

Town of Albion Comprehensive Plan

Commercial development amendments as amended and approved by

Town of Albion Plan Commission and Town of Albion Board 9/6/2016

Page 5-5.

Commercial. This category includes ~~all types of commercial and service uses (except for outdoor storage of equipment and material)~~ retail, office, service, hospitality, transportation-related and agriculture-related uses. – In the Agricultural Preservation Area, these uses must be agri-business uses and/or directly relating to the support of farm operations in the Town. All commercial development must conform to the town’s Commercial Design Review ordinance, adopted as Appendix I of this Comprehensive Plan. The town will recommend to the county board that deed restrictions be recorded on new or expanded commercial development as needed to ensure compliance with these standards.

Appropriate zoning districts within planned Commercial areas include:

- A-B (agricultural business),
- LC-1, (limited commercial),
- C-1 (general commercial) or
- B-1(neighborhood commercial).

New rezones to accommodate C-2 (heavy commercial) or M-1 (manufacturing) uses will only be approved with deed restrictions limiting permitted and conditional uses to those determined by the town to be appropriate to the site.

The town may approve limited rezones for existing commercial uses in the C-2 or M-1 zoning districts to make minor adjustments in zoning parcel lines or zoning parcel size, or to allow for limited expansion of existing operations. Such rezones must meet all requirements of the Commercial Design Review ordinance and must also meet all of the following conditions:

(1) Any expansion of an existing commercial use must not exceed 50% of the existing floor area of the principal commercial structure on the lot.

(2) All existing commercial uses on the site and any proposed expansions must be brought into compliance with all current applicable regulations, zoning codes and standards, including, but not limited to:

- Parking standards;
- Vegetative screening and buffer standards;
- Sanitary system requiremetns under Chapter 46, Dane County Code and COMM 83, Wisconsin Administrative Code, and;
- Stormwater and erosion control standards under Chapter 14, Dane County Code.

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TOWN OF ALBION
ORDINANCE NO. 05-04
Commercial Design Review

An ordinance creating a Commercial Design Review Ordinance for the Town of Albion.

Article 1. The Commercial Design Review Ordinance of the Town of Albion is hereby created to read as follows:

Section 1. Establishment and Purpose. The Town Of Albion hereby establishes Design Review standards to promote stability of property values; to promote compatible development; to protect certain public investments in the area; to foster the attractiveness and functional utility of the community as a place to live and work; to preserve the character and quality of the built environment by maintaining the integrity of those areas which have a discernible character; to raise the level of community expectations for the quality of its environment; and to uphold the goals, strategies and guidelines of the Town’s Land Use Plan.

Section 2. Definitions. In this Ordinance, the following terms are defined as follows:

(1) Commercial Zone means lands within the Town of Albion which have been designated for the C-1, C-2, M-1, adult entertainment, adult book store or Industrial zones under the Dane County zoning ordinance.

(2) “Landscaping” shall mean the contour of the ground, plantings, accent or decorative vegetation, pathways, sidewalks, driveways, and other features which create or modify the exterior appearance of a property.

(3) “Sign” means a billboard, pylon-supported placard, placard mounted on a structure or other object which is constructed for the purpose of communicating information about a property to passersby or motor vehicles traveling by or near the structure.

(4) “Structure” or “structures” means a building, shed, garage, warehouse or any other object affixed to real estate and constructed for use by humans or animals in a commercial venture.

Section 3. Scope. This ordinance shall apply as follows:

(a) Zones. This ordinance shall apply only to land located in Commercial Zones.

(b) Landscaping. This ordinance shall apply to all newly constructed landscaping, and to substantial modifications of existing landscaping. Replacement of existing plantings or maintenance of such vegetation does not require approval under this ordinance.

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34 (c) Signs. This ordinance shall apply to all newly constructed signs, and to all
35 modifications of existing signs for which an application for a zoning permit or building
36 permit is filed after the effective date of this ordinance.

37 (d) Structures. This ordinance shall apply to all newly constructed structures, and
38 to all modifications of existing commercial structures for which an application for a
39 building permit is filed after the effective date of this ordinance.

40 Section 4. Prohibitions. (1) No building permit shall be issued for the construction or
41 modification of any structure in the Commercial Zones unless the Plan Commission has
42 approved the design of the Structure.

43 (2) No Sign may be constructed, substantially modified or installed unless the
44 Plan Commission has approved the design of the Sign.

45 (3) No Landscaping may be constructed, modified or installed unless the Plan
46 Commission has approved the design of the Landscaping.

47 (4) No Landscaping, Sign, or Structure may be constructed in a manner which
48 varies from the design approved by the Plan Commission. If it is necessary to vary from
49 an approved plan, the applicant shall submit the proposed modifications to the Plan
50 Commission for approval. The Town of Albion Building Inspector may approve
51 modifications in the design of an approved plan which do not materially alter the
52 appearance or usability of a property where delaying approval until the next Plan
53 Commission meeting would cause a substantial hardship to the property owner. The
54 Building Inspector shall report all such modifications to the Plan Commission.

55 Section 5. Design Review Principles and Standards.

56 (1) To implement the purposes set forth in this ordinance, the Plan Commission
57 and staff shall review the site, existing and proposed structures, neighboring uses,
58 utilization of landscaping and open space, parking areas, driveway locations, loading and
59 unloading (in the case of commercial and industrial uses), highway access, traffic
60 generation and circulation, drainage, sewerage and water systems, and the proposed
61 operation. The Plan Commission will approve said site plans only after determining that:

62 (a) The Proposed uses(s) conforms to the uses permitted in that zoning district,
63 and to the Land Use Plan.

64 (b) No land shall be used or structure erected where the land is unsuitable for such
65 use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse
66 soil or rock formation, unfavorable topography, or low bearing strength of underlying
67 soil, erosion susceptibility of underlying soil, or any other feature likely to be harmful to
68 the health, safety, prosperity, aesthetics, and general welfare of this community.

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69 (c) All lots shall abut a fully dedicated and improved public street that has the full
70 required width as required by that zoning district; no building permit shall be issued for a
71 lot which does not abut a fully dedicated and improved public street.

72 (d) Lots abutting more restrictive district boundaries, such as but not limited to the
73 exclusive agricultural and other agricultural districts, shall provide side and rear yard
74 setbacks not less than those required in the more restrictive abutting district.

75 (e) The proposed use conforms to all use and design provisions and requirements
76 (if any) as found in this Ordinance or any other codes or laws for the specified uses.

77 (f) There is a proper relationship between the existing and proposed onsite
78 buildings within the vicinity of the project in order to assure the safety and convenience
79 of pedestrian and vehicular traffic.

80 (g) The proposed onsite buildings, structures, and entry ways are situated and
81 designed to minimize adverse effects upon owner's and occupants of adjacent and
82 surrounding properties by providing for adequate design of ingress/egress,
83 interior/exterior traffic flow, storm water drainage, erosion, grading, lighting, and parking
84 as specified by the Zoning Ordinance or any other codes or laws.

85 (h) Natural features and vegetation of the landscape are retained where they can
86 enhance the development on the 'site, or where they furnish a barrier or buffer between
87 the project and adjoining properties used for dissimilar residential or agricultural
88 purposes or where they assist in preserving the general safety, health, welfare, and
89 appearance of the neighborhood. Regardless of whether or not a natural buffer exists, all
90 buffers should be a minimum of 100' in depth, or deeper where necessary to minimize
91 offsite impacts, at the discretion of the town plan commission and town board.

92 (i) The Landscaping Plan must adhere to the Town's requirements for grading,
93 drainage, and landscaping.

94 (j) Adverse effects of the proposed development and activities upon adjoining
95 residents or owners are minimized by appropriate screening, fencing, or landscaping as
96 provided.

97 (k) Dumpsters and other trash receptacles are screened from view from street
98 rights-of-way and adjacent residential uses.

99 (L) Land, buildings, and structures are readily accessible to emergency vehicles
100 and the handicapped.

101 (m) The site plan is consistent with the intent and purposes of this Ordinance
102 which is to promote the public health, safety, and general welfare, to encourage the use of
103 lands in accordance with their character and adaptability, to avoid the overcrowding of

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104 population, to lessen congestion on the public roads and streets, to reduce hazards of life
105 and property, and to facilitate existing community development plans.

106 (n) The site plan is consistent with the public goals, objectives, principles,
107 standards, policies, and urban design criteria set forth in the Town adopted community
108 master plan or components thereof.

109 (o) All uses shall provide adequate off-street parking and loading areas.

110 (p) All hazards identified in the site plan review process shall be resolved or
111 mitigated as determined by the Planning Commission.

112 (2) Design Review Principles and Standards. To implement the purposes set forth
113 in this ordinance, the following Design Review principles, criteria, and review guidelines
114 are established:

115 (a) Buildings shall be designed to be appropriately proportioned to the intended
116 use.

117 (b) Consistency of Appearance. No building shall be permitted the design or
118 exterior appearance of which is of such unorthodox or abnormal appearance in relation to
119 its surroundings as to be unsightly or offensive to generally accepted taste and
120 community standards.

121 (c) Building Facades. All building exteriors shall be brick, decorative masonry,
122 glass panel, or other appropriate finished facade as may be approved by the Plan
123 Commission. Such brick, masonry, glass, or other decorative facing shall extend for a
124 distance of 20 feet along the sides of the structure.

125 (d) Building Location. No building shall be permitted to be sited in a manner
126 which would unnecessarily destroy or substantially damage the beauty of the area,
127 particularly insofar as it would adversely affect values incident to ownership of land in
128 the area; or which would unnecessarily have an adverse effect on the beauty and general
129 enjoyment of existing structures or signs on adjoining properties,

130 (e) Building Scale and Mass. The relative proportion of a building to its
131 neighboring existing buildings, to pedestrians or observers, or to other existing buildings
132 shall be maintained or enhanced when new buildings are built or when existing buildings
133 are remodeled or altered.

134 (f) Colors. Since the selection of building colors has a significant aesthetic and
135 visual impact upon the public and neighboring properties, color shall be selected in
136 general harmony with the existing neighborhood buildings. The color(s) of buildings,
137 structures and signage in Commercial Zones shall be approved by the Plan Commission.

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138 (g) Heating, Air Conditioning, and Ventilating Equipment shall be located in a
139 manner to be unobtrusive and screened from view. Such equipment existing within a
140 Commercial Zone must be enclosed by brick, decorative masonry or other appropriate
141 screening as approved by the Plan Commission.

142 (3) Landscaping. All properties shall be landscaped according to a Plan
143 Commission approved landscape plan. Landscaping shall emphasize natural appearances
144 which harmonize with the rural character of the Town of Albion.

145 (4) Light Pollution. No lighting on the site shall be so bright and/or so obtrusive
146 that it, in the opinion of the Plan Commission, deters from the quality of life for
147 neighboring property owners. No lighting on the site shall be so unorthodox that it
148 detracts from the appearance of the general area. Lighting shall be shaded to direct
149 lighting downward rather than sideways or upward.

150 (5) Materials. Unless otherwise specified by the Plan Commission, material
151 selection for architectural design and the texture of buildings shall be based upon the
152 prevailing material and texture already used on existing buildings in the area. Materials
153 and textures already used on existing buildings that are aesthetically incompatible with
154 other building facades in the area, and which present an unattractive appearance to the
155 public and surrounding properties, shall be prohibited.

156 (6) Monotony. No building shall be permitted the design or exterior appearance of
157 which is so identical with those adjoining as to create excessive monotony or drabness.

158 (7) Overhead/Dock Doors. No overhead and/or dock door on any business or
159 industrial building shall face a public street. The Plan Commission may permit overhead
160 doors (not including docks) to face a public street when it has made a finding that there is
161 no feasible alternative location for such doors.

162 (8) Signing. All signs within a designated Design Sensitivity Area shall be
163 monument signs only, and the Plan Commission may restrict the size and height of the
164 sign in such areas. Signs in "theme" areas such as gateway districts shall be monument
165 signs shaped in brick, decorative masonry, decorative metal or other appropriate
166 materials as approved by the Plan Commission, in accordance with the building color.
167 The Plan Commission may require internally or externally lit signs.

168 (9) Other Standards. Any other architectural standards deemed appropriate by the
169 Plan Commission of the Town of Albion or in the vicinity of the project that may be
170 imposed by the Plan Commission. Areas designated as Commercial Zones will be held to
171 a higher standard and the Plan Commission shall require stricter architectural standards in
172 such areas including landscaping, variations in building facades, color and any other
173 requirement requested by the Plan Commission.

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175 (10) Noise Abatement. Any commercial use must not exceed a noise level
176 exceeding 70 dab at a distance of 100 feet from the property line. The town plan
177 commission and town board may require buffers, increased setbacks and/or set limits on
178 types and operation times of equipment as necessary to meet this standard.

179 Section 6. Penalty for Unauthorized Modification. After the Plan Commission
180 has approved both site and architectural plans, no development, building, sign or
181 structure may be moved, reconstructed, extended, enlarged, altered or changed until the
182 Plan Commission has reviewed and approved such alterations. Any such violation of the
183 provisions of this ordinance by any person shall be unlawful and shall be referred to the
184 municipal attorney who shall expeditiously prosecute all such violators. A violator shall,
185 upon conviction, forfeit to the municipality a penalty of not less than \$25.00 nor more
186 than \$500.00 per offense, together with the taxable costs of such action. Each day of
187 continued violation shall constitute as a separate offense. Every violation of this
188 ordinance is a public nuisance, and the creation may be enjoined, and the maintenance
189 may be abated by action at suit of the municipality, or any citizen thereof pursuant to
190 Wisconsin State Law.

191 Section 7. Applications For Design Review All applications shall be submitted to
192 the Town Building Inspector. The Building Inspector shall provide a recommendation to
193 the Plan Commission in an appropriate time frame and provide feedback to the applicant.
194 The presence of the applicant may or may not be requested at staff reviews. Following
195 final consensus of the site and/or architectural plan by Town staff, a recommendation will
196 be made to the Town Plan Commission upon which the application will be approved as
197 is, modified or denied. All submitted applications shall contain the following:

198 (1) Name and address of the applicant, owner of the site, architect, professional
199 engineer, and contractor.

200 (2) Description of the subject site by lot, block and recorded subdivision, or metes
201 and bounds; address of the subject site; type of structure; existing and proposed operation
202 or use of the structure or site; number of employees; and the zoning district within which
203 the subject site lies;

204 (3) Plat of Survey prepared by a registered land surveyor, or a temporary and
205 readable sketch drawn to scale showing the subject site ., existing and proposed
206 structures; existing and proposed easements, streets, and other public ways; off street
207 parking, loading areas and drive-ways; existing highway access restrictions; and existing
208 and proposed street, side, and rear yards. In addition, the plat of survey or sketch shall
209 show the location, elevation, and use of any abutting lands and their structures within 40
210 feet of the subject site.

211 (4) All existing (original) and finished grade levels;

212 (5) All buildings and other structures, showing the required setbacks;

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- 213 (6) Sidewalks and driveways (including types of materials);
- 214 (7) Parking areas (including types of materials);
- 215 (8) Loading areas (including types of materials);
- 216 (9) Utility and storage areas (including types of materials);
- 217 (10) Lawns and landscaped areas (including types of materials);
- 218 (11) Water impoundments, wherever located;
- 219 (12) Fences (including types of materials)-,
- 220 (13) All exterior lighting (including types);
- 221 (14) Areas of fill or cut;
- 222 (15) Storm water drainage plans and facilities, including appropriate on/off-site
223 storm water detention facilities;
- 224 (16) Location and type of refuse collection or storage facilities;
- 225 (17) All exterior signs and all other signs visible from the exterior of buildings
226 and structures;
- 227 (18) Building exterior facade designs and colored architectural renderings;
- 228 (19) A color plan and texture plan (including types of materials);
- 229 (20) Four copies of the entire application for staff review(s), and ten additional copies as
230 requested for Plan Commission reviews;
- 231 (21) Three official copies of the application to be signed by the Plan Commission Chair;
- 232 (22) All additional information required by the Plan Commission.
- 233 (23) The cost of preparing the plans required for review under this section are the
234 responsibility of the applicant. The Town Plan Commission may require the applicant to
235 pay for the costs of review of an application by the Town's engineer, land use planner,
236 attorney or other advisers.

237 Section 7. Appeals. Any person or persons aggrieved by any decisions of the Plan
238 Commission regarding use approval, site plan review, or architectural review may appeal
239 the decision to the Town Board. The written appeal shall be filed with the Town Clerk
240 within 15 days following the decision of the Plan Commission.

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241 Section 8. All ordinances or parts of ordinances contravening the provisions of this
242 ordinance are hereby repeated.

243 Section 9. SEVERABILITY. If any provision of this Ordinance is invalid or
244 unconstitutional or the application of this Ordinance to any person or circumstance is
245 invalid or unconstitutional, such invalidity or unconstitutional it), shall not affect the
246 other provision or applications of this Ordinance which can be given effect without the
247 invalid or unconstitutional provisions or applications.

248 The above and foregoing ORDINANCE was duly adopted by the Town Board of the
249 Town of Albion, Dane County, Wisconsin, at a meeting held at the Albion Town Hall, on
250 the 7day of April, 2005

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APPROVED:

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Roger J. Olson, Chairman

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ATTEST:

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Julie Hanewall, Clerk

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262 ADOPTED: April 7, 2005

263 Supervisor, Dave Anderson introduced the above ordinance and moved its
264 passage. Seconded by Bruce Hudson.

265 Roll Call 5 Yes 0 No

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267 Copies of this ordinance may be obtained at the clerks office located at 624 Albion Road,
268 Edgerton, WI 53534, Monday through Friday, 8:00 a.m. to 1:00 p.m.

