on the property.	Odor abatement measures may be required as a condition of the Conditional Use Permit. Such measures may restrict the time, day, or season of the odor producing use. The odor producing use may be restricted to specific locations on the property.	Odor abatement measures may be required as a condition of the Conditional Use Permit. Such measures may restrict the time, day, or season of the odor producing use. The odor producing use may be restricted to specific locations on the property.

## 2.13 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. 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.
13. LOT. A parcel of land defined by a Certified Survey Map or Plat.



14. 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.
15. PARENT PARCEL. The original parcel which the land divider seeks to divide.
16. PLAN COMMISSION. The Dunn Plan Commission
17. PLANNING DIRECTOR. The Planning Department Director for the Town of Dunn
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.