

## **TOWN OF COTTAGE GROVE NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that the Town Board of the Town of Cottage Grove will hold a public hearing at 7:00 p.m. on Monday, October 6, 2025, at the Cottage Grove Town Hall, 4058 County Road N, to receive public comments on proposed amendments to Chapter 15 (Land Division and Planning Code) of the Town Code of Ordinances. The proposed amendments would align Town procedures and requirements for Conditional Use Permit applications with a recent Dane County zoning ordinance amendment. These include no requirement anymore for a Town public hearing, that the Town must consider only County-provided materials to make its recommendations, and that such recommendations must have a “factual basis.” The proposed amendments also clarify Town requirements for rezoning applications.

All interested parties are invited to attend said hearing and be heard. After the public hearing, the Town Board will consider action on the proposed amendments to Chapter 15. The proposed amendments are attached, or available for viewing at the Town Hall, 4058 County Road N, Cottage Grove, WI. Any person who has a qualifying disability, as defined by the Americans With Disabilities Act, who requires the meeting or materials at the meeting to be in an accessible location or format must contact the Town Clerk at (608) 839-5021 or [clerk@tn.cottagegrove.wi.gov](mailto:clerk@tn.cottagegrove.wi.gov) at least 24 hours prior to the commencement of the meeting so that any necessary arrangements can be made to accommodate each request.

Kim Banigan, Clerk-Treasurer  
Town of Cottage Grove

ORDINANCE OF THE TOWN OF COTTAGE GROVE, WISCONSIN  
Adopted pursuant to Sec. 25.01 of the Town of Cottage Grove Code

Title: Ordinance 2025-20-06 Amending Chapter 15 of the Town Code of Ordinances

Code Section(s) amended	<u>15.01 Introduction to Land Division and Planning Code</u>
Presented to Board by	<u>Town Planner Mark Roffers</u>
Committee Review by	<u>Plan Commission</u>
Attorney Review by	<u>None</u>
Date(s) Public Hearing(s) held (if required)	<u>October 6, 2025</u>
Date adopted	<u></u>
Vote	<u></u>
Date of posting of adoption of ordinance	<u></u>
Date of publication of adoption of ordinance	<u></u>

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

**Section 15.01 of the Town of Cottage Grove Code or Ordinances is hereby created/amended to read as follows:**

**CHAPTER 15 – LAND DIVISION AND PLANNING CODE**

**15.01 INTRODUCTION.**

**(1) LAND DIVISION AUTHORITY.**

The land division regulations contained herein are adopted under the authority granted by § 236.45, Wis. Stats.

To the extent that this Chapter contains time limits, deadlines, notice requirements, or other provisions that are more restrictive than time limits, deadlines, notice requirements, or other provisions that provide protections for a subdivider contained in Ch. 236, Wis. Stats., the time limits, deadlines, notice requirements or other provisions that provide protections for a subdivider contained in Ch. 236, as may be amended from time to time, shall apply.

**(2) PURPOSE.**

The purpose of the Code is to regulate and control the division of land within the corporate limits of the Town in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the community; to lessen congestion in the streets and highways; to further the orderly layout and appropriate use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; to facilitate the division of larger tracts into smaller parcels of land; to ensure adequate legal description and proper survey monumentation of subdivided land; to provide for the administration and enforcement of this code; and to provide penalties for its violation.

**(3) ABROGATION AND GREATER RESTRICTIONS.**

This Code is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to applicable law. However, where this code imposes greater restrictions, the provisions of this Code shall govern.

**(4) INTERPRETATION.**

In their interpretation and application, the provisions of this code shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

(5) TOWN ~~BOARD~~ ZONING, LAND USE AND VARIANCE AUTHORITY

(a) Dane County Zoning Ordinances.

The Town is subject to the general Dane County Zoning Ordinance (Chapter 10 of Dane County Code of Ordinances), per Town Board resolution with an effective date of February 4, 2019. The Town is also subject to other County zoning regulations that do not require Town approval, including shoreland, wetland, and floodplain zoning regulations.

(b) Town Action and Recommendations to County.

The Town Board ~~intends to shall take action~~ on any each petition to rezone land or obtain a conditional use permit within the Town as prescribed by the Dane County Zoning Ordinance and Wisconsin Statutes. ~~As provided under the general County Zoning Ordinance, prior to submitting either such petition, the prospective petitioner may first consult with the Town Plan Commission and Town Board. The Town shall utilize the following to procedures for rezoning and conditional use permit petitions:~~

1. The Town Clerk shall place each such petition on a Plan Commission agenda only following petitioner submittal to the Town of a complete Petition for Change of Land Use (including the associated fee) and Dane County Zoning Division submittal to the Town of a complete petition submittal packet (typically including a County rezoning or conditional use permit petition number). Any Town request for additional information beyond that included in such packet shall be made through or with the approval of that Division, with the petitioner providing the same additional information to both the County and Town.
2. The Plan Commission shall make a recommendation to the Town Board on whether to recommend County approval of the petition as presented, approval with conditions, denial, or that the Town Board take no action on the petition. If the Plan Commission does not make a recommendation to allow Town Board action within the associated timeframe in subsection 3, the Town Board shall proceed without a Commission recommendation.
3. Following Plan Commission recommendation except where not provided in a sufficient timeframe, the Town Clerk shall schedule the petition on a Town Board meeting agenda for its action. For rezoning petitions, the Town Board shall act to approve as presented, approve with conditions, or disapprove, or shall take no action. For conditional use permit petitions, the Town Board shall recommend County approval as presented, approval with conditions, or denial, or shall take no action. Where the Town Board acts to approve or disapprove a rezoning petition, the Board shall act no later than 25 days after the date of the County Zoning and Land Regulation Committee public hearing. Where the Town Board recommends County approval or denial of a conditional use permit petition, the Town Board shall act no later than 55 days after the date of the County Zoning and Land Regulation Committee public hearing or before expiration of any timeframe extension provided by the County. No later than 5 days after Town Board action, the Town Clerk shall provide the County Zoning Division with a completed Town Action Report on a form provided by such Division to document the Town Board action. If the Town Board fails to act within the associated timeframe, it shall be presumed that the Town has no position on the petition.
4. All recommendations and actions prescribed in subsections 2 and 3 shall be made with reference to applicable criteria in the Dane County Zoning Ordinance and Town Comprehensive Plan, and for conditional use permits be supported by a factual basis. The Town Comprehensive Plan has specific criteria applicable to particular conditional uses or geographic areas that the Town will

use if and where applicable. If the Town Board recommends denial of a conditional use permit petition, it shall provide reasons for such recommendation that have a factual basis, to be included in the Town Action Report.

5. The Town will follow Section 59.69(5)(e), Wis. Stats. for additional procedural steps for rezoning petitions applicable in limited circumstances, such as for amended petitions.
6. Dane County shall conduct public hearings and complete associated publication and posting for rezoning or conditional use permit petitions over lands in the Town. The Town does not intend to conduct its own public hearings on such petitions.
7. In the event that the Town Board, Plan Commission, or Town Clerk believes that a petitioner is in violation of a previously approved rezoning or conditional use permit, or any condition of its approval, the Town Clerk shall notify the County Zoning Division for enforcement action.

(c) Town Board and Plan Commission Responsibilities.

All Petitions for Change of Land Use for any parcel in the Town, shall be reviewed by the Plan Commission and then voted on by the Town Board in accordance with the comprehensive plan, applicable ordinances and statutes. The petitioner's or their representative's attendance at the Plan Commission and Town Board meetings is mandatory. No action will be taken on the application without the petitioner or a representative present, unless necessary to meet a deadline in this chapter or other law.

(d) Variances, Waivers, and Modifications.

1. A request for a variance from a Town ordinance shall be heard, and acted on by the Town Board, at the next regularly scheduled meeting following Town notification of adjoining landowners, unless otherwise prescribed in the associated chapter.
2. Where, in the judgment of the Town Board, it would be inappropriate to apply a provision of this chapter because exceptional or undue hardship would result, the Town Board may, subject to the provisions of s. 15.01(5)(d)3, waive or modify the requirements of this section to the extent deemed just and proper.
3. Such relief will be granted only where it will not be detrimental to the public good, impair the intent and purpose of this code, or impair the desirable general development of the community in accordance with the Town Comprehensive Plan. A three-quarters (3/4) vote of the entire membership of the Board shall be required for any such variance, waiver, or modification.
4. Any variance, waiver, or modification which is granted pursuant to this section shall be made in writing or stated orally and recorded in the minutes, shall state the reasons which justified it, and shall be filed with the records relating to the Change of Land Use.

(6) PLAN COMMISSION.

(a) Creation.

1. Pursuant to the authority granted to the Town Board under Ch. 60 and § 62.23(1), Wis. Stats., the Town hereby creates a Town Plan Commission, which shall act in a continuing capacity with a rotating membership.
2. Plan Commission members shall be appointed by the Town Chair and confirmed by a majority vote of the Town Board members. The chair of the Plan Commission shall be elected by the Plan Commission.

(b) Membership and Term of Service.

1. The Plan Commission shall consist of a total of seven members; two board members and five electors of the Town, acting as citizen representatives.

2. The Town Board members shall be appointed annually, and shall serve only as long as they retain their seat on the Town Board.
3. The citizen representatives shall be appointed on a staggered basis, with three being appointed the first year and two being appointed the following year. Each term of service shall be three years from the date of appointment.
4. Appointments to the Plan Commission shall be made during the month of April, except as described in s. TCG § 15.01(6)(b)5 below.
5. Whenever a vacancy shall occur in the term of any member of the Plan Commission, a replacement board member or citizen member shall be appointed within 30 days to fill the remainder of the unexpired term of service.

(c) Officers.

1. The members of the Plan Commission shall elect a secretary on an annual basis at the first scheduled meeting that follows the appointment of new members to the commission.
2. The secretary shall keep a full and accurate record of all proceedings of the commission and shall provide the Town Clerk with a written record of these proceedings, on or before the date of the Town Board meeting where action would be taken on any recommendations made by the Commission.

(d) Purpose and Function.

1. Purpose

a. Advisory Capacity to Town Board.

The Plan Commission shall serve in an advisory capacity to the Town Board regarding the continuing implementation of the Town comprehensive plan, and regarding updates and amendments thereto, and other matters as set forth in §§ 62.23 and 66.1001, Wis. Stats. and this chapter.

b. Review of All Petitions for Change in Land Use.

All Petitions for Change in Land Use shall be submitted according to s. TCG §§ **Error! Reference source not found.** and **Error! Reference source not found.** and in accordance with any requirements established by the Plan Commission that are consistent with other Town and County ordinances and Wisconsin law. ~~Following submission, all such requests shall be referred to the chair of the Plan Commission for scheduling and hearing. The Plan Commission shall review and hear any Petition for Change of Land Use for property within the Town. Following review and recommendation by the Plan Commission such requests shall be forwarded to the Town Board for final review and adoption.~~

c. Review of Requests for Land Divisions and Subdivisions.

All Preliminary Plats, Final Plats, Certified Survey Maps, and Comprehensive Development Plans, shall be submitted according to s. TCG §§ **Error! Reference source not found.**, **Error! Reference source not found.**, applicable provisions of this Code and in accordance with any requirements established by the Plan Commission that are consistent with other Town and County ordinances and Wisconsin law. ~~Following submission, all such requests shall be referred to the chair of the Plan Commission for appropriate scheduling and hearing. The Plan Commission shall review and hear any requests for land division and subdivision for property within the Town. Following review and recommendation by the Plan Commission such requests shall be forwarded to the Town Board for final review and adoption.~~

d. Review of Referrals.

The Plan Commission shall receive and review all required referrals from the Town Board under § 62.23(5), and Chs. 59, 60, 61, 62, 66 and 236, Wis. Stats. and makes such reports and recommendations as are necessary and appropriate.

2. Monthly Meetings and Reports.

The Plan Commission may meet to hear any matters submitted or referred to the Plan Commission and to conduct any other business allowed by law.

- a. All meetings of the Plan Commission shall be on proper notice under § 19.84, Wis. Stats. and s. TCG § 22.08. The notice of any Plan Commission meeting shall include the Open Meeting Agenda and shall be given at least 24 hours prior to the meeting, unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no case, may the notice be provided less than two hours in advance of the meeting. The chair of the Plan Commission, or his or her designee, shall be responsible for proper posting or publication of the meeting notice and agenda.
- b. All meetings of the Plan Commission shall be held at the Town Hall, except that a different location may be designated by the chair of the Plan Commission, or his or her designee, by giving proper written notice of the meeting and agenda, and of the substituted location, in conformance with § 19.84, Wis. Stats.
- c. Regular meetings of the Plan Commission shall be held on the fourth Wednesday of each month beginning at 7:00 P.M., except as otherwise determined by the Plan Commission chair.
- d. Special meetings of the Plan Commission.
  1. A special meeting of the Plan Commission may be called by the chair of the Plan Commission by written or verbal notice to the Town Clerk at least 48 hours prior to the proposed special meeting, except in the case of any emergency in accordance with section 19.81, Wis. Stats.
  2. Special meetings of the Plan Commission may be held without notice under paragraph 15.01(6)(d)2.a when a quorum of members of the Plan Commission are present at a prior Plan Commission meeting at which oral notice of the special meeting is given.
  3. Special meetings of the Plan Commission attended by a quorum of the members shall be considered a regular meeting of the Plan Commission for the transaction of any Plan Commission business that may come before the Plan Commission if the business considered was so noted in the written meeting notice and agenda.
  4. Where special meetings of the Plan Commission are held at the request of an individual other than the chair of the Plan Commission, the individual shall pay a fee to reimburse the Town for the cost of the meeting. The fee shall be set by resolution of the Town Board and shall include per diems for the seven Plan Commission members; an estimate for Staff costs; and, other expenses as determined by the Town Board.

3. Creation and Administration of Comprehensive Plan.

The Plan Commission shall prepare, oversee and coordinate the creation and administration of a comprehensive plan as defined in § 66.1001, Wis. Stats. The comprehensive plan shall contain the elements, follow the procedures and meet the time-lines established in §§ 62.23 and 66.1001,

Wis. Stats. The Plan Commission shall ensure that the creation, update, or amendment of the comprehensive plan affords adequate public participation and discussion at every stage of plan preparation, and that such procedures have been reduced to writing and adopted by the Town Board in compliance with § 66.1001(4)(a), Wis. Stats. If the Plan Commission recommends adoption or amendment of a comprehensive plan, the Plan Commission shall do so by resolution and referral of same to the Town Board. To be effective, final adoption must be by the Town Board by ordinance in accordance with the procedures set forth in § 66.1001(4)(b), Wis. Stats. and s. TCG § 15.01(7).

4. Review of Comprehensive Plan. The Plan Commission shall conduct a regular review of, and consider requested amendments to, the comprehensive plan in the manner prescribed in the comprehensive plan and under § 66.1001(4)(b), Wis. Stats.
5. Administration and Records. The Plan Commission shall administer the comprehensive plan. The Plan Commission shall maintain on file, a complete and current copy of the comprehensive plan, which has been adopted by the Town Board, and shall ensure that only the adopted version is referenced when reviewing any applications for land division or changes in land use.

(7) COMPREHENSIVE PLAN.

(a) The comprehensive plan of the Town of Cottage Grove, Dane County, Wisconsin, together with the accompanying maps, data, descriptions and analysis is intended to provide the Plan Commission and the Town Board with a uniform reference format, to assist in making land use decisions, and to comply with § 66.1001, Wis. Stats.

(b) Per § 66.1001, Wis. Stats., the rezoning of all land in the Town and all new or amended land division and official map ordinances must be consistent with the comprehensive plan. The Town may require consistency with the comprehensive plan for other actions, as may be prescribed by the Town Code of Ordinances.

(c) The current Town of Cottage Grove Comprehensive Plan was adopted by the Town Board on ~~October 28, 2015~~July 5, 2022, and is incorporated herein by reference as if fully set forth herein, as may be amended from time to time without change to this subsection.

(8) SEVERABILITY.

The provisions of this Code are severable. If any provision of the Code is invalid, or if its application to any person or circumstance is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

(9) TITLE.

This code shall be known as, referred to, and cited as the “Land Division and Planning Code.” It shall also be referred to as the “code” or “Code” in this Chapter.

(10) EFFECTIVE DATE.

This Code shall take effect on the date after its publication as provided by law.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2025, by a vote of \_\_\_\_\_ for, \_\_\_\_\_ against, with \_\_\_\_ abstentions.

**TOWN OF COTTAGE GROVE**

**ATTEST:**

\_\_\_\_\_  
Steven Anders, Town Chair

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Kim Banigan, Town Clerk-Treasurer