

**TOWN OF DUNN  
DANE COUNTY, WISCONSIN  
ORDINANCE 13-3  
REGULATING DEVELOPMENT SITING**

An Ordinance creating Section 13-3 of the Town of Dunn Building Code of Ordinances relating to Town development siting criteria.

**Section 1: Title and Purpose**

Whereas, under s. 101.65, Wis. Stats., the Town Board of the Town of Dunn hereby elects to enact the Town Development Siting Criteria Ordinance. The purpose of this Ordinance is to encourage planned and orderly land use development; to encourage the protection of groundwater resources; to preserve wetlands; to conserve soil, water and forest resources; to protect the beauty and amenities of landscape and man-made developments; to provide healthy and safe surroundings for family life; and to promote the efficient and economical use of public funds.

**Section 2: Authority**

Whereas, under Chapter 60 and s. 101.65 of Wisconsin Statutes, the Town of Dunn Town Board has to authority to exercise jurisdiction over the construction of new dwellings.

**Section 3: 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. *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.
3. *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.
4. *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.
5. *Limited Service Area*: Areas designated on the Town of Dunn Future Land Use Map in the Town of Dunn Comprehensive Land Use Plan as "Limited Service Area".
6. *Lot*: A parcel of land defined by a Certified Survey Map or Plat.
7. *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.
8. *Plan Commission*: The Dunn Plan Commission.
9. *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.
10. *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.

11. *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.
12. *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.
13. *Town*: The Town of Dunn situated in Dane County, Wisconsin.

#### **Section 4: Circumstances Requiring a Site Plan for Residential, Accessory, and Commercial Buildings**

1. Unless subject to subsection (2), a site plan is required to be reviewed and approved by the Town Plan Commission for all proposed development of parcels greater than 2.3 acres in size which are not located in a platted subdivision and to which no building envelope has been previously established.
2. A site plan is not required if a new structure is built within 100 feet of the existing structure it is replacing.
  - a. If a structure is proposed to be relocated outside of the 100-foot radius, the applicant must demonstrate that the new proposed location better meets the Town's siting standards and that there is a compelling environmental or agricultural reason for siting the structure outside of the 100-foot radius. If approved, a condition for restoring the abandoned homesite to vegetative cover may be required.
3. A site plan is required to be reviewed and approved by the Town Plan Commission for all proposed business or commercial developments within the Town, regardless of acreage size.
4. Notwithstanding subsection (1), the Town Plan Commission has the authority to require a site plan for any new structure or replacement structure regardless of the size or zoning of the lot involved.
5. The applicant shall provide all necessary maps, data, and information for determining suitability.

#### **Section 5: Site Plan Submittal Requirements**

All the following criteria must be shown on Site Plan Applications:

1. All existing property boundaries, lot lines and easements.
2. All existing uses, structures, roads and driveways.
3. Areas of differing soil productivity.
4. All-natural features (woodlands, wetlands, floodplains and steep slopes (12 percent or greater)).
5. All proposed uses.
6. All other information requested by the Plan Commission.
7. If applicable, the Plan Commission may require a "full build-out" plan when lots or new homesites are proposed.

#### **Section 6: Additional Site Plan Submittal Requirements for Commercial Buildings**

Uses 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 as the Town of Dunn does not intend to provide these services.

For any business or commercial developments within the Town, a site plan is required to be submitted to the Town Plan Commission for review and approval, regardless of acreage size. The site plan for any proposed business or commercial development must depict all the following conditions and standards:

1. *Parking*: No parking or storage of vehicles is permitted within the street right-of-way. Off-street parking areas shall be depicted.
2. *Landscaping*: Visual landscaping barriers are required to block views between commercial development and neighboring residences and shall be portrayed.
3. *Lighting*: External lighting is restricted to safety lights at the entrance and exists of buildings. All outdoor lighting shall be designed to not create glare or shine directly on neighboring residences.
  - a. *Stormwater Management*: All development shall be maintained so that it shall not interfere with the drainage of public highways, side ditches, or roadside areas or with any existing structure in the road right-of-way. It is the property owner's responsibility to restore the road right-of-way area. All stormwater gutters and/or downspouts must terminate more than five (5) feet from the lot line and must be directed towards rain gardens within the limits of the owner's property, roadside ditches, swales, or waterways. Downspouts may not be directed toward structures or improvements on neighboring properties. Water generated from roofs or other impervious surfaces must be discharged more than five (5) feet from the lot line and directed to rain gardens within the limits of the owner's property, roadside ditches, swales, or waterways.
    - i. If the applicant proposes an addition of more than 500 square feet of impervious surface, a professionally engineered stormwater management plan must be submitted to the Town. This plan must demonstrate that stormwater runoff generated from the development during a 24-hour, 25-year flood event shall be no greater than what existed prior to the proposed development.
4. *Erosion Control*: Businesses shall satisfy the requirements of the Dane County Construction Site Erosion Control Ordinance, Chapter 14, Sec. 14.50-14.99.
5. *Existing and Proposed Buildings*: All existing and proposed buildings shall be shown.
6. *Waste Disposal*: A plan for storage and/or disposal of solid waste and hazardous materials used in the operation must be submitted.
7. *Fencing*: Any existing and/or proposed screening or fencing must be indicated.
8. *Road Access and Traffic Levels*: The name and width of the road(s) serving the business must be shown. Any required special access improvements must also be shown. The projected traffic levels and types of vehicles proposed to service or use the development shall also be described.
9. *Hours of Operation*: The hours of operation shall be clearly stated.
10. *Signage and Loudspeakers*: Business signage is limited to one unilluminated sign on a building and outside loudspeakers are prohibited.

## **Section 7: Lands Unsuitable for Development**

Lands that are unsuitable for development include, but are not limited to:

1. *Floodplains*: Areas mapped as Floodplain by the Federal Emergency Management Agency (FEMA), Wisconsin Department of Natural Resources, or Dane County Zoning. When a proposed development is located in an area where flooding or potential flooding may be a hazard, the Plan Commission may request technical assistance from any of these agencies in determining whether the land is suitable or unsuitable for the use proposed.
2. *Wetlands*: All wetlands as defined in NR 103.02(5) of the Wisconsin Administrative Code, including a 100-foot buffer (around wetlands with an area of 2 acres or greater). The 100-foot

buffer shall be measured from the DNR Wetland Inventory where a wetland delineation is not available. The Town may require a wetland delineation to determine this buffer at the discretion of the Plan Commission. A variance from the 100-foot wetland buffer may be considered by the Town Board.

3. *Ordinary High-Water Mark*: All areas within 75 feet of the ordinary high-water mark of navigable streams and lakes, as identified by Wisconsin Department of Natural Resources.
4. *Slopes*: All areas having slopes 20 percent or greater.
5. *Exceptional Habitat*: Areas that provide habitat for threatened, endangered, or special concern species in the opinion of a natural resource specialist.
6. *Environmental Resources*: Environmental and Cultural Resources Protection Area, as stated in the policies of 2.2(B) of the Town's Comprehensive Plan, are unsuitable for development unless a variance is granted to the applicant from the Town Board.
7. *Historical Resources*: All areas historical or geological importance are unsuitable for development unless a variance has been granted to the applicant by the Town Board. Additionally, all burial sites, Indian mounds, and archaeological sites are protected under s. 157.70, Wis. Stats, and are unsuitable for development and no variance will be granted.
8. *Limited Soils*: For unsewered development that requires sanitary service, all soil types that have very severe limitations are unsuitable for development unless the landowner provides proof of suitability for an onsite wastewater treatment systems that is in conformance with the applicable state administrative code and the Dane County Private Sewage System Ordinance. Soil types with severe limitations are shown on the operational soil survey maps prepared by the U.S. Department of Agriculture and Natural Resource Conservation Service.
9. *Conservation Easements*: Lands that are held by a conservation easement which prohibits the type of development proposed.
10. *Limited Service Area (LSA)*: If a structure is within the Limited Service Area, it must connect to sewer service. 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.
11. *Deed Restrictions or Covenants*: 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.

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 applicant an opportunity to present evidence regarding such unsuitability if the applicant so desires. Thereafter, the Plan Commission may affirm, modify or withdraw its determination of unsuitability.

### **Section 8: Severability**

If any section or part of this Ordinance is adjudged to be unconstitutional, unlawful, or invalid, by a course of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

### **Section 9: Effective Date**

This Ordinance shall take effect the day after passage and posting or publication pursuant to law. The above and foregoing Ordinance was adopted by the Town Board of the Town of Dunn at its meeting held on September 10, 2019.

TOWN OF DUNN

By: 

Edmond P. Minihan, Town Chair

Attest: 

Cathy Hasslinger, Town Clerk Treasurer

Approved:

Posted: