

## CHAPTER 9

### DESIGN REVIEW ORDINANCE

#### 9.01 INTRODUCTION.

- (1) **TITLE.** This Chapter shall be known as the Design Review Ordinance of the Town of Springfield and will be referred to in this Chapter as “this Chapter”.
- (2) **AUTHORITY.** This Chapter is established pursuant to the authority conferred by Sections 60.23(29), 60.62, 61.34(1), 61.34(5) of the Wisconsin State Statutes, by the Town’s adoption of village powers under Section 60.10 of the Wisconsin Statutes, and under Section 1.017(2) of the Town Zoning Ordinance.
- (3) **PURPOSE.** The purpose of this Chapter is to promote the public health, safety, and welfare by ensuring, to the maximum extent practicable, that future development or redevelopment of individual parcels of land in the Town of Springfield proceeds according to the Town’s goals, objectives, and policies for its physical growth and change, as expressed in this Chapter, the Town Zoning Ordinance, and the Town of Springfield Comprehensive Plan.
- (4) **ABROGATION AND GREATER RESTRICTIONS.** Other regulations and standards contained in other Town of Springfield Ordinances and applicable Dane County and State of Wisconsin regulations pertaining to the use and development of property may apply. These include, but are not limited to, the additional secondary standards for approval of certain specified uses per Subchapter VI of the Town Zoning Ordinance. To the extent possible, the regulations and standards of this Chapter shall be construed to be consistent and in harmony with other applicable regulations and standards provided. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.
- (5) **APPLICABILITY.** The following types of developments in the Town of Springfield shall be subject to the provisions of this Chapter:
  - (a) Development of residential land uses consisting of three or more attached dwelling units per building.
  - (b) Development of all projects in which a principal use is a commercial, industrial, or institutional use, but not including any land use that is listed as a permitted (P) use within the EA Exclusive Agriculture District (Exclusive) in Section 1.045 of the Town Zoning Ordinance.
  - (c) Any new building of over 300 square feet in floor area that is accessory to one of the principal uses listed in subsections (a) or (b).
  - (d) Any addition to an existing use listed in subsection (a) or (b) that results in a total expansion of at least 25 percent in building floor area, outdoor storage or display area, loading area, or parking lot area over the area which existed as of September

21, 2014, via one expansion project or the total of two or more expansion projects.

- (e) Where developments under subsection (c) or (d) are proposed, the project, building, and site shall comply with the provisions of Section 9.02 of this Chapter to the extent determined practical by the Town Plan Commission, given existing site and building conditions and limitations.
- (6) **SEVERABILITY**. In the event that a court should determine that a portion of this Chapter is invalid, such invalidity shall not affect the other provisions of this Chapter.

## **9.02 DESIGN STANDARDS**

- (1) **GENERALLY**. No development subject to design review shall be commenced unless, in the determination of the Plan Commission, such development complies with each of the following design standards, except if the applicant requests and the Plan Commission grants a modification under Sections 9.01(5)(e) or 9.05. These provisions shall not apply to existing uses, unless an application for a development of one or more of the types in Section 9.01(5) is made.

(2) **SITE LAYOUT**.

- (a) The development shall allow for proper ingress and egress from public roads to the site at designated access points only, internal traffic safety by adequate driveway widths and circulation patterns, and parking spaces per applicable standards in Sections 1.076, 1.078, and 1.079 of the Town Zoning Ordinance.
- (b) Interconnected parking lots, streets, driveways, and walkways shall be provided wherever the Plan Commission determines them practical to facilitate movement between sites. Shared access easements shall be recorded over driveways designated for joint access between separate lots.
- (c) No buildings, parking, drive aisles, or other hard surfaced areas shall be placed within a 10 foot wide strip adjacent to the road right-of-way or road easement edge. Setbacks and maximum building coverage shall otherwise meet standards in the Town Zoning Ordinance.
- (d) The siting and design of all buildings shall meet any applicable standard within the Town of Springfield Comprehensive Plan, which may include Town Activity Center Policies and Non-residential Development Design Standards in Figure 18 within Town Activity Centers on Map 7 of the Plan, the Springfield Corners Conceptual Neighborhood Plan (Map 8), and standards for “High Intensity Rural Uses” in the Housing and Economic Development chapter of the Plan.
- (e) The development shall be so planned and constructed that all surface drainage meets the standards of applicable Town, county, and state erosion control and storm water

management regulations, and does not adversely affect neighboring properties.

(3) BUILDING DESIGN.

- (a) Building materials, colors, designs, and scale shall contribute to the desired character and image of the Town, and with the applicable standards expressed in the Town of Springfield Comprehensive Plan, including those referenced in subsection (2)(d). Modifications to standardized prototype and corporate franchise designs may be required to conform to such standards.
- (b) The principal building shall be oriented to the main road on which the site is located.
- (c) All exterior walls visible from a public right-of-way or adjacent properties in residential use shall include an architecturally detailed facade, particularly along State and U.S. highways, where long unbroken building facades would otherwise result. Unfaced concrete block, structural concrete, prefabricated metal siding, and similar surfaces are discouraged for such walls. Where prefabricated metal siding is used some combination of changes in pattern, orientation, textures, colors, building openings (e.g., windows), and wall setbacks are required to meet this standard.
- (d) The principal building shall be architecturally finished on all sides and include architectural details such as variations in height and roof lines, exterior wall offsets, overhangs and canopies, windows, bays, and visually distinct entrances.

(4) NATURAL FEATURES AND LANDSCAPING.

- (a) Pre-existing topography shall be preserved in conformance with Section 1.077 of the Town Zoning Ordinance and to maintain the essential character of the Town.
- (b) New landscape plantings shall be focused near building foundations, within and around parking lots, loading areas, and outdoor storage areas, and within the yard adjacent to the main road on which the development site is located, in a manner consistent with vision clearance triangle requirements in Section 1.073 of the Town Zoning Ordinance.
- (c) Landscape plantings shall comprise of the following types and number per every one acre of development site area, with “development site area” calculated as the portion of the site being disturbed plus any lands directly between such disturbed area and the nearest public street.
  - 1. Four canopy deciduous trees with a trunk diameter of at least two inches at time of planting.
  - 2. Eight ornamental deciduous or evergreen trees, or some combination, with a height of at least four feet at time of planting.
  - 3. Twenty shrubs with a height of at least eighteen inches at time of planting, or perennial planting bed(s) of at least 200 square feet in area.

- (d) Where a use is required to provide a vegetative buffer or vegetative screening per Section 1.0641 or 1.0642 of the Town Zoning Ordinance, the plantings required for such screening or buffer shall be in addition to those required under subsection (c) above.
- (e) Preexisting, non-invasive of over six inches or a height of over 30 feet, and woodlots within which at least 50 percent of the trees meet at least one of these two size criteria, shall be retained to the extent determined practical by the Plan Commission. Credit towards planting requirements may be provided where the retention and protection of existing non-invasive trees are included in the landscape plan.

(5) OUTDOOR STORAGE AND SCREENING.

- (a) Unscreened outdoor storage of materials, equipment, fuel, scrap, inoperative vehicles and similar objects shall not be visible from public rights-of-way or adjacent properties in residential use. Where outdoor storage areas would be visible from public rights-of-way or residential properties, such areas shall be screened by opaque fences, walls, berms, dense landscaping, or combinations thereof.
- (b) External trash and recycling dumpsters shall be screened from common view by walls, berms, dense landscaping, or combinations thereof.
- (c) Mechanical equipment, communication dishes, signal receiving antennas, and similar ancillary equipment that are readily visible when viewed from ground level of adjacent properties in residential use or from public rights-of-way shall be softened by screening or covered in a manner that forms an integral part of the building or site design.

(6) SIGNAGE.

- (a) Signage shall meet all requirements of Subchapter VIII of the Town Zoning Ordinance.
- (b) The following types of signs are not permitted, regardless of zoning district:
  1. Off-premise advertising and directional signs greater than 100 square feet in area (including billboards).
  2. Signs listed as prohibited signs in Section 1.0808 of the Town Zoning Ordinance.
  3. Signs that cause a visual distraction and pose a potential nuisance or traffic safety hazard, including flashing signs, rippling or sparkling signs, feather signs, spotlights, and a wide variety of strings of lights, tinsel, pom poms, pinwheels, pennants, banners, streamers, and related attention-getting devices.

(7) EXTERIOR LIGHTING.

- (a) Exterior lighting, when used, shall be established, directed and maintained so as not to be cast directly on occupied buildings on adjacent properties.
- (b) All exterior light fixtures that are over 150 watts incandescent (or LED equivalent **illumination**) and not in the rights-of-way or easements of public roads shall be completely shielded or recessed into canopies, with the fixtures mounted parallel to the ground.
- (c) The maximum illumination level at all lot lines shall be one-half footcandle, the average illumination level within the lot shall be no greater than two and one-half footcandles, and the maximum illumination level at any point on the lot shall be twenty footcandles, except where the applicant demonstrates that different light levels will meet the standards of the Illuminating Engineering Society of North America for areas with dark surroundings.
- (d) All parking lot lighting shall additionally meet the requirements in Section 1.079(7) of the Town Zoning Ordinance.
- (e) The Town Plan Commission may specify certain hours within which illumination of signs or exterior light fixtures is permitted or prohibited.

### **9.03 DESIGN REVIEW PROCESS**

#### **(1) APPLICATION AND SCHEDULING.**

Before or upon application for a building permit or land use permit, the applicant shall be advised by the Town Clerk whether compliance with this Chapter is required. If required, the applicant shall be notified of such requirement, and an application shall be transmitted by the applicant to the Town Clerk, with appropriate fees and plans as provided in this Chapter. The Town Clerk, upon determining that the application is complete, shall place the application on the agenda of the next regular Plan Commission meeting scheduled at least seven days from the date upon which the Town Clerk determines that the application is complete.

#### **(2) PLAN COMMISSION REVIEW.**

- (a) The Plan Commission shall review the application and submitted plans to determine whether the development complies with the provisions of this Chapter. As part of its review, the Plan Commission may consult with staff, consultants, and officials of the Town, county, state, fire and emergency medical services departments, or other agencies, with the applicant responsible for reimbursing the Town for any such expenses upon invoicing from the Town.
- (b) The Plan Commission may, whenever it determines that the application presents issues of unusual complexity or generates significant potential impact within the

area, cause a public hearing to be held regarding the application. Plan Commission review may be combined with related reviews for rezoning, conditional use permit, land division, or other land use approvals.

(3) **PLAN COMMISSION ACTION.**

Following its review, the Plan Commission shall take action to approve, conditionally approve, or reject the application and submitted plans. Such action shall take place within 60 days of the submittal of a complete application, unless the deadline is extended by agreement of the Plan Commission and the applicant. Failure of the Plan Commission to act within this period or any mutually agreed extension shall be interpreted as approval of the application and submitted plans as presented. Plan Commission action may be in the form of a copy of the minutes of the Plan Commission meeting at which such action was taken or a resolution. In the case of a rejection, the Commission shall list the reasons with respect to non-compliance with one or more provision of this Chapter or other Town ordinance.

(4) **PROJECT COMMENCEMENT.**

No building permit or land use permit shall be issued and no development project under the jurisdiction of this Chapter shall commence construction until the Building Inspector has received, in writing, Plan Commission approval of the application and submitted plans (or Town Board approval if the decision was appealed), and all conditions of approval that reasonably could have been satisfied have in fact been satisfied. The property owner shall be responsible for installing and maintaining all site improvements in conformance with the approved plans and all conditions.

(5) **APPEALS.**

Final actions of the Plan Commission under this Chapter shall be appealable as administrative interpretations to the Town Board.

**9.04 PLAN SUBMITTAL REQUIREMENTS**

(1) **GENERALLY.**

All applications for design review shall contain or include the plans listed in this section, and such other information relating thereto as the Town Clerk or the Plan Commission may deem necessary for consideration of the development. Ten copies of all materials shall be submitted, except where the Town Clerk requires fewer copies and/or a digital copy only. All plans shall be drawn to a recognized scale, and include a north arrow, date of preparation, land owner and business names, and contact information.

(2) **SITE PLAN.**

Including, on one or more plan sheets, where applicable:

- (a) Lot area.

- (b) All existing and proposed lot lines, labeling dimensions.
  - (c) Wetlands.
  - (d) Shoreland zoning areas, including shoreland setbacks.
  - (e) Floodplains.
  - (f) Current and proposed zoning of the site.
  - (g) Existing and proposed buildings, indicating gross floor area and capacity, and distance from all lot lines and the ordinary high water mark of any internal or abutting watercourse.
  - (h) Other existing and proposed structures, including fencing and ground-mounted signs, including distances from all lot lines.
  - (i) Required minimum setbacks for buildings and other structures, per the Town Zoning Ordinance.
  - (j) Parking lot, including distance from lot lines.
  - (k) Calculations for determining the number of off-street parking spaces as required by the Town Zoning Ordinance.
  - (l) Loading area.
  - (m) Vehicle and pedestrian circulation and driveway areas, including distance from lot lines.
  - (n) Proposed ingress and egress to the site.
  - (o) Outdoor storage areas and required screening.
  - (p) Screened dumpsters.
  - (q) Ground-mounted mechanical, communication, and utility units.
  - (r) Adjacent streets and land uses, including road centerlines and all buildings within 50 feet of the site's boundaries.
  - (s) The percentage of the site that will remain in open space and the percentage that will be under buildings following development.
  - (t) Vision clearance triangles per Section 1.073 of the Town Zoning Ordinance.
- (3) **LANDSCAPE PLAN.**

Including:

- (a) All existing trees with a trunk diameter at breast height of over six inches or a height of over 30 feet and the limits of woodlots within which at least 50 percent of the trees meet at least one of these two size criteria.
  - (b) Proposed protection measures for all such trees or portions of woodlots to be retained.
  - (c) All proposed new landscape plantings for the site, indicating their locations, quantities, species, size at time of planting, and size at maturity, and meeting associated requirements of this Chapter and the Town Zoning Ordinance, including vegetative buffer and screening areas where required.
- (4) **GRADING, EROSION CONTROL, AND STORMWATER MANAGEMENT PLANS.**
- (a) Grading, Erosion Control, and Stormwater Management Plans shall be submitted to meet all applicable Town, County, and State requirements, including topography maintenance requirements of Section 1.077 of the Town Zoning Ordinance.
  - (b) Submitted plans shall include proposed erosion control measures, existing and

proposed surface elevations and contours, and stormwater calculations where applicable by requirements. For minor projects, the Town Engineer may accept a spot grading plan without proposed contours.

- (c) Separate stormwater management and erosion control permits from the County and/or State may be required. The applicant shall provide the Town Clerk with copies of all applicable County and/or State permits once obtained.

(5) **BUILDING ELEVATIONS.**

Depicting and describing the dimensions, colors, and materials proposed for all exterior building sides, doors, windows, and roofs, along with building mounted lighting, signs, and mechanical units. The Plan Commission may also require building material samples.

(6) **SIGN PLAN.**

Including the location, height, dimensions, color, materials, lighting and sign copy area of all proposed exterior signage.

(7) **EXTERIOR LIGHTING PLAN.**

Illustrating the location, height, type, design, orientation, anchorage, and wattage of all proposed outdoor lighting, and including a photometric plan for projects proposed to have more than three outdoor lighting fixtures of greater than 150 watts incandescent (or LED equivalent). A photometric plan is generally prepared by a lighting professional, and shows spot illumination levels at regularly spaced intervals on the lot and at all lot lines, along with average proposed illumination levels on the lot as a whole.

**9.05 ADMINISTRATION.**

(1) **WAIVERS AND MODIFICATIONS.**

Where the Plan Commission finds that extraordinary or undue hardship may result from strict compliance with this Chapter and/or that the purpose of this Chapter may be better served by an alternate approach, the Commission may approve waivers or modifications to one or more provisions of this Chapter, other than applicable requirements of State law, Dane County ordinance, or other Town ordinance, and only to the extent a waiver or modification is found to be just and proper. The Plan Commission may grant such relief only where it will not be detrimental to the public good, impair the purpose of this chapter, or impair the desirable general development of the community in accordance with the Comprehensive Plan.

(2) **FEES.**

The applicant shall be required to submit a design review fee in the amount of three hundred twenty dollars (\$320.00) to the Town Clerk along with the application. Additionally, any out-of-pocket expenses incurred by the Town or its Plan Commission, including consultant



fees (engineering, legal or planning), costs of maps, public hearing notices, or other related expenses shall be reimbursed by the applicant. All such out-of-pocket expenses shall be paid by the applicant prior to issuance of the building permit.

(3) VIOLATION AND PENALTIES.

Any person who shall violate this Chapter shall, upon conviction, be subject to forfeiture of not less than ten dollars (\$10.00), nor more than two hundred dollars (\$200.00) together with all costs of prosecution and penalty assessment, if any. Each day each violation continues shall constitute a separate offense. Nothing in this section shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter.