

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

### 12.08 DESIGN REVIEW

(1) PURPOSE. ~~DESIGN REVIEW IS IMPLEMENTED UNDER THE TOWN'S AUTHORITY TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE AND PURSUANT TO THE AUTHORITY IDENTIFIED IN s. TCG § 12.01(1).~~ The purpose of this section is to promote the public health, safety, and welfare pursuant to the authority in TCG § 12.01(1), by guiding site and building development in the Town of Cottage Grove according to the Town's goals, objectives, and policies expressed in this section and the Plan.

(2) SCOPE OF DESIGN REVIEW. The following projects shall be subject to design review:

~~(a) The following projects shall be subject to design review:~~

(a) Development of residential land uses consisting of three or more attached dwelling units per building.

(b) Development of all projects in which a principal use is a commercial, industrial, utility, or institutional use, but not including any land use that is listed as a permitted use within farmland preservation zoning district in the the Dane County Zoning Ordinance except per subsection (c) below.

~~1. Any commercial building or construction.~~

~~2. Any industrial building or construction.~~

(a)(c) Development of Any concentrated animal feeding operation as defined in Wis. Admin. Code NR 243.03(12).

~~3. Any building or construction to be used for public utility or governmental purposes.~~

(d) Development of a non-metallic mineral extraction site, which shall also be subject TCG Chapter 17.

(e) Development of Any parking areas capable of holding five or more vehicles and serving one of the above listed uses.

(f) Any physical expansion to an existing use listed in subsections (a) through (e), except for any expansion that:

1. Was authorized by prior design approval of the Town as a potential future project on the site, and is consistent with such prior authorization in the determination of the Town Clerk and will be accompanied by improvements prescribed in this section.

2. Would increase building floor area, either through expansion of the principal building(s) or construction of an accessory building(s), by not more than 10 percent over the total building floor area as of November 5, 2001, via one expansion project or the total of two or more expansion projects since that date.

3. Would increase outdoor storage or display area, loading area or docks, parking lot area or parking spaces, or other outdoor activity area by not more than 10 percent over the associated area or parking spaces as of November 5, 2001, via one expansion project or the total of two or more expansion projects since that date.

~~4. Any and all fencing, surfacing of parking areas, exterior lighting, exterior signage and any and all other exterior changes made in projects covered in 1. – 5. above.~~

**Commented [MR1]:** I understand that this may not happen much in the Town, but the Town Plan does allow for it.

**Commented [MR2]:** This (f) represents changes from the approach shared by the Plan Commission on April 27th. It increases the range of expansion projects that would require design approval from the 25% expansion threshold in the previous draft. It also encourages applicants to share information up-front about potential future building expansions as a ticket to avoid design review later. I thought about allowing an exemption for all building expansions where the expansion is consistent with the originally approved building, but that assumes that the original building is of an acceptable design and does not address other site circulation and aesthetic issues that may be associated with a larger addition.

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~~(b) — Design review shall be limited to projects or construction for which a current application has been made for a building permit or design review, and to such applications made after the adoption of this ordinance. This section shall not apply to any rehabilitated structure, as long as the size is not increased, the use thereof is not changed, or the alteration made is not the type or kind requiring design review pursuant to this section.~~

### (3) DEFINITIONS.

For purposes of this section, the following terms shall be defined in the following manner:

(a) “Design Review” means the review of the site, building, and other exterior design aspects of a development-Development to determine its compliance with the design-Design standards Standards herein expressed.

(b) “Development” means any new construction or exterior improvement to real property as listed in subsection (2), —for which a building permit may be required, and which ~~would be~~ is subject to Design Rreview in advance of Development as provided at Section (2) above.

(c) “Development Site Area” means the portion of the Development site being disturbed plus any lands directly between such disturbed area and the nearest public street, for the purposes of determining landscaping requirements in this section.

~~(e)(d)~~ “Design Standards” means the standards that ~~the each~~ proposed development-Development must meet, as enumerated in subsection (4) and .~~Design standards shall be in accordance with all other~~ applicable Town ordinances. ~~Design standards shall include the following requirements:~~

- ~~1. Land forms and landscape shall be preserved in their natural state, insofar as practicable, by minimizing soil and tree removal that is not essential to project development and by retaining grades and contours in keeping with the general appearance of neighboring developed areas.~~
- ~~2. Visually accessible building masses and building fronts and sides that are long and straight may be broken up and made more varied with staggerings, offsets, landscaping features or surficial features. The front facade and street side facades shall be of brick, stone, architectural metal or wood and/or glass including curtain walls. Unfaced concrete block, structural concrete, prefabricated metal siding and the like are discouraged for such facade areas.~~
- ~~3. External garbage or refuse containers shall be screened from common view by walls, beams or effective landscaping, or combinations thereof.~~
- ~~4. Each Development shall provide landscaping at the time of development of sufficient height and density to accomplish buffering to adjacent properties within five years.~~
- ~~5. Each Development shall be so planned and constructed that all surface drainage flows from structures and neighboring properties and follows natural drainage patterns and flows in compliance with TCG Ch. 14.~~
- ~~6. Outside storage of materials, fuel, scrap, inoperative vehicles and similar objects in places that are readily visible from public rights-of-way or neighboring properties shall be prohibited.~~
- ~~7. When used, exterior lighting shall be established, directed and maintained so as not to be cast directly on occupied structures or adjacent properties or be lighted in intensity or colors seriously disturbing to adjacent properties.~~
- ~~8. Each Development shall allow for proper ingress and egress from roads to site. Internal traffic safety shall be provided by adequate driveway widths, separations~~

**Commented [MR3]:** The following standards were not removed, just moved to subsection (4) in many cases with modifications.

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~~between drives, access points, visual clearances and queuing requirements.  
Adequate provisions shall be made to accommodate Fire and EMS needs.~~

(e) “Exterior Wall Area” means as the total wall area below the building roof line on the outside of a building.

(f) “Off-premise Advertising Sign” means a sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered on a premise other than the premise where the sign is displayed. Includes off-premise “billboards”, but does not include public information signs or multi-tenant industrial park or business center signs approved by the Town.

(g) “Plan” means the Comprehensive Plan of the Town of Cottage Grove, as adopted, amended, and updated pursuant to § 66.1001, Wis. Stats.

(h) “Principal Building” means a building or buildings in a Development in which is conducted, or in which is intended to be conducted, the main or principal use of the site on which the Development is located, as opposed to a use or function that is ancillary to the principal use.

(4) DEVELOPMENT TO COMPLY WITH DESIGN STANDARDS. No Development shall be commenced unless, in the determination of the Plan Commission, such development complies with each of the following Design Standards, except where the Plan Commission grants a waiver or modification under subsection (8):

(a) Site Layout.

1. The Development shall provide proper ingress and egress from public roads to the site at designated and limited access points only, internal traffic safety by adequate driveway widths and circulation patterns, and parking spaces per applicable standards in the Dane County Zoning Ordinance. See also TCG Chapters 8 and 9 for applicable, related standards.
2. Interconnected parking lots, public roads, driveways, and walkways shall be provided where the Plan Commission determines them necessary to facilitate movement between Development sites or where advised in the Plan. Prior to building permit issuance, shared access easements shall be recorded over driveways designated for joint access between separate adjoining lots.
3. No building, parking, drive aisle, or other hard surfaced area shall be placed within a 10-foot-wide strip adjacent to any public road right-of-way or road easement edge, except for driveways accessing that road. Setbacks and other dimensional requirements shall otherwise comply with the Dane County Zoning Ordinance.
4. The siting and design of all buildings and other improvements shall meet any applicable standard within the Plan, which may include development policies applicable within the planned “Commercial Development Area” and/or the Conceptual Rural Business Park Development Plan: Highways 12/18/N Interchange, Northeast Quadrant.
5. The Development shall be designed and constructed that all surface drainage meets the standards of any applicable Town, County, and State erosion control and storm water management regulation, including TCG Chapter 14, and does not adversely affect neighboring properties.
6. Adequate provisions shall be made to accommodate fire, emergency medical service, and police protective needs, per TCG Chapter 4 and § 12.03, and as determined by the Plan Commission based on advice from the associated provider.

**Commented [MR4]:** Is it important to the Town that the Town Board remain as the design review approval authority? Nearly all cities and villages delegate this to their plan commissions (if not village planner), and other towns seem about 1/2 and 1/2. It may be more development friendly and put the decision making with the group with more development-related knowledge.

**Commented [MR5]:** As the reader can see, I am proposing to significantly enhance the design standards of the Town. This is based on design review ordinances I have prepared for the Town of Springfield in Dane County and Town of Dekorra in Columbia County, plus zoning ordinance standards I have written for several villages.

**Commented [MR6]:** Would provide the Town with greater leverage than it has now to require road connections such as those advised in the North Star Road neighborhood plan.

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### (b) Building Design.

1. Building materials, colors, designs, and scale shall contribute to the desired character and image of the Town and geographic area, and with applicable standards, as indicated in the Plan including those referenced in subsection (a)4. Modifications to standardized prototype and corporate franchise designs may be required to conform to this standard.
2. The Principal Building(s) shall be oriented to and visible from the main public road on which the site is located, so that the building(s) is the most prominent site improvement rather than parking, loading, storage, or other similar improvements.
3. At least 35% of the Exterior Wall Area of each Principal Building that is visible from a public road or properties zoned or used for residential or public open space purposes shall be covered by brick, native stone, tinted or textured concrete masonry units, windows, or other decorative material as may be approved by the Plan Commission. Unfaced concrete block, structural concrete, prefabricated metal siding, and similar surfaces are discouraged for each such wall. Where prefabricated metal siding is used on each such wall, some combination of changes in pattern, orientation, textures, colors, building openings (e.g., windows), roof lines, and wall setbacks shall be used.
4. Each exterior wall that is greater than 100 feet in length and visible a public road or properties zoned or used for residential or public open space purposes shall employ structural or decorative elements to reduce apparent size and scale, such as varying wall setbacks, varying heights, varying roof treatments or slopes, doorway openings, window openings, awnings, or decorative lighting.
5. Each Principal Building shall be architecturally finished on all sides.

### (c) Natural Features, Landscaping, and Screening.

1. Pre-existing landforms, non-invasive trees of over six inches trunk diameter at breast height or over 40 feet tall, and woodlots within which at least 50 percent of the trees meet at least one of these two size criteria shall be retained to the extent the Plan Commission determines practical by minimizing grading, soil removal, and tree removal. Credit towards planting requirements may be provided where the retention and protection of existing non-invasive trees are included in the landscape plan.
2. New landscape plantings shall be focused near Principal Building foundations, within and around parking lots, loading areas, and outdoor storage areas, and within the yard adjacent to the main road on which the Development is located, in a manner that does not impede safe traffic movement or site usage.
3. Landscape plantings shall comprise of the following types and number per every one acre of Development Site Area:
  - a. Four canopy deciduous trees with a trunk diameter at breast height of at least two inches at time of planting.
  - b. Eight ornamental deciduous or evergreen trees, or some combination, with a height of at least four feet at time of planting.
  - c. Twenty shrubs with a height of at least eighteen inches at time of planting, perennial planting bed(s) of at least 300 square feet in area, or a combination.
4. Where a Development is adjacent to or across a public road from land used or zoned for residential or public open space purposes, an all-season vegetative screen, landscaped berm, and/or decorative opaque fence or wall ("bufferyard") is required in

**Commented [MR7]:** It appears that building design in commercial, contractor, and storage developments are a challenging matter for the Town. The provisions in this subsection are intended to offer upgraded standards for a rural area like the Town.

**Commented [MR8]:** There is nothing magical about these quantities, but they do "work" and it helps to have a quantitative target to minimize arguments as to what is enough landscaping.

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addition to landscaping required under subsection 3 above.

5. Outdoor storage of materials, trash and recycling dumpsters, equipment (aside from vehicles used in the operation), fuel, scrap, inoperative vehicles, and similar objects shall not be visible from public rights-of-way and lands used or zoned for residential or public open space purposes. Such areas shall instead be screened by opaque fences, walls, berms, dense landscaping, buildings, or combinations thereof.
6. Mechanical equipment, communication dishes, signal receiving antennas, and similar ancillary equipment visible from public rights-of-way and lands used or zoned for residential or public open space purposes shall be softened by landscape screening or topographic changes, or covered in a manner that is integral to building or site design.

### (d) Exterior Signage and Lighting.

1. Signage shall meet all applicable requirements of TCG § 12.05, and in addition the following types of signs are not permitted in conjunction with any Development:
  - a. Any Off-premise Advertising Sign greater than 100 square feet in area.
  - b. Signs that cause a visual distraction and pose a potential nuisance or traffic safety hazard, including flashing signs, rippling or sparkling signs, feather signs, spotlights, and a wide variety of strings of lights, tinsel, pom poms, pinwheels, pennants, banners, streamers, and related attention-getting devices.
2. Exterior lighting shall be established, directed, and maintained so that the source of illumination is not visible from lands used or zoned for residential or public open space purposes.
3. All exterior light fixtures over 150 watts incandescent (or LED equivalent illumination) and not in public road rights-of-way or easements shall be completely shielded or recessed into canopies, with the fixtures mounted parallel to the ground (not tilted-up).
4. The maximum illumination level at all lot lines (or opposite lines of street rights-of-way) shall be one footcandle, the average illumination level within the lot shall be no greater than 3 footcandles, and the maximum illumination level at any point on the lot shall be 20 footcandles, except where the applicant demonstrates that different light levels will meet the standards of the Illuminating Engineering Society of North America for areas with dark surroundings.
5. The Plan Commission may specify certain hours within which illumination of signs or exterior light fixtures is permitted or prohibited.

**Commented [MR9]:** The Town can take or leave this, but I am not a fan of big billboards.

~~No Development subject to Design Review shall be commenced unless such Development complies with all applicable Design Standards, as well as all applicable Town Ordinances.~~

### ~~(4)~~(5) APPLICATION AND PROCEDURE.

(a) ~~Before or U~~pon application for a building permit under TCG § 12.01, the applicant shall be advised by the Town Building Inspector or Town Clerk whether compliance with Design Standards is required. If such compliance is required, the applicant shall be so notified, ~~and~~ informed of the application Submittal ~~R~~requirements under subsection (7). Upon determining that ~~the such~~ application is complete and any required application fees have been ~~deposited~~paid, the ~~Town Building Inspector~~Town Clerk shall ~~forward the complete application to the Plan Commission Chair, who shall~~ place the application on the agenda of the next regular Plan Commission meeting scheduled at least 21~~14~~ days after the ~~Plan Commission Chair~~Clerk first receives the complete application. As part of the application, the applicant shall provide a sufficient

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number of plans plus a digital copy for the Development, as determined by the Town Clerk and such other information necessary for consideration of the Development hereunder.

(b) The Plan Commission shall review the application submitted to determine whether the Development complies with the criteria set forth in this chapter TCG §12.08 and other applicable Town ordinances. As part of its review, the Plan Commission may consider such other matters as it may in its discretion consider necessary. The Plan Commission may, but is not required to, hold a public hearing on the application. At the meeting in which the Plan Commission is to consider the application, the Plan Commission may review the site plan application, hear from such interested public who attend the meeting, and may receive the opinion of the Town Building Inspector staff, consultants, and officials of the Town, county, state, fire and emergency medical services departments, or other agencies, with the applicant responsible for reimbursing the Town for any such expenses upon invoicing from the Town and for any special meeting or publishing costs.

(b)(c) Following review of the application and plans, the Plan Commission shall make a recommendation to the Town Board to accept approve, approve accept with conditions, or reject the application and plans. Such recommendation action shall be in writing, which writing may be a copy of the minutes of the Plan Commission meeting at which the recommendation was made action was taken.

(e) The Town Board shall make the final determination on acceptance, acceptance with conditions or rejection of the application, following receipt and consideration of the Plan Commission recommendations. The Board's decision shall be in writing to the applicant and the Town Building Inspector. Such writing may be a copy of the minutes of the Town Board meeting at which such action was taken.

(d) No building permit shall be issued for any Development, and no construction shall commence, until the Town Building Inspector has received, in writing, the Town Board Plan Commission's (or Town Board's under subsection (e)) determination that the Development is in compliance with the Design Standards and has been approved, contained in this chapter and all conditions of approval that reasonably could have been satisfied have in fact been satisfied. All construction, and improvement, and maintenance of the Development subject to Design Review shall conform with approved design plans and Design Standards.

(e) The determinations action of the Town Board Plan Commission on site plan Design Review applications shall be appealable to the Town Board as an administrative determination under Ch. 68, Wis. Stats. Upon learning of any such appeal, the Building Inspector shall not issue a building permit until such appeal is resolved.

(f) Except in cases of appeal under subsection (e), Approval shall be deemed to be given at the end of the 60 a 90-day period from the date of the submission of a complete application, with completeness determined by the Town Clerk, along with any required application fees, and necessary accompanying documents to the Town Building Inspector unless the application is rejected in writing within such period, as noted at subsection (e) above, or unless the deadline is extended by agreement of the Plan Commission and the applicant.

### (5)(6) FEES.

The applicant shall be required to pay an application fee as determined by the Town Board and to reimburse any out-of-pocket expenses incurred by the Town, including consultant fees (including engineering, legal and/or planning), costs of maps, or other expenses related to the Design Review. Any such reimbursed expenses shall be paid in full by the applicant prior to

**Commented [MR10]:** Assuming the Town goes with my advice for the PC to be the regular approval authority, with such action appealable to the Town Board if desired.

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issuance of the building permit or within 30 days of invoicing as determined by the Town.

### ~~(6) — REQUIRED INFORMATION.~~

~~All Development plans shall contain the information required by the submittal requirements established below. The Town Building Inspector shall make such submittal requirements available to any person requesting the same.~~

(7) SUBMITTAL REQUIREMENTS. All applications for Design Review shall contain the information required by the submittal requirements established below. A digital copy plus ten hard copies of all materials shall be submitted, except where the Town Clerk requires fewer copies. All plans described below shall be drawn to a recognized scale, and include a north arrow, date of preparation, landowner and business names, and contact information.

~~(a) — All exhibits required for the permanent file (noted in the following paragraphs) must be submitted reduced in size to 8 1/2" x 14". However, larger mounting boards or other exhibits not meeting this criterion may be used for Commission presentation.~~

~~(b) — Fourteen (14) of the following required drawings shall be submitted to the Town Building Inspector for presentation to the Commission:~~

~~(a) Building plans sufficient to illustrate all building faces and exterior layout building walls, doors, windows, and roofs, including heights, dimensions, colors, and materials (including calculations to verify compliance with subsection (4)(b) above), along with building mounted lighting, signs, and mechanical units. The Plan Commission may also require building material samples.~~

~~(b) Color photographs required to illustrate the current site conditions, including from adjacent public road rights-of-way and the boundary of any adjacent land used or zoned for residential or public open space purposes, including buildings and other existing features. Photos may also be used-provided to illustrate installations on other sites that are similar to the applicant's proposal.~~

~~(c) A site plan for review is required, containing on one or more plan sheets, the following information:~~

- ~~1. Scale and north arrow.~~
- ~~2. 1. Location of site and address if available and parcel number if not.~~
- ~~3. 2. All property and street pavement lines, labeling dimensions.~~
- ~~3. Existing and proposed contours. For minor projects, the Town Engineer may accept a spot grading plan without proposed contours.~~
- ~~4. Building heights.~~
- ~~4. Gross area of lot and all buildings stated in square feet, including building square footage divided by function (e.g., office, storage).~~
- ~~5. Adjacent streets and land uses, including road centerlines.~~
- ~~6. The percentage of the site that will remain in open space and the percentage that will be under buildings following Development.~~
- ~~5. Total square feet of office area.~~
- ~~6. Density (building and occupants).~~
- ~~7. Setbacks for side yards, front and back-rear yards, for buildings and other hard surfaces, and setback from ordinary high-water/high-water mark, if applicable appropriate.~~
- ~~8. Gross area of parcel(s) stated in square feet.~~
- ~~8. If parking is involved, show e~~
- ~~9. Boundaries for all wetlands, floodplains, and shoreland setbacks and zoning areas.~~

**Commented [MR11]:** I propose to beef these submittal requirements up to make sure the Town can verify that all requirements in this and other Town ordinances will be met.

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10. Calculations for determining the minimum required number of off-street parking spaces ~~as required~~ by applicable zoning ordinance, plus ~~Give~~ the number of spaces actually proposed,
- ~~9.11. Give~~ 11. The maximum number of employees, customers, and residents, and office vehicles that would be at the facility at any one time.
- ~~10.12.~~ 12. Proposed ingress and egress to the site, including on-site parking area(s), parking stalls, and adjacent streets. Delineate traffic flow with directional arrows and indicate the location of directional al signs or other motorist's aides (if any).
- ~~11.13.~~ 13. Calculations for determining the number of trees to be placed within the proposed parking area must be shown Development Site Area, as well as the designation of any required buffer yard, screens (if any) between the parking area and adjacent property.
14. All existing trees with a trunk diameter at breast height of over six inches or over 40 feet tall, or the limits of woodlots within which at least 50 percent of the trees meet at least one of these two size criteria.
- ~~12.15.~~ 15. Location of all isolated trees having a diameter of six (6) inches or more. (Tree masses may be shown with a diagrammatic outline and a written inventory of individual trees included.)
- ~~13.16.~~ 16. Existing landscaping that will be retained (including proposed protection measures) and proposed landscaping, which shall be differentiated and shown on the plan. The type, size, number, and spacing of all proposed plantings must be illustrated indicated.
- ~~14.17.~~ 17. Location, dimensions, and floor area of all existing (to remain) and proposed buildings on the site and all buildings within fifty (50) feet of the site's boundaries.
18. Location of all existing (to remain) and proposed lighting standards, complete with routing of electrical supply and isofooteandle diagram photometric plan.
- ~~15.19.~~ 19. Location of all other existing and proposed structures, outdoor storage or display areas, parking areas, dumpsters, fencing, and ground-mounted signs (including if proposed to be lit), including distances from all lot lines.
- ~~16.20.~~ 20. Zoning classification for the entire site.

~~(f)~~ (f) — Elevations. Complete elevations of all proposed construction and related elevations of existing structures (if any) are required containing the following information:

- ~~1. Scale.~~
- ~~2. All signs to be mounted on the elevations.~~
- ~~3. Designation of the kind, color, and texture of all primary materials to be used.~~

~~(g)~~ (d) Lighting Standard Drawing. A scaled drawing and/or catalog pages of the proposed lighting standard(s) is required and shall ~~also~~ contain the following information:

1. All size specifications.
2. Information on lighting intensity, such as a photometric plan (number of watts, isofooteandle diagram, etc.).
3. Materials, colors.
4. Ground or wall anchorage details.
- ~~5. Lighted Signs.~~

(8) WAIVERS AND MODIFICATIONS. The Plan Commission (or upon appeal the Town Board) may approve waiver or modification to one or more provisions of this TCG §12.08 for cases in which it determines that:



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- (a) Extraordinary or undue hardship may result from strict compliance with this TCG §12.08 and/or that its purpose may be better served by an alternate approach.
- (b) Such waiver or modification will be just and proper, not be detrimental to the public good, and not impair the desirable general development of the community in accordance with the Plan.
- (c) Such waiver or modification will not be contrary to applicable requirements of State law, Dane County ordinance, or other Town ordinance, except where also modified by the appropriate agency.

~~(7)~~(9) VIOLATION AND PENALTIES.

Any person who shall violate this section shall, upon conviction, be subject to forfeiture of not less than ten dollars (\$10), nor more than two hundred dollars (\$200), together with all costs of prosecution, fees and penalty assessments, if any. Each day a violation continues shall constitute a separate offense. Nothing in this section shall preclude the Town from taking any appropriate action to prevent or remove a violation of any provision of this section.

~~(8)~~(10) EFFECTIVE DATE

This ordinance section was adopted on November 5, 2001.

**Commented [MR12]:** This is an "out" where a particular development is determined to be worthy of approval but does not meet one of the standards prescribed above. It was modified in organization but not content from what was shared with the Commission on 4/27.