

**TOWN OF COTTAGE GROVE
TOWN BOARD ORDINANCE 2022-03-07a**

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

Title: Adopting amendments to Chapter 15– Land Division and Planning Code

Code Section(s) created , amended, or repealed	<u>Chapter 15</u>
Presented to Board by	<u>Town Planning Consultant, Town Attorney,</u> <u>Town Clerk</u>
Committee Review by	<u>Plan Commission</u>
Date(s) Public Hearing(s) held (if required)	<u>February 21, 2022</u>
Date adopted	<u>March 7, 2022</u>
Vote	<u>5-0</u>
Date of posting of adoption of ordinance	<u>March 9, 2022</u>
Date of publication of adoption of ordinance	<u>Not required</u>

The Town Board of the Town of Cottage Grove does ordain as that Chapter 15 is hereby amended to read as follows:

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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 laws. 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 ~~January 5, 1981, and approved by the Dane County Board on April 5, 1981.~~ 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 Recommendations to County ~~Board~~.

The Town Board ~~is required to make recommendations to the county zoning committee and~~

~~county board relatives shall take action on to any change of petition to rezone land or obtain a conditional use permit within the Town as prescribed by County ordinance and Wisconsin Statutes. As provided under the general County Zoning Ordinance, prior to submitting either such petition, the prospective petitioner must may first consult with the Town Plan Commission and Town Board. It is necessary that the Town Plan Commission and Town Board be properly informed of any request for a change of zoning or land use within the Town.~~

Commented [KB1]: Roffers suggested removing this, Cole suggested keeping it and changing must to may.

(c) Town Board and Plan Commission Responsibilities.

All ~~requests~~ Petitions for a Change of Land Use for any parcel in the Town, ~~other than variance requests~~, 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 Applicant's 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 ~~applicant~~ 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 directly by the Town Board, at the next regularly scheduled meeting following the Town notification of adjoining and adjacent 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.
- 1.4. 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.

Commented [MR2]: Much of the language in this section is moved from a later section of the ordinance, which in that other section currently gives the Plan Commission the power to approve variances. This is contradictory to the current (d)1. below and to typical practice in subdivision ordinances, which generally afford the governing body (Board) the ability to waive standards.

(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 e~~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~~Commission.

(d) Purpose and Function.

1. Purpose

a. Advisory Capacity to Town Board.

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

b. Review of ~~Petitions~~Requests for Changes in Land Use.

All ~~requests~~Petitions for ~~C~~changes in ~~L~~and ~~U~~se shall be submitted according to s. TCG §§ 15.04(2) and 15.03(8) and in accordance with any requirements established by the Plan Commission. 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 ~~requests~~Petition for a Change of Land Use for property within the Town, ~~other than those requesting only a variance from a Town ordinance.~~ Following review and recommendation by the Plan Commission such requests shall be forwarded to the Town Board for final review and adoption. ~~The Town Board shall hear and act on all requests for a variance from a Town ordinance, directly.~~

c. Review of Requests for Land Divisions ~~and Subdivisions.~~

All ~~requests for land divisions, including~~ Preliminary Plats, Final Plats, Certified

Survey Maps, and Comprehensive Development Plans, shall be submitted according to s. TCG §§ 15.03(8), 15.04, applicable ~~land division~~ provisions of this Code and in accordance with any requirements established by the Plan Commission. 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 ~~monthly~~ 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~~ 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 4824~~ 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.

Commented [WSC3]: The law requires posting within 24 hours. The clerk needs time to prepare an agenda and post.

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. Annual 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.
 - ~~a. The Plan Commission shall make recommendations to the Town Board on an annual basis, regarding any changes to the comprehensive plan that may be appropriate to ensure the coordinated and harmonious development of the Town, in accordance with existing and future needs.~~
 - ~~b. Between February 15 and March 15 of each year, the Town will accept requests from property owners, potential developers, and other interested stakeholders for Plan amendments.~~
 - ~~c. Petitions submitted in writing prior to the close of this period will be evaluated by the Plan Commission, along with any amendment requests generated by Plan Commission or Town Board members.~~
 - ~~d. The Plan Commission initiates the proposed Comprehensive Plan amendment. This will usually occur as a result of annual Plan Commission review of the Plan.~~

Commented [MR4]: Since this is all now (differently) specified within the Implementation chapter of the Vision and Directions volume of the Comp Plan itself, it seems unwise to repeat this process in the subdivision ordinance, especially given the differences.

- ~~e. b. Following an opportunity for public input on the proposed Plan amendment, the Plan Commission recommends Town Board approval (or rejection or modification) of the amendment via resolution.~~
- ~~f. The Town Board will then consider the commission's recommendations in accordance with s. TCG § 15.01(7).~~
- ~~g. The commission may consider comprehensive plan amendments at the direct request of the Town Board at other periods.~~
- ~~h. Following enactment of amendments, the Town Board shall forward any necessary information to the county board, to be enacted as part of the overall county plan as necessary and required.~~

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, ~~as amended~~ 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) ~~SMART GROWTH~~ COMPREHENSIVE PLAN.

(a) ~~Purpose and Use.~~ 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 ~~Smart Growth~~ Comprehensive Plan ~~—2020—~~ was adopted by the Town Board on October 28, 2015, and ~~amended August 1, 2016 and June 12, 2017,~~ and is incorporated herein by reference as if fully set forth herein, ~~and~~ as may be amended from time to time without change to this subsection. ~~Any program or action of the Town Board that affects land use shall be consistent with the comprehensive plan as adopted and amended by the Town under § 66.1001, Wis. Stats.~~

(d) ~~Adoption and Amendment Procedure.~~

- ~~1. Plan Commission Recommendation Resolution. Adoption or amendment of the comprehensive plan shall comply with the procedures set forth in § 66.1001, Wis. Stats., as amended. Adoption or amendment of the comprehensive plan shall begin with passage of a resolution by majority vote of the entire Plan Commission recommending adoption or amendment of the comprehensive plan. Said vote shall be recorded in the official minutes of the Plan Commission.~~
- ~~2. Town Board Review. Following passage of a resolution recommending adoption or amendment by the Plan Commission, the Town Board shall review the recommendations of the Plan Commission.~~

Commented [MR5]: This new (b) is a more accurate representation of the effect of the comprehensive plan than the "any program or action" sentence below. Also, I suggest removing the procedure for plan amendment, which is redundant and even a little different than that listed in the Comp Plan itself.

- ~~3. Public Hearing and Notice. Prior to adoption or amendment of the comprehensive plan by the Town Board, there must be at least one public hearing preceded by a Class 1 notice published 30 days before the hearing. The Class 1 notice shall contain the date time and place of the hearing, a summary of the proposed comprehensive plan or comprehensive plan amendment, the name of a Town employee to be contacted to provide information about the proposed comprehensive plan or comprehensive plan amendment, the location and time wherein the proposed comprehensive plan or comprehensive plan amendment can be inspected before the hearing, and information about how a copy of the proposed comprehensive plan or comprehensive plan amendment can be obtained.~~
 - ~~4. Resolution Distribution. Prior to the public hearing, the Town Clerk shall send a copy of the Plan Commission resolution recommending adoption or amendment of a comprehensive plan, including any maps or descriptive materials that relate to the resolution, to the following: Pinney Public Library, Wisconsin Land Council, Dane County, Capital Area Regional Planning Commission, the Village of Cottage Grove, and the Towns of Sun Prairie, Medina, Deerfield, Christiana, Pleasant Springs, Dunn, Blooming Grove, and Burke.~~
 - ~~5. Public Participation. Prior to adoption of a comprehensive plan, the Town Board shall adopt written procedures designed to foster public participation in the adoption process.~~
 - ~~6. Written Responses. Prior to adoption of the comprehensive plan or amendments thereto, the Town Board shall respond in writing to any person who has submitted written comments and has requested a written response from the Town Board.~~
 - ~~7. Adopted by Ordinance. The comprehensive plan or amendments thereto may only be enacted in the form of an ordinance or ordinance amendment adopted by majority vote of all the members elect of the Town Board (not a simple majority of a quorum).~~
- ~~Ordinance Distribution. Following enactment of a comprehensive plan or amendments thereto, the Town Clerk shall file the ordinance along with the comprehensive plan or amendment with the entities specified in § 66.1001(4)(b), Wis. Stats., as listed in 4 above.~~

(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.

15.02 DEFINITIONS.

In this Chapter 15 the following words and phrases shall have the designated meaning unless a different meaning is expressly provided or the context clearly indicates a different meaning:

- (1) Assessor. The assessor for the Town of Cottage Grove.
- (2) Board or Town Board. The Cottage Grove Town Board.
- (3) Certified Survey Map. A drawing meeting all of the requirements of § 236.34, Wis. Stats. which is the map or plan of record for a land division.
- (4) Change of Land Use. ~~A~~ change to the zoning district of a property, or a conditional use permit, under the general Dane County Zoning Ordinance (Chapter 15 of Dane County Code), or a land division or subdivision as provided in this Chapter.
- (5) Checklist. A list of items to meet submission requirements intended to expediate the review process in a cost efficient and timely manner. Upon submission, Town Staff will review the checklist to determine that the checklist has been properly completed. The Town reserves the right to refuse an improperly completed checklist. No submission is considered properly submitted until the associated checklist has been properly completed.
- (6) Clerk or Town Clerk. The Cottage Grove Town Clerk.
- (7) Dwelling Unit. A single-family dwelling or that part of a duplex, apartment, or other multiple family dwelling occupied by one family or one distinct groupset of inhabitants all living in a domestic relationship.
- ~~(6)(1) Town Engineer. A professional registered engineer or engineering firm approved or retained by the Town Board to perform engineering work relating to this code.~~
- ~~(7)(8) Cluster development. A development pattern and technique wherein structures are arranged in closely related groups to enable building at higher densities in certain areas while preserving natural features in others. A cluster development would normally incorporate private common open space areas and give emphasis to the pedestrian as opposed to the automobile in its design. The development might also contain owner-occupied row housing with privately owned common property comprising a major element of the development.~~
- ~~(8)(9) Comprehensive Development Plan (CDP). A total site, neighborhood, or future subdivision plan of an area of land all under the control of a developer(s) or other party interested in dividing land, unless a smaller area is permitted by the Plan Commission, at the time of submission for review. Such a plan shall include information specified in TCG §15.06, specify and clearly illustrate the location, relationship, and nature of all primary and secondary uses, public and private easements, public and private roads, pedestrian paths and common open space.~~
- ~~(9)(10) Comprehensive Plan or Town Comprehensive Plan or Smart Growth Comprehensive Plan. A The comprehensive plan or smart growth plan adopted by the Town of Cottage Grove pursuant to §§ 66.1001 and 62.23(2)-(3), Wis. Stats, intended to . The plan for guiding and shaping the growth and development of the Town, including all of its component parts as set forth in the various maps, plats, charts, and descriptive and explanatory matter filed in the office of the Town.~~
- ~~(10)(11) Extra-territorial Plat Approval Jurisdiction. The unincorporated area outside the City of Madison and Village of Cottage Grove municipal limits of a nearby city or village and located in the Town in which the associated city council or village boards have the legal right to approve subdivision plats and certified survey maps in accordance with Ch. 236, Wis. Stats.~~

Commented [MR6]: Relocated from later in definitions section, when “residential dwelling unit” changed to “dwelling unit” (alphabetical).

Commented [MR7]: Relocated to later for alphabetical order.

Commented [MR8]: This is the first foray into an effort to consolidate the “comprehensive development plan” and “concept plan” processes that are currently in the ordinance. Read on later.

~~(11)~~(12) Final Plat. The final map or plan of record of a subdivision and any accompanying material as described in TCG §see-15.08.

~~(12)~~(13) Greenway. An open area of land, the primary purpose of which is to carry storm water on the ground surface in lieu of an enclosed storm sewer. Greenways may serve multiple purposes in addition to their principal use including, but not limited to, vehicular, bicycle, and pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water retention basis, park development and other related uses.

~~(13)~~(14) Land Division. A division of a parcel of land which is not a subdivision where the act of division creates less than five lots, parcels or building sites of 35 acres or less in area, regardless of whether the act of division also creates one or more lots, parcels or building sites of 35 acres or more.

~~(14)~~(15) Master Plan. Any master, development, comprehensive, or regional plan adopted pursuant to §§ 62.23, 236.46 or 66.0309, Wis. Stats. Which-which is applicable to the Town.

~~(15)~~(16) Official Map. A map indicating the location, width, and extent of existing and proposed streets, highways, parkways, parks and playgrounds as adopted and amended by the Town Board or by any village board or common council pursuant to § 62.23(6), Wis. Stats.

~~(16)~~(17) Outlot. A parcel of land, other than a lot or block so designated on a plat or certified survey map.

~~(17)~~(18) Parcel. Contiguous lands under the control of a subdivider ~~whether or~~ not separated by streets, highways, or railroad rights-of-way.

~~(18)~~(19) Parks Committee. The Town of Cottage Grove Park Committee.

~~(19)~~(20) Plan Commission. The plan commission of the Town of Cottage Grove.

~~(20) Planned Commercial Site. A specified area of land comprising one or more contiguous ownership parcels or building sites for nonresidential uses and which area is legally limited by a reciprocal land use agreement and plan of building placement, reciprocal use of off-street parking facilities and reciprocal use of ingress and egress facilities for each building, loading and parking site. A planned commercial site must have a plan and reciprocal land use agreement approved by the Town recorded in the office of the Dane County Register of Deeds. An approved plan and reciprocal land use agreement may not be changed without approval by the Town. No portion of a planned commercial site may include or front on a street, highway, walkway, parkway, or utility route designated in any applicable master plan, comprehensive plan, or official map at the time of initial recording unless the designated facility is in public ownership or easement.~~

(21) Planned Unit Development District (PUD). A Zoning districts provided for in the Dane County Ordinances which allows diversification and variation in the physical development of land in return for an improved environment.

(22) Preliminary Plat. A map showing the salient features of a proposed subdivision ~~or land division~~, as described in TCG §see- 15.07, submitted to the Town for purpose of preliminary consideration prior to all one or more final plats ~~and, when required, prior to all land divisions~~.

(23) Public Way. Any public road, street, highway, walkway, drainageway, or part thereof.

(24) Replat. Process of changing, or the map or plat which changes, the boundaries of a recorded

Commented [MR9]: This is the same as Dane County's definition; same goes for "subdivision" below. Because all plats and CSMs have to go through both town and county, unity in definitions is generally good.

Commented [MR10]: No use of this term in ordinance.

subdivision plat or a part thereof. The division of a block, lot or outlot within a recorded subdivision plat without changing the exterior boundaries of said block, lot or outlot is not a replat but is a land division.

~~(25) Residential Dwelling Unit (RDU). A single family dwelling or that part of a duplex, apartment, or other multiple family dwelling occupied by one family or one distinct set of inhabitants.~~

Commented [MR11]: "RDU" abbreviation has a different meaning in Comp Plan

~~(26)~~(25) Street. A public way for pedestrian and vehicular traffic, including but not limited to highways, thoroughfares, parkways, throughways, roads, avenues, boulevards, lanes, and places.

(a) Arterial Streets and Highways. Those streets which provide rapid movement of concentrated volumes of traffic over relatively long distances. They provide principally for movement of persons and goods between high activity areas.

1. Principal Arterials. Those ~~streets serving the major~~ interstate ~~corridors and corridors and other highways~~ which connect major cities and regions. These routes provide the highest level of mobility and form a continuous system with constant operating conditions under a high degree of access control. Within the Town, the following are principal arterials: Interstate 94, Highway 12-18, Highway N north of Gaston Road, and other highways that may in the future be designated as principal arterials by the Wisconsin Department of Transportation (WisDOT) or the Greater Madison Metropolitan Planning Organization (MPO).

~~Primary Arterials. Those streets serving long trips between important cities and the major intracommunity corridors within the metropolitan area. These routes provide a high level of mobility and constant operating conditions with only occasional minor restrictions.~~

Commented [MR12]: This section represents a complete recalibration of different street and highways by functional class in the Town, with arterial and collector designations now simply aligning with the terms and actual highway segments designated by the MPO. See Long Range Regional Transportation Plan for more detail if needed for understanding.

2. ~~Standard Minor~~ Arterials. Those streets which more commonly provide for intermediate length trips, thus serving through- traffic movement in trade areas or feeding traffic to the principal ~~and primary~~ arterial streets from lower order activity areas not served by such routes. Within the Town, the following are minor arterials: Highway N from the Town Hall property south, Highway BB west of Highway N, and other highways that may in the future be designated as principal arterials by WisDOT or the MPO.

(b) Collector streets. Those streets which provide moderate speed movement of persons and goods, and that collect and distribute internal traffic within large areas. Within the Town, the following are collector streets: Highway BB east of Highway N, Gaston Road, Vilas Road, Highway AB, Highway MN, and other roads and highways that may in the future be designated as collector streets by WisDOT or the MPO. ~~They are basically local streets which usually, because of more directness of routing and higher capacity than other local streets, receive higher volumes of traffic to be distributed from or collected toward nearby arterial streets. The dual purpose streets of the collector family are also subclassified into two subclasses, namely connectors and distributors.~~

(c) Neighborhood Connector Streets. Those streets which ~~perform a semi arterial function as~~

Commented [MR13]: This is a new road type that is intended to reflect secondary through streets in the Town, including those in larger subdivisions that funnel traffic from other streets to collectors and arterials. The list below is not intended to suggest that any of these existing "neighborhood connectors" needs to be improved from its current state.

~~well as serving as distribution and land access streets, direct traffic from local streets within a land division, subdivision, or condominium development to the arterial and collector street network, and which provide connectivity between adjoining subdivisions, to neighborhood facilities such as parks and schools, and to neighborhood commercial and job centers. Within the Town, the following are neighborhood connector streets: Sandpiper Trail, Damascus Trail, American Way, Ridge Road, Nora Road, Jargo Road, Vilas Hope Road, Hope Road, Natvig Road, Coffeytown Road, Femrite Drive, and other roads and highways that may in the future be designated as neighborhood connector streets by the Town Board.~~

Commented [MR14]: Provides the opening for the Town to designate other streets in new subdivisions. See later for actual standards for such new roads. This is just the definition.

~~1.—~~

~~2. Distributor Streets. Those streets which perform the function of gathering and distributing traffic from and to the local streets and adjacent lands.~~

~~(e)(d)~~ Local Streets. Those streets which are designed for low speeds and volumes and are to provide access from low – generation land activities to the neighborhood connector, collector, and arterial systems. The designation of a street as a local street does not imply that it should be a cul-de-sac or otherwise not extend beyond the boundaries of the subdivision.

~~1. Marginal Access Streets. Those streets which are parallel and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.~~

~~(d)(e)~~ Alleys. Those streets which are a secondary means of access for vehicular service to the back or side of properties otherwise abutting on another public street.

~~(27)(26)~~ Structure. Anything which has the capacity to contain, used for the occupation or shelter of man or animal or for the storage, receiving, retaining or confining of personal property, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground. The term does not include the facilities and appurtenances of public utilities other than buildings.

~~(28)(27)~~ Subdivider. Any person, firm, corporation, partnership, or entity of any sort, which divides or proposes to divide land in any manner which results in a land division or subdivision.

~~(29)(28)~~ Subdivision. The division of a lot, parcel or tract of land where the act of division:

(a) Creates five or more lots, parcels or building sites of thirty-five acres each or less in area; or

(b) Creates five or more lots, parcels or building sites of thirty-five acres or less in area by successive divisions within a period of five years.

~~(30)(29)~~ Town. The Town of Cottage Grove situated in Dane County, Wisconsin.

~~(30) Town of Cottage Grove Development Plan. See Town of Cottage Grove comprehensive plan. Town Engineer. A professional registered engineer or engineering firm approved or retained by the Town Board to perform engineering work relating to this code.~~

(31) Town Staff or Staff. Employees, elected and appointed officials and consultants of the Town as applicable to review the matter at hand.

(32) Urban service area. That portion of the Town, which has been designated by the Town

Board as the area to which municipal services required in urban areas, including but not limited to, sanitary and storm sewers, water supply and distribution systems, streets and highways, shall be first provided.

(33) Water supply system. Any facilities installed or constructed to obtain, store, treat, or convey water for human consumption or domestic use.

15.03 GENERAL PROVISIONS.

(1) JURISDICTION.

Jurisdiction of these regulations shall include all lands within the Town.

(2) COMPLIANCE.

No person, firm, corporation, partnership, or legal entity of any sort shall divide any land located within the Town which results in a land division, subdivision, or a replat as defined herein, no such land division, subdivision, or replat shall be entitled to record, and no street shall be laid out or improvements made to land without compliance with all requirements of this code and with:

- (a) The provisions of Chapter 236 of the Wisconsin Statutes;
- (b) The provisions of See Chapter 28 “Real Property Transactions” of the Dane County Ordinances;
- (c) The rules of the Wisconsin Departments of Safety and Professional Services and Natural Resources regulating lot size and lot elevation if the land to be subdivided is land divisions and subdivisions not served by a public sewer and provisions for such service have not been made;
- (d) The rules of the Wisconsin Department of Transportation (WisDOT) relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a U.S. or state trunk highway or connecting street within WisDOT’s jurisdiction.
- (e) The Town of Cottage Grove Comprehensive Plan and any applicable ordinances, official maps and regulations that are in place when a subdivider submits a preliminary plat or certified survey map.

(3) CONTRACT AND SECURITY FOR IMPROVEMENTS.

(a) Contract.

Before any Final Plat or, Certified Survey Map requiring public improvements, or Comprehensive Development Plan is signed on behalf of the Town inscribed by the Clerk, the subdivider shall enter a contract with the Town wherein the subdivider agrees to:

1. M~~To~~ make and to install all required public improvements within eighteen months or, where staging is permitted, within four years of the date that the plat, or Certified Survey Map, or Comprehensive Development Plan is recorded. The Town Board may permit construction to be staged pursuant to an installation and completion schedule. Where staging is permitted, the Town Board will accept the public improvements within designated parts of the subdivision, or land division, or comprehensive development when they have been completed in accordance with the approved plans and specifications and have passed the necessary inspections, even though the particular improvements may not have been

~~completed within the remainder of the subdivision or land division, or comprehensive development.~~

2. ~~It~~ include the following ~~Surface~~ surface water runoff statement, “The owners of lands in this subdivision are estopped from commencing any action whatsoever against the Town of Cottage Grove, Dane County, Wisconsin for damages caused by surface water runoff or drainage”. This statement must also be included as a covenant on ~~or with~~ the Final Plat ~~or Certified Survey Map~~.
3. Provide for guarantees by the subdivider of all public improvements for not less than one year following final acceptance by the Town, and an additional one year after each replacement of any guaranteed work.
4. Provide adequate supervision, inspection, testing, and regulation of construction schedules and methods.
5. Outline requirements for acceptance of public improvements by the Town.
6. Require that contractors engaged in work on public improvements be adequately insured for liability, including workers' compensation liability.
7. Assure that the subdivider and all contractors agree to indemnify the Town and its professional consultants for any liability arising out of the construction of public improvements.
8. Provide for the payment of required fees and the dedication of required lands and improvements.
9. Provide for the reimbursement of the Town for staff time, professional consultant's fees, and other costs incurred in connection with the development of the property.
10. Provide for the security to guarantee completion of the public improvements and the other obligations of the subdivider under the agreement and this Chapter.
11. Require the subdivider to submit record drawings in a digital format specified by the Town Engineer following the completion and acceptance of all public improvements.
12. Require the subdivider to control weeds and all growth of natural vegetation in a manner consistent with Town ordinances on each lot, outlot, or publicly dedicated parcel until such time as that land is transferred to another entity.
13. Require that the subdivider be responsible for clearing all soil, vegetation, gravel, and similar construction site debris that is tracked onto public streets during the day on which such tracking occurs.
14. Require the construction and maintenance of street terrace trees, landscape buffer strip landscaping, and arterial and collector street noise mitigation as approved to meet any applicable requirements under this Chapter.
15. Require the subdivider's compliance with all other Town ordinances, conditions of approval, and other applicable regulations.

Commented [MR15]: I drew these 3-16 from a similar list recently adopted by the Town of Springfield, which in turn was based on a model development agreement I helped prepare for them, which in turn was based on my 20-some years of experience in working on development agreements. I thought it may be of some value to Cottage Grove. Any development agreement provisions without ordinance backing don't have much basis, so this helps provide future basis for such provisions.

Commented [KB16]: See Roffers' recommendation for section 15.11(3) on page 45 to address Board concerns over this item

16. Provide for all required easements, restrictions, and other encumbrances to be properly prepared, recorded, and maintained.

17. Satisfy all other requirements determined by the Town Board as necessary to protect the Town or comply with applicable legal requirements.

(b) Security for Performance Required.

1. At the time the contract is entered, the subdivider shall furnish a bond, certificate of deposit, irrevocable letter of credit or certified check to the Town in an amount equal to 105% of the estimated cost of all required improvements as determined by the Town Engineer. Such cost shall be calculated per the procedure in Sec. 236.13(2)(am)1d., Wis. Stats. Where staging is permitted, the amount of the security and the time it is furnished shall be determined in accordance with sec. 15.03(3)(b)2 of this code.
2. Where staging is permitted, the subdivider shall deposit a bond, certificate of deposit, irrevocable letter of credit or certified check with the Town at the time the contract is entered and upon completion of the first and each successive stage of construction. The security deposit shall be an amount equal to 105% of the estimated cost of improvements next required by the installation and construction schedule as determined by the Town Engineer. Improvements constructed during the first stage and each successive stage of construction shall not be accepted nor shall any building permit be issued for construction within the completed area of the subdivision or comprehensive development until the security required for the next stage of construction has been posted with the Town.
3. The security posted shall be in such form as is acceptable to the Town Board and approved by the Town Attorney. When a certificate of deposit or certified check is posted as security, the instrument must be negotiable by the Town. When a letter of credit is posted as security the Town must be the beneficiary. When a performance bond is posted, the requirements of Sec. 236.13(2)(am)1m., Wis. Stats. apply.
4. The security deposit shall guarantee that all required improvements will be ~~made~~ constructed and installed according to Town specifications by the subdivider or its contractors not later than 18 months from the date that the plat is recorded or, where staging is permitted, that each stage will be completed by the date specified in the installation and completion schedule, and shall be used, applied, or released pursuant to s. TCG § 15.13.
5. The subdivider shall be responsible for maintaining security beyond 18 months or until the subdivider is released from such security, in written ~~resolve~~ resolution from the Town Board. Release of security shall otherwise be governed by s. TCG § 15.13.
6. Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.

Commented [MR17]: This plus the other change below are per a recent statutory change.

(4) DEDICATION AND RESERVATION OF LAND.

(a) Dedication of Public Ways.

Whenever a tract of land being divided or subdivided embraces all or any part of street, drainageway or other public way which has been designated in the Town of Cottage Grove Comprehensive Plan, park plan, or the official Town map, said public way shall be made a part of the plat or survey map and dedicated by the subdivider in the locations and dimensions indicated on said plan or map.

(b) Dedication of Parks, Playgrounds, Recreation and Open Spaces.

1. The subdivider shall dedicate sufficient land area to provide adequate park, playground, recreation and open space to meet the needs to be created by and to be provided for the land division or subdivision. At least 2,000 square feet of land shall be dedicated for each proposed ~~residential~~ dwelling unit within the land division, subdivision or comprehensive development. Where a definite commitment is made to the Town by the subdivider with respect to the number of dwelling units to be constructed on any parcel of land which has a zoning classification that permits multifamily use, the dedication shall be based upon that number. Where no such commitment exists, the dedication shall be based upon the maximum number of dwelling units which the zoning classification of the parcel will permit. The subdivider will be responsible for final grading and seeding of parkland to the satisfaction of the Town Highway Superintendent and in compliance with other specifications.
2. All parkland shall be seeded to the satisfaction of the Town Highway Superintendent and in compliance with the following minimum requirements:
 - The seed mixture shall be Madison Parks, conforming to the following properties:
 - 39.2% Kentucky Blue Grass
 - 24.5% Creeping Red Fescue
 - 19.9% Park Kentucky Blue Grass
 - 4.95% Chewing Fescue
 - 9.95% Perennial Rye Grass
 - Seed shall be applied at a rate of 3.5 pounds per 1,000 square feet.
 - A seed certificate showing purity and germination per-cent~~age~~ shall be provided.
 - Fertilizer shall be 10-10-10, or as otherwise permitted under applicable law, at a rate of 7 pounds per 1,000 square feet.
 - Mulching operations shall commence immediately after seeding in a manner specified by the Town Highway Superintendent.
3. Where, in the sole discretion of the Town Board, there is no land suitable for public park land dedication within the proposed land development, the dedication of park land required by sec. 15.03(4)(b)1. above is not feasible, the dedication of park land would not be compatible with the Town Comprehensive Plan, or the Town Board determines that a cash contribution will better serve the public

interest, the Town Board may require park land impact fees in lieu of dedication, per sec. (d).

4. The Town Board may, in its sole discretion, permit the developer to satisfy the requirements of sec. 15.03(4)(b)1. above by combining a public park land dedication with park land impact fee payments. The fee, in such cases, shall be determined by subtracting \$15,000 per acre for the dedicated land from the total park land impact fee which would have been required had no park land been dedicated by the developer. The \$15,000 figure shall be updated annually based on changes in the average of the assessed value of all residential properties in the Town and stated in the Town Fee Schedule. The relationship between the park land dedication and park land impact fee amount shall be documented in the contract for improvements under sec. 15.03(3).

(c) Reservation of Public Sites and Open Spaces.

In designing a land division, subdivision or comprehensive development, due consideration shall be given to the reservation of suitable Sites of adequate area for future schools, parks, playgrounds, drainageways, and other public purposes. In the location of such, consideration shall be given to the preservation of scenic and historic sites, stands for fine trees, marshes, lakes and ponds, water courses, watersheds, and ravines. The subdivider may be required to reserve such school, park, recreation and public use areas for a period not to exceed two (2) years for acquisition by the Town, or in the case of school areas by the school district, at undeveloped land costs.

(d) Park Land and Recreation Improvement Impact Fees.

1. Intent. This subsection (d) is intended to impose park land and recreation improvement impact fees in amounts based upon the number of new ~~residential~~ dwelling units, in order to finance the acquisition and improvement of park land, the demand for which is generated by new residential development throughout the Town. Collected fees shall be used to finance capital costs for new or enlarged capital improvements that substantially serve those developments that pay the fees. The park land impact fee and recreational improvement impact fee described in this subsection (d) have been imposed under, and are authorized by, § 66.0617, Wis. Stats.
2. Timing. The impact fees shall be paid with each building permit application, except that a development agreement under this Chapter may provide for fee payment at an earlier date. As used in this section, the term "building permit" shall not include permits required for remodeling, rehabilitation, or other improvements to an existing structure or rebuilding a damaged or destroyed structure, which result in no increase in the number of ~~residential~~ dwelling units.
3. Amounts. The park land impact fee shall be as stated in the Town Fee Schedule (\$375 per ~~residential~~ dwelling unit as of 2020). The recreation improvement impact fee shall be as stated in the Town Fee Schedule (\$1,160 per ~~residential~~ dwelling unit as of 2020). These fees are based on 2020 dollars. The Town Board may by resolution adjust these fee amounts thereafter using the percentage change in the Consumer Price Index from the U.S. Bureau of Labor Statistics or

equivalent. The Town Treasurer shall maintain records of the current fees and adjustment calculations.

4. Basis. The fee amounts in subsection 3 are per the public facility needs assessment adopted pursuant to Resolution 2020-08-26 and on file with the Town Clerk. The adopted needs assessment shall also be used as the basis for expenditure of collected impact fees pursuant to this subsection (d). At the time that the Town collects each impact fee, it shall provide to the applicant or developer from which it received the fee an accounting of how the fee will be spent, which may be the needs assessment or a summary thereof.
5. Accounting. The Town Treasurer shall place all collected impact fees in a separate segregated interest-bearing account, which shall be accounted for separately from the other Town funds. Each collected fee shall be identified by parcel number and date paid within the fund. Impact fee revenues and interest earned on impact fee revenues may be expended only for the particular capital costs for which the impact fee was imposed, or refunded under subsection 6.
6. Refunds. Any collected impact fee that is not used within 8 years after it is collected to pay the capital costs for which it was imposed shall be refunded to the payer of such fee, along with any interest that has accumulated.
7. Potential Waiver or Reduction. The impact fee amounts under subsection 3 may be waived or reduced in one or more of the following circumstances:
 - a. By the Building Inspector for the park land impact fee, where the land development that includes the dwelling unit dedicated public park land pursuant to the requirement in sec. 15.03(4)(b), with the reduction proportionate to the extent that the full requirement was met by such dedication under sec. 15.03(4)(b)4.
 - b. By the Town Board for either or both fees, by request of the developer or applicant for a building permit of the proposed dwelling unit, where it determines that their imposition would have a substantial adverse effect on the availability of housing intended to be affordable to those below the median household income in Dane County. The substantial adverse effect must be supported by evidence provided by the developer or applicant.
8. Appeals. A developer, or an applicant for a building permit, or other payor of the fees set forth in this section, aggrieved by a decision of any Town official may appeal the amount, collection, refund or use of the impact fee under the provisions of Chapter 68, Wis. Stats. If the notice of appeal challenges the imposition of an impact fee, or the amount imposed, the developer, applicant, or payor may pay the fees imposed under protest and the Building Inspector shall issue any building permits withheld solely due to the nonpayment of the fees. If the applicant prevails on appeal, the Town Treasurer shall refund that portion of the fee so paid as finally determined in the appeal process.

(5) SURVEY MONUMENTS.

Before final approval of any plat or Certified Survey Map, the subdivider shall install survey

monuments placed in accordance with the requirements of § 236.15, Wis. Stats. and as may be required by the Town Engineer. The Town Board may waive the placing of monuments, required under § 236.15(1)(b), (c) and (d), Wis. Stats., for a reasonable time on condition that the subdivider execute a surety bond to ensure the placing of such monuments within the time required.

(6) LAND SUITABILITY.

No land shall be subdivided which the Town Board determines to be unsuitable for use by reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. The Town Board, in applying the provisions of this section, shall recite in writing the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and shall afford the subdivider an opportunity to be heard and to present evidence regarding such unsuitability.

Thereafter, the Town Board may affirm, modify, or withdraw its determination of unsuitability.

(7) OUTLOTS.

No outlot in a subdivision may be used as a building site unless it is in compliance with all restrictions imposed by Ch. 236, Wis. Stats. and the provisions of this Code. No outlot in a land division may be used as a building site unless it is in compliance with all the provisions of this Code. An outlot may be conveyed whether or not it may be used as a building site.

(8) ~~LAND USE AND LAND DIVISION APPLICATION (NOTICE OF INTENT)~~PETITION FOR CHANGE OF LAND USE FORM.

(a) Every applicant for a land division, ~~subdivision, rezoning, or conditional use permit or a Change of Land Use~~ for any parcel in the Town, shall notify the Town Board of their intention by filing a ~~Notice of Intent~~completed Petition for Change of Land Use form with the Town Clerk ~~and all required materials to accompany that Petition. A current copy of this form is attached as Appendix 15 A, with the same force and effect as if it were fully reprinted herein.~~Each submitted Petition for Land Use change must be signed by the applicant and by the property owner if different from the applicant.

(b) The specified form shall be provided by the Town Clerk at no charge to the applicant. ~~A current copy of this form is attached as Appendix 15 A, with the same force and effect as if it were fully reprinted herein.~~ The form may be revised as directed by action of the Town Board and without amendment of this Code. Only the current edition of the form shall be used when making application. Failure to provide all required information shall be grounds for denial of the application.

~~Every applicant for a land division or a Change of Land Use for a parcel within the Town, shall make application to the Town Board prior to applying to any other land division or zoning authority.~~

(9) VIOLATIONS.

It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this ~~code~~Code or of the Wisconsin Statutes; and no person, partnership, corporation, or legal entity of any sort shall be issued a building permit by the Town authorizing the building on, or

Commented [MR18]: Attempting to make it clear that the Town has a unified petition for all of these things called a "Petition for Change of Land Use". We can help update this form to make sure it can clearly apply to the various types of development approvals, including versions of the checklists provided by the Town Attorney in 2019.

Commented [WSC19]: I recommend against inserting forms in the Code. If done, that any change to them must be accompanied by an ordinance amendment

improvement of, any land division, subdivision, or replat within the jurisdiction of this Code not of record as of the effective date of this Code until the provisions and requirements of this Code have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Code or the applicable Wisconsin Statutes.

(10) PENALTIES.

Any person, partnership, corporation, or legal entity of any sort who fails to comply with the provisions of this Code shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1,000) and the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense. Further, any person, partnership, corporation, or legal entity that fails to comply with the requirements of this code shall be denied Town Board approval of their application-Petition for ~~a land division or a~~ Change of Land Use, until such time as the applicant has fully complied with all the provisions of this Code.

~~(11) APPEALS.~~

~~(a) The following decisions of the Plan Commission may be appealed to the Town Board:~~

- ~~1. Rejection of Change of Land Use~~
- ~~2. Rejection of a Preliminary Plat;~~
- ~~3. Rejection of Final Plat;~~
- ~~4. Rejection of a Certified Survey Map;~~
- ~~5. Rejection of a Comprehensive Development Plan;~~
- ~~6. Requirement of a Preliminary Plat in connection with a land division;~~
- ~~7. Determination that land is unsuitable for subdivision;~~
- ~~8. Determination that a change in a recorded Comprehensive Development Plan and its exhibits is a major change;~~
- ~~9. Rejection of a proposed change in a recorded Comprehensive Development Plan and its exhibits.~~

~~(b) A written Notice of Appeal must be filed with the Town Clerk within 14 days of the date when notice of the action of the Plan Commission appealed from is mailed to the subdivider.~~

~~(c) The Notice of Appeal shall state the action of the Plan Commission appealed from, shall specify the reasons stated by the Plan Commission for taking such actions; shall specify the reasons why the subdivider believes said action was inappropriate; shall include an agreement to extend the time for acting on the Preliminary Plat, Final Plat, or Certified Survey Map, for a period of 90 days from the date that notice of the action appealed from was mailed to the subdivider; and shall state the names and addresses of the owners of all properties adjacent to the proposed land division or subdivision.~~

~~(d) The Town Clerk shall file the Notice of Appeal with the Town Board and shall schedule the appeal for consideration by the Town Board at a meeting, open to the public, within 45 days of the filing of the Notice of Appeal. The Town Clerk shall send notice of the time scheduled for the consideration of the appeal to the subdivider and to all property owners adjacent to the proposed~~

Commented [MR20]: This crossed-out section does not make much sense in the context of the ordinance. Elsewhere earlier and after, the ordinance makes it clear that the PC is advisory to the Town Board. Therefore, anyone aggrieved of a PC action would not actually need to "appeal" anything, but rather could see a PC recommendation through to the Town Board and urge the Board to take some final action that is different from the PC recommendation. Further, by statute, the PC has no ability to "reject" a final plat, for instance.

~~land division or subdivision at least ten days prior to the hearing of the appeal.~~

~~(e) — Within 30 days of the appeal hearing, the Town Board shall affirm, modify, or reverse the action of the Plan Commission or shall refer the matter back to the Plan Commission for further consideration. Notice of the decision of the Town Board shall be sent to the subdivider and the Plan Commission.~~

~~(f) — The provisions of Ch. 68, Wis. Stats. shall not be applicable to any determination made pursuant to the provisions of this Code.~~

~~(g) — Any person aggrieved by an objection to a plat or a failure to approve a plat may, after review by the Town Board, appeal therefrom, as provided in §§ 236.13(5) and 62.23 (7)(e), (10)–(15), Wis. Stats.~~

15.04 PROCEDURES FOR CHANGE OF LAND USE, LAND DIVISION AND SUBDIVISION.

(1) PRE-APPLICATION.

Prior to the filing of ~~an application for the approval of a~~ Petition for a Change of Land Use, ~~Land Division or Subdivision~~, the applicant shall make contact the Town Clerk to be informed of the purpose and objectives of these regulations, of any applicable master plans or comprehensive plans and of any plan implementation devices, and to be otherwise assisted in planning the Change of Land Use, ~~Land Division or Subdivision~~. The applicant should also research any deed restrictions, environmental limitations, extra-territorial plat approval jurisdiction, etc. on the affected property. A pre-application meeting with Town Staff may be scheduled to 1) acquaint Town Staff with the proposed project, 2) provide the opportunity for Staff to advise the applicant about Town Code and procedures and any obvious issues before the process begins and 3) ensure the proposed project is in line with the Town's Comprehensive Plan. The pre-application process will direct the applicant to the appropriate procedures further described in (2) through (5) below. There will be no charge to the applicant for the pre-application meeting. If the pre-application meeting is successful, and the applicant decides to proceed with the Change of Land Use, ~~Land Division or Subdivision~~, applicable Town fees per sections 15.18 and 15.19 and shall apply, along with actual review costs of the Town Engineer. If the Town Board determines that additional expertise is required or will provide valuable assistance to the Board in its review of the application, the Town Board may also retain the services of other qualified persons with appropriate expertise ("Retained Experts"). The Town shall give written notice to the applicant of the estimated additional fee to be charged beyond the application fees to cover the cost of the services of any such Retained Expert. The estimated additional fee shall be paid before the additional review is undertaken. If the amount of the final additional fee exceeds the estimated fee, the applicant shall pay the additional amount within 30 days of invoicing by the Town.- Any approvals issued shall be conditioned upon the payment of all fees when due. If the final fee is less than the estimated amount, the overpayment shall be refunded to the applicant.

(2) CHANGE OF LAND USE

~~Application-A~~ Petition for ~~a~~ Change of Land Use may be made ~~without a~~ where no land division or subdivision is proposed, or may be in conjunction with a Certified Survey Map or Subdivision Plat. In all cases the following steps will apply:

(a) The ~~Applicant~~ petitioner for ~~a~~ Change of Land Use ~~should~~ will also be required to apply to

Commented [MR21]: Following language is an attempt to clarify what a "change in land use" includes. I like that there is suggestion of a unified application and over-arching process to make changes on the land in the Town. Some clarification seems in order, though.

the Dane County Zoning Division ~~for the change of zoning district or conditional use permit.~~
(Consult with Dane County Zoning Division Staff for application requirements.) Each petition or application also requiring Dane County approval shall first be submitted to the County, following consultation with the Town. All documents submitted with the County application shall also be provided to the Town.

(a) —

(b) The ~~Applicant-petitioner~~ for a Change of Land Use ~~should shall~~ submit a ~~Notice of Intent~~Petition for Change of Land Use form and payment of the associated Change of Land Use fee per TCG §15.19 to the Town Clerk, along with a copy of ~~the all application~~ materials specified on the form and otherwise submitted to the Dane County Zoning Division under (a) above, at least 21 days prior to the meeting of the Plan Commission at which action is desired, or such alternate timeframe if specified elsewhere in this chapter.

(c) The Town Clerk shall transfer the application to the Plan Commission. The Plan Commission shall recommend approval or conditional approval or rejection of the Change of Land Use to the Town Board. ~~If approval or conditional approval is recommended~~After such action, the application shall be referred to the Town Board for consideration. The Town Board shall then approve, conditionally approve or reject the Change of Land Use. All applicable deadlines in this chapter, County ordinances, or Wisconsin Statutes shall apply.

(d) The Town Clerk shall convey the action taken by the Plan Commission and Town Board on the Change of Land Use to the Dane County Zoning Division, as applicable. ~~Applicants~~ Petitioners shall~~should~~ consult directly with the Dane County Zoning Division regarding further requirements to complete the Change of Land Use by Dane at the County level, and if within an Extra-territorial Plat Review Jurisdiction of a nearby city or village, with the appropriate city or village.

(e) Approval of the Change of Land Use may include additional actions by the applicant that are needed to finalize the Change of Land Use, such as recording the Final Plat, a Certified Survey Map or deed restrictions on the property. If the required actions are not completed within the time allotted, the petition and approval may shall be rendered null and void, unless otherwise specified by State law or County ordinance.

(3) LAND DIVISION BY CERTIFIED SURVEY MAP (CSM).

(a) A CSM which has been recommended by approved CMS the Plan Commission and approved by the Town Board, and meets all of the requirements of § 236.34, Wis. Stats. and of this Code, may be utilized to create ~~not more than four parcels or building sites, 35 acres each or less in size~~ a land division as defined in s. TCG § 15.02(14). The Plan Commission may require a ~~preliminary plat~~Comprehensive Development Plan to be filed by a subdivider who is seeking approval of a Certified Survey Map. When required, the ~~preliminary plat~~Comprehensive Development Plan must include the entire parcel of land owned or controlled by the subdivider. ~~When a preliminary plat is not required, the CSM shall include the entire parcel owned by the subdivider.~~ The subdivider shall comply with the requirements of s. TCG § 15.10 and s. TCG § 15.11 when a CSM is used unless a waiver has been granted pursuant to s. TCG §15.01(5)(d). A certification of the approval of the CSM shall be inscribed legibly on the face of the map. All outstanding special assessments shall be paid prior to approval unless determined otherwise by the Board.

Commented [KB22]: This needs to be 21 days for a CUP because a Class 2 notice is required to be published. Might be easier to just change it to 21 days for all petitions (rezone or CUP) since I am often scrambling with only 2 weeks to get all of the necessary notice out to neighbors, etc.

(b) The Town Clerk may maintain a CSM Checklist to provide guidance in preparing a Certified Survey Map.

(c) The Applicant for a land division shall file ~~twelve copies~~ a digital copy in a format directed by the Town Clerk plus hard copies of a Certified Survey Map and all exhibits, a ~~written application for approval~~ completed Petition for Change to Land Use form, the CSM checklist and payment of the Certified Survey Map fee ~~as~~ per 15.18(3) with the Town Clerk at least 21 days prior to the Plan Commission meeting at which action is desired. The quantity of hard copies shall be determined by Town Clerk, who shall transmit copies of the Certified Survey Map and exhibits to the Plan Commission.

Commented [MR23]: With the overwhelming move to digital, most ordinances no longer include hard and fast numbers of hard copies, but instead give the Clerk the ability to get what she or he needs.

(d) The Town Clerk shall transmit copies of ~~such materials~~ the map to the Town Engineer, and ~~the Building Inspector~~ other Retained Experts if warranted, who shall review ~~it~~ the materials for conformance with the provisions of this Code, and any applicable comprehensive plans or master plans, ordinances, statutes, rules or regulations and submit their report and recommendations to the Plan Commission within 14 days from the date of transmission.

(e) The Plan Commission shall recommend approval or conditional approval or rejection of the CSM to the Town Board. ~~If approval or conditional approval is recommended~~ Upon such recommendation, the CSM shall be referred to the Town Board for consideration. The Town Board shall then approve or reject the CSM. One copy of the CSM shall be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, the conditions of approval or reasons for rejection shall be endorsed thereon or attached thereto. Unless the time is extended by written agreement between the subdivider and the Town Board, failure to complete the action required herein within 90 days of the filing of all documents required under subsection (c) above ~~the map~~ shall constitute an approval of the map.

(f) The subdivider is responsible for contacting and complying with any requirements or obligations imposed by any municipality with Extra-territorial Plat Approval Jurisdiction of the area included in the proposed CSM.

(g) The subdivider shall record the CSM with the Register of Deeds for Dane County within 12 months of the last approval and 24 months after the first approval of the CSM, and shall file a certified copy of the recorded map with the Town Clerk within ten days after the map is recorded.

(h) No building permits shall be issued and no improvements may be made until the approved CSM is recorded and any required contract and security for improvements under s. TCG § 15.03(3) is executed.

(4) SUBDIVISION

(a) General

A subdivision plat prepared by a land surveyor registered in this state shall be required for all ~~land divisions that create five or more lots of 1 1/2 acres each or less, or when successive divisions within a five-year period create five or more lots of 1 1/2 acres each or less~~ subdivisions as defined under s. TCG § 15.02(28).

(b) ~~Concept plan~~ Comprehensive Development Plan (CDP)

1. The purpose of the ~~Concept Plan~~ CDP is to help determine whether the proposed layout/subdivision of land is satisfactory from the standpoint of public interest.

Commented [MR24]: Here is another step in consolidating current CDP and concept plan procedures, which I found overlapping and confusing.

The ~~Concept Plan~~CDP also provides an avenue for the subdivider to get constructive input from the Plan Commission and Town Board before investing the substantial time and money that a Preliminary Plat requires. ~~The Town Clerk shall maintain a Concept Plan checklist to provide guidance in preparing a Concept Plan.~~

2. The subdivider shall submit a digital copy in a format determined by the Town Clerk and hard~~five~~ copies of a ~~Concept Plan~~CDP meeting all of the requirements found in s. TCG §section 15.06 with the Town Clerk, along with ~~the any~~ CDP~~Concept Plan~~ checklist and ~~the Subdivision Concept Plan~~ fee as per s. TCG §section 15.18(2). The number of hard copies shall be as determined by the Town Clerk. ~~The Concept Plan~~CDP may be reviewed by the Town Engineer, Cottage Grove Fire Chief, and Town Parks Committee, and others including Retained Experts as applicable.

3. Staff ~~Concept~~ Meeting.

A meeting ~~shall be scheduled~~may be required between the subdivider and Town Staff to allow Staff to provide input to the subdivider regarding necessary changes to the ~~Concept Plan~~CDP before submitting it for Plan Commission review. Following ~~the any~~ such Staff ~~Concept M~~meeting, at least threetwo weeks before the Plan Commission meeting at which action is desired, the subdivider ~~shall~~may submit ~~twelve copies of a final Concept Plan~~revised CDP, along with a Notice of Intent for Change of Land Use form for rezoning and payment of the applicable Change of Land Use fee.

4. The Town Clerk shall forward ~~seven~~ copies of the ~~Concept Plan~~CDP to the Plan Commission which shall examine it for conformity with the requirements of this Code and with the requirements of any other applicable ordinances, statutes or administrative rules and regulations, and ~~for compliance with~~ the Town of Cottage Grove Comprehensive Plan.

5. The Plan Commission ~~shall~~may recommend approval or conditional approval or rejection of the ~~Concept Plan and Change of Land Use~~CDP. ~~If approval or conditional approval is recommended,~~ The ~~Concept Plan~~CDP shall then be referred to the Town Board for consideration, ~~and the Board.~~ ~~The Town Board shall~~may then approve, conditionally approve, or reject the ~~Concept Plan and Change of Land Use~~CDP.

6. ~~When the subdivider has control of lands equal to or in excess of 35 acres the Town Board may also require that a Comprehensive Development Plan (CDP) for all land under the control of the subdivider be filed. The land may be in a single parcel, or separated only by roads, street, highways or railroad rights of way.~~

(c) Preliminary Plat Review.

1. ~~Once the Concept Plan and Change of Land Use have been approved by the Town Board~~Following the CDP review process prescribed above, and before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat including all of the requirements set forth in s. TCG §section 15.07 below and a written application~~Petition for Change of Land Use~~ for approval. The Town Clerk shall

maintain a Preliminary Plat checklist to provide guidance in preparing a Preliminary Plat.

2. The subdivider shall file ~~twelve~~ a digital copy in a format determined by the Town Clerk and hard copies as specified by Town Clerk of the Preliminary Plat, a completed Petition for Change of Land Use, any Preliminary Plat checklist, and an application fee as per s. TCG § 15.18(2) ~~and the application with the Town Clerk~~ at least 21 days prior to the meeting of the Plan Commission at which action is desired, ~~along with the Preliminary Plat checklist and payment of the Preliminary Plat fee.~~ The subdivider shall also forward a copy of the Preliminary Plat to the local electric and telephone utilities. The subdivider shall transmit all copies and required information to any other authorities required by Ch. 236, Wis. Stats., or any other local or state law.
3. The Town Clerk shall forward ~~seven~~ copies of the Preliminary Plat to the Plan Commission which shall examine it for conformity with the requirements of this Code and with the requirements of any other ordinances, statutes or administrative rules and regulations, and for compliance with the Town of Cottage Grove Comprehensive Plan.
4. The Plan Commission shall recommend approval or conditional approval or rejection of the Preliminary Plat. ~~If approval or conditional approval is recommended~~ Following such recommendation, the Preliminary Plat shall be referred to the Town Board for consideration. The Town Board shall then approve, conditionally approve, or reject the Preliminary Plat. One copy of the plat shall be returned to the subdivider, his surveyor, or engineer with the date and action endorsed thereon; and if approved conditionally or rejected, the conditions of approval or reasons for rejection shall be endorsed thereon or attached thereto. Unless the time is extended by written agreement between the subdivider and the Town Board, failure to complete the action herein required within 90 days of filing of ~~the a complete~~ Preliminary Plat submittal shall constitute an approval of the Preliminary Plat.
5. Approval or conditional approval of a Preliminary Plat shall entitle the Final Plat to approval provided the Final Plat conforms substantially to the ~~preliminary~~ Preliminary Plat, including any conditions of that approval, conforms to any applicable local plans and ordinances, and is submitted within 36 months of the last required approval of the Preliminary Plat.
6. The subdivider is responsible for contacting and complying with any requirements or obligations imposed by any municipality with Extra-territorial Plat Approval Jurisdiction of the area included in the proposed Preliminary Plat.
6. Comprehensive Development Plan (CDP) Review
7. ~~When a CDP is required by the Town, the subdivider shall file twelve copies of the CDG and twelve copies of all exhibits hereinafter required together with a written application for approval with the Town Clerk.~~

Commented [MR25]: This cross-out text seemed to be both out-of-order and redundant to the "concept plan" (now CDP) process laid out before the preliminary plat section above.

- ~~8. The CDP and exhibits shall be reviewed by the Plan Commission which shall also refer the CDP and exhibits to the Capital Area Regional Planning Commission Staff for review and comment.~~
- ~~9. The Plan Commission shall recommend approval or conditional approval or rejection of the CDP. If approval or conditional approval is recommended, the CDP shall be referred to the Town Board for consideration. The Town Board shall then approve, conditionally approve, or reject the CDP. One copy of the CDP shall be returned to the subdivider with the date and action endorsed thereon and if approved conditionally or rejected, the conditions of approval or reasons for rejection shall be endorsed thereon or attached thereto. Unless the time is extended by written agreement between the subdivider and the Town, failure to complete the action required herein within 90 days of the filing of the CDP shall constitute an approval of the CDP.~~
- ~~10. The subdivider shall record the CDP with the Dane County Register of Deeds, together with the exhibits, after it has been approved by the Board and shall file a certified copy of the CDP with the Clerk after it has been recorded.~~

~~No major change in a recorded CDP or its exhibits can be made without the approval of the Town Board. Any proposed change in the CDP or its exhibits shall be filed with the Town Clerk. The Plan Commission shall determine whether the change is major and within 30 days of filing shall recommend approval or conditional approval of the change to the Town Board or shall reject the change. If approval or conditional approval is recommended, the proposed change shall be referred to the Town Board for consideration. The Town Board shall then approve, conditionally approve, or reject the proposed change within 15 days. Any approved major change to a CDP and its exhibits shall be recorded with the Dane County Register of Deeds and the subdivider shall file a certified copy of the recorded instruments with the Town Clerk.~~

(d) Final Plat Review.

1. The subdivider shall prepare and file a digital copy in a format determined by the Town Clerk and hardtwelve copies in a quantity specified by the Town Clerk of the Final Plat together with a ~~written application for approval~~completed, a completed Petition for Change of Land Use, any Final Plat checklist, and an application fee as per s. TCG § 15.18(2), with the Town Clerk within 36 months of the last approval of the Preliminary Plat and at least ~~44~~21 days prior to the meeting of the Plan Commission at which action is desired. When the subdivider expects the Town to act as the transmitting authority in accordance with § 236.12, Wis. Stats., the application shall state that transmittal responsibilities lie with the Town, shall contain a list of the other authorities to which the plat must be submitted, and shall be accompanied by such additional fees and copies of the plat as are necessary to be transmitted to such authorities.
2. The Town Clerk shall forward ~~seven~~ copies of the plat to the Plan Commission. The Plan Commission shall examine it for conformity with the Preliminary Plat, with the requirements of this code, and with the requirements of any other plans.

ordinances, statutes, or administrative rules and regulations which may be applicable to it.

3. The Plan Commission shall recommend approval, approval with conditions, -or ~~rejection of the Final Plat to the Town Board. If approval is recommended~~ Upon such recommendation, the Final Plat shall be referred to the Town Board for consideration. The Town Board shall then approve or reject the Final Plat. One copy of the plat shall then be returned to the subdivider, his surveyor, or engineer with the date and action endorsed thereon, and if approved conditionally or rejected, the conditions for approval or reasons for rejection shall be endorsed thereon or attached thereto. Unless the time is extended by written agreement between the subdivider and the Town Board, failure to complete the action required herein within 60 days of filing ~~the of a complete~~ Final Plat application shall constitute an approval of the Final Plat.
4. The Final Plat shall be entitled to approval provided it conforms substantially to the Preliminary Plat as approved, including any conditions of that approval, and conforms with any applicable Town plans and ordinances. If the Final Plat is not submitted within thirty-six (36) months of the last required approval of the Preliminary Plat, the Plan Commission shall reject the Final Plat regardless of the prior action taken on the Preliminary Plat.
5. The subdivider shall file a certified copy of the Final Plat with the Town Clerk within ten days after it has been recorded.
6. ~~The Plan Commission shall, when it determines to recommend approval of a Final Plat, give at least ten days prior written notice of its intention to the clerk of any municipality within 1,000 feet of the plat, provided, however, that failure to give such notice shall not invalidate any plat.~~

Commented [MR26]: This is a statutory requirements for rezonings, but not plats.

(5) REPLATS.

(a) When it is proposed to replat a recorded subdivision, or part thereof, so as to change its boundaries or any part thereof, the person wishing to replat shall vacate or alter the recorded plat as provided in §§ 236.36-236.44, Wis. Stats. and shall then proceed as specified in s. TCG § 15.04 through s. TCG § 15.08.

(b) Whenever a Preliminary Plat of a replat is filed, the Plan Commission shall schedule and hold a public hearing before it acts on the plat. Notices of the proposed replat and public hearing shall be mailed, at the subdivider's expense, to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties adjacent to the proposed replat.

(6) PUBLIC NOTICE.

Upon application for approval of any subdivision, replat, rezoning request or CSM, the applicant shall provide notice to owners of all adjoining and adjacent landowners of the time, date, and place wherein the Plan Commission intends to review the application. For subdivision zoning requests, such notice shall also be provided to landowners within 500 feet of the property to be subdivided. The applicant shall confirm the identity of ~~the~~ such landowners with the Town, and coordinate the mailing of the notices with the Town Clerk. Such written notice shall be provided

by first class mail at least seven days before the scheduled Plan Commission meeting.

15.05 CERTIFIED SURVEY MAP REQUIREMENTS.

(1) GENERAL.

A Certified Survey Map prepared by a land surveyor registered in this state shall be required for all land divisions ~~of four or less parcels of land~~ as defined in s. TCG § 15.02(14). It shall comply in all respects with the requirements of § 236.34, Wis. Stats.

(2) INFORMATION REQUIRED.

The map shall show correctly on its face, in addition to the information required by § 236.34, Wis. Stats., the following:

- (a) All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.
- (b) Setbacks or building lines required by the Town Plan Commission.
- (c) All lands reserved for future acquisition.
- (d) Date of the map.
- (e) Graphic scale.
- (f) Name and address of the owner, subdivider and surveyor.

(3) CERTIFICATES.

- (a) The surveyor shall certify on the face of the map that he has fully complied with all the provisions of this Code.
- (b) The following certificate of approval shall be typed, lettered or otherwise reproduced legibly on the face of the map:

This certified survey, including any dedications shown thereon, has been duly filed with and approved by the Town Board of the Town of Cottage Grove, Dane County, Wisconsin.

Town Clerk

(c) Dedication.

Dedication of streets and other public areas shall require the owner's and the mortgagee's, if any, certificate in substantially the same form as required by § 236.21(2)(a), Wis. Stats.

(4) CRITICAL BUILDING LOCATIONS.

Any building or structure and its location on the lot shall be dimensioned to the nearest 0.1 foot where the location of such building or structure will be critical in relation to proposed property boundaries or to the zoning yard requirements.

(5) DEDICATIONS, TESTING, AND IMPROVEMENTS REQUIRED.

Any land division effectuated by a certified survey shall be subject to the provisions of s. TCG § 15.03(4) concerning the reservation and dedication of land; and, unless a waiver is granted, to the

provisions of s. TCG §§ 15.10 and 15.11 concerning required improvements; and to the provisions of s. TCG § 15.07(4) concerning any required tests.

(6) APPLICATION FOR APPROVAL.

The Certified Survey Map shall be accompanied by a written ~~application~~ Petition for Change of Land Use for approval. Where a change in zoning classification is being or will be requested in connection with the land division, a map showing the present zoning of the land and all lands adjacent thereto and the proposed zoning shall be submitted with the ~~petition~~ application for approval, and the procedures outlined in ~~TCG §section~~ 15.04(2) shall apply

15.06 ~~CONCEPT~~ COMPREHENSIVE DEVELOPMENT PLAN REQUIREMENTS

(1) GENERAL

A ~~Concept Comprehensive Development~~ Plan (CDP) shall be required as a first step of ~~the land division by~~ subdivision platting process. The purpose of the ~~Concept DPlan~~ is to help determine whether the proposed layout/subdivision of land is satisfactory from the standpoint of public interest and fits within the broader context of the applicant's contiguous ownership and the surrounding area. The ~~Concept Plan~~ CDP also provides an avenue for the subdivider to get constructive input from the Plan Commission and Town Board before investing the substantial time and money that a Preliminary Plat requires.

(2) INFORMATION REQUIRED

(a) Basic soils information: ~~it is to the benefit of the applicant to perform due diligence on soils to ensure the proposed development will support septic and mound systems. A report should~~ shall be completed by a soil/environmental scientist and submitted with the ~~Concept Plan~~ CDP, suggesting the suitability of the land for building sites and on-site wastewater treatment systems of the types, locations, and densities contemplated.

(b) Information indicating typical, high, and low subsurface distances to groundwater and bedrock.

(c) Complete a WDNR Natural Heritage Inventory (NHI) preliminary assessment.

(d) A plan map, drawn to a scale of 1" to 200' except where otherwise approved by the Town Engineer, which shows all lands under the control of the applicant which are contiguous or separated only by existing public roads or railroad rights-of-way. The plan map shall show the following information.

1. Proposed road(s) layout (shared driveway or public road).

~~(b)(c)~~ Groundwater information.

~~(c)(a)~~ Complete a WDNR NHI preliminary assessment

2. Topography ~~map~~ (2' contours), highlighting slopes of 12-20% and 20%+.
3. Location of all lots.
4. Proposed stormwater ponds with discharge locations.
5. Identification of areas for landscaping.

Commented [MR27]: This list below has yet to be reconciled with the 2019 draft "concept plan" checklist also provided with this packet of information.

6. Environmental ~~f~~Features (all wetlands, waterways, ~~and~~ floodplains ~~must be shown~~).
7. Any shoreland zoning ~~must be indicated, including shoreland zone and shoreland setback boundaries~~.
8. Location of existing drainage tiles with flow direction indicated.
9. Density calculations.
10. Open space percentage (if applicable).

11. All common amenities, including proposed parks, trails, etc.

(f) If a waiver of design standards is requested, details showing the proposed deviation from the standards and the reasons therefor.

(g) The projected housing broken down into single-family and multi-family units.

(h) The multi-family dwelling units broken down into the number of units in each bedroom category on a percentage basis.

(i) A development schedule clearly indicating the time of completion for the proposed development and each phase thereof.

Commented [MR28]: These final points adapted from current Section 15.08 below.

15.07 PRELIMINARY PLAT REQUIREMENTS.

(1) GENERAL.

Following Town review of a Comprehensive Development Plan, Aa Preliminary Plat shall be required for all subdivisions and shall be based upon a survey by a land surveyor registered in this state. A Preliminary Plat shall be prepared on paper of good quality capable of clearly legible reproduction at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

- (a) Title under which the proposed subdivision is to be recorded.
- (b) Location of proposed subdivision by: government lot, quarter-quarter section, Township, range, county, and state; and a location map showing the relationship between the plat and its surrounding area and existing streets.
- (c) Date, scale and north point.
- (d) A description of the material of which the corner marker is composed.
- (e) Names and addresses of the owner, subdivider, surveyor, engineer, and the professional land planner involved in the plat preparation.
- (f) The entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development.
- (g) The present zoning and any proposed zoning change for the plat and all land adjacent thereto.
- (h) Location and elevation of any land situated within a flood plain, wetland, shoreland, and

shoreland setback area.

(2) PLAT DATA.

All Preliminary Plats shall show the following:

- (a) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby.
- (b) Contours at vertical intervals of not more than two feet where average slope is less than 5% or 5 feet where slope is 5% or greater. Elevations shall be marked on such contours based upon United States Geological Survey (USGS).
- (c) Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, based upon or established by the best available data.
- (d) Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (e) Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.
- (f) Type, width and elevation of any existing Street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, based upon or established by the best available data.
- (g) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes; the location of manholes, catch basins, hydrants, power and telephone poles; and the location and size of any existing water and gas mains and underground utilities within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size, and invert elevations.
- (h) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.
- (i) Location, width, length, bearing and names of all proposed streets and public rights-of-way such as alleys and easements.
- (j) Any proposed lake and stream improvement or relocation.
- (k) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.
- (l) When a street is on a circular curve, the main chords of the right-of-way lines shall be drawn as dotted or dashed lines in their proper places. All curved lines shall show, either on the lines or in an adjoining table, the radius of the circle, the central angle subtended, the chord bearing, the chord length and the arc length for each segment. The tangent bearing shall be shown for each end of the main chord for all circular lines. When a circular curve of 30-foot radius or less is used to round off the intersection between two straight lines, it shall be tangent to both straight lines,

and in such event, it is sufficient to show on the plat the radius of the curve and the tangent distances from the points of curvature to the point of intersection of the straight lines.

- (m) Existing zoning on and adjacent to the proposed subdivision.
- (n) Corporate limits lines.
- (o) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
- (p) Approximate dimensions of all lots and outlots together with proposed lot, outlot, and block numbers.

(3) STREET PLANS AND PROFILES.

The subdivider shall provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon USGS data, and plans and profiles shall meet the approval of the Town Engineer.

(4) TESTING.

- (a) The Town Engineer may require, and where sanitary sewers are unavailable shall require, that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table.
- (b) Prior to final approval, confirmation that the site is suitable for a private onsite wastewater treatment system in compliance with Wisconsin Admin. Code Ch. SPS 385, and any other applicable Department of Safety and Professional Services or Department of Natural Resources administrative regulation, shall be provided.

(5) COVENANTS.

The Plan Commission may require submission of a draft of any protective covenants which the subdivider intends to record regulating land use in the proposed subdivision or otherwise protect the proposed development.

(6) AFFIDAVIT.

The surveyor preparing the Preliminary Plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Code.

~~(7) REQUIREMENTS.~~

~~Any Comprehensive Development Plan shall include the following:~~

- ~~(a) A plan, drawn to a scale of 1" = 200' which shows all lands under the control of the applicant which are contiguous or separated only by existing public roads or railroad rights-of-way. The plan shall show the information required by s. TCG § 15.07(1) through 15.07(2)(p) and all proposed collector and arterial streets.~~
- ~~(b) If a waiver of design standards is requested, details showing the proposed deviation from the standards and the reasons therefor.~~
- ~~(c) The projected population broken down into single family and multi family units.~~

~~(d) — The multi family dwelling units broken down into the number of units in each bedroom category on a percentage basis.~~

~~(e) — A development schedule clearly indicating the time of completion for the proposed development and each phase thereof.~~

~~(f) — A Preliminary Plat, meeting the requirements of this Code. The Plan Commission may waive parts of the requirements.~~

~~(8) — DESIGN STANDARDS.~~

~~The design standards set forth in s. TCG § 15.10 of this Code shall apply to a Comprehensive Development Plan. However, if the Comprehensive Development Plan consists of a cluster development or other innovative designs which negate the necessity for meeting those standards, they may be waived by the Board upon recommendation of the Plan Commission and the Town Engineer.~~

~~(9) — DEDICATIONS, TESTING AND IMPROVEMENTS REQUIRED.~~

~~Comprehensive development plans shall be subject to the provisions of s. TCG § 15.03(4) concerning the reservation and dedication of land; to the provisions of s. TCG §§ 15.11 and 15.12 concerning required improvements; and to the provisions of s. TCG § 15.07(4) concerning any required tests.~~

15.08 FINAL PLAT REQUIREMENTS.

(1) GENERAL.

A Final Plat prepared by a land surveyor, registered in this state, shall be required for all subdivisions. It shall comply in all respects with the requirements of § 236.20, Wis. Stats.

(2) INFORMATION REQUIRED.

The plat shall show correctly on its face, in addition to the information required by § 236.20, Wis. Stats. and s. TCG § 15.05, the following:

- (a) Exact length and bearing of the centerline of all streets.
- (b) Exact street width along the line of any obliquely intersecting street.
- (c) Railroad rights-of-way within and abutting the plat.
- (d) Setbacks or building lines required by the Town Plan Commission.
- (e) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
- (f) Special restrictions required by the Town Plan Commission relating to access control along public ways or to the provision of planting strips.
- (g) The rural fire number assigned to each lot.

(3) DEED RESTRICTIONS.

The Plan Commission may require that deed restrictions be filed with the Final Plat.

(4) SURFACE WATER RUN-OFF STATEMENT.

The following statement or variation thereof, will be included on this Final Plat:

(a) The owners of lands in this subdivision are estopped from commencing any action whatsoever against the Town of Cottage Grove, Dane County, Wisconsin for damages caused by surface water run-off or drainage.

(b) These lands have been subdivided with special attention being given to drainage of surface water therefrom and adequate provisions have been provided for the least possible damages therefrom to both the platted and adjacent lands providing the following:

(c) In all cases easements have been provided for drainage from adjacent plats through the use of street patterns. All ditches will be planted in grass which will provide dense cover.

(d) The existing natural watershed direction remains unchanged.

(e) All streets have been designed with as minimum grade as possible so as to prevent erosion.

(f) Land now under cultivation shall be planted in grass, and berms constructed as required by the Township. Owners will seed and mulch ditches after road construction is completed where needed to control runoff.

(g) Topsoil from road construction is to be stockpiled in areas where it will be least affected by erosion runoff.

(5) SURVEY ACCURACY.

The accuracy of the Final Plat must be certified by the Wisconsin Department of Administration.

(6) SURVEYING AND MONUMENTING.

All Final Plats shall meet all the surveying and monumenting requirements of § 236.15, Wis. Stats.

(7) CERTIFICATES.

A Final Plat shall contain all the certificates required by § 236.21, Wis. Stats.; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this Code.

(8) APPLICATION FOR APPROVAL.

The plat shall be accompanied by a written Petition for Change of Land Use application for approval and, if they have not been previously submitted, by the plans, profiles and specifications required by s. TCG § 15.07(3) and s. TCG § 15.11(1) and by the results of any tests required by s. TCG § 15.07(4).

15.09 DESIGN STANDARDS.

(1) STREET ARRANGEMENT.

Street layouts shall conform to the arrangement, width and location indicated on any applicable of the following documents that is adopted by the Town official map, master plan, comprehensive plan, or component neighborhood development plan, the Town Code of Ordinances, or intergovernmental agreement. In areas for which such maps, plans, or agreements have not been completed or do not advise street layouts, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The land

Commented [MR29]: The Town shouldn't be beholden to plans or official maps that it has not adopted.

division or subdivision shall be designed so as to provide each lot with satisfactory access to a public street.

(a) Arterial and collector streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.

(b) Neighborhood Collector connector streets shall be arranged so as to provide ready and safe collection and movement of motor vehicle, bicycle, and pedestrian traffic from local streets and lots within the subdivision to arterial, collector, and other neighborhood connector streets, and to residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as parks, schools, churches, shopping centers and other concentrations of population, and to the major streets into which they feed.

Commented [MR30]: This describes where the Town may prescribe "neighborhood connector" streets. See width and other design standards later.

(c) Local streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.

(d) Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts. Temporary turnarounds may be required where the street ends at the boundary of the subdivision.

(e) Whenever the proposed subdivision contains or is adjacent to an arterial or collector ~~major~~ street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided; and, unless otherwise specifically authorized by the Town Board, no residential lot shall be permitted direct access to the arterial or collector street by reversed frontage. The Town Board may also limit access to neighborhood connector streets.

(f) Reserve strips controlling access to streets or alleys are prohibited except where control of such strips is placed with the Town under conditions approved by the Plan Commission.

(g) Alleys shall be provided in commercial and industrial districts for off-street loading, and service access when required by the Plan Commission but shall not be used in residential areas. When required, alleys shall not be less than 24 feet wide and shall be continuous through blocks. Dead end alleys shall not be approved, and alleys shall not connect to a major thoroughfare.

~~(g)(h)~~ The Town or other agency with jurisdiction may require existing arterial, collector, and neighborhood connector streets that are adjacent to the plat or certified survey map to be improved in a manner that will serve, and be proportionate to the traffic increase associated with, the plat or certified survey map. Where such streets are not under the Town's jurisdiction, such as county or state highways or streets managed by other municipalities, any such requirement must also be approved by such other jurisdiction for it to be effective.

Commented [KB31]: As per Roffers' recommendation to address Town Board questions.

(2) STREET NAMES AND BUILDING NUMBERS.

(a) Street names and building numbers shall be assigned in accordance with the provisions of

Ch. 76 of the Dane County Ordinances and consistent with any other Town ordinance or policy.

(b) Duplication of existing street names in the Madison Metropolitan area or Village of Cottage Grove by similar word, spelling, or sound shall not be permitted.

(c) Where a street maintains the same general direction except for curvilinear changes for short distances, the same name shall continue for the entire length of the street. House numbering difficulties shall be considered the determining factor in considering whether a change of name is necessary due to curvilinear changes.

(d) A street name shall be changed when required to conform to the proposed or existing house numbering base.

(e) A name which is assigned to a street which is not presently a through Street, due to intervening land over which the street extension is planned, shall be continued for the separate portions of the planned through street.

(f) The following designations shall be used only in the situations indicated:

1. Boulevard - A street with a divided pavement either existing or planned. If the divided pavement ends, but the street continues, the same Street name and suffix shall continue.
2. Lane - A Street, one block long, not ending in a cul-de-sac.
3. Circle - A cul-de-sac of nine lots or more.
4. Court - A cul-de-sac of eight lots or less.
5. Parkway - A Street abutting a park or greenway or creek.

(g) The maximum number of street names at one intersection shall be three.

(h) Street names shall be assigned so that no two intersections have the same exact street names.

(i) The name of any projection of a Street shall remain unchanged even if the projection terminates in a cul-de-sac.

(j) The changing of a Street name that does not duplicate an existing street name shall only be approved where such change will eliminate conflicts with other provisions of this section.

(k) Service roads and highways served by them shall have the same street name and designation.

(l) Approval of Street names on a Preliminary Plat will not reserve the names nor shall the Town be required to accept such names at the time of Final Platting.

(m) A minimum number of letters is desirable in a Street name. The maximum number of letters, not including the prefix or suffix shall not exceed twelve.

(3) LIMITED ACCESS HIGHWAYS AND RAILROAD RIGHTS-OF-WAY.

Whenever the proposed subdivision, land division, or Comprehensive Development Plan contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

(a) In residential districts a buffer strip at least 30 feet in depth, in addition to the normal lot depth required, shall be provided adjacent to a railroad right-of-way or a limited access arterial street. The lot depth required, including such buffer strip, shall not be less than 150 feet. The strip shall be a part of the platted lots, but shall have the following restrictions lettered on the face of the plat:

“This strip reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited, and the rear 30 feet of the strip shall not be counted as any required yard. Maintenance of this strip is a responsibility of the lot owner.”

(b) Commercial and industrial districts shall have, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.

(c) Streets parallel to a limited access highway or railroad right-of-way shall, when intersecting a major street and highway or collector street which crosses said railroad or highway, be located at a right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

(d) The location of local streets immediately adjacent and parallel to railroad rights-of-way, and in residential areas immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided.

(4) STREET DESIGN STANDARDS.

(a) Minimum Right-of-Way.

The minimum right-of-way of all proposed streets and alleys shall be of the width specified by any of the following that is approved by the Town and applicable to the area: master plan, official map, comprehensive plan, ~~or~~ neighborhood development plan, Town Code of Ordinances, intergovernmental agreement~~study~~; or if no width is specified therein, the minimum widths shall be as follows:

<u>Type of Street</u>	<u>R.O.W. Width</u>
Principal & Primary Arterial <u>Streets</u>	120 feet
Standard <u>Minor</u> Arterial & Collector Streets	80 feet
<u>Neighborhood Connector Streets</u>	<u>70 feet</u>
Local Streets	66 feet
<u>Marginal Access Streets</u>	<u>66 feet</u>
Alleys	24 feet

Commented [MR32]: Here's the new 70' wide street right-of-way standard.

(b) Cul-de-Sac Streets.

1. Streets designed to have one end permanently closed shall not exceed 1,000 feet in length.

2. Except as provided in s. TCG § 15.09(4)(b)3, streets which are designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right-of-way diameter of 120 feet, and a minimum outside curb diameter of 90 feet. The reverse curve on a cul-de-sac shall have a 50-foot minimum radius when the bulb is centered on the street and a 100-foot minimum radius when the bulb is offset.
3. All streets which are designed to have one end permanently closed, in business, commercial, industrial and manufacturing areas, shall terminate in a circular turnaround having a minimum right-of-way diameter of 130 feet, and a minimum outside curb diameter of 96 feet. The reverse curve on a cul-de-sac shall have a 50-foot minimum radius when the bulb is centered on the street and a 100-foot minimum radius when the bulb is offset.

(c) Street Grades.

1. Unless necessitated by exceptional topography and subject to the approval of the Town Engineer, the maximum street grades shall not exceed the following:
Arterial streets and highways: 4%
Collectors, neighborhood connectors, and local streets and alleys: 8%
Pedestrian Ways: 10% ~~unless~~ unless steps of acceptable design are provided.
2. The grade of any street shall in no case exceed 10% or be less than 0.48%.
3. All changes in street grades shall provide sight distances as conditions require as determined by the Town Engineer.
4. Street grades shall be established wherever practicable in such a manner to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of the topography.

(d) Radius of Curvature.

1. When a continuous street centerline deflects at any one point by more than ten degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
 - a. Arterial streets and highways: 450 feet.
 - b. Collector Streets: 250 feet.
 - c. Neighborhood connector and ~~Local~~ local streets: 150 feet.
2. A tangent at least 150 feet in length shall be provided between reverse curves on arterial and collector streets, and 100 feet in length between reverse curves on neighborhood connector and local streets.

(e) Half Streets.

Where an existing dedicated or platted half street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. Streets less than full width on the boundary of the tract being subdivided shall not be less than a width sufficient to produce a full pavement, a full terrace on the plat side and a reserve strip as determined by the Plan Commission.

(5) STREET INTERSECTIONS.

- (a) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
- (b) The number of streets converging at one intersection shall not be more than two.
- (c) The number of intersections along major streets and highways shall be held to a minimum. Wherever practicable the distance between such intersections shall not be less than 1,200 feet.
- (d) Property lines at street intersections shall be rounded with a minimum radius of 15 feet except that at all intersections along collector and arterial streets the radius shall be increased to 25 feet. The Plan Commission may require a larger radius where desirable.
- (e) Neighborhood connector and ~~local~~ streets shall not necessarily continue across arterial or collector streets, but if the centerlines of such minor streets approach the major streets from opposite sides within 300 feet of each other, measured along the centerline of the arterial or collector Street, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous, and a jog is avoided.
- (f) Whenever practicable, the distance between ~~local~~ street intersections shall be no less than 250 feet measured from centerline to centerline.
- (g) The point of curve of the centerline of a curved street which intersects another Street shall not be less than 15 feet, on the property side of the property line of the intersected Street.

(6) BLOCKS.

- (a) The widths, lengths, and shapes of blocks shall be suited to the planned use of the land; zoning requirements; need for convenient access, control and safety of street traffic; and the limitations and opportunities of topography.
- (b) Blocks in residential areas shall not be less than 600 feet nor more than 1,200 feet in length unless otherwise dictated by exceptional topography or other limiting design factors.
- (c) Pedestrian ways of not less than ten feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the Plan Commission to provide adequate pedestrian circulation or access to parks, schools, shopping centers, churches or transportation facilities.
- (d) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.
- (e) All utility lines for electric power and telephone service shall be placed on mid-block easements along rear lot lines.

(7) LOTS.

- (a) The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.

- (b) Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- (c) Lot sizes shall conform to the area and width requirements prescribed for the zoning district in which the land is located except for lots situated in commercial or industrial districts the dimensions and area of which shall be those deemed by the Plan Commission, in its sole discretion, to be appropriate for the proposed use of the land.
- (d) Guidelines for lot sizes shall be as set forth in the Town of Cottage Grove Comprehensive Plan.
- (e) Residential lots to be served by private sewage disposal facilities shall comply with the requirements of the Wisconsin Department of Safety and Professional Services, and other applicable State requirements.
- (f) Every lot shall front or abut on a public Street for a distance of at least 50 feet.
- (g) Side lot lines shall, as nearly as practicable, be at right angles to straight streets or radial to curved street lines.
- (h) Lots shall follow municipal boundary lines rather than cross them whenever practicable.
- (i) Corner lots shall have sufficient width to permit adequate building setbacks from side streets.
- (j) Excessive depth in relation to width shall be avoided and a proportion of 2 to 1 (2:1) shall be considered as a desirable ratio under normal conditions.
- (k) Residential lots fronting or backing on arterial streets shall be platted with extra depth to permit generous distances between the buildings and such traffic ways.
- (l) Depth and width of properties reserved or laid out for commercial or industrial use shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (m) Whenever a tract is subdivided into large parcels, such parcels shall be arranged and dimensioned as to allow the future division of any such parcel into normal lots in accordance with the provisions of this Code.
- (n) Lands lying between the meander line and the water's edge and any otherwise unplattable land which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream.

(8) BUILDING SETBACK LINES.

Where not adequately controlled by zoning regulations, building setback lines appropriate to the location and type of development contemplated shall be established as required by the Plan Commission.

(9) UTILITY AND DRAINAGE EASEMENTS.

- (a) Adequate easements, as determined by the Town Engineer, shall be provided and dedicated on each side of all rear lot lines, and on side lot lines where necessary, for the installation of storm and sanitary sewers, gas, watermains, electric lines, telephone and cable television communication

lines.

(b) Easements for electric, telephone, gas, and cable television communication lines shall be noted as "Utility Easements" on the Final Plat or Certified Survey Map. Prior to approval of the Final Plat or Certified Survey Map, the concurrence of the electric and communications companies serving the area as to the location and width of the utility easements shall be noted on the Final Plat or Certified Survey Map.

(c) All easements for storm and sanitary sewers, watermain, and pedestrian walks, and other public purposes shall be noted on the plat or certified survey as "Public Easement for" followed by reference to the use or uses for which they are intended.

(d) Where the electric or communications facilities or both are to be installed underground, a plat restriction shall be recorded with the Final Plat or Certified Survey Map stating that the final grade established by the subdivider on the utility easements shall not be altered by more than six (6) inches by the subdivider, his agent, or by subsequent owners of the lots on which such utility easements are located, except with written consent of the utility or utilities involved. The purpose of this restriction shall be to notify initial and future lot owners of the underground facilities at the time of purchase and to establish responsibility in the event of damage to such facilities or to the need to alter such facilities. When the utility company uses a service application, said application should also notify the initial and subsequent lot owners of their responsibility regarding such underground facilities.

(e) Drainage Easements.

Where a land division, subdivision or Comprehensive Development Plan is traversed by a water course, drainageway, channel or stream, an adequate drainageway or easement shall be provided as required by the Plan Commission. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Plan Commission and parallel streets or parkways may be required in connection therewith. Wherever possible, the storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, these sizes and design details to be subject to review and approval by the Town Engineer and Plan Commission. Where feasible, drainage easements should substantially maintain existing water flow patterns onto neighboring lands.

15.10 REQUIRED IMPROVEMENTS.

(1) STREETS.

Standard street improvements shall be installed in all subdivisions and, where required, in any land division.

(2) SANITARY SEWER AND WATERMAINS.

Where public utilities are available, sanitary sewers and watermain shall be installed in all subdivisions and, where required, in any land division.

(3) STORM SEWERS STORM WATER DRAINAGE FACILITIES.

(a) Storm sewers shall be constructed where required by the Plan Commission.

(b) Ditches shall be constructed where required by the Plan Commission.

1. Roadside ditches shall not exceed 10% of grade nor have less than a 1% grade. The maximum single ditch capacity for a 5-year intensity storm shall be not more than the values tabulated as follows:

<u>Ditch Grade %</u>	<u>Q (c.f.s.)</u>
1	2.34
2	3.78
3	4.14
4	4.86
5	5.22
6	5.76
7	6.30
8	6.84
9	7.20
10	7.74

2. Ditches shall be restored with 4" topsoil, fertilizing, and anchored sodding in accordance with the current Standard Specifications for Road and Bridge Construction, State of Wisconsin Department of Transportation. All sod shall be free of sedges, quack grass and bentgrass.
3. Where ditches are utilized, streets shall be constructed as indicated in Figure 1 - Figure 3, as appropriate. The thickness of the pavement shall be determined and prescribed by the Town Engineer in accordance with the functional classification of the proposed street and soil subgrade data available. Any soil subgrade data required by the Town Engineer shall be obtained by the developer's soils engineer and furnished to the Town Engineer without cost.

(c) At the time the Preliminary Plat, or plans for any condominium, group housing project, or planned development are submitted to the Plan Commission for review, the Town Engineer shall prepare a study of the drainage basin or sub basin in which the plat or project is located to determine the design and routing, and of storm sewer and storm water drainage facilities throughout such basin. If such study determines that it is necessary to increase the capacity of the facilities which are to be constructed within the plat or project to enable them to serve the entire basin or sub basin, the Engineer shall then determine that portion of the estimated cost of constructing the required storm sewers and storm water drainage facilities which is attributable to such increase in the capacity of the facilities.

(d) The cost of constructing storm sewer and storm water drainage facilities sufficient to serve the plat or project 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 sub basin shall be included in the recoupment agreement, paid by the subdivider and recoverable by the subdivider, all through area charges or special assessments levied against the benefitted properties. Except as otherwise agreed between the Town and subdivider, 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.

(e) Area charges levied pursuant to s. TCG § 15.10(3)(d) shall be subject to adjustment based upon the Engineering News Record Construction Price Index. In making such adjustments, the year that the area charges for the drainage basin or sub basin were established shall be used as the base year. A copy of said Construction Price Index shall be kept on file at the office of the Town Engineer and shall be made available to the public for inspection and copying upon request.

(4) IMPROVEMENTS TO BOUNDARY LINES.

All required Street, sidewalk, sanitary sewer, watermain, and storm sewer improvements shall be installed to the boundary line of the subdivision or land division unless the topography or other physical conditions make it impossible to do so, or unless this requirement is waived, in writing, by the Plan Commission.

(5) PARTITION FENCES.

When the land included in the plat or Certified Survey Map abuts upon or is adjacent to land used for farming or grazing purposes, the subdivider may be required to erect, keep and maintain partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. When partition fences are required, a covenant binding the subdivider, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes shall be included upon the face of the Final Plat or Certified Survey Map.

~~(6) — WAIVER.~~

~~(a) — Where, in the judgment of the Plan Commission, it would be inappropriate to apply the provisions of this section to a land division because exceptional or undue hardship would result, the Plan Commission may, subject to the provisions of s. TCG § 15.11(6)(a), waive or modify the requirements of this section to the extent deemed just and proper.~~

~~(b) — 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 five-sevenths (5/7) vote of the entire membership of the Plan Commission shall be required to recommend to the Town Board any such waiver or modification.~~

~~(c) — Any waiver, exception, or variance which is granted pursuant to this section shall be made in writing, shall state the reasons which justified it, and shall be filed with the records relating to the land division.~~

~~(d) — s. TCG § 15.11(6) shall not apply to subdivisions or comprehensive developments.~~

Commented [MR33]: This section was moved and adapted to come way earlier in the ordinance, where context was much better, and to provide the Board with these powers.

15.11 REQUIRED IMPROVEMENTS PROCEDURE.

(1) PLANS AND CONSTRUCTION SPECIFICATIONS.

Prior to commencing construction of any required improvement, the subdivider shall prepare construction plans and specifications and submit them to the Town Engineer for review and approval. The Town Engineer may require the submission of the following plans and accompanying construction specifications before authorizing construction or installation of the improvements:

- (a) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
 - (b) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
 - (c) Storm sewer plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
 - (d) Plans and specifications for any water supply system.
 - (e) Water-main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
 - (f) Plans and specifications for all utilities and underground facilities.
 - (g) Planting plans showing the locations, age and species of any required street trees.
 - (h) Such additional special plans or information as may be required by the Town Engineer.
- ### (2) PRIVATE CONTRACTS.

The developer shall engage one general contractor whose qualifications have been approved by the Board for each major phase of construction (grading, utilities, streets) or one general contractor for a contract which includes more than one phase of construction. No private contract shall be awarded until all bids have been reviewed by the Town Engineer.

(3) APPROVED PLANS AND SCHEDULING.

The construction schedule for all required improvements shall be approved by the Town Engineer. Construction ~~cannot shall not~~ be commenced on ~~any phase of construction~~ the approved development phase until all associated approvals and conditional requirements are satisfied; security under TCG § 15.03(3)(b) has been provided; and one digital copy and two hard copies of the final approved plans, the executed contract for improvements, and all private contracts have been filed with the Town Clerk and a copy of the private contract has been filed with and approved by the Town Board.

(4) STREET GRADING.

- (a) The developer shall furnish standard drawings which indicate the existing and proposed grades of streets shown on the plat, and after review of design engineering work on the streets and approval of street grades by the Town Engineer, the subdivider shall grade or cause to be graded the full width of the right-of-way of the streets proposed to be dedicated, including the vision clearance triangle on corner lots. In those cases where existing street right-of-way is made a part of the subdivider's plat or abuts the plat, the subdivider shall grade or cause to be graded that

Commented [KB34]: As recommended by Roffers based on Town Board discussion regarding section 15.03(3)(a)(11)

portion of the right-of-way between the existing pavement and the property line. The bed for the roadways in the street right-of-way shall be graded to subgrade elevation. The Town Engineer shall approve all grading within rights-of-way and said grading shall extend for a sufficient distance beyond the right-of-way to ensure that the established grade will be preserved. The grading of rights-of-way for principal and primary arterials shall only be required where necessary to provide access to the streets or lots in the plat. Lots which abut ~~principal and primary~~ and collector streets shall be graded to proposed street grade or to a grade approved by the Town Engineer prior to the sale of affected properties.

(b) The developer shall engage a registered engineer to set subbase grade in accordance with approved centerline grade and cross section; and to set grades necessary to comply with other grading requirements, including vision clearance on corner lots, centerline and lot line grades for greenways, terrace grading for abutting streets and other required grades. The grading program shall consist of the following elements:

1. The stripping and removal of all topsoil, debris and vegetation within the road bed.
2. Grading of full street rights-of-way to a tolerance of 0 to 0.5 feet below proposed centerline grade. Fill sections shall be constructed of approved materials, which do not include topsoil, debris, or vegetation.
3. Grading beyond right-of-way to ensure that the established grade will be preserved. Slopes shall be 1:1 for cut sections and 2:1 or less for fill sections.
4. Grading of vision clearance triangle on corner lots. (Maximum embankment of three feet above curb elevation within a triangle formed by two intersection street lines or their projections and a line joining points on such street lines located 25 feet from the street intersection).
5. Where a public greenway is included in the land division or subdivision, the subdivider shall provide for an acceptable continuous drainageway in the greenway as determined by the Town Engineer.
6. All additional plat grading, where applicable, lot abutting greenways, terraces of streets abutting plat, public easements for sanitary sewer and sidewalk, and other requirements of ordinances and special conditions of plat approval.

(5) UTILITIES AND UNDERGROUND FACILITIES.

(a) Upon approval of the subgrading and erection of barricades, the developer shall install the water-mains, storm and sanitary sewers, and other utilities. Prior to commencing construction of any required utilities, the subdivider shall submit the construction schedule, plans, and specifications therefor, to the Town Engineer for review and approval and shall furnish proof that such arrangements as may be required under applicable rates and rules filed with the Public Service Commission of Wisconsin have been made with the owner or owners of the utility lines or services for placing their respective facilities underground.

(b) All new electric distribution lines (excluding lines of 12,000 volts or more), all new telephone lines from which lots are individually served, communications lines, television cables and services, installed within a newly-platted area shall be underground unless the Plan Commission shall specifically find after study that:

1. The placing of such facilities underground would not be compatible with the planned development.
2. Location, topography, soil, water table, solid rock, boulders, stands of trees, hedges or other physical conditions would make underground installation unreasonable or impracticable; or
3. The lots to be served by said facilities can be served directly from existing overhead facilities.

(c) Associated equipment and facilities which are appurtenant to underground electric and communications systems, such as but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches and above-grade pedestal-mounted terminal boxes may be located above ground.

(d) Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated or upon completion of installation of permanent underground facilities, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed unless otherwise required by the Plan Commission.

(e) Where the electric and communications facilities are to be installed underground, the utility easements shall be graded to within six inches of final grade by the subdivider, prior to the installation of such facilities, and earth fill, piles or mounds of dirt shall not be stored on such easement areas. Utility facilities when installed on utility easements whether overhead or underground shall not disturb any monumentation in the plat.

(f) If underground utilities and standard street improvements are installed in the same year, provision must be made for mechanical compaction of all underground utility ditches or trenches situated within the Street right-of-way.

(6) **GREENWAYS.**

Where greenways are included within the land division or subdivision:

(a) The subdivider shall be responsible for an acceptable continuous drainageway through the proposed plat as determined by the Town Engineer. The subdivider shall furnish the Town Engineer with a plan outlining the greenway boundaries and location of existing drainageways, if any. In addition, the subdivider shall furnish to the Town Engineer a set of cross-sections of the greenway oriented upon a base line as prescribed by the Town Engineer. Where a natural drainageway exists, which has acceptable hydraulic capacities including alignment and grade as determined by the Town Engineer, construction will not be required and the existing natural growth shall be preserved. Where such natural growth is not preserved by action of the subdivider or his agent, he shall be responsible for repairing the disturbed areas by sodding. However, in certain locations, as determined by the Town Engineer, where the hydraulic capacities including alignment and grade are not acceptable, such alignment, grade and slopes shall be improved by the subdivider to the interim minimum requirements of a ten-foot-wide ditch bottom with four to one side slopes, all to be sodded.

(b) The subdivider shall install permanent pipes or culverts at a grade designated by the Town Engineer under all streets crossing a greenway or drainageway. Said installation shall be in accordance with the Standard Specifications for Road and Bridge Construction of the Department

of Transportation of the State of Wisconsin. All costs of the installation shall be the responsibility of the subdivider. The permanent pipe or culvert shall not be installed previous to the installation of the sanitary sewer on a Street crossing a greenway unless done pursuant to written agreement between the Town and the Subdivider. Culverts required across intersections for temporary street drainage, shall be furnished and installed by the developer at his expense. All temporary culverts installed by the developer shall be completely removed when the streets are constructed to standards and the area restored to as near to original condition as possible as determined by the Town Engineer.

(c) All ditching and culvert installation shall be done in strict accordance with grades approved by the Town Engineer. The subdivider's engineer shall be responsible for setting the required grades in the field for construction purposes.

(d) In order to assure proper drainage, the ground elevation along any lot line common with the boundary of a greenway shall not be less than four feet above the flowline of the greenway, or where designated to an elevation established by the Town Engineer, prior to the sale of affected properties. The flowline grade shall be established by the Town Engineer. All lot grading and building elevations shall provide for positive drainage. Grading or filling within the greenway limit is prohibited except as authorized by the Town Engineer.

(7) STREET CONSTRUCTION.

(a) General.

After completion of the underground utilities and approval thereof, the streets shall be constructed.

(b) Standard Street Improvements.

1. Standard street improvement shall include, bituminous base course and bituminous surface course; and when required by the Plan Commission concrete curb and gutter, ornamental Street lights, pedestrian walkways, and curb ramping as required by § 66.0909, Wis. Stats.
2. The construction of standard street improvements can begin only when either:
 - a. The underground utilities were installed in the previous construction season; or
 - b. The construction of underground utilities included mechanical compaction and compaction tests have been approved by the Town Engineer.
3. Upon satisfying either of the requirements of the preceding Section, the developer shall prepare final plans and specifications for the standard Street improvements and submit them, together with all soil subgrade data obtained by its soils engineer, to the Town Engineer. The Town Engineer shall review the plans and specifications; and shall determine and prescribe the thickness of the pavement in accordance with the functional classification of the proposed street and the soil subgrade data.
4. Upon written approval by the Town Engineer, the developer can proceed with the construction of the standard street improvements. Standard street improvements shall be installed to the boundary line of the subdivision unless the Street

culminates in a cul-de-sac, the topography or other physical conditions make it impossible to do so. or unless this requirement is waived, in writing, by the Plan Commission.

- a. Local streets shall be constructed as indicated in Figure 1 provided, however, that a greater or lesser roadway width may be required by the Town Engineer where necessary to assure uniformity along the entire length of any Street. The roadway width and thicknesses as indicated in Figure 2-1 shall be required where the entire length of any street including any future extension thereof exceeds 1,600 feet and may be required by the Town Engineer based on anticipated traffic or land use. The thickness of the pavement shall be as prescribed by the Town Engineer.
- b. ~~Collector~~ Neighborhood connector streets shall be constructed as indicated in Figure 2. ~~The width of the roadway shall be as prescribed by the Town Engineer based upon the area transportation studies, when available, unless provided, however, and that -a greater or lesser roadway width is necessary may be required by the Town Engineer~~ to assure uniformity long the entire length of any Street. The thickness of the pavement shall be as prescribed by the Town Engineer.
- c. ~~Major e~~ Collectors and arterial streets shall be constructed as indicated in Figure 3, or as otherwise prescribed by the agency with jurisdiction. The thickness and width of a major collector or arterial street shall be as prescribed by the Town Engineer or other agency with jurisdiction based upon anticipated traffic volume and any applicable federal, state, or county requirements.

5. Driveways.

- a. Curbs shall not be interrupted by openings for driveways or other accessways to private property unless the number and location of such interruptions have been approved by the Plan Commission.
- b. When allowed, curb openings for driveways shall be no less than 14' nor more than 24' in width unless the opening is intended to afford access to a commercially zoned parcel. The width of any driveway opening intended to afford access to commercial property shall be as determined and prescribed by the Plan Commission.
- c. Where street improvements do not include curbs and gutters, driveways shall have culvert at the ditch line, as required by the Town Driveway Ordinance and as specified by the Town Engineer.

6. Walkways.

- a. Surfaces. The surface of walkways should possess stability and firmness, be relatively smooth in texture, and have a nonslip surface. The use of expansion and contraction joints should be minimized, and their size should be as small as possible, preferable under ½" in width.

Commented [MR35]: See new draft Figure 2 provided by Town & Country and included in the packet.

- b. **Drainage Structures.** Drainage structures should be placed flush with the surface on which they occur, and grates having narrow parallel bars or patterns with openings larger than 3/4" should not be used. Drainage structures should not be located between a curb ramp and the corner or a street or immediately downgrade from a curb ramp.
- c. **Lighting.** Lighting along walkways should vary from 1/2 to 5 ft. candles, depending on the intensity of pedestrian use, hazards present, and relative need for personal safety.
- d. **Ramps.** Steps and stepped ramps should be avoided, if possible, in order to facilitate servicing with wheeled vehicles. To facilitate movement over low barriers, a ramp should be installed. Surfaces should be non-slip but not corrugated. Where walkways are required and the street connects with any city or village street, curb ramping shall be provided in accordance with § 66.0909, Wis. Stats.
- e. **Wheel Stops.** Wheel stops shall be installed where wheeled vehicles may roll into a hazardous area. They should be 2" to 3" high, 6" wide, and should have breaks in them every 5' to 10' to allow for water drainage off of the walk.

(8) EROSION CONTROL.

The subdivider shall employ all methods reasonably necessary to prevent the erosion, siltation, sedimentation, washing, and blowing of dirt and debris caused by grading, excavations, open cuts, side slopes, and any other surface disturbing activities. Reasonable methods of control shall include, but not be limited to, seeding and mulching, anchored sodding, berm construction, ponding construction, and watering. Where the method of control employed fails, the subdivider shall clean up all displaced materials prior to constructing additional improvements. Plans for erosion control shall be submitted to the Town Engineer for review and approval before any land surface disturbances are made. The Town Engineer's decision concerning the methods of erosion control which the subdivider must employ may be appealed to the Town Board.

(9) INSPECTION.

Prior to commencing any work within the subdivision, the subdivider shall make arrangements with the Town to provide for adequate inspection. Town staff or the Town Engineer shall inspect and approve all completed work prior to the Town's acceptance of the improvements or any release of the security deposited pursuant to s. TCG § 15.03(3).

15.12 ACCEPTANCE OF IMPROVEMENTS.

After all required improvements have been installed, the subdivider shall notify the Town Engineer, in writing, that the work is complete and ready for final inspection; and shall file lien waivers or affidavits, in a form acceptable to the Town and approved by the Town Attorney, evidencing that there are no claims, actions, or demands for damages, based upon contract or tort arising out of or in any way related to the project and that no monies are owed to any surveyor, mechanic, contractor, subcontractor, materialman, or laborer after all required improvements have been installed. The Town Engineer shall inspect the improvements and forward a letter to the subdivider indicating the Town Engineer's approval or disapproval. After the improvements have been approved by the Town Engineer, the Town Clerk will prepare a final billing for

engineering, inspection, and legal fees and submit it to the subdivider for payment. When the engineering, inspection, and legal fees have been paid and when the necessary lien waivers and affidavits have been filed, a resolution accepting the ~~project will~~ improvements may be adopted by the Town Board.

15.13 RELEASE OF SECURITY.

(1) The security furnished pursuant to s. TCG § 15.03(3) shall remain in full force for a period of one year after the completion of the required improvements and acceptance by the Town Board unless partially released as hereinafter provided. The security shall be held to guarantee the work performed pursuant to private contracts against defects in workmanship and materials. If any defect appears during the period of the guarantee, the subdivider or its contractor shall, at its expense, install replacements or perform acceptable repairs. In the event that the subdivider fails to install the replacement or perform the repairs, the Town may do so and deduct the cost thereof from the security deposit. Unless defects have appeared and have not been repaired, the Town will release the security to the subdivider upon expiration of the one-year guarantee period.

(2) The Town Engineer may from time to time, but no more often than monthly during the course of construction, partially release the security furnished pursuant to s. TCG § 15.03(3) when the following are true:

(a) EITHER the reduced security deposit will be sufficient to guarantee the work performed pursuant to private contracts against defects in material and workmanship or will be at least 15% of the total cost of improvements, OR

Affidavits or lien waivers, in a form acceptable to the Town and approved by the Town Attorney, evidencing full payment for the required improvements which have been completed are submitted with the request for a partial security release;

(b) An application for a partial security release has been filed with the Town Engineer on or before the tenth day of the month; and

(c) No building permits have been issued pursuant to s. TCG § 15.15 of this code.

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15.14 SIGNING OF CERTIFICATE.

After entering the contract to provide all required improvements; after posting the security required by s. TCG § 15.03(3); after payment of any fee imposed pursuant to this Chapter and the contract; after payment of any area charges for storm sewer and storm water drainage facilities; after payment of all outstanding charges due against the lands for local sewers, interceptors, force mains, and lift stations previously installed by the Town, Madison Metropolitan Sewerage District or any other sewerage district; and after the subdivider has met all other requirements, the Town Clerk shall execute the certificate inscribed upon the face of the plat or certified survey map attesting to the approval thereof and return it to the subdivider for recording.

15.15 BUILDING PERMITS.

Except as may be provided in a contract for improvements in TCG § 15.03(3), building permits shall not be issued for construction on a parcel created by any land division or subdivision of land until all required public improvements have been made, installed, inspected, and accepted in accordance with TCG § 15.12 of this code

(1) ~~Except as provided in s. TCG § 15.1615.15(2) below, building permits shall not be issued for construction on a parcel created by any division, subdivision, or comprehensive development of land until all required improvements have been made and installed and have been inspected and accepted in accordance with s. TCG § 15.1315.12 of this code.~~

(2) ~~The following shall apply in all instances where building permits are issued prior to the acceptance of the subdivision improvements by the Town.~~

(a) ~~The contract entered pursuant to s. TCG § 15.03(3) or an amendment of such contract shall:~~

- ~~1. Designate each lot, or space, upon which the subdivider proposes to construct a building;~~
- ~~2. Contain a provision, approved by the Town Attorney, whereby the subdivider agrees to indemnify and save the Town harmless from any and all claims, actions, demands, or judgments for personal injuries or property damages, together with the actual expenses incurred in connection therewith, arising out of or in any way related to the issuance of such building permits construction within the subdivision including any such claim, action, demand or judgment premised upon the negligence of the Town or any of its officers, agents, servants, or employees; and~~
- ~~3. Be recorded in the Office of the Register of Deeds for Dane County, Wisconsin.~~

(b) ~~The provisions of s. TCG § 15.1415.13(2), relating to release of security prior to completion of improvements, shall not apply when building permits are obtained prior to the completion, inspection and acceptance of all required improvements.~~

(c) ~~No building permit shall be issued for construction on any site created in violation of the requirements of this Code.~~

(d) ~~The building owner shall agree in a written affidavitwriting that occupancy of any and all buildings shall not occur, nor shall any occupancy permits be issued, prior to the completion, inspection and acceptance of all required improvements.~~

15.16 TRANSFER OF DEVELOPMENT RIGHTS (“TDR”) PROGRAM.

As permitted by Dane County Ordinance Amendment 45, 2009-2010 and Town Resolution 2011-01 adopted by the Town Board of the Town of Cottage Grove on February 7, 2011, the Town of Cottage Grove opts-in to the Dane County TDR Program.

15.17 SITING COMPREHENSIVE PLAN STANDARDS.

(1) POLICY.

To the extent not included in this Chapter, the policy for the Town’s Land Use Siting Standardssiting and design standards is are set forth in the –Town of Cottage Grove 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., including within the figures describing the future land use categories represented on the future land use map in that Plan are:

(2) Maps and References.

Land Use Maps and Exhibits as set forth in Provisions within the Town of Cottage Grove

Commented [KB36]: As per Roffers’ recommendation based on Town Board questions

Commented [MR37]: The Comp Plan has additional standards affecting new land divisions, subdivisions, and other developments that extend beyond “siting”.

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~~Comprehensive Plan~~ are expressly incorporated here by reference, as may be amended from time to time.

~~(3)(2)~~ SITING ~~AND DESIGN~~ STANDARD ~~APPLICABILITY~~ ~~REQUIREMENTS~~.

Prior to approval of any ~~land-subdivision plat~~, Certified Survey Map, ~~conditional use permit~~, or rezoning request, the Plan Commission shall review the ~~request and application~~ ~~petition~~ for compliance with the Town of Cottage Grove 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~~ ~~Plan~~ may be the basis for rejection of the ~~request and application~~ ~~petition~~ or requirements for modifications.

~~(4)(3)~~ LAND USE DISTRICTS AND STANDARDS.

The Town is divided into various future land use areas, which are identified on the Future Land Use Map of the Town of Cottage Grove Comprehensive Plan, as may be amended from time to time. Allowable land uses, residential densities, review criteria, ~~and siting~~ ~~and design~~ standards, ~~and other policies~~ within each area are identified in the Town of Cottage Grove Comprehensive Plan, and shall be used as the basis for recommending, accepting, ~~modifying~~, or rejecting any ~~land-subdivision plat~~, Certified Survey Map, ~~conditional use permit~~ or rezoning request.

15.18 LAND DIVISION FEES.

(1) GENERAL.

The subdivider shall pay the Town all fees as hereinafter required and at the times specified, in the amounts set forth in the Town fee schedule, as may be amended from time to time.

~~(2) — CONCEPT PLAN FEE.~~

~~The subdivider shall pay an application fee for the review of a subdivision Concept Plan to the Town Treasurer at the time the Concept Plan is filed with the Town Clerk. The amount of the fee shall be set no less than annually by resolution of the Town Board.~~

Commented [MR38]: Don't need a fee if "concept plan" is removed/replaced by CDPs, which have fee prescription below.

~~(3)(2)~~ PRELIMINARY PLAT, FINAL PLAT, COMPREHENSIVE DEVELOPMENT PLAN AND CONTRACT FEES.

(a) The subdivider shall pay an application fee for each lot or parcel within the Preliminary Plat, Final Plat, Comprehensive Development Plan, ~~or contract~~ to the Town Treasurer at the time the ~~application~~ ~~Petition for Change of Land Use~~ ~~for approval~~ is filed. The amount of the fee(s) shall be set ~~no less than annually~~ by resolution of the Town Board.

(b) The subdivider shall pay all engineering, inspection, consulting and legal fees incurred by the Town for services performed by or on behalf of the Town in conjunction with the design, inspection and review of any Preliminary Plat, Final Plat, Comprehensive Development Plan, or contract, to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town or any other governmental authority. Engineering, inspection, consulting, and legal fees shall be the actual cost to the Town. Such fees may be billed monthly, or upon completion of the project as determined by the Town Board. It is intended that the application fee provided for in s. TCG § 15.18(2)(a) above will sufficiently reimburse the cost of Town Staff time and expenditures.

(c) Payment Guarantee.

To guarantee payment of the engineering, inspection, consulting and attorney's fees required in paragraphs 15.18(2)(a) and 15.18(2)(b) above, the subdivider shall deposit funds in an amount reasonably determined by the Town Board at the time that the ~~application-petition~~ for approval is first filed. If the required fees are paid timely, the deposit will be refunded at the time that the Final Plat is approved by the Town Board or thirty days after the preliminary or Final Plat is rejected. In the event that the subdivider fails to pay such required fees within fourteen days of the time when the Town submits its bill therefore, the Town may deduct the amount of such fees from the funds deposited and may require that the subdivider replenish the fund. If subdivider fails to timely replenish the fund, and notwithstanding any other provisions herein to the contrary, the Town may place a hold on review of subdivider's application.

~~(4)(3)~~ CERTIFIED SURVEY ~~MAP~~ FEES.

(a) The subdivider shall pay an application fee at the time the application for approval for any certified survey ~~map~~ is filed. The amount of the fee(s) shall be set ~~no less than annually~~ by resolution of the Town Board.

(b) The subdivider shall pay all consulting and legal fees incurred by the Town for services performed by or on behalf of the Town in conjunction with the design, inspection and review of any certified survey to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town or any other governmental authority. Consulting and legal fees shall be the actual cost to the Town. Such fees may be billed monthly or upon completion of the project as determined by the Town Board. It is intended that the application fee set forth in paragraph 15.18(3)(a) above will cover all Town Staff time and expenditures ~~and all consulting fees and expenditures.~~

15.19 LAND USE FEES.

(1) A fee, as specified by resolution of the Town Board, shall accompany each ~~application~~ ~~Petition~~ for ~~a~~-Change of Land Use, including rezones and conditional use permits, for any parcel within the Town limits. The fee shall be in addition to any Dane County fees, which are not a part of this code, and are not paid to the Town.

(2) In addition to any fee identified in 15.19(1) above, the person ~~making-filing a~~ ~~application~~ ~~Petition~~ -for ~~a~~-Change of Land Use shall be responsible for ~~all costs incurred by the Town in conjunction with said petition; including but not limited to, consulting and legal fees~~ ~~all costs incurred in and~~ the notification of adjoining and adjacent landowners, ~~either directly or as a reimbursement to the Town Clerk.~~

(3) As specified in Town of Cottage Grove Ordinance s. TCG § 07.02(9), there is no fee for a request for variance from a Town ordinance.

15.20 PARKS COMMITTEE. [RESERVED FOR FUTURE USE.]

15.21 LONG RANGE PLANNING COMMITTEE. [RESERVED FOR FUTURE USE.]

~~APPENDIX 15-A~~
~~Notice of Intent~~Petition ~~for Change of Land Use~~

~~APPENDIX 15-A~~
~~Notice of Intent~~Petition for Change of Land Use (Reverse)

APPENDIX 15-B

SAMPLE CONTRACT FOR SUBDIVISION IMPROVEMENTS

IN THE PLAT OF _____

TOWN OF COTTAGE GROVE, WISCONSIN

AGREEMENT entered into between _____ a Wisconsin general partnership (the "Subdivider") and the Town of Cottage Grove, a Wisconsin municipal corporation (the "Town").

WITNESSETH:

WHEREAS, the Subdivider has received approval of a land division in accordance with that certain plat identified as the plat of _____ in the Town of Cottage Grove (the "Plat");

WHEREAS, Chapter 15 of the Town of Cottage Grove Code of Ordinances, the "Land Division and Planning Code" (the "Code") requires, among other things, that, as a condition of land division approval, the Subdivider shall agree to make and and install all necessary public improvements for the division, including, but not limited to, standard Street and utility improvements and that said improvements be constructed by the Subdivider and dedicated to the Town without cost to the Town, and Subdivider has so agreed;

NOW, THEREFORE,

IN CONSIDERATION of the mutual covenants hereinafter set forth, and the approval of the Plat by the Town, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby mutually agree.

[TEXT TO BE DEVELOPED AT TIME OF USE.]

By: _____

Town Clerk _____

By: _____

Town Chair _____

APPENDIX 15-B

STATE OF WISCONSIN →

)-SS:

COUNTY OF DANE →

This instrument was acknowledged before me this _____ day of _____
_____, 20____, by the above named as the Chairperson and Clerk of the Town of
Cottage Grove, respectively.

Notary Public

State of Wisconsin

My commission: _____

STATE OF WISCONSIN →

)-SS:

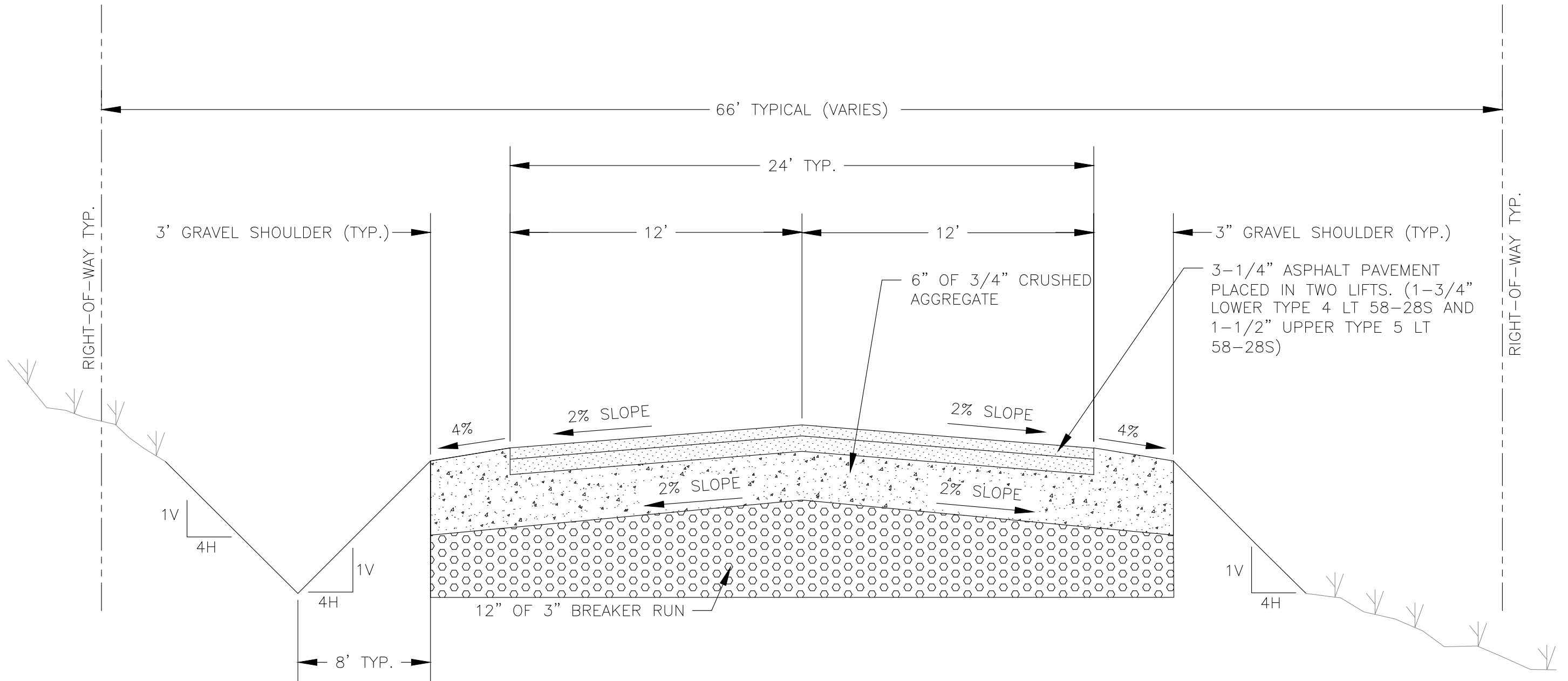
COUNTY OF DANE →

This instrument was acknowledged before me this _____ day of _____
_____, 20____, by the above named _____, as the designated
manager of _____.

Notary Public

State of Wisconsin

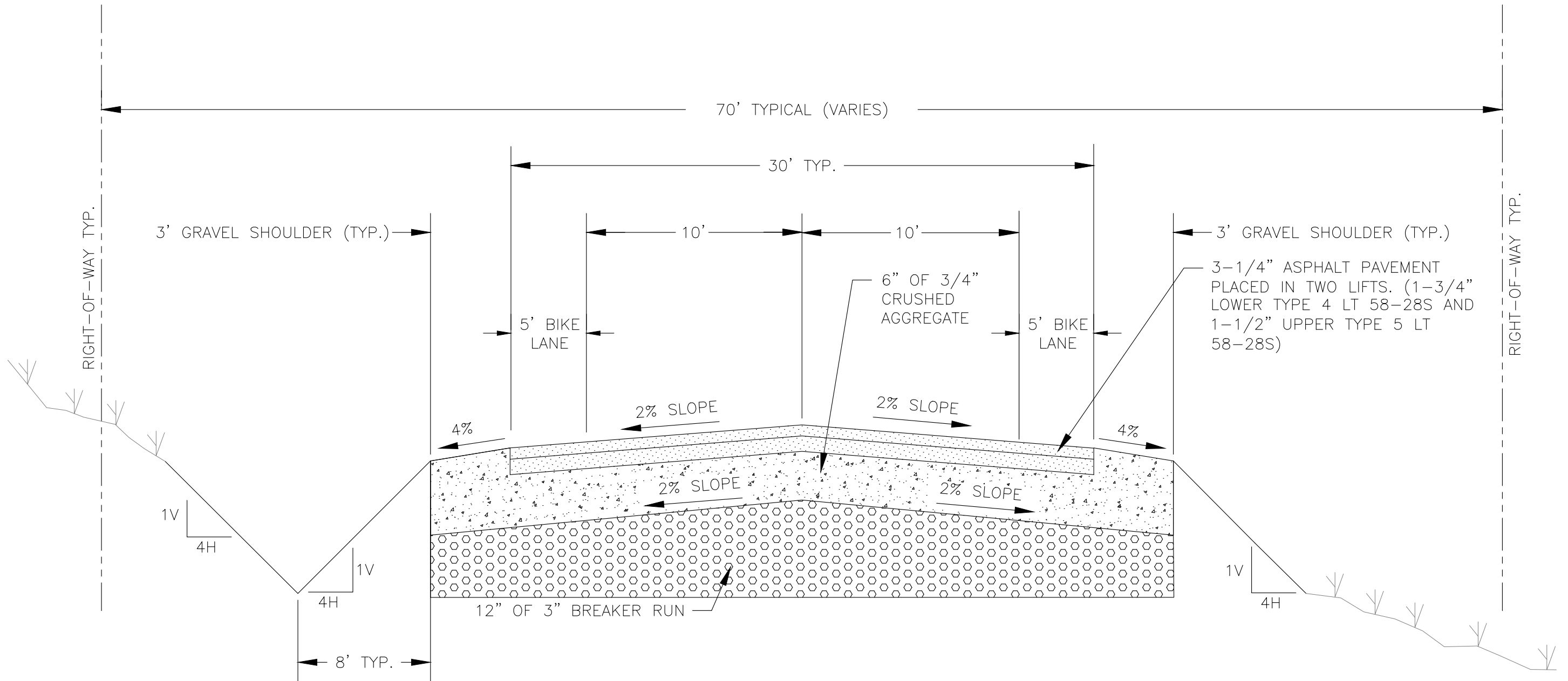
My commission: _____



**FIGURE 1 - LOCAL STREETS
TYPICAL CROSS SECTION**

Town of Cottage Grove, Wisconsin

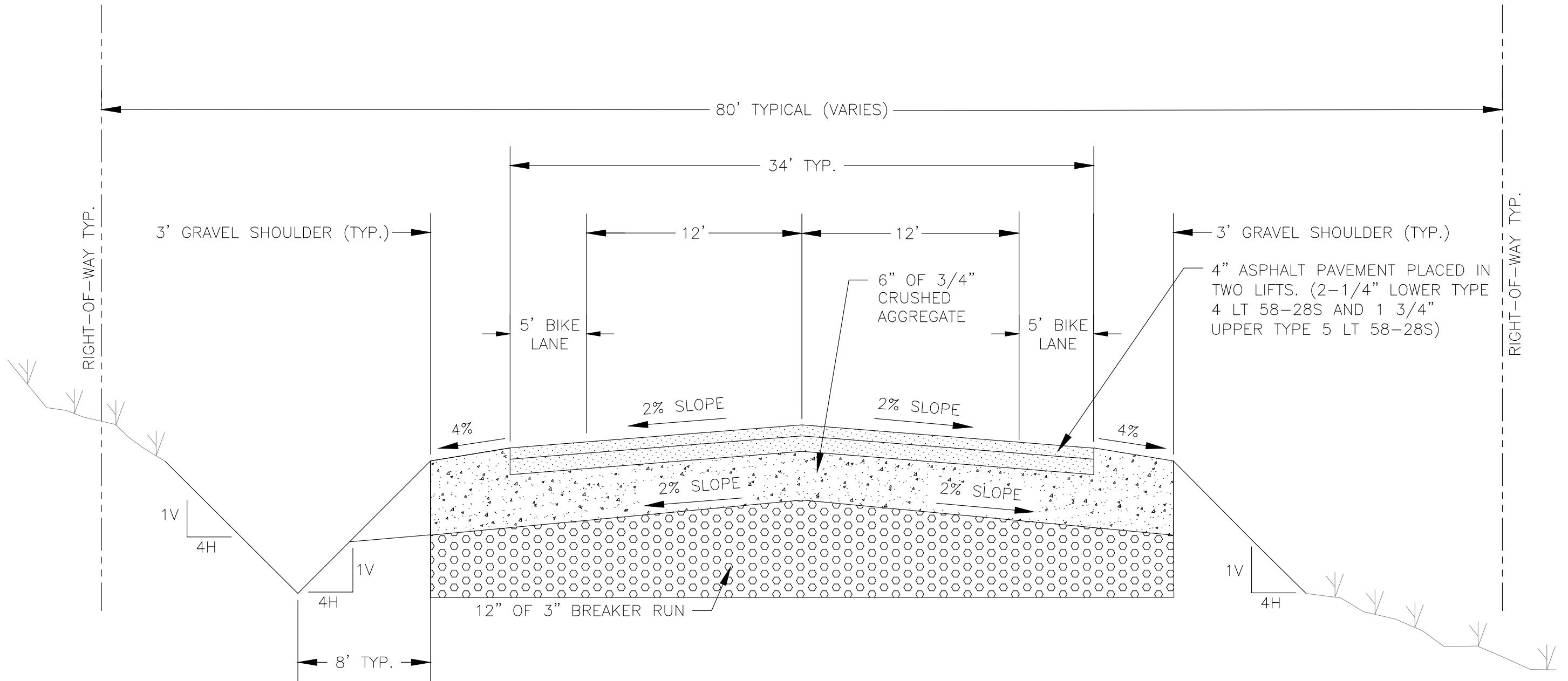
*REQUIRED DIMENSIONS & THICKNESS ARE SUBJECT TO CHANGE AT THE DIRECTION OF THE TOWN ENGINEER DUE TO FUNCTIONAL CLASSIFICATION AND SUBSURFACE SOILS CONDITIONS



**FIGURE 2 - NEIGHBORHOOD CONNECTOR
TYPICAL CROSS SECTION**

Town of Cottage Grove, Wisconsin

*REQUIRED DIMENSIONS & THICKNESS ARE SUBJECT TO CHANGE AT THE DIRECTION OF THE TOWN ENGINEER DUE TO FUNCTIONAL CLASSIFICATION AND SUBSURFACE SOILS CONDITIONS



**FIGURE 3 - MINOR COLLECTOR STREETS
TYPICAL CROSS SECTION**

Town of Cottage Grove, Wisconsin

*REQUIRED DIMENSIONS &
THICKNESS ARE SUBJECT TO
CHANGE AT THE DIRECTION OF
THE TOWN ENGINEER DUE TO
FUNCTIONAL CLASSIFICATION AND
SUBSURFACE SOILS CONDITIONS

**TOWN OF COTTAGE GROVE
TOWN BOARD ORDINANCE 2022-03-07a**

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

Title: Adopting amendments to Chapter 15– Land Division and Planning Code

Adopted this 7th day of March, 2022, by a vote of 5 for, 0 against,
with 0 abstentions.

TOWN OF COTTAGE GROVE

Attested by:


Kris Hampton, Town Chair


Kim Banigan, Town Clerk

**AFFIDAVIT OF POSTING OF
TOWN OF COTTAGE GROVE ORDINANCE**

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

I, Kim Banigan, Cottage Grove Town Clerk, being first duly sworn, on oath, state as follows:

On _____, 2022, the following Town of Cottage Grove Town Ordinance was duly posted on the Town of Cottage Grove's internet site and on the Cottage Grove Town Hall Bulletin board, all in accordance with TCG 25.01(4) and Wis. Stats., §60.80.

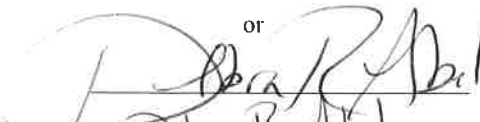
**TOWN BOARD ORDINANCE 2021-02-21a
AMENDING CHAPTER 15 – LAND DIVISION AND PLANNING CODE**


Kim Banigan, Cottage Grove Town Clerk

Subscribed to and sworn before me
this 9 day of March, 2022.

Signature of Town Board Chair

or


Debra R. Abel (print name)

Notary Public, State of Wisconsin

My Commission expires: March 7, 2023