

**TOWN OF CEDARBURG
ORDINANCE NO. 2018-3**

An Ordinance to Amend Chapter 320 Zoning, of the Town of Cedarburg Code of Ordinances, Ozaukee County, Wisconsin, relating to accessory structures.

- WHEREAS,** The Town of Cedarburg is a body corporate and politic; and
- WHEREAS,** the Town Board exercises village powers by Ch. 61, Wis. Stats.; and
- WHEREAS,** the Plan Commission has reviewed Chapter 320 regarding accessory structures in residential districts, has reviewed this ordinance, and has made a favorable recommendation to the Town Board for its adoption; and
- WHEREAS,** the Town Board held a public hearing regarding the proposed amendments, a notice of which was published twice, once at least ten days prior to the date of the hearing,

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, that Chapter 320 Zoning of the Town of Cedarburg Code of Ordinances is hereby amended to read as follows:

**(The text modified with a strikethrough shall be deleted).
(The text modified with an underline shall be added).**

§ 320-109. Placement restrictions in residential districts.

An accessory use or building may be established subject to the following regulations:

A. Location. Accessory uses and detached accessory buildings are permitted in the rear and side yard only.

- (1) Accessory buildings shall not be closer than 10 feet to a principal structure.
- (2) Lots zoned R-1, R-2 and R-3 single-family residential are allowed a maximum of 1,000 square feet of detached accessory building space for the minimum lot size plus 100 square feet for each additional 1/4 acre up to 1,500 square feet total (so long as they meet minimum lot size requirements). The sizes of accessory structures in the TR, CR-A and CR-B Zoning Districts may be increased by conditional use permit if the accessory buildings existed at the time the lot was platted and if buildings have been deemed by the Landmarks Commission and Plan Commission to be of historic or preservative value as determined by § 320-63 of this chapter.
- (3) Detached accessory structures in R-1, R-2, and R-3 Residential Zoning Districts shall not exceed 15 feet in height unless constructed so that the pitch of the roof of the accessory structure matches the pitch of the roof of the principal structure, with maximum height being 35' in the R-1 district and 25' in the R-2 and R-3 districts for a single-story residence. Detached accessory structures shall not exceed 25 feet in height for a one and one-half story or two-story residence. There shall be no finished space above the first floor. All detached accessory structures in any residential zoning district shall not exceed the height of the principal structure.
- (4) Accessory buildings shall not be closer than 25 feet to a lot's side and rear yard, except as otherwise noted in the Town Code ~~noted for outbuildings in the CR-B District, § 320-31C(4).~~

§ 320-30. CR-A Countryside Residential A District.

B. Principal use: single-family detached dwellings.

C. Accessory structures and uses. No accessory structures shall be permitted prior to the construction of the principal structure. Accessory structures in this zoning district shall not exceed a total of 1,000 square feet for the first acre plus 100 square feet for each additional 1/4 acre up to 1,500 square feet total, except that existing agricultural buildings exceeding 1,000 square feet may be permitted by a conditional use permit only. Man-made recreational or wildlife ponds with a pond permit are allowed. Detached accessory structures shall not exceed 15 feet in height unless constructed so that the pitch of the roof of the accessory structure matches the pitch of the roof of the principal structure, with maximum height being 35'. There shall be no finished space above the first floor. All detached accessory structures shall not exceed the height of the principal structure.

§ 320-31. CR-B Countryside Residential B District.

B. Principal use: single-family detached dwellings.

C. Accessory structures and uses. No accessory structures shall be permitted prior to the construction of the principal structure. Detached accessory structures shall not exceed 15 feet in height unless constructed so that the pitch of the roof of the accessory structure matches the pitch of the roof of the principal structure, with maximum height being 35'. There shall be no finished space above the first floor. All detached accessory structures shall not exceed the height of the principal structure.

(1) Generally.

(a) Accessory structures in this zoning district on lots less than 10 acres in size shall not exceed a total of 1,500 square feet on the first floor ~~and shall not exceed 25 feet in height~~, except that existing agricultural buildings with a total square footage exceeding 1,500 square feet may be permitted by a conditional use permit only.

(b) Accessory structures in this zoning district on lots 10 acres in size or greater shall not exceed a maximum total of 1,000 square feet per acre ~~and shall not exceed 25 feet in height~~.

§ 320-32. TR Transitional Residential District.

B. Principal use: single-family detached dwellings.

C. Accessory structures and uses.

(1) No accessory structures shall be permitted prior to the construction of the principal structure. Detached accessory structures in this zoning district shall not exceed a total of 1,000 square feet for the first acre plus 100 square feet for each additional 1/4 acre up to 1,500 square feet total, except that existing agricultural buildings exceeding 600 square feet may be permitted by a conditional use permit only. Detached accessory structures shall not exceed 15 feet in height unless constructed so that the pitch of the roof of the accessory structure matches the pitch of the roof of the principal structure, with maximum height being 35'. There shall be no finished space above the first floor. Detached accessory structures shall not exceed 15 feet in height for a single-story

~~residence. Detached accessory structures shall not exceed 25 feet in height for a one- and one-half story or two-story residence. All detached accessory structures shall not exceed the height of the principal structure. Reference § 320-108 for further detail.~~

§ 320-33. TR-2 Transitional Residential 2 District.

B. Principal use: single-family detached dwellings.

C. Accessory structures dwellings.

(1) No accessory structures shall be permitted prior to the construction of the principal structure. Detached accessory structures in this zoning district shall not exceed a total of 1,000 square feet for the first acre plus 100 square feet for each additional ¼ acre up to 1,500 square feet total, except that existing agricultural buildings exceeding 600 square feet may be permitted by a conditional use permit only. Detached accessory structures shall not exceed 15 feet in height unless constructed so that the pitch of the roof of the accessory structure matches the pitch of the roof of the principal structure, with maximum height being 35'. There shall be no finished space above the first floor. ~~Detached accessory structures shall not exceed 15 feet in height for a single-story residence. Detached accessory structures shall not exceed 25 feet in height for a one- and one-half story or two-story residence. All detached accessory structures shall not exceed the height of the principal structure. Reference § 320-108 for further detail.~~

(The above text modified with a strikethrough shall be deleted).


(The above text modified with an underline shall be added).

This ordinance shall be in full force and effect upon its passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, this 3rd day of October, 2018.



Eric Ryer
Assistant Administrator/Clerk



David M. Salvaggio
Town Chairman