

# TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

## CHAPTER 12 - UNIFORM BUILDING CODE

### 12.01 UNIFORM BUILDING CODE

#### (1) AUTHORITY

Pursuant to the provisions of Chs. 59, 60, 61, 62, 66 and 101, Wis. Stats., the Town of Cottage Grove hereby adopts a building code for the regulation of all types of buildings including private and public, rural and urban and including buildings owned by the state or any political subdivision thereof, to be erected in the Town.

#### (2) SCOPE

The Town building code applies to all dwellings, commercial buildings, agricultural buildings, swimming pools, garages and other outbuildings. Excepted are children's play structures, dog kennels, and fences. Fences are regulated under TCG § 11.03 and TCG § 12.06.

#### (3) INCORPORATION BY REFERENCE

The provisions of the following Wisconsin Department of Safety and Professional Services (SPS) administrative code, and all subsequent amendments thereto are hereby adopted and made a part of this ordinance with the same force and effect as if they were fully reprinted herein with the exception of any penalty provision. Municipal penalties are limited to those specified herein.

SPS 316	Electrical Code
SPS 320-325	Uniform Dwelling Code
SPS 328	Smoke Detectors & Carbon Monoxide Detectors
SPS 361-366	Commercial Building Code
SPS 375-379	Buildings Constructed Prior to 1914
SPS 380-387	Uniform Plumbing Code

#### (4) FEES

(a) Building permit fees shall be set by and may be amended at any time by resolution of the Town Board. The appropriate fee for each category shall be specified in a building permit fee schedule provided to the applicant, and shall be submitted with the application, to the Town treasurer in US currency, money order or check payable to: the Town of Cottage Grove. An itemized receipt shall be provided for all currency received.

(b) Any fee established by the Town Board, which is in effect at the time the application is made, shall remain in effect for the entire period that the permit is valid.

(c) Design review of the project shall be completed prior to issuance of a building permit if such review is required under TCG § 12.07.

#### (5) PENALTY FOR VIOLATION

(a) Violations documented by the Town Building Inspector shall be corrected within 30 days, or as specified in writing by the Town Building Inspector. Violations of this ordinance, which remain unresolved beyond the date specified by the Town Building Inspector, shall be punishable as Class C forfeitures, under s. TCG § 25.04.

(b) In addition to the forfeiture specified in (a), subsequent building permits requested by, or on behalf of, the same applicant, shall be withheld until such time as the Town Board has been satisfied that there are no continuing violations of any Town ordinance by the applicant.

#### (6) LIABILITY FOR DAMAGES

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This Building Code and the regulations within it shall not be construed as an assumption of liability by the Town of Cottage Grove, the Town Building Inspector, or any deputy Building Inspector for damages because of injuries sustained or property destroyed by any defect in any installation or in any dwelling, building structure or equipment subject to inspection by the Town. The purpose of the inspections under this chapter is to improve the quality of structures in the Town. The inspections, permits, reports and findings issued after the reviews or inspections are not intended as, nor are they to be construed as, a guarantee. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to all reviews or inspections under this title: "The review of applications and/or the findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of review or inspection. The review or inspection does not involve a detailed examination of the property lines or surveys, mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

### (7) EFFECTIVE DATE

- (a) The original ordinance was adopted on June 2, 1980 and revised on January 19, 2009.
- (b) This section shall take effect upon passage and publication.

## **12.02 TOWN BUILDING INSPECTOR**

### (1) CREATION AND APPOINTMENT

- (a) There is hereby created the office of Town Building Inspector. The Building Inspector shall be appointed or contracted by the Town Board until said appointment/contract is rescinded by the Town Board.
- (b) The Town Building Inspector shall be fully insured, and certified for by the state of Wisconsin to perform all residential and commercial building inspections and plan reviews required under this Chapter, including the categories specified under Wis. Admin. Code SPS 305.61, 305.62, 305.625, 305.63, 305.635 for commercial buildings, UDC, electrical, plumbing, and residential dwellings.

### (2) SUBORDINATES

The Town Building Inspector may appoint as necessary, deputy building inspectors subject to approval by the Town Board. Any deputy building inspector so appointed shall be insured and certified as required under (1) above inspections for the field(s) for which that inspector has been approved by the Town Board.

### (3) DUTIES

The Town Building Inspector, shall administer and enforce all provisions of this ordinance and all other statutes, codes and laws of the State of Wisconsin relating to building construction

### (4) POWERS

- (a) The Town Building Inspector, and any deputy inspector, may enter upon any public or private premises for inspection purposes, at all reasonable hours; and may require the production of the permit for any building, plumbing, electrical, or HVAC work.
- (b) No person may interfere with, or refuse to permit access to any such premises, to the Building Inspector, or any deputy inspector, while in the performance of their duties. If the Town Building Inspector is denied consensual entry to any premises or building, the Town Building

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Inspector may obtain a special inspection warrant under § 66.0119, Wis. Stats., and as may be amended.

(c) The Town Building Inspector shall have the power to pass upon any question arising under the provisions of this chapter relating to buildings, subject to conditions contained in this chapter. Any person aggrieved by any order or ruling or interpretation of the Town Building Inspector may appeal from such order, ruling or interpretation to the Town Board, such appeal to be in writing.

(d) Whenever the Town Building Inspector finds any building or part thereof with the Town to be so old, dilapidated, or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, the Building Inspector may order the owner to raze and remove such building or part thereof, or if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option. Such order and proceedings shall be as provided in § 66.0413(1), Wis. Stats., and as may be subsequently amended.

### (5) RECORDS TO BE MAINTAINED

All records pertaining to the Town building inspection program, including but not limited to those identified in (a) to (d), shall be maintained in the Town Hall. All such records shall be made available for public inspection during normal business hours.

(a) A record of all applications for a building permit, including the date the application was made and the date the permit was issued by the Town Building Inspector.

(b) A record of all fees collected; showing the total amount received, the name of the person the fee was received from and their relationship to the applicant if not the same person, the date received, who received the fee, and the date the fee was turned over to the Town Treasurer.

(c) A copy of the completed standard building permit numbered in the order of issuance, including a record of the number, description and size of all buildings erected indicating the kind of materials used and the aggregate cost of each building.

(d) A record of all inspections made indicating that the site passed or failed the inspection, and any subsequent action to be taken to resolve a non-compliance condition.

### (6) EFFECTIVE DATE

(a) The duties and authority of the Town Building Inspector were initially described in the Town Building Code, adopted on April 17, 1989, and revised on January 19, 2009.

(b) This section shall take effect upon passage and publication.

## 12.03 UNIFORM FIRE CODE

### (1) AUTHORITY

(a) For purposes of this ordinance, the standing Chief of Cottage Grove Fire District, Volunteer Fire Department, Inc. as described in the Agreement for the Provision of Fire Protective Services shall be referred to as the Fire Chief.

(b) Pursuant to Ch. 101, Wis. Stats., and the authority granted to the Fire Chief under § 101.14(2), Wis. Stats., the Town hereby authorizes the Fire Chief, acting as a deputy of the department of the Wisconsin Department of Safety and Professional Services, to conduct fire inspections of buildings and property within the Town limits, as an agent of the Town. The Town further designates the Fire Chief as the fire code official under Wis. Adm. Code SPS 314, 361-362 and authorizes the Fire Chief to designate, mark and require fire lanes, fire apparatus access, appropriate signage and appurtenances as may be required in the Fire Chief's discretion or as may

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otherwise be required by law.

### (2) INCORPORATION OF WISCONSIN ADMINISTRATIVE CODE BY REFERENCE

The following provisions of the Wisconsin Administrative Code Department of Safety and Professional Services (SPS) are hereby adopted, including any amendments as may be made from time to time, and made a part of this ordinance with the same force and effect as if they were fully reprinted herein, with the exception of penalty provisions. Municipal penalties are limited to those specified in (4).

SPS 314 FIRE PREVENTION  
SPS 361-365 WISCONSIN COMMERCIAL BUILDING CODE

### (3) ENFORCEMENT

Pursuant to §§ 60.555, 66.0113 (2) and 800.02, Wis. Stats., the Town Board designates the Fire Chief, and any other fire inspector designated in writing by the Fire Chief, to issue citations to enforce the provisions of this Uniform Fire Code under TCG § 12.03, including, but not limited to, violations of Wis. Adm. Code SPS 314, fire related provisions of Wis. Adm. Code SPS 361-365 and Ch. 101, Wis. Stats., any rules or standards promulgated thereunder, and to issue parking tickets for parking violations in fire or emergency lanes or spaces.

### (4) PENALTY FOR VIOLATION

In addition to, and separate from, any penalties imposed by another agency for failure to comply with any federal, state, or county regulation, violations of this ordinance shall be punishable as Class C forfeitures, under s. TCG § 25.04.

### (5) EFFECTIVE DATE

This section shall take effect upon passage and publication.

## **12.04 REGULATION OF ADDRESS NUMBERS**

### (1) LOCATION OF ADDRESS NUMBERS

(a) Address number and sign location for buildings located within the Town shall adhere to all requirements as set forth in Dane County Ordinances § 76.07, and as amended.

(b) When there is one building which has multiple address numbers, each unit shall display the appropriate address number as described in (a).

(c) The address number shall not be concealed from view of the road by trees, shrubs, bushes, or any other obstructions, including seasonal accumulations of snow.

### (2) SPECIFICATIONS FOR NUMBERS AND LETTERS

(a) The use of reflective material for the numbers and letters of any signage in compliance with this provision, as well as for the background is recommended, but it is not required for compliance with this ordinance.

(b) Address supplies made available through the Dane County Planning & Development Zoning Division may be used for compliance with the provisions of this ordinance, provided they are located as described in (1).

### (3) DAMAGE TO ADDRESS NUMBER

(a) It shall be unlawful and a violation of this ordinance to willfully disturb, remove, deface, or damage any address number installed and maintained under the provisions of this ordinance.

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(b) Any person who accidentally disturbs, removes, defaces, or damages any address number, shall promptly notify the owner of the property; or the Town Clerk, if the property owner cannot be determined.

### (4) PROPERTY OWNERS RESPONSIBILITY

The owner of any property on which a building has been assigned an address number, shall be responsible for the installation and maintenance of the appropriate address number assigned to the building.

### (5) PENALTY FOR VIOLATION

(a) For new construction requiring a building permit; the final inspection shall not be done, and an occupancy permit shall not be issued, until such time as the appropriate address number has been located in accordance with (1).

(b) Violations of this ordinance shall be punishable a Class B forfeiture, under s. TCG § 25.04.

### (6) EFFECTIVE DATE

This section shall take effect upon passage and publication.

## 12.045 REGULATION OF MAILBOX INSTALLATION

(Regulations are based on Wisconsin Transportation Bulletin No. 14 – Mailbox Safety, available at the Town Hall or on the Town’s web page.)

### (1) SUPPORT

The support should be a wood post, steel pipe, or steel channel installed no more than 24” in the ground and extending to a vertical height such that the bottom of the mailbox is a minimum of 42” but not to exceed a maximum of 48” above the ground surface. The support should be the following dimensions:

- Square wood post: no larger than 4” x 4”
- Round wood post: no larger than 4” in diameter
- Steel pipe: no larger than 1 1/2” inside diameter
- Steel channel: no more than 2 lbs./ft.

Dimensions exceeding these are unacceptable and in violation of this ordinance.

The support should not be set in concrete, nor is a base plate acceptable. Anti-twist flanges may be installed on the pipe or channel supports but should not be imbedded more than 10” in the ground.

### (2) ATTACHMENT

The box-to-post attachment should be sufficient to prevent the separation of the box from the support post when struck.

### (3) MULTIPLE MAILBOXES

No more than two mailboxes should be mounted on one support post. For multiple installations, support posts must be spaced a minimum longitudinal distance apart which is equal to three-quarters of the height of the posts in the installation. Thus, for example, in an installation where posts are four feet above ground, they should be spaced three feet apart.

### (4) MAILBOX LOCATION

The front of the mailbox should be aligned with the outside edge of the shoulder, and must not

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extend over the edge of the traveled way or over the edge of a paved shoulder. Installations should avoid blind spots or poor sight distance locations.

(5) PENALTY FOR VIOLATION

All mailboxes within highway or road right-of-way shall be installed and maintained in compliance with the provisions of this ordinance. Failure of a mailbox to comply with the provisions within this section shall constitute a violation of this ordinance. If the Town Highway Superintendent determines that a mailbox is in violation of this ordinance, the Highway Superintendent may remove the mailbox from the right-of-way with or without notice to the property owner. Violations of this ordinance shall result in a fine equal to the cost of removal of the mailbox, which shall be calculated at 150% of the current hourly wage rate for Town public works employee(s) multiplied by the actual time spent by said employee(s) on the mailbox removal.

(6) EFFECTIVE DATE

This section shall take effect upon passage and publication.

**12.05 REGULATION OF SIGNS**

(1) PURPOSE AND SCOPE

The purpose of this ordinance is to regulate signs for all properties within the Town and to ensure the public safety and preservation of scenic beauty of the Town. It will also serve to implement the desired overall character of the community and its constituent zoning districts by providing enforcement of the county zoning requirements at the municipal level.

(2) COUNTY ZONING REGULATIONS ADOPTED BY REFERENCE

The following references from the Dane County Code of Ordinances (DCCO), following the prefix "12", are hereby adopted and made a part of this ordinance with the same force and effect as if they were fully reprinted herein.

- 12-10.71 Definitions
- 12-10.72 Permitted Zoning Districts for Signs
- 12-10.73 General Sign Regulations
- 12-10.74 Specific Regulations for Various Types of Signs
- 12-10.75 Calculation of Height Regulations
- 12-10.76 Design Requirements
- 12-10.77 Location Regulations
- 12-10.78 Intersection Regulations
- 12-10.79 Sign Maintenance Regulations
- 12-10.80 Marquee Signs
- 12-10.81 Political Signs
- 12-10.82 Real Estate Sign Regulations
- 12-10.83 Set Back Regulations
- 12-10.84 Wall Sign Regulations
- 12-10.85 Subdivision Sign Regulations
- 12-10.86 Temporary Sign Regulations
- 12-10.87 Regulations Pertaining to Nonconforming Signs and Use
- 12-10.88 Variances
- 12-10.89 Variance Standards

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12-10.90 Conditions on Variances

12-10.91 Application and Permits

### (3) MUNICIPAL REGULATION

(a) All on-premise advertising signs which are either internally or externally illuminated, shall be turned off when the premises are not open for business. This section does not apply to internal building lighting, and any after-hours security lighting; which is authorized to remain on, by the Dane County Sheriff's Department.

(b) In addition to complying with the requirements of DCCO 12-10.88 to 12-10.91, any person applying to the county for a permit to install or erect a sign within the Town, shall first make application to the Town Board; by providing a copy of the completed county permit application form to the Town Clerk.

(c) Applications for a sign permit, shall be reviewed following the procedures established in TCG § 15.03.

### (4) PENALTY FOR VIOLATION

Violations of this ordinance shall be punishable as Class C forfeitures, under TCG § 25.04.

### (5) EFFECTIVE DATE

(a) For purposes of compliance with the county sign ordinance, as described in (2); the effective date shall be the date the referenced section was adopted by Dane County.

(b) For purposes of municipal enforcement, including the imposition of forfeitures, the effective date shall be October 18, 1993; the date the original ordinance was adopted.

(c) This section shall take effect upon passage and publication.

## 12.06 FENCING OF SWIMMING POOLS

### (1) DEFINITIONS

(a) "Barrier" means a fence, wall, building wall, or a combination thereof; which shall be no less than four feet above grade, with a maximum clearance of four inches between the bottom of the barrier and the grade line.

(b) "Decorative Pool" means a permanent outdoor structure, located either above or below ground level, which contains more than eight inches of water at any point, and is used primarily for other than swimming or wading.

(c) "Gate" means an access into and out of the pool area, which shall be self-closing, and equipped with a child-resistant latch.

(d) "Spas and Hot Tubs" mean units that are permanently installed with a cover, capable of sustaining a weight of up to 200 pounds. Such cover shall be in-place, and secured with a locking device at all times when the unit is not in use by a responsible adult.

(e) "Swimming Pool" means an outdoor, private or residential unit, located either above or below ground level, which contains a body of water at least 18 inches deep at any point; which is used, or is intended to be used, solely by the owner, occupant, or their family and invited guests.

(f) "Wading Pool" means an outdoor unit, located either above or below ground level, which contains water with a depth of less than 18 inches at any point, and is used primarily by children.

### (2) FENCING REQUIREMENTS

(a) All persons who own, erect, or maintain a Swimming Pool within the Town, shall erect a

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fence, or other Barrier around the Swimming Pool within 30 days from the date the unit is installed.

(b) All barriers which enclose an in-ground Swimming Pool shall be located no closer than three feet to the water line, and shall be constructed in such a manner that they effectively obstruct access to the pool area.

(c) Aboveground Swimming Pools shall be considered to be in compliance with this ordinance when all of the following apply:

(d) The sides of such pool extend at least four feet above grade.

(e) The pool is located no closer than three feet to any structure or embankment.

(f) All access points are provided with a barrier and a gate; as defined in 12.06(1)(a),(c).

(g) All Barriers shall be designed, erected, and maintained so that any opening shall not allow the passage of a four-inch diameter object.

### (3) EXEMPTIONS

(a) Decorative Pools; Spas and Hot Tubs; and Wading Pools, are allowed to be owned, erected, and maintained within the Town without being fenced. However, the lack of any coverage under this ordinance does not relieve the owner of any such unit from personal liability that may arise from the use or maintenance of such a unit.

(b) Persons who have existing swimming pools in the Town, shall have a period of up to one year from the date of passage of this ordinance, to comply with the fencing requirements, as described in (2).

### (4) PENALTY FOR VIOLATION

In addition to, and separate from, any possible liability referred to in 12.06(3)(a), violations of this ordinance shall be punishable as Class C forfeitures, under TCG § 25.04.

### (5) EFFECTIVE DATE

This section shall take effect upon passage and publication.

## **12.07 REGULATION OF MANUFACTURED AND MOBILE HOMES**

### (1) STATE LAWS ADOPTED.

The provisions of § 66.0435, Ch. 101.91, et seq., Wis. Stats. and Wis. Admin. Code SPS 326 describing and defining regulations relative to Manufactured or Mobile Homes are hereby adopted and by reference and made part of this Chapter as if fully set forth herein. Any future amendments, revisions or modifications of the statutes or regulations incorporated herein are intended to be made part of this Code.

### (2) PARKING OF MANUFACTURED HOMES RESTRICTED.

Except as provided in this chapter, no person shall park within the Town any manufactured home on any street, alley, highway or other public place or on any privately-owned land.

### (3) SPECIAL PERMIT FOR LOCATION OUTSIDE OF PARK.

(a) The Town Board may issue a special written permit allowing the temporary location of a manufactured home outside a manufactured home park. At the time any special permit under this provision is granted, the Town Board shall specify the duration of the special permit, and any request for an extension or modification of the duration or other terms of said special permit must be approved by the Town Board.

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(b) The person to whom such special permit is granted shall be subject to the parking permit fee as provided in sub. (4). The permit shall be granted only upon the written consent of the owner, legal agent of the owner or the lessee of the location for which the permit is issued.

(c) All provisions of this ordinance governing the location, use and sanitation of manufactured homes located in a licensed manufactured home park shall so far as they are applicable, apply to any manufactured home located outside of such park.

### (4) MANUFACTURED HOME PARK LICENSES.

(a) Required. No person shall establish, operate or maintain or permit to be established, operated or maintained upon any property owned, leased or controlled by said owner a manufactured home park within the Town without first securing a license from the Town Building Inspector pursuant to this chapter.

(b) Location Restriction. An application for the construction of a manufactured home park shall be considered only when its proposed location is within a district zoned to permit such use.

(c) Application. The application for a license or renewal of a license shall be made on forms furnished by the Town Clerk and shall include the name and address of the owner in fee of the tract or if the fee is vested in some person other than the applicant, a duly verified statement by such person that the applicant is authorized to construct or maintain the manufactured home park and make the application, and such a legal description of the premises upon which the manufactured home park will be located as will readily identify and definitely locate the premises. The initial application for any existing, new or revised manufactured home park shall be accompanied by two copies of the park plan showing the following, either existing or as proposed:

1. The area to be used for park purposes.
2. Roadways and driveways.
3. The location and designation of dependent and independent manufactured home spaces.
4. The location of service buildings and the number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by the occupants of the manufactured home park.
5. A complete layout of storm, sanitary and water systems for the service building and spaces.
6. The method and plan of garbage removal.
7. A plan for electrical lighting of spaces.

### (d) Issuance of License.

1. Approval and Fee Required. The application for such license or renewal thereof shall be approved by the Town Board. Before a license is issued, the applicant shall pay an annual fee in accordance with Wis. Admin. Code SPS 326.
2. Municipal Sanitary Facilities Required. No license shall be issued for a manufactured home park where municipal sanitary facilities are not available.

(e) Revocation and Suspension. The Town Board may suspend or revoke any license or permit issued under this chapter after a hearing held pursuant to § 66.0435, Wis. Stats. Appeal from a decision of the Town Board shall be made pursuant to Ch. 68, Wis. Stats.

### (5) MANAGEMENT OF MANUFACTURED HOME PARKS.

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### (a) Office to be in Park.

In every manufactured home park there shall be located the office of the attendant or person in charge of such park. A copy of the park license and of this Chapter shall be posted therein, and the park register shall at times be kept in such office.

### (b) Duties of Attendant and Licensee.

The attendant or person in charge, together with the licensee, shall:

1. Keep a register of all occupants, which shall be open at all times to inspection by State, Federal, and local offices and shall show for all occupants of the manufactured home park the following information:
  - (a) Names and addresses.
  - (b) Number and ages of all children.
  - (c) Number of public elementary school children.
  - (d) Number of public secondary school children.
  - (e) State of legal residence.
  - (f) Dates of entrance and departure.
  - (g) License number of all manufactured homes and towing or other vehicles, and states issuing such licenses.
  - (h) Place of last location and length of stay.
  - (i) Place of employment of each occupant.
2. Maintain the park in a clean, orderly and sanitary condition at all times.
3. Ensure that the provisions of this Chapter are complied with and enforced and report promptly to the proper authorities any violation of this Chapter or any other violations of law which may come to attention.
4. Collect the monthly parking permit fee and keep a record book showing the names of persons paying such fees and the amounts paid.
5. Maintain in convenient places, approved by the Fire Chief, functional hand fire extinguishers in the ratio of no less than one to each eight units.
6. Prohibit the lighting of open fires on the premises.

### (6) APPLICABILITY OF PLUMBING, ELECTRICAL AND BUILDING ORDINANCES.

All plumbing, electrical, building and other work on or at any park licensed under this Chapter shall be in accord with any applicable Town and County Ordinances, the requirements of the State Plumbing, Electrical and Building Codes, and the regulations of the State of Wisconsin Department of Health.

### (7) VARIANCES.

When, in the judgment of the Town Board, a provision of this chapter may not literally be applied due to unusual hardship, such provision may be altered as long as the basic intent of control herein stated is retained.

### (8) GENERAL PENALTY.

Any person violating any provision of this Chapter shall, upon conviction thereof, forfeit not

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more than \$500.00, together with the costs of prosecution for each violation. Each day of violation may constitute a separate offense.

### 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 TCG § 12.01(1).

(2) SCOPE OF DESIGN REVIEW.

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

1. Any commercial building or construction.
2. Any industrial building or construction.
3. Any concentrated animal feeding operation as defined in Wis. Admin. Code NR 243.03(12).
4. Any building or construction to be used for public utility or governmental purposes.
5. Any parking areas capable of holding five or more vehicles.
6. 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.

(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 design of a development to determine its compliance with the design standards herein expressed.

(b) "Development" means any new construction or exterior improvement to real property for which a building permit may be required, and which would be subject to design review as provided at Section (2) above.

(c) "Design Standards" means the standards that the proposed development must meet. Design standards shall be in accordance with all 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.

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

### (4) DEVELOPMENT TO COMPLY WITH DESIGN STANDARDS.

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.

### (5) APPLICATION AND PROCEDURE.

(a) Upon application for a building permit, the applicant shall be advised by the Town Building Inspector whether compliance with Design Standards is required. If such compliance is required, the applicant shall be so notified, informed of the Submittal Requirements under sub (8), Upon determining that the application is complete and any required fees have been deposited, the Town Building Inspector 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 14 days after the Plan Commission Chair first receives the application. As part of the application, the applicant shall provide a sufficient number of plans for the Development 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. 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, hear from such interested public who attend the meeting and may receive the opinion of the Town Building Inspector on the application.

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

(d) The Town Board shall make the final determination on acceptance, acceptance with

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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.

(e) No building permit shall be issued for any Development until the Town Building Inspector has received, in writing, the Town Board's determination that the Development is in compliance with the Design Standards contained in this chapter. All construction and improvement of the Development subject to Design Review shall conform with approved design plans.

(f) The determinations of the Town Board on site plan applications shall be appealable as an administrative determination under Ch. 68, Wis. Stats.

(g) Approval shall be deemed to be given at the end of the 60-day period from the date of the submission of a complete application along with any required fees and necessary accompanying documents to the Town Building Inspector unless the application is rejected in writing, as noted at subsection (c) above, or unless the deadline is extended by agreement of the Plan Commission and the applicant.

### (6) FEES.

The applicant shall be required to reimburse any out-of-pocket expenses incurred by the Town, including consultant fees (engineering, legal and/or planning), costs of maps, or other expenses related to the Design Review. Any such expenses shall be paid in full by the applicant prior to issuance of the building permit.

### (7) 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.

### (8) SUBMITTAL REQUIREMENTS.

(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:

1. Building plans sufficient to illustrate building faces and exterior layout.
2. Color photographs required to illustrate the site, including buildings and other existing features. Photos may also be used to illustrate installations on other sites that are similar to the applicant's proposal.

(c) A site plan for review is required, containing the following information:

1. Scale and north arrow.
2. Location of site and address if available.
3. All property and street pavement lines.
4. Existing and proposed contours.
5. Building heights.
6. Gross area of building stated in square feet.

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7. Total square feet of office area.
  8. Density (building and occupants).
  9. Setbacks for side yards, front and back yards, and setback from high water mark, if appropriate.
  10. Gross area of parcel(s) stated in square feet.
  11. If parking is involved, show calculations for determining the required number of off-street parking spaces as required by applicable zoning ordinance. Give the number of spaces actually proposed, Give the maximum number of employees, customers, and office vehicles that would be at the facility at any one time.
  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 direction signs or other motorist's aides (if any).
  13. Calculations for determining the number of trees to be placed within the proposed parking area must be shown, as well as the designation of required buffer screens (if any) between the parking area and adjacent property.
  14. 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.)
  15. Existing landscaping that will be retained and proposed landscaping shall be differentiated and shown on the plan. The type, size, number, and spacing of all plantings must be illustrated.
  16. Location of all existing (to remain) and proposed buildings on the site and all buildings within fifty (50) feet of the site's boundaries.
  17. Location of all existing (to remain) and proposed lighting standards, complete with routing of electrical supply and isofootcandle diagram.
  18. Zoning classification for the entire site.
- (d) 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.
- (e) Lighting Standard Drawing. A scaled drawing of the proposed lighting standard(s) is required and should contain the following information:
1. All size specifications.
  2. Information on lighting intensity (number of watts, isofootcandle diagram, etc.)
  3. Materials, colors.
  4. Ground or wall anchorage details.
  5. Lighted Signs.
- (9) VIOLATION AND PENALTIES.

Any person who shall violate this section shall, upon conviction, be subject to forfeiture of not

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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.

### **(10) EFFECTIVE DATE**

This ordinance section was adopted on November 5, 2001.