

Town of Dunn
Dunn County, Wisconsin

ORD. 2008-01

Subdivision Ordinance

This ordinance shall take effect after its passage and posting as provided by law.

Adopted this _____ day of _____, 2007 by the Town Board of the Town of
Dunn, Dunn County, Wisconsin.

Filed this _____ day of _____, 2007.

x, Chairman

x, Supervisor

x, Supervisor

x, Clerk

CHAPTER 1: GENERAL PROVISIONS

- 1.1 TITLE. These regulations shall be officially known, cited, and referred to as the Subdivision Ordinance of the Town of Dunn, Dunn County Wisconsin. (Herein after "ordinance").
- 1.2 PURPOSE. This ordinance is adopted for the following purposes:
- a. Guide preservation of significant archeological sites, historic building sites and their settings.
 - b. Guide detailed analysis of subdivisions so as to locate and coordinate areas appropriate for development.
 - c. Encourage buffering between residential and non-residential uses.
 - d. Guide the protection and restoration of environmentally sensitive areas and environmental corridors.
 - e. Guide preservation of significant farmland by concentrating housing on lands having low agricultural potential.
 - f. Guide growth and development consistent with the Town's comprehensive plan.
 - g. Encourage a diversity of lot sizes and building densities to accommodate a variety of age and income groups.
 - h. Guide and enhance recreation opportunities.
 - i. Guide the orderly and efficient layout of streets.
 - j. To meet the demand for housing in a rural setting.
 - k. To facilitate the permanent preservation of open space and natural resources.
 - l. To encourage commonly- owned open space areas for passive recreation and /or active recreational use by residents of the development and, where specified, the larger community.
- 1.3 STATUTORY AUTHORIZATION. This ordinance is adopted pursuant to the authority contained in section 236.45 of the Wisconsin Statutes.
- 1.4 JURISDICTION; EXCEPTIONS THERETO. Jurisdiction of these regulations shall include all lands within the corporate limits of the Town of Dunn, Dunn County, Wisconsin. The ordinance does not apply to:
- a. Transfers of interests in land by will or pursuant to court order
 - b. Cemetery plats under section 157.07 of the Wisconsin Statutes.
 - c. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by other applicable laws or ordinances.
 - d. Assessors' plats made under section 70.27 of the Wisconsin Statutes, but such assessors' plats shall comply with sections 236.15 (1)(a)-(g) and 236.20 (1), (2)(a)-(e), of the Wisconsin Statutes, unless waived under section 236.20 (2) (L).
- 1.5 APPLICABILITY AND COMPLIANCE. The standards of this ordinance shall apply to all divisions of any parent parcels in the Town, subject only the exceptions listed in Section 1.4. Each lot which is created by a land division shall comply in all respects with the minimum dimensional and use restrictions

imposed under the zoning code or codes applicable thereto. In addition, each land division shall comply with all requirements of this ordinance together with the following:

- a. The provision of Wis. Stats. Ch 236 and §82.18, Wis. Stats..
- b. The rules of the Division of Transportation Infrastructure Development, Wisconsin Department of Transportation, contained in Chapter TRANS 233 of the Wisconsin Administrative Code for subdivisions that abut a State Trunk Highway or connecting street.
- c. The rules of the Wisconsin Department of Natural Resources contained in Chapter 118 of the Wisconsin Administrative Code, for shoreland, shoreland-wetland, and floodplain management.
- d. The comprehensive plan adopted by the Township of Dunn.
- e. All applicable Town and county regulations, including zoning, sanitary, building and official mapping ordinances.
All applicable rules contained in the Wisconsin Administrative Code.
- f. This ordinance shall apply to divisions of land for residential development, which type of land use is permitted in the following enumerated zoning districts under Dunn County Zoning Code: R2, A1, A2, A3 and RH. In addition, it shall apply to divisions of land in the Town for purposes other than residential development, subject to the compliance thereof with applicable zoning regulations.

1.6 SPECIAL EXCEPTIONS. Special exceptions may be granted as follows subject to the specific conditions under i and ii:

- a. One of the lots created shall contain a pre-existing dwelling.
- b. One of the lots created is to remain under ownership of the sub divider.
 - i. If the sub divider requests a special exception, the sub divider is required to comply with platting and submittal requirements of Chapter 236 of the Wisconsin Statutes and is required to have the Town Board's approval.
 - ii) At least ten (10) days prior to the meeting of the Plan Commission meeting, at which action is desired, the sub divider shall file ten (10) copies of the CSM or plat along with any other special exception materials with the Town Clerk.

1.8 ABROGATION AND GREATER RESTRICTIONS.

- a. **PUBLIC PROVISIONS.** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided for expressly in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.
- b. **PRIVATE PROVISIONS.** These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement impose duties and obligations

more restrictive than these regulations, and the private provisions are not inconsistent with these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations.

- c. INTERPRETATION. In their interpretation and application, the provisions of these regulations shall be held to the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly in favor of the Township to promote the purposes for which they are adopted.
- d. SEVERABILITY. If any sentence, paragraph, subsection or section of this ordinance is declared to be invalid by a court of competent jurisdiction, said declaration shall not be deemed to apply to nor affect any other provision of this ordinance.

1.9 DISCLAIMER.

- a. MULTIPLE JURISDICTION APPROVALS The regulations adopted by the Town in this ordinance are in addition to the subdivision control regulations adopted and enforced by other approval authorities. As such, Town approval of a given land division under the terms of this ordinance shall remain subject to the sub divider obtaining all other required subdivision approvals.
- b. REPRESENTATIONS NON BINDING. No statements or representations made by any individual officer or employee of the Town shall be binding upon the Town, its Plan Commission, or Town Board in the interpretation and application of the terms and conditions of this ordinance. Nor, where action is required to be taken by either body under this ordinance may any other person bind the Town in any manner whatsoever.
- c. COMPLIANCE ASSURANCE. The approval of land for division under the terms of this ordinance shall not be interpreted by the owner or his or her agent as meaning that the land in question is physically appropriate for the intended purpose of the land division, nor that it is in compliance with any other rules, regulations, ordinances or laws. The Town assumes no responsibility of ensuring the suitability of land divided under this ordinance for any purpose whatsoever.

CHAPTER 2: ENFORCEMENT, VIOLATIONS, and PENALTIES.

- 2.1 VIOLATION: It shall be a violation of this ordinance to divide, record a description of, convey or monument any land for which Town approval is required under this ordinance or state law and the Town Clerk shall refuse to issue any building permits authorizing the construction of any improvements relative to a lot or lots contained in any land division created after the effective date of this ordinance without evidence of full compliance herewith. The prohibition shall not apply, however to lots of record prior to the effective date of this ordinance. The Town may institute actions to enjoin violations of this ordinance or state law in the division of any land in the Town.
- 2.2 PENALTIES: Penalties for violation of this ordinance shall include but not be limited to the following:
 - a. A forfeiture of not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1,000) for each offense together with the costs of prosecution. Each day that a violation continues shall constitute a separate

offense. In lieu of payment of forfeitures and costs assessed by a court of competent jurisdiction, each offender shall be confined to the county Jail for a period not to exceed six (6) months.

- b. Such forfeiture for improper recording as is imposed under section 236.30 of the Wisconsin Statutes.
- c. Penalties and remedies available to the Town for transfer of lots in an unrecorded subdivision under section 236.31 of the Wisconsin Statutes.
- d. For failure of a subdivider to create a division of land in accord with the requirements of the ordinance and state law, the Town may order the creation of an Assessors Plan under section 70.27 of the Wisconsin Statutes and assess the cost thereof to the subdivider

2.3 APPEALS. Any person aggrieved by an objection to a Certified Survey Map (CSM) or plat or a failure to approve a CSM or plat under this ordinance may appeal, as provided in sections 236.13(5) and 62.23(7)(e) 10, 14, and 15, of the Wisconsin Statutes, within thirty (30) days of the notification of the rejection of the CSM or plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the CSM or plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable, or discriminatory.

2.4 VARIANCES. If in the judgment of the Town Board, due to unnecessary hardship pertaining to a tract of real estate sought to be subdivided, it would be inequitable to apply the literal terms of this ordinance to a particular subdivision, the Board reserves the right to vary the terms of the ordinance. Each variance granted shall be the minimum required under the circumstances on a case-by-case basis and shall be in keeping with the spirit and intent of this ordinance. No variance may be granted for a condition which is self-created.

2.5 CONDITIONS FOR GRANTING VARIANCES. The Board may grant a variance subject to the following conditions:

- a. That because of the particular physical surroundings, shape, or topographical conditions of the specific parcel of land involved an unnecessary hardship to the owner would result as distinguished from a mere inconvenience if the strict letter of the regulation were carried out;
- b. That there are exceptional or extraordinary circumstances or conditions applying to the land which do not apply generally to land in the same zoning classification;
- c. That the purpose of the variance is not based exclusively upon a desire to increase the value or the income potential of the parcel of land;
- d. That granting of the variance is necessary for the preservation and employment of substantial property rights of the owner and the alleged hardship has not been created by any person having an interest in the parcel of land;
- e. That granting of such variance will not, under the circumstances of a particular case, adversely affect the health and safety of persons residing or working in a neighborhood of the property and will not, under the circumstances of this particular case, be materially detrimental to the public welfare or injurious to the property or improvements in such neighborhood.

- f. The following procedures shall be applicable in making a variance request to the Board:
 - i. A person appealing to the Board shall make written application providing such information as is necessary to the Town Clerk and make a payment of a fee. The fee will be set from time to time by resolution of the Town Board.
 - ii. The Board shall hold a public hearing on the appeal. Notice of the hearing shall be published in the official newspaper as a Class 2 notice with the last publication at least seven (7) days before the hearing. Due notice shall also be sent to the parties in interest.
 - iii. The Board shall, within fourteen (14) days after the hearing, make a decision on the variance.
 - iv. In granting a variance under the provisions of this section the Board shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions to which the variance is granted as to the public health, safety, comfort, convenience, and general welfare.

2.7 FEES.

- a. **Application Review Fee.** All minor and major subdivision applications shall be accompanied by an application review fee established by the Town Board as set forth in the Town of Dunn Fee Schedule.
- b. **Additional Costs.** The sub divider shall be responsible for reimbursing the Township for any additional cost incurred by the Town in reviewing minor and major subdivisions such as but not limited to; engineering, inspection, legal and administrative costs.

2.8 **DEFINITIONS.** The following definitions shall be applied to terms contained within each chapter of the Town of Dunn Subdivision Code, except where the context clearly indicates otherwise

- a. **Buffer:** An area of open space maintained between distinct land uses which shall not be devoted to or used for agricultural purposes, nor shall it contain houses or any other type of structures.
- b. **Certified Survey Map(CSM).** A map prepared in accordance with Wisconsin Stats §236.34 and in full compliance with other applicable provisions of this ordinance. A certified survey map has the same legal force and effect as a plat
- c. **Open Space or Green Space.** Undeveloped land within a subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by the residents of the development. Open space or green space is created by easement or by outlot. Open space shall be free of structures, but may contain historic structures and archaeological sites, and/or such recreational facilities for residents as indicated on the approved development plan. In major subdivisions open space shall be maintained in accord with the ownership requirements under Chapter 8 of this ordinance. In minor subdivisions open space can be included in individual residential lots.
- d. **Condominium.** A community association combining individual unit ownership with shared use or ownership of common property or facilities, established in accordance with the requirements of the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes. A condominium is a

legal form of ownership of real estate and not a specific building style or type.

- e. **Conservation Easement.** The grant of a property right or interest from the property to a unit of government or nonprofit conservation organization or community association stipulating that the described land shall remain in its natural, scenic, open or wooded state, precluding future or additional development.
- f. **Gross Acreage.** The total area of a parcel excluding the area of all street rights-of-ways.
- g. **Homeowners Association.** A community association, incorporated or not incorporated, combining individual home ownership with the shared use or ownership of common property or facilities.
- h. **Non-Profit Conservation Organization.** Any charitable corporation, charitable association or charitable trust (such as a land trust), the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property.
- i. **Minor Subdivision:** An act of division which creates less than five (5) parcels or building sites within a period of five (5) years. Lot size shall be determined by current zoning law.
- j. **Major Subdivision:** An act of division which creates five (5) or more parcels or building sites, within a period of five (5) years. The lot size shall be determined by current zoning law.
- k. **Parcel:** A legally-described division of land which is recorded, or is susceptible to recording, with the County Register of Deeds. For purposes of this ordinance, "Lot", "Parcel", and "Tract" are synonymous.
- l. **Open Space:** A parcel devoid of any man-made structures.
- m. **Parent Parcel.** This ordinance shall apply to the act of division of a lot, parcel, or tract existing on or after the effective date of this ordinance by the owner thereof, or his or her agent for the purpose of transfer of ownership or development where the act of division creates one or more new lots, parcels or tracts of less than a rectangular half of a government protracted quarter-quarter section (20 acres) or a government lot.
- n. **Drainage Way:** An artificial or natural channel whose purpose is to drain surface water from adjoining land into a detention or retention pond or into a natural water course or Town, County, or State drainage system in a highway right-of-way.
- o. **Road:** A public highway, including both the traveled portion as well as all other land within its right-of-way and all bridges upon the same.
- p. **Significant Natural Resources:** Geological or geocritical land features of historical or scientific importance, as well as outstanding plant or animal communities identified as being threatened or endangered.
- q. **Ordinance:** This term means the Town of Dunn Subdivision Ordinance.
- r. **Dwelling:** A structure designed or used exclusively for residential occupancy, including one-family, two-family, and multiple-family dwelling units but not including hotels, motels, boarding or lodging houses.
- s. **Lot:** A parcel of land created by a subdivision of a larger lot, parcel, or tract of land, proposed for use or intended to be occupied by a principal structure or other use consistent with applicable zoning regulations.

- t. **Base Development Yield:** The maximum number of lots which may be created by a subdivision of land for sale or building purposes in accord with existing zoning regulations.
- u. **Preliminary Map:** The initial rendering of a parcel of real estate proposed to be subdivided by means of a Certified Survey Map. For purposes of this ordinance, preliminary map is not considered to be a Certified Survey Map.
- v. **Sub divider.** Any person, corporation, partnership, association, individual, firm, trust or agent dividing or proposing to divide land in a manner which results in creation of a subdivision.

CHAPTER 3: REQUIREMENTS FOR DESIGN IMPROVEMENTS

- 3.1 LAND SUITABILITY. No land shall be subdivided for development if identified as being environmentally sensitive. Areas within proposed subdivisions determined to be environmentally sensitive may be included as common open space. The Plan Commission shall have the ability to specify which areas may be preserved. These lands shall be identified as out lots or other designation that indicates the land is not available for development. Areas identified as being environmentally sensitive include, but are not limited to:
- a. All areas mapped as floodplain by the Federal Emergency Management Agency (FEMA), Wisconsin Department of Natural Resources, Town of Dunn, or any other public or private entity.
 - b. All wetlands as defined in NR 103.02(5) of the Wisconsin Administrative Code or the Town of Dunn, including a seventy-five (75)-foot buffer.
 - e. All areas within seventy-five (75) feet of the ordinary high water mark of navigable streams and lakes.
 - d. All areas having slopes greater than twenty (20) percent.
 - e. Burial sites and Indian mounds.
 - f. Drainage ways, including a twenty-five (25) foot buffer from the edge of the drainage way, that contain running water during spring runoff or during storm events.
- 3.2 BASE DEVELOPMENT YIELD. For the purpose of computing base development yield, the number of residential units for a parcel to be subdivided shall be determined in accordance with the following:
- a. The development yield analysis shall establish the base development yield for the parcel based on the zoning of the parcel. Subject to the exception, under b., the base development yield shall establish the maximum number of parcels which may be created in a given subdivision.
 - b. The base development yield may be increased if the sub divider complies with one or more of the following standards:
 - i) Creating an endowment where the principal would generate sufficient annual interest to cover the conservation easement holder's yearly costs (insurance, taxes, maintenance, enforcement, etc.).
 - ii) Providing access for the general public to open space, trails, parks or other recreational facilities, excluding golf courses.
 - iii) Providing affordable housing, to include a minimum of twenty-five (25) percent of all units that would be affordable to moderate income

households, as defined by the U.S. Department of Housing and Urban Development.

- iv) Reusing historical buildings and structures, including those sites inventoried by the State Historical Society of Wisconsin. The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall apply.
- v) Providing for shared sewage and water facilities.
- vi) Providing additional open space in ten (10) percent increments. Each ten (10) percent increase would qualify as a separate development yield bonus.
- vii) Each standard provides a development yield bonus of five (5) percent in addition to the base development yield. The maximum bonus permitted is twenty (20) percent.

3.3 PERFORMANCE STANDARDS GENERAL CONSIDERATIONS. The Plan Commission shall have the power to specify those areas in a given land division which are appropriate for preservation for purposes of allowing an increase in the base development yield for the land division

3.4 RESIDENTIAL LOT REQUIREMENTS.

- a. Existing farmsteads to be preserved shall retain a driveway as part of the preservation of scenic and historic rural character.
- b. Lots shall be configured to minimize the amount of road length required for the subdivision.
- c. If agricultural uses are being maintained, lots shall be configured in a manner that maximizes the useable area remaining for such agricultural uses with a minimum of thirty (30) foot buffer.
- d. All lots within a subdivision shall have access to the green space either by abutment to or from a road in the development.
- e. Lots shall be oriented around one or more of the following:
 - i) A central green or square.
 - ii) A physical amenity such as a meadow, a stand of trees, or some other natural features or restored feature.
- f. A thirty (30) foot native vegetation buffer shall be maintained around open water areas, unless a specific beach or grassed area is identified.
- g. Storm water management shall be designed as per "Best Management Practices" (BMPs).
- h. Drainage ways shall be preserved.

3.5 RESIDENTIAL CLUSTER SITING STANDARDS

- a. A cluster residential land division is a major or minor subdivision for which approval is granted by the Town under this ordinance to allow the subdivider to deviate to a certain from applicable area, yard setback and frontage requirement restrictions so as to take into account and cause to be preserved areas found in land division which are environmentally sensitive of which are deemed to contain other natural, scenic or cultural resources.
- b. Residential clusters shall avoid encroaching on significant natural resources, including rare plant communities, or endangered species, as identified by the Wisconsin Department of Natural Resources.
- c. Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and local and regional recreational trails.
- d. Residential clusters shall be sited to achieve the following goals, to the extent practicable.

- i) Minimize impacts to prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices.
 - ii) Minimize disturbance to woodlands, wetlands, grasslands, and mature trees.
 - iii) Prevent negative downstream impacts due to runoff by using adequate on site storm water management practices.
 - iv) Protect scenic views of open land from adjacent roads.
 - v) Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.
- e. Landscaping around the cluster is required to reduce or minimize off site views of residences.

3.6 OPEN SPACE DESIGN

- a. In minor subdivisions the open space may be individually owned. In major subdivisions the minimum open space required shall be owned and maintained under one of the alternatives listed in Chapter 8 of this ordinance, as approved by the Town Board.
- i) The open space shall be accessible to the residents of the development.
 - ii) The open space may also be available to the general public providing the proper approvals are received by the land owners and/or Association.
 - iii) The required open space shall be undivided and restricted in perpetuity from future development, and maintained as specified in Chapter 8 of this ordinance.
- b. Open space shall be designated as part of the development. The minimum required open space is fifty(50) percent of the gross acreage.
- c. Open Space Conservation Ranking (in order of significance). The areas to be preserved shall be identified on a case-by-case basis in an effort to conserve and provide the best opportunities to restore and enhance the natural features of each particular site.
- i) First priority shall be given to intact natural communities, habitat and areas for rare and endangered species, environmental corridors, wetlands and natural and restored prairies, significant historic and archaeological properties, prime or productive farmland and slopes greater than twenty (20) percent.
 - ii) Second priority shall be given to areas providing some plant and wildlife habitat and open space.
 - iii) Third priority shall be given to areas providing little to no habitat but providing view shed, recreation, or open space.
- d. The following uses or structures may be located within the open space area and shall be counted toward the overall open space percentage required.
- i) Parking areas for access to the open space developed at a scale limited to the potential users of the open space.
 - ii) Privately held buildings or structures provided they are accessory to the use of the open space
 - iii) Shared septic systems and shared potable water systems.
- e. Road right of ways shall not be counted towards the required minimum open space.

- f. The portion of open space designated to provide plant and/or animal habitat shall be kept as intact as possible. Trails shall be designed to avoid fragmenting these areas.
- g. The areas of the open space designed for recreational uses such as trails, play fields, or community gardens should be designed in a manner that avoids damaging historic or archaeological sites.
- h. A pathway system may be included to connect existing or potential open space lands on adjoining parcels and shall connect these areas to neighborhood streets and to planned or developed trails.

CHAPTER 4: PRE-APPLICATION CONFERENCE

4.1 **PRE-APPLICATION CONFERENCE.** Before submitting an application for either a minor or major subdivision, the sub divider shall schedule an appointment and meet with the Plan Commission. The sub divider shall contact the Town Clerk to schedule this meeting at a regular scheduled meeting of the Plan Commission. The purpose of this conference is to discuss objectives of this ordinance and of the Town of Dunn Comprehensive Plan. The goal of this meeting is for both sub divider and Plan Commission to reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the community. This conference shall also provide the sub divider with a better understanding of required procedures and help them to determine any additional information that may be required from the sub divider pursuant to this ordinance.

4.2 **CONCEPT PLAN** The concept plan is an overview of the proposed subdivision. It shall include a concept map and a Concept Inventory Analysis. The sub divider shall submit ten (10) copies of The Concept Plan. It shall include, but is not limited to, a series of maps and descriptive inventory information to the Plan Commission at least ten (10) days prior to the Pre-application Conference. Mapping for pre-application conference can be done in any combination of features as long as individual map components can be determined and as a minimum contain the following:

- a. **CONCEPT MAP** The concept map should fully and clearly represent the proposed subdivision. This information may be presented on an aerial photograph at a scale of not more than 100 feet to one inch and include all areas in and within one hundred (100) feet of the proposed subdivision. As a minimum the map shall contain the following:
 - i) The general outlines and past land use, of all buildings and structures.
 - ii) Identify, delineate and define all encumbrances, such as easements or covenants.
 - iii) Approximate location of natural features such as drainage way patterns, water bodies, groundwater recharge areas, floodplains and wetlands.
 - iv) Approximate location and general layout of existing and proposed roads, lighting, utilities, and property boundaries.
 - v) Approximate location of existing land cover on the site, according to general cover type (pasture, woodland, etc.).

- vi) Location of known critical habitat areas for rare, threatened or endangered species.
 - vii) Location of unique geological resources, such as rock outcrops and glacial features.
 - viii) Additional Information. The Town of Dunn reserves the right to require additional information if deemed necessary by the Plan Commission or Town Board.
- b. **CONCEPT INVENTORY ANALYSIS** The sub divider shall submit concept inventory analysis of all areas in and within one hundred (100) feet of the exterior boundaries of the proposed subdivision and include at least the following:
- i) The history of cultivated areas, brown fields, waste sites, and waste disposal practices.
 - ii) Cultural resources: brief description of historic character of buildings, structures, historically important landscapes and archaeological features. This includes a review of existing inventories, including those the State Historical Society of Wisconsin maintains for historic buildings, archaeological sites and burial sites.
 - iii) Natural resources: brief description and comments on the general health and condition of the vegetation for each land cover type (pasture, woodland, etc.).
 - iv) Additional Information. The Town of Dunn reserves the right to require additional information if deemed necessary by the Plan Commission or Town Board.

4.3 **PRE-APPLICATION REVIEW** Within 30 days following the pre- application conference, the Plan Commission shall provide a written report informing the sub divider of the discussion at the pre-application conference.

CHAPTER 5: SUBDIVISION APPLICATION; PRELIMINARY PLAT AND CSM REVIEW:

All the following are required for both minor and major subdivision submittals.

5.1 After the sub divider has received the pre-application review, the sub divider shall submit Ten (10) copies of the subdivision application and the fee to the Town Clerk. The Town Clerk shall, within five (5) normal workdays after receiving submittal of a subdivision application, distribute copies of the application, maps and other review materials to the Plan Commission. The Plan Commission shall review the subdivision application for completeness and notify the Town Clerk of any missing items. The Town Clerk shall notify the sub divider by first class mail of any missing items and shall prepare an affidavit of the mailing. The Plan Commission shall coordinate and establish the application review processing timeline with the Town Clerk. The sub divider or designee shall attend both the Plan Commission meeting and the Town Board meeting where such subdivision application is listed as an agenda item. Sub divider or designee shall make a presentation of the subdivision for consideration. Failure of the sub divider or designee to attend the meetings may be grounds to reject the subdivision application.

- 5.2 SUBDIVISION SUBMITTALS. The sub divider shall submit ten (10) copies of a series of maps and descriptive information to the Plan Commission at least ten (10) days prior to the scheduled meeting and as a minimum contain the following:
- a. PROJECT AND DEVELOPMENT INFORMATION. The sub divider shall submit the following:
 - i) Name, address, and telephone number of the legal owner and, if applicable, agent of the property.
 - ii) Name, address, and telephone number of the professional person(s) responsible for subdivision design, for the design of the public improvements, and for surveys.
 - iii) Date of preparation
- 5.3 DEVELOPMENT YIELD ANALYSIS The sub divider shall submit a table showing the maximum number of dwelling units that would be permitted under the county zoning ordinance, consistent with the minimum lot size, lot widths, set backs, and other provisions of the zoning ordinance and compare it to the number of dwelling units proposed. Upon written request from the sub divider the Plan Commission may waive submittal of a Development Yield Analysis
- 5.4 MAP OF EXISTING SITE CONDITIONS. The Map of Existing Site Conditions for the proposed Certified Survey Map (CSM) or plat shall be prepared at a scale of not more than 100 feet to one inch and shall include all areas in and within one hundred (100) feet of the proposed subdivision. More than one (1) sheet may be used to present the information required in this section and shall include the following;
- a. The entire area of the land to be subdivided, showing its borders together with any adjoining land owned or controlled by the subdivider but which is not to be included in the proposed land division.
 - b. Location, width, and names of all existing platted streets and rights- of-ways; location and widths of existing snowmobile trails or other recreational trails; and permanent buildings and structures including any adjoining land owned or controlled by the sub divider.
 - c. Topographical data including contours at intervals of not more than two (2) feet. Elevation values shall be based on the National Geodetic Vertical Datum of 1929 NGVD 29 or the North American Datum of 1988 NAVD 88 or future adjustments to NAVD 88 as defined by the National Geodetic Survey. Location, description and elevation of a minimum of two (2) benchmarks based off of such datum shall be noted on the proposed CSM or plat. If the proposed CSM or plat creates a lot greater than one (1) acre the Plan Commission may reduce the topographic area to include the area within and to a minimum distance of fifty (50) feet beyond the limits of disturbance of the proposed building site. With respect to, only, minor subdivisions and at the request of the sub divider, the Plan Commission may waive the above topographic requirements and allow the sub divider to submit United States Geodetic Survey (USGS) information or an approved equal.
 - d. Location of significant natural resource features on the site i.e. wetlands, floodplains, watercourses, existing wooded areas, slopes greater than 20%, drainage ways, habitat for rare, threatened, and endangered species.
 - e. Existing zoning classifications for the land proposed to be subdivided together with all property within 100 feet of the borders of the proposed subdivision.

- f. Representations with respect to proposed lots of minimum front, side and rear yard setbacks.
- g. Location and size of all proposed and existing sanitary lines and water mains, proposed community sewer and water system, or individual on-site septic system and potable water sources.
- h. Location and size of all proposed and existing storm sewer (lines, drains, inlets, manholes), culverts, retention/detention ponds, swales, infiltration practices and areas, and other storm water facilities.
- i. Location and size of all proposed and existing lighting and other utilities.
- j. Total acreage of the proposed CSM or plat.
- k. The Town reserves the right to require additional information if deemed necessary by the town Board or Plan Commission.

5.5 PRELIMINARY MAP or PLAT. The Preliminary Map or Plat shall be prepared by a licensed land surveyor at a scale of not more than 100 feet to one inch. More than one (1) sheet may be used to present the information required for the Plat. In addition to the requirements above the proposed Subdivision Application shall also include the following:

- a. Exact location and description of utility and drainage way easements.
- b. All lands reserved for future public acquisition or reserved for the common use of property owners within the CSM or plat, including public access to navigable waterways.
- c. Restrictions relating to access along public ways.
- d. Restrictive covenants, deed restrictions and conservation easements.
- e. If the subdivision includes common open space, draft legal instruments shall be submitted detailing the proposed ownership of the common open space, which instruments, as required in Chapter 8, shall be filed with the final CSM or plat.
- f. For Major Subdivisions, legal Maintenance Plans for restoration and/or long-term management of the conservation easement and open space areas as per Chapter 8. The Plan Commission may waive submittal of a Maintenance Plan for minor subdivisions.
- g. The CSM or plat shall provide all the certificates required by section 236.21 of the Wisconsin Statutes. In addition, the surveyor shall certify that the surveyor has fully complied with all sections of this Chapter.
- h. Layout of proposed streets, showing right-of-way widths, within the proposed CSM or plat.
- i. Location and types of public easements (i.e. drainage, utility, pedestrian, public access to waterways, etc.); and all conservation easements within the proposed CSM or plat.
- j. Layout of proposed lots and blocks within the proposed CSM or plat.
- k. Basic data regarding proposed and existing (if applicable) lots and blocks, including numbers, dimensions, area within the proposed CSM or plat.
- l. Minimum front, side, and rear yard building setbacks for all lots within the proposed CSM or plat.
- m. Indication of the zoning & actual use of any lot within and to a distance of one hundred (100) feet beyond the proposed CSM or plat.
- n. Location and size of all proposed and existing sanitary lines and water mains, proposed community sewer and water system, or individual on-site septic system and potable water sources within and to a distance of one hundred (100) feet outside of the proposed CSM or plat.

- o. Location and size of all proposed and existing storm sewer (lines, drains, inlets, manholes), culverts, retention/detention ponds, swales, infiltration practices and areas, and other storm water facilities within and to a distance of one hundred (100) feet outside of the proposed CSM or plat.
 - p. Open space areas, other than pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres. Provide information on the conditions, if any, of the dedication or reservation.
- 5.6 PRELIMINARY CONSTRUCTION PLANS. The Preliminary Construction Plans shall be prepared, at a scale of not more than 100 feet to one inch, by a licensed engineer. All roads and streets shall be designed according to the Town of Dunn Road Standards. The Plan Commission may waive submittal of the preliminary construction plans if the proposed CSM or plat is not creating, extending or modifying a street or road. More than one (1) sheet may be used to present the information required in this section and shall include the following;
- a. Proposed street centerline profile grades, showing the existing and proposed profile grade lines.
 - b. A plan showing existing and proposed grades, drainage way patterns, and storm water facilities. The plan shall show the location and extent of grading activities in and within one hundred (100) feet of the proposed subdivided area, overall area of the site in acres, total impervious area, stockpile locations, erosion and sediment control facilities, and a schedule for erosion and sediment control practices including site specific requirements to prevent erosion at the source. The Plan Commission may allow the preliminary grading and erosion control plan to be prepared by a non-licensed individual for a subdivision creating one (1) lot or building site and disturbing less than ten thousand (10,000) square feet.
 - c. Preliminary location of sewage disposal, water supply, storm water management, and flood control devices, systems and or areas. The Plan Commission may allow the preliminary location of such systems, devices and or areas to be prepared by a non-licensed individual for a subdivision creating one (1) lot or building site and disturbing less than ten thousand (10,000) square feet
 - d. Location and size of all proposed and existing lighting and other utilities within and to a distance of one hundred (100) feet outside of the proposed CSM or plat.
- 5.7 ADDITIONAL INFORMATION. The Town Board may require a proposed subdivision layout of all or part of contiguously owned land even though the division is not planned at the time. The Town Board reserves the right to require additional information if deemed necessary by the Plan Commission or Town Board.
- 5.8 ADDITIONAL COSTS. Requirements are found under Section 2.7(b) of this ordinance.
- 5.9 PRELIMINARY APPROVAL, CONDITIONAL APPROVAL OR REJECTION.
- a. The Plan Commission shall recommend approval, conditional approval or rejection of the preliminary plat or CSM to the Town Board. If it deems the plat or CSM to be compliant with this Title, it may recommend its approval in lieu of submittal of a separate final plat to the Town Board.
 - b. If the subdivision results in a state or county subdivision as defined in either Wisconsin Statutes 236.02 (12) or the Dunn County Subdivision

Regulations, respectively, the sub divider shall also submit the original drawing of the preliminary CSM or plat to the appropriate agency for review, in accordance with Chapter 236.12 (6), Wis. Stats.

- c. The Town Clerk shall give notice of the Town Board's review on the CSM or plat by listing it as a Town Board agenda item in the meeting notice published in the official local government newspaper. The notice shall include the name of the applicant, the address of the property in question, and the requested action.
- d. Approval of a preliminary CSM or plat shall be granted in a manner consistent with Ch. 236 Wis. Stats., and this ordinance. The Town Board shall have ninety (90) days within which to accept, reject, or to conditionally accept a preliminary plat or preliminary CSM. Said ninety (90) day period commences running as of the date of the first meeting of the Plan Commission following the date of receipt of the preliminary plat or preliminary CSM, by the Town Clerk. However, such approval or conditional approval shall not be interpreted as constituting final approval, which shall be subject to consideration by the town Board at the time of submittal of the final CSM or plat.

CHAPTER 6: FINAL REVIEW PROCEDURES

- 6.1 The sub divider shall prepare a final application and shall file ten (10) copies of the final application and all other submittals with the Town Clerk at least ten (10) days prior to the meeting of the Plan Commission at which action is desired. The owner or sub divider shall file the final application no later than is required under §236.11(1)(b), Wis. Stats. The sub divider or sub divider's agent shall also submit at this time a current certified abstract of title or such other evidence as the Plan Commission may require showing ownership or control.
 - a. The sub divider may seek final approval following approval or conditional approval of the preliminary CSM or plat. Final CSM or plat shall be prepared by a licensed surveyor and shall reflect full compliance with Sec. 236.20 and/or Sec. 236.34 of the Wisconsin Statutes, the Dunn County Comprehensive Ordinances and the requirements under this ordinance.
- 6.2 **FINAL CONSTRUCTION PLANS.** If required as per Chapter 5 of this ordinance then, simultaneously with the filing of the final CSM or plat, the owner shall file with the Town Clerk ten (10) copies of the final construction plans and specifications of public improvements. The final construction plans shall be prepared, at a legible scale, by a licensed engineer. All roads and streets shall be designed according to the Town of Dunn Road Standards. More than one (1) sheet may be used to present the information required in this section and shall include the following;
 - a. Final Plan and Profile. Indicating the existing and proposed street centerline alignment, profile grades; ditch grades and the location, slope and size of all drainage ways.
 - b. Final Grading and Erosion Control Plan. A plan showing existing and proposed grades, drainage ways, and storm water facilities. The plan shall show the location and extent of grading activities in and within one hundred (100) feet of the proposed subdivided area, overall area of the site in acres, total impervious area, stockpile locations, erosion and sediment control facilities, and a schedule for erosion and sediment control practices

- including site specific requirements to prevent erosion at the source. The Plan Commission may allow the final grading and erosion control plan to be prepared by a non-licensed individual for a subdivision creating one (1) lot or building site and disturbing less than ten thousand (10,000) square feet.
- c. Final provisions for sewage disposal, water supply, storm water management, and flood control.
 - d. Final provisions for lighting and other utilities.
- 6.2 ADDITIONAL INFORMATION. The Town Board reserves the right to require additional information if deemed necessary by the Plan Commission or Town Board.
- 6.3 ADDITIONAL COSTS. Requirements are found under Section 2.7(b).
- 6.4 NOTIFICATION. Within 30 days following the Plan Commission meeting at which the Final submittals are reviewed, the Plan Commission shall provide a written report informing the sub divider status of the application – approval, conditional approval or rejection.
- 6.5 AMENDMENT TO APPROVED FINAL PLAT OR CSM. If a subdivider desires to modify or amend a final plat or CSM after it has been approved by the Town Board, such proposed modification or amendment must be received by the Town Clerk no later than thirty (30) days after the date of final approval or it will be considered to be a new application. Proposed modifications or amendments to approved final plats or CSMs shall be subject to all of the requirements of Chapters 4 to 6 of this ordinance except that payment of the fee shall be waived. This statement notwithstanding, if in the opinion of the Plan Commission the proposed modification or amendment is so substantial as to make it in effect a new application for a subdivision, the Plan Commission can deny it as a modification or amendment and treat it as a new application which must comply with all requirements of this ordinance, including the payment of a fee.
- 6.6 TOWN OF DUNN BOARD REVIEW. The Board shall, approve or reject such CSM or plat. The Town Clerk shall mail one (1) copy of the final CSM or plat to the sub divider with the date and action endorsed thereon upon either the installation of all improvements at the sub divider's cost or a contract and bond ensuring their installation at the sub divider's cost; and if approved, conditionally approved or rejected, the conditions for approval or reasons for rejection shall be stated in the minutes of the meeting. The Town Clerk shall also send a letter setting forth the conditions of approval or the reasons for rejection. One (1) copy of the final CSM or plat shall be filed in the Town records.
- i) If the Town Board fails to act within sixty (60) days of the effective date of submission of the application for approval of a final plot or CSM, without a written extension agreed upon by the sub divider, and no unsatisfied objections having been filed, the CSM or plat shall be deemed approved. For purposes of this ordinance, the date of submission of a final plat or CSM shall be designated as the date of the first meeting of the Plan Commission following the date of receipt of the final plat or CSM by the Town Clerk.
- 6.7 OFFICIAL RECORDING: As required in §236.25 (2)(b) Wis. Stats., each plat and CSM shall be recorded within 6 months after the date of the last approval and 24 of the first approval.

CHAPTER 7: SEWAGE AND WATER FACILITIES

- 7.1 WATER FACILITIES. Water for subdivisions shall be provided by individual on-site wells or by one or more community wells meeting the permit requirements of the State of Wisconsin and Dunn County. The use of shared or community wells is encouraged. Plans for shared or community wells shall include a wellhead protection plan with a separation distance for the zone of influence and sources of pollution. Such plans shall be submitted as part of the final construction plans.
- 7.2 SEWAGE FACILITIES. All subdivisions shall be provided with adequate sewage treatment facilities meeting the standards of Dunn County and the permit requirements of the Wisconsin Department of Commerce and the Department of Natural Resources. Where sewerage treatment is not provided by a publicly owned wastewater treatment works, a common sewage and disposal unit located on the common open space is encouraged. Such plans shall be submitted as part of the final construction plans.
- 7.3 FINANCIAL GUARANTEE. A financial guarantee ensuring the construction and completion of the common facilities shall be submitted to the Town of Dunn.

CHAPTER 8: OWNERSHIP AND MAINTENANCE OF OPEN SPACE AND COMMON FACILITIES

- 8.1 ALTERNATIVES. The designated open space, as defined in §2.8(c) of this ordinance, and common facilities shall be owned and managed by one or more of the following combinations:
- a. Homeowners Association. If the open space is proposed to be owned by a homeowners association, the instrument shall indicate that membership in the association is mandatory for all purchasers of homes in the development and their successors. It shall also include the homeowners' association bylaws, guaranteeing continuing maintenance of the open space and other common facilities, and the declaration of covenants, conditions and restrictions of the homeowners association. Such instrument shall be submitted for approval to the Plan Commission as part of the information required for the preliminary map or plat. The homeowners' association bylaws or the declaration of covenants, conditions and restrictions shall contain the following information:
 - i) The legal description of the common land;
 - ii) A description of common facilities;
 - iii) The restrictions placed upon the use and enjoyment of the lands or facilities;
 - iv) Persons or entities entitled to enforce the restrictions;
 - v) A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real-estate taxes and insurance premiums;
 - vi) A mechanism for resolving dispute among the owners or association members;
 - vii) The conditions and timing of the transfer of ownership and control of land or facilities to the association;
 - viii) Any other covenants, restrictions and conditions the developer deems appropriate.

- b. Condominium Associations. If the common open space and facilities are to be held under the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes, the condominium instruments shall identify the restrictions placed upon the use and enjoyment of the common open space. All open space shall be held as a "common element" as defined in section 703.02(2) of the Wisconsin Statutes. Such instrument shall be submitted for approval to the Plan Commission as part of the information required for the preliminary map or plat.
- c. Non-Profit Conservation Organization. If the open space is to be held by a nonprofit conservation organization, the organization shall be acceptable to the Town Board. The conveyance to the nonprofit conservation organization shall contain appropriate provisions for revision in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance. Such instrument shall be submitted for approval to the Plan Commission as part of the information required for the preliminary map or plat.
- d. Public Dedication of Open Space and Streets. The Town Board may accept the dedication of fee title or dedication of a conservation easement to the open space. Such instrument shall be submitted for approval to the Plan Commission as part of the information required for the preliminary map or plat. The Town Board may accept the open space provided:
 - i) The open space is accessible to the residents of the Town of Dunn.
 - ii) The Town of Dunn agrees to and has access to maintain the open space.
 - iii) Streets or other public ways which have been designated on a duly adopted official map or element of the Town of Dunn comprehensive plan shall be dedicated by the sub divider to the Town of Dunn. The street or public way shall be made a part of the map in the locations and dimensions indicated in the comprehensive plan and as set forth in this ordinance.
- e. Fee Title Ownership. Only one individual or organization may hold fee title to the land, while a nonprofit conservation organization or other qualified organization holds a conservation easement prescribing the acceptable uses for the entire green space. Such instrument shall be submitted for approval to the Plan Commission as part of the information required for the preliminary map or plat.

8.2 MAINTENANCE PLAN. Every conservation subdivision shall include a plan that provides evidence of a means to properly manage the open space in perpetuity and evidence of the long-term means to properly manage and maintain all common facilities, including any storm water facilities. Such instrument shall be submitted for approval to the Plan Commission as part of the information required for the preliminary map or plat.

- a. The maintenance plan shall be designed to accomplish all the following;
 - i) Designate the ownership of the open space and common facilities in accordance with Chapter 8 of this ordinance.
 - ii) Establish necessary regular and periodic operation and maintenance responsibilities.
 - iii) If agricultural land uses abut the land division at the time of recording, the subdivider shall create a buffer strip in the land division immediately adjoining said agricultural land uses which strip shall be a

minimum of 30 feet in width and which shall be devoted to open space land uses only.

- iv) Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
- v) Include a land stewardship plan specifically focusing on the long-term management of common open space lands. The stewardship plan shall include a narrative, based on the concept inventory analysis required in Chapter 4.2 (b) (i-iv) describing:
 - 1) Existing conditions including all natural, cultural, historic, and scenic elements in the landscape.
 - 2) The proposed end state for each common element; and the measures proposed to achieve the end state.
 - 3) Proposed restoration measures, including: measures for correcting increasingly destructive conditions, such as erosion, and measures for restoring historic features and habitats.
 - 4) The operations needed to maintain the stability of the conservation or agricultural resources, including mowing schedules, weed control, planting schedules, clearing and clean up. At the Town Board's discretion, the applicant may be required to escrow sufficient funds for the operation and maintenance costs of common facilities for one year.
 - 5) In the event that the organization established to own and maintain the open space and common facilities, or any other successor organization, fails to maintain all or any portion of the common facilities in reasonable order and condition in accordance with the maintenance plan and all applicable laws, rules and regulations, the Town Board may serve written notice upon such organization and the residents and owners of the open space and common facilities, setting forth the manner in which the organization has failed to maintain the common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply with the time specified, the organization, or any successor organization, shall be considered in violation of this ordinance, in which case the bond if any may be forfeited, and any permits may be revoked or suspended. Representatives of the Town of Dunn may enter the premises and take corrective action.
 - 6) The costs of the corrective action by the Town Board shall be assessed, in accordance with tax assessments, against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties as state in 66.0627, Wis. Stats. The Town Board, at the time of Town of Dunn representatives entering upon such common facilities for the purpose of maintenance, shall file a notice of such lien at the office of the County Register of Deeds upon the properties affected by such lien.
 - 7) Management plans can be amended by the owner identified in Chapter 8.1 (a-e) of this ordinance with the approval of the Town Board.