

ORDINANCE OF THE TOWN OF COTTAGE GROVE, WISCONSIN

Adopted pursuant to Sec. 25.01 of the Town of Cottage Grove Code

Title: Amendments to Chapter 15: Land Division and Planning Code re Lots (Sec. 15.8.7.4), Storm Water Drainage Facilities (Sec. 15.9.3.4), Siting Standards (Sec. 15.16)

Ordinance Number	2016-03
Code Section(s) amended	15.8.7.4, 15.9.3.4, 15.16
Presented to Plan Commission/Board by	Town Attorney
Committee Review by	Plan Commission
Date(s) Public Hearing(s) held (if required)	July 18, 2016
Date adopted	July 18, 2016
Vote	5-0
Date of publication ^{posting} of adoption of ordinance	July 21, 2016

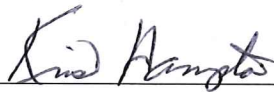
The Town Board of the Town of Cottage Grove does ordain as follows:

Sections 15.8.7.4, 15.9.3.4 and 15.16 of the Cottage Grove Town Ordinances shall be repealed and recreated to read as follows:

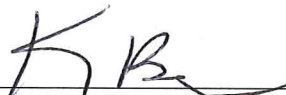
See attached Exhibit A, which consists of 8 pages and which is incorporated by reference.

Adopted this 18th day of July, 2016 by a vote of 5 for and 0 against and 0 abstentions.

TOWN OF COTTAGE GROVE


Kris Hampton, Town Chair

ATTEST:


Kim Banigan, Town Clerk

Approved as to form this
____ day of _____, 2016.

ANDERSON CONSULTS, LLC

Constance L. Anderson
Cottage Grove Town Attorney

TOWN OF COTTAGE GROVE – CODE OF ORDINANCES
CHAPTER 15
LAND DIVISION AND PLANNING CODE
Exhibit to Ordinance 2016-03

TCG Ord 15.8.7.4, TCG Ord 15.9.3.4 and TCG Ord 15.16 shall be amended to read as follows:

15.8.7 Lots.

.....

15.8.7.4 ~~The maximum gross density (including roads, utility easements, and park dedication) of any residential development shall not exceed one dwelling unit per acre.~~ Guidelines for lot sizes shall be as set forth in the Town of Cottage Grove's Comprehensive Plan.

15.9.3 Storm Sewers; Storm Water Drainage Facilities.

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15.9.3.4 The cost of constructing storm sewer and storm water drainage facilities sufficient to which serve the plat or project ~~but which are not necessary to serve the entire drainage basin or subbasin in which it is located~~ shall be borne solely by the subdivider. The Dane County Land & Water Resources Department (LWRD), or its successor, shall determine what storm sewer and storm water drainage facilities are necessary and sufficient for the plat or project and requirements shall be as set forth in the stormwater and erosion control permit issued for the plat or project. If either LWRD or the Town Engineer recommend additional capacity or facilities beyond those required by the permit, and such facilities are deemed necessary by the Town Board, then the requirement for additional capacity or facilities may be imposed on the subdivider, provided that the additional costs arising from the additional requirements shall be subject to a recoupment agreement by and between the Town and the subdivider. Those costs which are attributable solely to increasing the capacity of the required storm sewer and storm water drainage facilities to enable them to serve the entire drainage basin or subbasin shall be included in the recoupment agreement, paid by the subdivider and by the Town and recovered/recoverable by the subdivider, all through area charges or special assessments levied against ~~all the~~ benefitted properties. Except as otherwise agreed between the Town and subdivider, ~~a~~Any area charge or special assessment levied pursuant to this section shall either be paid before the final plat is inscribed by the Town Clerk or before any building permit is issued.

15.16 SITING STANDARDS.

15.16.1 Policy.

The policy for the Town's Land Use Siting Standards is set forth in the ~~Future Land Use~~ section of Chapter J of the ~~Smart Growth Comprehensive Plan -- 2020, Town of Cottage Grove's Comprehensive Plan~~, as may be amended from time to time. The Siting Standards are set forth to promote the goals and objectives set forth in the Comprehensive Plan.

15.16.2 Maps and References.

~~Map J-3 and Exhibit J-2 as set forth in the Town's Smart Growth Comprehensive Plan -- 2020 are expressly incorporated here by reference, as may be amended from time to time. Map J-3 and Exhibit J-2 shall be hereinafter referred to as "Map" and "Exhibit" respectively~~Land Use Maps and Exhibits as set forth in the Town of Cottage Grove's Comprehensive Plan are expressly incorporated here by reference, as may be amended from time to time.;

15.16.3 Siting Standards Requirements.

Prior to approval of any land division, certified survey map, or rezoning request, the Plan Commission shall review the request and application for compliance with the ~~Map, Exhibit, District Purposes, Allowable Uses, Siting Standards and Review Criteria set forth herein~~Town of Cottage Grove's Comprehensive Plan. Land division, certified survey map, or rezoning requests within the district will be reviewed for consistency with such requirements and failure to comply with such requirements may be the basis for rejection of the request and application.

15.16.4 Land Use Districts and Standards.

The Town is divided into ~~eight~~various -future land use ~~districts~~areas, which ~~district locations are designated~~identified on the ~~Map~~Future Land Use Map of the Town of Cottage Grove's Comprehensive Plan, as may be amended from time to time. Allowable ~~land u~~Uses, residential densities, review criteria and siting standards within each ~~district~~area are identified ~~on the Exhibit in the Town of Cottage Grove's Comprehensive Plan and shall be primarily limited to such uses. Residential Densities, Review Criteria and Siting Standards for each district are described below~~, and shall be used as the basis for recommending, accepting, or rejecting any land division, certified survey map, or rezoning request.

Agricultural District.

15.16.4.1 ~~Purpose: This district is intended to protect farmland and minimize the amount of land taken out of production. A limited number of residential lots can be created consistent with standards established for the district.~~

15.16.4.1.1 ~~The Town adopted the A-1 Agricultural District (Exclusive) of~~

the Dane County Zoning Ordinance ("Ag-Exclusive") effective May 15, 1982.

15.16.4.1.2 Non-farm residential development is generally permitted in ~~Ag-Exclusive zones per the standard of one dwelling unit per 35 acres owned which limit has been in effect in the Town since January 1, 1981. Development in this Agricultural district is further limited subject to the requirements listed in sec. 15.16.5.2 to 15.16.5.4 below.~~

15.16.4.1.3 The Town recognizes that the one lot per 35-acre policy does not mandate the creation of 35-acre lots and adopts the limits below to maintain lots as small as possible and to minimize loss of agricultural land to non-agricultural purposes.

15.16.5 Allowable Uses: See Exhibit.

15.16.5.1 Residential Density in the Agricultural District:

15.16.5.1.1 NOTE: It is the Town's policy that residential lots in an area being rezoned for development as a residential subdivision be one (1) acre or less in size. When rezoning occurs to permit a residential subdivision, density and lot size shall be determined in accordance with Dane County Zoning Ordinances.

15.16.5.1.2 Residential sites created in agricultural areas by using a split or RDU shall be no larger than two (2) acres unless, as determined in the discretion of the Town Board, physical conditions require the creation of a larger lot. In cases where the Town Board recommends the creation of a larger lot, the lot size shall only be expanded the minimum amount necessary to accommodate the unique physical condition.

15.16.5.1.3 If the split or RDU is being used to create a parcel or lot that includes the farm residence and/or farm building(s) that existed on May 15, 1982, the parcel or lot shall be no larger than 10 acres.

15.16.5.1.4 Substandard parcels consisting of 35 acres or less as of May 15, 1982 may be divided as determined on a case-by-case basis in the discretion of the Town Board.

15.16.6 All residential lots created in this district will be subject to review by the Town Board on a case-by-case basis.

15.16.6.1 Siting Standards and Review Criteria: Residential development in the district is subject to the following standards:

15.16.6.1.1 Non-residential agricultural land within the district shall be preserved to the greatest extent feasible.

15.16.6.1.2 Lot size, splits and parcel limitations shall run with the land, be cumulative, and shall apply to those persons or entities owning land within the Town on May 15, 1982, and to their grantees, heirs, successors and assigns.

15.16.6.1.3 Farm residences for parents or children of the farm operator shall be allowed if the conditional use standards of the zoning district and other applicable requirements are met.

15.16.6.1.4 One-time replacement of the existing farm residence with a new residence for the farm operator shall be allowed. Separation and sale of the old farm residence must meet all zoning district and other applicable requirements. The new houses will count toward the policy of one lot per 35 acres, unless the old residence is demolished. These limitations do not apply to farm houses destroyed by wind, fire, and other acts of God.

15.16.6.1.5 Separation and retention of one lot for a new residence for the farm operator when he or she sells the whole farm shall be allowed. These separated lots will count toward the one lot per 35 acre density policy. If the farm operator chooses to retire in the existing home, a new home would be allowed for the new operator.

15.16.6.2 (Reserved for Future Use).

15.16.7 Medium-Density Residential District.

15.16.7.1 Purpose: This district is intended to accommodate residential uses at moderate densities.

15.16.7.2 Allowable Uses: See Exhibit.

15.16.8 Residential Density: This district shall be limited to lots between 0.5 acres and 1 acre.

15.16.8.1 Siting Standards and Review Criteria:

15.16.8.1.1 Development shall be primarily limited to areas not containing prime or important soils. Development shall be located on the least productive portion of the farm parcel, with productivity being measured by the soil classification in the *Soil Survey of Dane County*.

15.16.8.1.2 Development shall be primarily limited to areas which can support a private septic system.

15.16.8.1.3 New roads and utility transmission lines should be located and constructed in a manner that would minimize any impact on prime farmlands and other natural resources.

15.16.8.1.4 Driveways shall not be permitted to cross productive agricultural lands or disrupt the agricultural use of the property. All driveways must permit safe access by fire trucks, ambulances, and any other emergency vehicles. The Town Board or Plan Commission may require notification of the fire chief or other emergency service provider, as well as require their approval of any driveway configuration.

- 15.16.8.1.5 ~~All existing property boundaries, lot lines and easements must be shown.~~
- 15.16.8.1.6 ~~All existing uses, structures, roads, driveways, septic fields and well sites must be shown. All driveways must meet the driveway ordinance requirements.~~
- 15.16.8.1.7 ~~The proposed lot lines and approximate location of proposed structures, roads, and driveways septic fields and well sites must be shown.~~
- 15.16.8.1.8 ~~Areas of differing soil productivity shall be delineated.~~
- 15.16.8.1.9 ~~All natural features such as woodlands, wetlands, flood plains, and steep slopes shall be delineated.~~
- 15.16.8.1.10 ~~Clustering of lots so as to minimize the amount of land devoted to residential use shall be encouraged.~~
- 15.16.8.1.11 ~~The minimal level of tree clearing necessary for building shall be shown.~~
- 15.16.8.1.12 ~~All structures shall be below ridge crests and shall be developed to blend in with the landscape of the surrounding area.~~
- 15.16.9 *(Reserved for Future Use).*
 - 15.16.9.1.1 Commercial District.
 - 15.16.9.2 Purpose: This district is intended to accommodate commercial activities that primarily serve people in the immediate area and provide employment opportunities for Town residents.
 - 15.16.9.2.1 Allowable Uses: See Exhibit.
 - 15.16.9.3 Siting Standards and Review Criteria: Commercial uses within the district are conditioned upon provision of the following information and meeting the following criteria:
 - 15.16.9.3.1 ~~The Town and applicant should jointly work with the State Department of Transportation, its District One office, and the Dane County Highway and Transportation Department to ensure that adequate rights-of-way for future roadway expansions are provided and that proper controls on vehicle access (especially the number, design and location of access driveways and intersecting local roadways) are provided.~~
 - 15.16.9.3.2 ~~Driveway cuts that impede the efficient and safe operations of roadways are prohibited. Shared driveways and frontage road access may be required.~~
 - 15.16.9.3.3 ~~Off-street parking shall be delineated on the site plan, in accordance with the provisions of the Dane County Zoning Ordinance.~~

- 15.16.9.3.4 ~~No parking or storage of vehicles is permitted within the street right-of-way.~~
- 15.16.9.3.5 ~~An estimate of public utilities and services required for the operation of the business shall be provided. If the business required levels of service higher than what the Town can provide, especially the provision of sanitary sewer and public water, the proposal shall be disapproved.~~
- 15.16.9.3.6 ~~A site plan shall be submitted indicating all setbacks and points of access required, the location of all buildings, storage and waste disposal facilities, and the location and type of screening and buffering (see Dane County Zoning Ordinance, Sec. 10.16(7), as may be amended from time to time).~~
- 15.16.9.3.7 ~~The applicant shall provide an assessment of the traffic volumes generated and types of vehicles that will service or use the new commercial use over the next 5-, 10- and 15-year periods.~~
- 15.16.9.3.8 ~~If the business is located within 100 feet of an adjacent residence or residential zoning district, the side of the business facing the residence shall be screened by a landscape or other visual barrier.~~
- 15.16.9.3.9 ~~A plan for storage and/or disposal of solid waste and hazardous materials used in the operation shall be submitted to the Town. The site plan should also identify any noise or odors produced by the business and perceptible at the boundaries of the property.~~
- 15.16.9.3.10 ~~If the business is to operate at night, all outdoor lighting shall be designated so as not to create glare or shine directly on neighboring residences.~~
- 15.16.9.3.11 ~~The applicant shall specify the days and hours the business shall be open.~~
- 15.16.9.3.12 ~~Businesses shall satisfy the requirements of the Dane County Construction Site Erosion Control Ordinance, Chapter 14, Sec. 14.50-14.99, as may be amended from time to time. Stormwater runoff from a commercial development shall be no greater than what existed prior to development.~~
- 15.16.10 Agribusiness District.
- 15.16.10.1 Purpose: ~~This district is intended to accommodate those businesses that are related to or support the continuation of agricultural production in the Town and in the region.~~
- 15.16.10.2 Allowable Uses: ~~See Exhibit.~~
- 15.16.10.3 Siting Standards and Review Criteria: ~~Commercial activities not directly and uniquely associated with agricultural activities are not permitted. A site plan shall be prepared and submitted to the Plan-~~

Commission for approval before a rural business can be established or expanded. The site plan shall include the following information and meet the following criteria:

- 15.16.10.3.1 If a business is located within 100 feet of an adjacent residence or residential zoning district, the side of the business facing the residence shall be screened by a landscape screen or other visual barrier consistent with Dane County Zoning Ordinance screening specifications.
- 15.16.10.3.2 The name and width of the road(s) serving the business shall be shown on the site plan. If the business requires any special access improvements, these shall be shown on the site plan.
- 15.16.10.3.3 A plan for storage and/or disposal of solid waste and hazardous materials used in the operation shall be submitted to the town. The site plan should also identify any noise or odors produced by the business and perceptible at the boundaries of the property.
- 15.16.10.3.4 Off-street parking shall be delineated on the site plan, in accordance with the provisions of the Dane County Zoning Ordinance. No parking or storage of vehicles is permitted within the street right-of-way. The projected traffic levels and types of vehicles proposed to service or use the business shall also be delineated.
- 15.16.10.3.5 If the business is to operate at night, all outdoor lighting shall be designated so as to not create glare or shine directly on neighboring residences.
- 15.16.10.3.6 Businesses requiring high amounts of water usage, large septic tanks or needing fire protection provided by a public system with hydrants should be limited to the urban service area.
- 15.16.10.3.7 Businesses shall satisfy the requirement of the Dane County Construction Site Erosion Control Ordinance, Chapter 14, Sec. 14.50-14.99, as may be amended from time to time. Stormwater runoff from a commercial development shall be no greater than what existed prior to the development.
- 15.16.10.3.8 Specific conditions may be placed on the business and its operation to comply with the purpose and requirements of the district.
- 15.16.10.3.9 Resource Protection District. (NOTE: See J 20 of the Comprehensive Plan.)
- 15.16.10.4 Purpose: This district is an overlay district intended to recognize those natural resources that are protected by local, state or federal regulations or that need special restrictions intended to protect the resource. Resources in this district include wetlands, floodplains and steep slopes.

15.16.10.4.1 Development Requirements: All development shall conform to all local, state or federal regulations that may apply to these features. It is anticipated that some land in this district may be undevelopable because of such regulations.

15.16.10.5 Siting Standards and Review Criteria:

15.16.10.5.1 Groundwater quality and quantity shall be preserved, and shall be protected through site control of potential sources of contamination, and by restricting the types of development.

15.16.10.5.2 Development shall be prohibited on slopes greater than 12%.

15.16.10.5.3 Slopes greater than 20% shall not be disturbed for driveways.

15.16.10.5.4 Present woodlands over ten acres shall not be further divided into parcels of less than ten acres.

15.16.10.5.5 All development shall be consistent with and meet the requirements of Chapter 11 of the Dane County code of Ordinances regulating shore lands, wetlands, and flood plains.

15.16.11 Open Space/Park District.

15.16.11.1 Purpose: This district includes property that the landowner intends to keep the property in an undeveloped condition.

15.16.11.2 Allowable Uses: See Exhibit.

15.16.11.3 Siting Standards and Review Criteria:

15.16.11.3.1 Open Space and Parkland within the district shall be preserved to the greatest extent feasible.

15.16.11.3.2 Open space and parkland located outside the district shall meet any requirements set forth in sec. 15.2.4, Dedication and Reservation of Land. Such dedications should be of a size and shape so as to provide usable recreational space.

15.16.11.3.3 All proposals for new subdivisions located outside the district shall be reviewed to determine the adequacy of park and open space set aside for the neighborhoods. Trail connections between subdivisions for bicycle and pedestrian use will be stressed.

