

TOWN OF CEDARBURG

ORDINANCE NO. 2007-10

AN ORDINANCE ALLOWING FOR LOTS WITHOUT STREET FRONTAGE IN
SINGLE-FAMILY RESIDENTIAL (R-1, R-2 & R-3), ESTATE (E-1), COUNTRYSIDE
RESIDENTIAL (CR-A & CR-B), AND TRANSITIONAL RESIDENTIAL (TR & TR-2),
ZONING DISTRICTS, RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD)
AND THE REGULATION OF SHARED DRIVEWAYS
IN THE TOWN OF CEDARBURG

WHEREAS, the Town of Cedarburg is a municipal body corporate and politic within Ozaukee County;

WHEREAS, the Town Plan Commission recognizes that the creation of residential lots, the location of residences, and the access thereto should be done to minimize the impact that development has on the natural environment and to preserve the rural setting and character of the Town.

WHEREAS, the Town Plan Commission has reviewed and considered the residential lot frontage requirements and shared driveway restrictions in the Town Code as it relates to residential land use and development;

WHEREAS, the Town Plan Commission believes that the Town Code should allow for non-traditional development and land use techniques in residential developments that will help preserve its rural vistas, country roads, open space, tree lines, barns and silos, and active agricultural fields by allowing for lots without frontage upon a public street when the Town Board officially approves other means of access by way of shared driveways in the Town of Cedarburg;

WHEREAS, The Plan Commission has reviewed this ordinance and has made a favorable recommendation to the Town Board for its adoption;

WHEREAS, The Town Board held a public hearing regarding the possible adoption of this ordinance, a notice of which was published twice as a class 2 notice, one at least ten days prior to the date of the hearing; and

WHEREAS, The Town Board believes it is in the best interest of the health, safety and welfare of the Town and its residents to allow for lots without street frontage

requirements when the Town Board officially approves other means of access to such lots by way of shared driveway agreements in the Town of Cedarburg;

NOW, THEREFORE, the Town Board of the TOWN OF CEDARBURG, Ozaukee County, Wisconsin ordains as follows:

Section 320-10. Site Regulations., A. Street frontage., is amended to read as follows:

A. Street frontage. All lots shall abut upon a public street or have other officially approved means of access as provided in Section 279-6. D., and each lot shall comply with the design standards in Chapter 184, Land Division, of this Code and with the frontage requirements of the zoning district in which it is located.

Section 320-16. R-1 Single Family Residential District., B. Lot., subsection (3) Frontage., is amended and created to read as follows:

- (d) Lots that do not have frontage upon a public street may be permitted if the Town Board has officially approved other means of access to the lot by a shared driveway agreement as provided in Section 279-6.D.

Section 320-17. R-2 Single Family Residential District., C. Lot., subsection (3) Frontage., is amended and created to read as follows:

- (d) Lots that do not have frontage upon a public street may be permitted if the Town Board has officially approved other means of access to the lot by a shared driveway agreement as provided in Section 279-6.D.

Section 320-18. R-3 Single Family Residential District., C. Lot., subsection (3) Frontage., is amended and created to read as follows:

- (d) Lots that do not have frontage upon a public street may be permitted if the Town Board has officially approved other means of access to the lot by a shared driveway agreement as provided in Section 279-6.D.

Section 320-29. E-1 Estate District., B. Lot. Subsection (3) Frontage., is amended and created to read as follows:

- (d) Lots that do not have frontage upon a public street may be permitted if the Town Board has officially approved other means of access to the lot by a shared driveway agreement as provided in Section 279-6.D.

Section 320-30. CR-A Countryside Residential A District., J. Minimum frontage for individual lots., is amended and created to read as follows:

- (4) Lots that do not have frontage upon a public street may be permitted if the Town Board has officially approved other means of access to the

lot by a shared driveway agreement as provided in Section 279-6.D.

Section 320-30. CR-A Countryside Residential A District., D. Conditional Uses. subsection (12) is created to read as follows:

- (12) Lots that do not have frontage upon a public street may be permitted if the Town Board has officially approved other means of access to the lot by a shared driveway agreement as provided in Section 279-6.D.

Section 320-31. CR-B Countryside Residential B District., J. Minimum frontage for individual lots., is amended and created to read as follows:

- (4) Lots that do not have frontage upon a public street may be permitted if the Town Board has officially approved other means of access to the lot by a shared driveway agreement as provided in Section 279-6.D.

Section 320-31. CR-B Countryside Residential B District., D. Conditional Uses. subsection (13) is created to read as follows:

- (13) Lots that do not have frontage upon a public street may be permitted if the Town Board has officially approved other means of access to the lot by a shared driveway agreement as provided in Section 279-6.D.

Section 320-32. TR Transitional Residential District., D. Conditional uses. subsection (11) is created to read as follows:

- (11) Lots that do not have frontage upon a public street may be permitted if the Town Board has officially approved other means of access to the lot by a shared driveway agreement as provided in Section 279-6.D.

Section 320-32. TR Transitional Residential District., J. Minimum frontage for individual lots., is amended and created to read as follows:

- (4) Lots that do not have frontage upon a public street may be permitted if the Town Board has officially approved other means of access to the lot by a shared driveway agreement as provided in Section 279-6.D.

Section 320-33. TR-2 Transitional Residential 2 District., D. Conditional uses. subsection (4) is created to read as follows:

- (4) Lots that do not have frontage upon a public street may be permitted if the Town Board has officially approved other means of access to the lot by a shared driveway agreement as provided in Section 279-6. D.

Section 320-38. C. Residential PUD requirements., (2) Lot, (b) Width at the road frontage., is amended to read as follows:

[4] Lots that do not have frontage upon a public street may be permitted if the Town Board has officially approved other means of access to the lot by a shared driveway agreement as provided in Section 279-6.D.

Section 184-13. B. Street and road standards. (3) Required road frontage., is amended to read as follows:

(d) Lots that do not have frontage upon a public street may be permitted if the Town Board has officially approved other means of access to the lot by a shared driveway agreement as provided in Section 279-6.D.

Section 184-13.D. Lot design. (6) Lot orientation. is amended to read as follows:

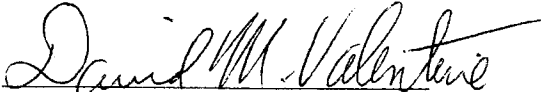
(6) Lot orientation. All lots shall have frontage on a public street greater than or equal to 150 feet or other officially approved means of access to the lot by a shared driveway agreement as provided in Section 279-6.D. Road frontage is measured as the continuous length along the right-of-way of a single street. Exceptions to the frontage requirements are as follows:

Section 279-6. Driveways and culverts. D. Shared driveway., is amended to read as follows:

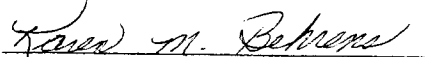
D. Shared driveway. No person, firm, company, or corporation shall construct or permit to be constructed within the Town any driveway arranged or planned to serve more than one parcel of land used for residential, agricultural or commercial purposes unless approval shall first be obtained from the Town, following approval of the plans (location, width, maintenance, utilities and general plans) for such driveway by the Town Board. A shared driveway shall serve a maximum of four (4) parcels. A shared driveway that provides access to a lot shall be no less than 12 feet wide and is required to have a turnout at least every two hundred fifty (250) feet for vehicle access and passage. All officially approved shared driveway agreements shall run with the land and shall be recorded in the Ozaukee County Register of Deeds.

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 5th day of September, 2007.


David Valentine
Town Chairman

ATTEST:


Karen M. Behrens, CMC
Town Clerk