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**ORDINANCE NO. 2016-8**  
**Town of Red Cedar Site Plan Review Ordinance**

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The Town Board of the Town of Red Cedar, Dunn County, Wisconsin, do hereby ordain as follows:

**SECTION A**

**Authority and Jurisdiction**

This Ordinance is established pursuant to the authority conferred by § 61.34(1) and (5), Wis. Stats., applies throughout the Town of Red Cedar, and shall be known as the "Town of Red Cedar Site Plan Review Ordinance."

**SECTION B**

**Purpose and Intent**

The purpose of this Ordinance is to provide a process for site plan review for land uses, buildings, structures, additions, and developments which are subject to a building permit, special exception, and/or conditional use permit. Additionally, this section provides minimum regulations, provisions, and requirements for safe, aesthetically pleasing design and quality standards for improvements to land other than single-family or two-family residential dwellings, agricultural structures or accessory buildings. In addition, this Section is intended to encourage commercial, industrial, and business development in the Town of Red Cedar that is consistent with the desire to preserve the rural character of the Town, while providing a diversified tax base to help make the Town more affordable. This Section is implemented under Town authority to promote and protect the public health, safety, and welfare; to protect property values and the property tax base; to protect the beauty and amenities of landscapes and developments; to assist in the full implementation of the Town's Comprehensive Plan; and fulfill its vision to preserve productive farmland, precious wetlands, shore land areas, sheltering woodlands, wildlife habitats, open spaces, and scenic views.

**SECTION C**

**Scope of Site Plan Review Authority**

This Ordinance is designed to determine, establish, regulate, and restrict the following developments, which shall be subject to site plan review:

- 1) Any commercial development, including, but not limited to, offices, retail, and commercial services.
- 2) Any industrial development, including, but not limited to, manufacturing, trucking, and warehousing.
- 3) Any multiple family residential developments, including any building with three or more dwelling units.
- 4) Any development of public utility, institutional, or governmental facilities, as may be limited by Wisconsin Statutes.

- 5) Any designated parking area including five or more parking spaces associated with the above developments, or as required by Dunn County.
- 6) Any upgrade or addition or change to the exterior of any of the above developments that results in an increase in the building floor area that is 25 percent or greater than the current floor area.

## SECTION D

### Applicability of Other Regulations

The regulations and standards of this Ordinance are minimum requirements. Other regulations and standards contained in the Dunn County Zoning Ordinance and Wisconsin Administrative Code pertain to the use and development of property and may apply. To the extent possible, the regulations and standards of this Ordinance shall be construed consistent with and in harmony with other applicable regulations and standards – provided, however, that in the event of a conflict, the most restrictive regulation or standard shall apply.

## SECTION E

### Site Plan Review; Procedures; Required Components

- 1) **General requirements.** A site plan shall be submitted prior to or coincident with an application for a building permit. For special exceptions or conditional uses under the Dunn County Zoning Ordinance, a site plan shall be submitted prior to or coincident with an application for a special exception or conditional use permit.
- 2) **Application.** A site plan review application shall be submitted along with the site plan to the Town Planning Commission for review and recommendation to the Town Board in accordance with the requirements of this Section. The applicant shall submit one digital copy and 11 hard copies of site plans, including specifications of proposed structures, machinery, and uses to enable the Town Board, Planning Commission, or their expert consultants to determine whether the proposed application meets all requirements applicable to this Section. Applicants may meet with the Town Planning Commission to review site plans prior to the submission of site plans. The site plan review application shall be available from the Town and requires the following information:
  - (a) Name, address and phone number of the property owner.
  - (b) Name of project, if any, and the address and legal description of the property.
  - (c) A statement describing the proposed development or redevelopment.
  - (d) The zoning classification of the parcel.
- 3) **Site Plan Application Submittal Requirements.** Site plans shall be prepared in recognized architectural scale. Scale of plan, site size, building area and lot coverage, and north arrow shall be shown. Site plans shall include the area surrounding the proposed development at the same level of detail as the site plan. The site plan shall show the relationship of the proposed development of the site to the surrounding streets, buildings, lots, parking, landscape, topography, and any other important features. The site plan shall be in letter or report form and include the following, when applicable:
  - (a) Document title, date prepared applicable owner's/developer's names, addresses, and email addresses noted. Where applicable, names and addresses of all professionals involved in any preparation of the design plans shall be provided.
  - (b) Existing and proposed topography shown at a contour interval of not less than two feet indicating proposed grade on a preliminary grading plan, and the location of propose improvements.

- (c) Building and yard setback lines in conformance with the Dunn County Zoning Ordinance
- (d) Location of all outdoor lighting proposed to illuminate the site. Provide lighting type and produce information.
- (e) Location of all electrical and other easements on the subject property.
- (f) Location of existing and general location of proposed municipal services and proposed connection locations.
- (g) Location of any proposed storm water management facilities, including retention/detention areas.
- (h) Existing and proposed road names.
- (i) Location of existing and proposed public and private road rights-of-way.
- (j) Drives, curb cuts, and ingress/egress locations.
- (k) Locations of all driveways on adjoining property within 200 feet of the subject project.
- (l) Parking area and number of spaces proposed.
- (m) Location and type of proposed and existing landscaping plantings and buffer areas for adjoining properties.
- (n) Pedestrian sidewalks and walkway locations.
- (o) Sketch outline of any development phasing plan.
- (p) Written project summary, including operational information and construction schedule.
- (q) Building elevations, drawn to scale, showing building materials to be used.
- (r) List external buildings materials, and note building front design standards identified in this ordinance.
- (s) Where applicable, 100-year recurrence interval floodplain and floodway shall be indicated.
- (t) Where applicable, wetlands as delineated in the WDNR Wetland Inventory, and a 75-foot setback line from such wetlands shall be shown.
- (u) When proposed buildings are located within 100 feet of an existing building, the elevation of the existing building shall be included in the site plan at the same scale and level of detail.
- (v) Where applicable, show Dunn County Shore Land and Wetland Zoning setbacks and restrictions.

**4) Administration**

- (a) The Planning Commission, or its designee, shall make a preliminary review of the application and site plan. This review shall determine if the application is complete. If complete, a report of findings, along with the application and site plan, shall be submitted to the Planning Commission a minimum of 30 days prior to the Planning Commission meeting. If incomplete, the Applicant shall be notified and advised of items missing or incomplete. Appearance before the Planning Commission shall not be scheduled unless it has been determined that the application meets all submittal requirements. Within 75 days of receipt of the complete application, the Town Board, acting upon recommendation of the Planning Commission, shall approve or reject the site plan.
- (b) As a part of the site plan approval process, the site plan and application shall be reviewed by the Planning Commission, which may consult with any professional consultants retained by the Town for such purpose, at Applicant's expense.
- (c) Building permits may be issued upon approval of the application, compliance with all applicable conditions and other Town Ordinances, and execution of a development agreement, if required.

- (d) The applicant shall comply with all applicable Town, Sanitary District, and Utility District services, agreements, and requirements as a condition of review under this Ordinance.
- 5) **Site Plan Review Standards.** In acting on any site plan, the Planning Commission and Town Board shall consider the following:
  - (a) The layout of the site with regard to ingress and egress to public streets; the arrangement and improvement of interior traffic patterns; roadways/driveways; and the location of areas for parking and for loading and unloading. The traffic patterns shall be designed to minimize traffic hazards.
  - (b) The layout of the site with regard to bicycle and pedestrian accommodation. This shall include the following characteristics:
    - (1) Mixed-use buildings shall emphasize pedestrian orientation by utilizing walkways and similar elements.
    - (2) Pedestrian connections should be provided between parking areas and buildings.
    - (3) The adequacy of the proposed water supply, drainage, sanitary and waste disposal services.
    - (4) The landscaping and appearance of the completed site. This shall include requirements for building design and any trees, shrubs, plants, or grass lawns, and screening, so as to not impair the value of adjacent properties nor impair the intent of this Section.
    - (5) The adequacy of erosion control and storm water management approaches.
    - (6) The relationship to the Town Comprehensive Plan, any applicable adopted Town Design guidelines, official map, and other Town ordinances.
    - (7) Any Dunn County ordinances that may apply, including, but not limited to, zoning, subdivision, and shore land/wetland regulations.
- 6) **Effects of Public Service.** Prior to approval of the application, the Planning Commission and Town Board may obtain advice from professional consultants or others, including whether development of the property in the manner set forth in the site plan will place additional impacts upon existing municipal services and utilities, if applicable. Should additional facilities be needed, the Town Board shall not issue the final approval until the Town has entered into an agreement with the applicant regarding the development of such facilities at the Applicant's expense.

## **SECTION F**

### **Site Plan Design Standards**

- 1) **Grading.** Grading shall:
  - (a) insure a positive drainage consistent with established water runoff patterns in the area;
  - (b) allow for installation and maintenance of appropriate landscape materials;
  - (c) allow for natural topography to be maintained in the development of the site;
  - (d) provide screening of unpleasant views; and
  - (e) comply with grading standards and other storm water management and erosion control regulations promulgated by the Town, Dunn County, and the Wisconsin Department of Natural Resources.
- 2) **Landscaping Standards and Objectives.** Landscape standards recognize the functional importance of, and the public benefits associated with, a well-designed landscaped area which enhances landscape features in the visual environment, promotes public safety, moderates the microclimate, and reduces nuisances, such as noise and glare. All landscaping shall be in harmony with the

community character as described in the Comprehensive Plan, the design of the site and buildings, and the character and uses of adjacent properties. The standards set forth below fulfill those objectives:

(a) Landscaping Standards:

- (1) Planting Plan – Applicants shall have professionally designed a Landscape Planting Plan that most effectively achieves the desired aesthetic results. The Landscape Planting Plan shall show any parking lot tree islands or perimeter plantings, all materials to be planted, and a list of the plant type and size at time of planting and maturity. Plan and landscape material shall be selected and sited to reflect both ornamental and functional characteristics.
- (2) Approved Materials – The Applicant may use decorative fences, earth berms, ground covers, and existing vegetation and shrubs of a mature height of not less than 2 feet, except for unsuitable species described below. These features shall contribute to the overall landscaping objectives. The scale and nature of landscape materials shall be appropriate to the site and structure and shall be regularly maintained.
- (3) Irrigation – Irrigation systems shall be designed as not to overspray public walks, paved areas, and buildings.
- (4) Existing Trees – the preservation of desirable existing trees is strongly encouraged, and techniques to preserve them during construction shall be indicated on the Landscape Planting Plan.
- (5) Unsuitable Species – Several shrubs and trees, which are not native to Wisconsin, have an established history of spreading to nearby parks and conservancy areas. These non-native plants tend to become overly abundant and ultimately eliminate many desirable native species. The control and eradication of these unsuitable plants creates a costly management problem. The following species of plant material are unsuitable for use as landscape plants:

- Honeysuckle (*Lonicera x-bella*, *Lonicera morrow*, *Lonicera tartarica*)
- Buckthorn (common), *Rhamnus cathartica*
- Tall Hedge Buckthorn, *Rhamnus frangula*
- Norway Maple, *Acer platanoides*
- Boxelder, *Acer negundo*
- Cottonwood, *Populus deltoids*
- White poplar, *Populus alba*
- Purple loosestrife, *Lythrum salicaria*

- (b) Tree Islands and Planted Areas. All landscaped islands within parking lots and landscaped areas with trees shall be a minimum of 4 feet in width as measured from the inside of any curb or frame.

3) **Screening Standards.**

- (a) Parking Areas. Parking areas shall be planned and landscaped to provide a screened buffer for the purpose of obstructing light beams and reducing noise nuisances, providing adequately screened spaces for the designated parking use, and blending with the overall desired community appearance.

- (1) Landscape buffering shall be provided around:

- Interior areas and immediate perimeters to the parking area; and
- Perimeters of lots adjacent to other property.

- (b) Off-Street Parking and Loading Areas.
- (1) All loading areas, and open off-street parking areas for five or more vehicles, will require the planting of trees. The standards are designed to enhance the visual environment, promote public safety, and reduce nuisances such as noise and glare.
  - (2) All off-street parking areas with five or more vehicles shall be accompanied by the planting canopy trees at a rate of 1 canopy-type tree for each 10 parking spaces. Canopy trees shall be located in protected tree islands within the parking lot or within 15 feet of the periphery of the parking area surface.
- (c) Adjacent Residence Screening. A screened parking barrier for the purpose of obstructing light beams and reducing noise nuisances shall be provided for sites having off-street parking areas for five or more vehicles within 25 feet of an adjoining lot line facing any lands zoned or used for residential purposes. The parking barrier shall have a minimum height of four feet above the surface of the parking area. Barrier may consist of wood or masonry fencing, walls, a berm, or the use of dense, all-season plant materials. Plant materials used for screening shall be of suitable size and density to accomplish the screening objective within three years from the time of planting.
- (d) Industrial and Commercial Parking Lot and Loading Area Buffering. A landscaped parking lot and loading area buffer has the purpose of achieving desired aesthetic and environmental results from both within the interior and along the perimeter of parking areas. This is accomplished by planting perimeter landscaping, and/or tree islands in required parking areas. The following standards apply:
- (1) Buffer the parking area effectively from views from public rights-of-way and public recreation sites.
  - (2) Designs should strive for some level of diversity in utilizing landscape elements. This may include some combination of trees and shrubs, fence and landscape berms.
  - (3) Plans for parking areas shall indicate snow storage areas.
- (e) Mechanical Equipment, Loading Docks, Storage, Service, and Trash Areas. Mechanical equipment, loading docks, outdoor storage areas, service areas, and trash areas shall be screened for the purpose of providing a desirable aesthetic view and reducing loading area noise. Evergreen trees and shrubs, walls with materials related to and compatible with the building, or some combination, shall be used for screening. Outdoor trash bins shall be located with a trash enclosure that is integrated into the overall site building design.
- 4) **Building Design.** Any new construction or exterior improvement to real property that is within the scope of this Section shall comply with the following criteria:
- (a) Buildings shall be designed to complement the immediate neighborhood and rural character of the Town.
  - (b) Building design shall be of high quality, and shall address requirements stipulated by other Town ordinances and recommendations of adopted design guidelines.
  - (c) Materials shall be of high quality, with low-maintenance materials preferred. For example, this could include brick, native stone, bevel siding or other similar, high-quality materials.
  - (d) Colors shall be harmonious with other buildings in the neighborhood and/or with the rural setting.

- (e) Buildings shall have an attractive and obvious front or entrance façade. All facades facing public streets shall be of similar quality.
  - (f) Building facades visible from public streets shall be designed to have no more than 50 feet in length that is unbroken by changes in colors, materials, wall heights, architectural details, and/or window placements. Blank facades shall be prohibited.
  - (g) Building elevations shall be designed to blend with the surrounding natural and built environment.
  - (h) Additions shall relate to the existing building in terms of scale, materials, and color, in order to be visually pleasing and to blend with the natural environment, unless the Town Board determines that certain upgrades are warranted to meet the objectives of the Comprehensive Plan or design guidelines for the area.
  - (i) The architectural design of any outbuilding or accessory structure shall be compatible with the primary building.
  - (j) No building shall be higher than 35 feet, or as outlined in the most current Dunn County Comprehensive Zoning Ordinance as specified in the zoning district that applies, as measured by a vertical line drawn from the building's lowest exposed ground level elevation to a point equal in elevation to the building's highest elevation.
- 5) **Building Relationships.**
- (a) New developments shall consider activities on adjacent properties with relationship to access from abutting roads, parking areas, service areas, building setbacks, height of structures, and color and materials of adjacent or nearby buildings.
  - (b) In the development of the site, areas with high visibility to residential units shall be landscaped in a manner complementary to the building forms.
  - (c) The relationship of any building to the public street should be completed in a manner than presents a properly located structure. With respect to corner lots, driveway entrances shall be located a maximum distance from the intersection.
  - (d) Buildings should be oriented with an acceptable face to the street. For water front property, there should be an acceptable face from both the street and the waterway.
  - (e) Energy conservation shall be considered in the orientation of buildings with respect to the sun where possible.
  - (f) Buildings shall be oriented to minimize their impact on the adjacent properties.
  - (g) Adjoining properties are encouraged to develop shared facilities such as driveways, parking areas, and pedestrian amenities.
- 6) **Maximum Impervious Surface Area Coverage.**
- (a) Impervious surface area shall be limited to 50% of the total lot area.
  - (b) Impervious surface area shall include the building footprints, driveways, and any of the hard surface area on the site.
  - (c) Use of permeable surfaces is encouraged.
  - (d) Outbuildings factor into the determination of impervious surface area calculations.
- 7) **Lighting.**
- (a) Exterior illumination shall be provided, as appropriate, to illuminate building facades, illuminate building identification signage, if desired, ensure safety of the property, illuminate parking and service areas, and minimize light spill over onto adjacent properties, the public right-of-way, navigable waters, and the night sky.

- (b) Deflective lighting styles (90 degree downcast, cutoff fixtures) shall be utilized to avoid light shining onto neighboring property, public rights-of-way, navigable waters, and the night sky.
  - (c) Illumination should achieve a lighting level of 1 foot candle at entries and parking areas unless located adjacent to a property line. Exterior lights shall not have more than 0.5 foot candle intensity at the property lines.
  - (d) Illumination shall be the minimum necessary to meet security and safety considerations of the property or to illuminate signage, parking or service areas during the hours of usage but not create a nuisance for adjoining property owners.
  - (e) Mercury vapor lamps and metal halide lamps using mercury shall not be used unless a variance is required due to requirements for accurate color rendition. Fully shielded fixtures shall be used.
  - (f) The height of the luminaries shall be in scale with the building and site design.
  - (g) No outdoor signage shall be permitted that blinks, revolves, flashes, or changes intensity.
- 8) **Utilities and Storm Water.**
- (a) All development shall connect to the public sanitary sewer and water system, if present.
  - (b) In all developments, utility cabinets and meters shall be screened using appropriate materials that do not detract from the aesthetic appearance of nearby structures.
  - (c) Storm water runoff to lakes and streams shall not be directly discharged but must be detained by means of rain gardens, infiltration areas, and bio swales or detention basins.
  - (d) Storm water accessories shall be integrated into the site landscape.
- 9) **Driveways.**
- (a) All driveways shall conform to the Town's driveway standards.
  - (b) Driveways shall be combined between adjoining parcels whenever possible.
  - (c) Driveways that are constructed of permeable hard surface, including pavers and other permeable materials, shall be exempt from the impervious surface area computations.
  - (d) Clear vision triangles shall be maintained for safe ingress and egress.
- 10) **Signage.**
- (a) Signs shall conform to Dunn County standards where not specifically overwritten by this section.
  - (b) The primary purpose of a sign shall be to identify a business located at a specific site. The sign's message should be limited to the business name or the logo of the business occupying the site.
  - (c) Sign design should conform to the architectural character of the building.
  - (d) Signs shall not be permitted on top of any roof and should not project above the eave line of the building.
  - (e) Any signs on awnings shall be directly applied to the awning.
  - (f) Multiple tenant buildings and complexes shall develop a Master Sign Program for the entire development.
  - (g) No outdoor signage shall be permitted that blinds, revolves, flashes, or changes intensity.
- 11) **Parking.**
- (a) All parking shall be provided off-street.
  - (b) Building parking design shall maximize opportunities for pedestrian and vehicular circulation between adjacent sites such as joint access easements and common driveways.
  - (c) Parking shall be integrated within the project and visually deemphasized.



- (d) Surface parking areas facing a public street shall be buffered by landscaping.
- (e) Parking design shall maximize the opportunity for shared parking, access entries, and driveways in order to minimize the number of curb cuts.

## SECTION G

### Administration and Enforcement

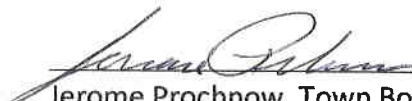
- 1) **Exceptions.** Exceptions may be recommended by the Planning Commission and approved by the Town Board where literal compliance with the specifications and standards would be ineffective or unnecessary. Topographic constraints, existing vegetation, existing buildings, traffic safety, or compliance with fire or other public safety requirements or other similar issues may also necessitate exceptions. The Applicant shall address the following criteria when requesting an exception:
  - (a) The specific conditions which are unique to the Applicant's site that do not exist on other land.
  - (b) The manner in which the strict application of the standards of this Ordinance would deprive the Applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners.
  - (c) Reasons that an exception to the standard would preserve and not harm the public safety and welfare and not alter the essential aesthetics of the area.
- 2) **Fees.**
  - (a) Amount. The site plan review fee shall be in accordance with the Town's fee schedule. The site plan review fee shall be paid to the Town Clerk at the time of site plan submittal. Payment of the site plan review fee is a prerequisite for submittal and action by the Town Board. Payment of the fee does not constitute approval.
  - (b) Reimbursements. The applicant shall reimburse the Town for its actual cost for consulting fees and disbursements associated with the review of the proposed project, including, but not limited to, review by a consulting engineer, planning consultant, and legal counsel. Unpaid consultant expenses incurred in reviewing owner applications shall be collected as a special charge pursuant to Wis. Stats. § 66.0627.
- 3) **Violations and Penalties.** It shall be a violation of this Ordinance to develop or redevelop a parcel subject to site plan review approval without obtaining said site plan review approval. It shall be a violation of this Ordinance to develop, redevelop, modify or maintain a parcel contrary to or inconsistent with an approved site plan. Compliance with the provisions of this Ordinance may be enforced by appropriate fines and penalties in accordance with applicable laws and the Town's Citation Ordinance. Each day a violation continues shall be deemed a separate violation. Nothing herein shall preclude the Town from maintaining a separate action to prevent, abate, or remove violations. Compliance may also be enforced by injunctive suit of the Town. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any Ordinance of the Town, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.
- 4) **Development Agreement.** To assure that the approved plans, terms, and conditions of site plan approval will be met, the Town Board may require the Applicant and/or property owner to enter into a development agreement with the Town that specifies responsibilities. Such agreement shall be signed and executed prior to site plan approval.

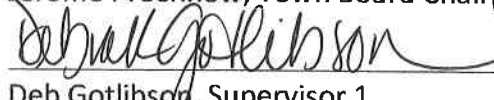
- 5) **Severability.** If any section, clause, provision, or portion of this Ordinance, or if the application of this ordinance to any person or circumstance, be adjudged unconstitutional or invalid, unlawful, or unenforceable by final order of a court of competent jurisdiction, including all applicable appeals, the remaining provisions or application of this Ordinance shall remain in full force and effect.


6) **Effective Date**

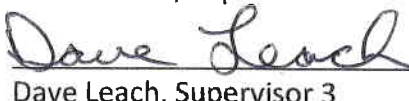
This ordinance shall take effect upon its passage and publication or posting as provided by law.

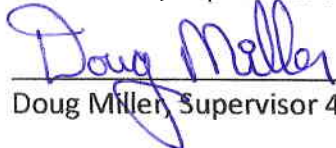
The foregoing Town of Red Cedar Site Plan Review Ordinance was enacted by a majority vote of the Town Board of the Town of Red Cedar on the 13<sup>th</sup> day of June, 2016.

  
Jerome Prochnow, Town Board Chairperson

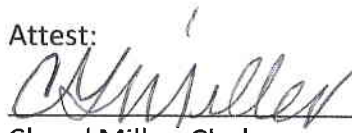
  
Deb Gotlibson, Supervisor 1

  
Robert Cook, Supervisor 2

  
Dave Leach, Supervisor 3

  
Doug Miller, Supervisor 4

Attest:

  
Cheryl Miller, Clerk

Published Summary:  
06/22/2016  
Sun Co. News