

**TOWN OF CEDARBURG  
ORDINANCE NO. 2008-04**

**An Ordinance to Amend Chapter 320, Sections 25 and 110 of the Town of Cedarburg Code of Ordinances; relating to: A-1 Agricultural District and Building Size Restrictions for Non-Residential Buildings**

**WHEREAS,** the Town Board believes it to be in the interest of the Town of Cedarburg to establish requirements for buildings on parcels zoned A-1 Agricultural District that are less than eight (8) acres in size; and,

**WHEREAS,** the Town Board held a public hearing regarding this proposed amendment, a notice of which was published twice, once at least ten days prior to the date of the hearing; and,

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

**§ 320-25 shall be amended as follows:**

F. Yard Setbacks

(1) Street: minimum 100 feet.

(2) Rear: minimum 100 feet.

(3) Side: minimum 100 feet. Editor's Note: Original § 10-1-43(f), Building size restrictions for nonresidential buildings, added 6-4-2003 by Ord. No. 2003-5, which immediately followed this subsection, was deleted 10-4-2006 by Ord. No. 2006-11. See now § 320-110, Building size restrictions for accessory structures.

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

**(The text below shall be added).**

G. Building Size Restrictions for Non-residential Buildings

New buildings other than dwellings in this zoning district on lots less than eight (8) acres in size shall not exceed a total of fifteen hundred (1,500) square feet on the first floor per building with a total of no more than two thousand five hundred (2,500) square feet for all new and existing non-residential buildings. There shall be no limit on the square footage allowed for non-residential buildings on lots eight (8) acres or greater.

Any individual building, being newly constructed, that is greater than 1,500 square feet shall be subject to architectural design approval and site plan approval by the Plan Commission and the Town Board. The site plan and architectural review is utilized for the purpose of promoting compatible development, stability of property values, fostering the attractiveness and functional utility of the town as a place to live and work, preserving the character and quality of the built environment by maintaining the integrity of those areas which have a discernible character, and raising the level of community expectations for the quality of its environment. Seventeen copies of the building permit application including a plat of survey (or scaled site plan) showing the proposed location of the building in relation to other buildings on the property and proposed building materials and colors with a scaled elevation shall be submitted

for Plan Commission and Town Board review. Existing and proposed landscaping shall also be included on the plat or scaled site plan. To this end, the following standards for site plan and architectural review are set forth below.

**1. Site Plan Review Principles and Standards**

The Plan Commission and Town Board shall review the site, existing and proposed structures, neighboring uses, landscaping, and the proposed use. The Town will approve said site plans only after determining that:

- a. The proposed use(s) conform(s) to the uses permitted.
- b. The dimensional arrangement of buildings and structures conform to the required area, yard, setback, and height restrictions of this Chapter.
- c. The proposed on-site buildings, structures, and entryways are situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, stormwater drainage, erosion, grading, lighting, and parking, as specified by this Chapter or any other codes or laws.
- d. Consideration should be given to preserving the natural features of the landscape where they can enhance the development on the site, or where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes or where they assist in preserving the general safety, health, welfare, and appearance of the neighborhood.
- e. Adverse effects of the proposed development and activities upon adjoining residents or owners are minimized by appropriate screening, fencing, or landscaping, as provided or required in this Chapter.

**2. Architectural Review Principles and Standards**

To assist the Plan Commission and Town Board in the architectural review of new buildings, the following review principles, criteria and procedures are established:

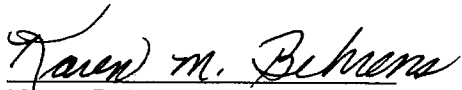
- a. **Building Scale and Mass.** The relative proportion of a building to its neighboring existing buildings, to pedestrians or observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.
- b. **Building Rooflines and Roof Shapes.** Building roof lines and roof shapes shall be complementary to the existing or surrounding buildings.
- c. **Materials.** No building shall be permitted where any exposed facade is constructed or faced with a finished material, which is not aesthetically complimentary to other surrounding buildings.
- d. **Building Location.** Consideration shall be given to siting a building in a manner, which would unnecessarily destroy or substantially damage the beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in the area or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.

**§ 320-110 shall be amended as follows:**

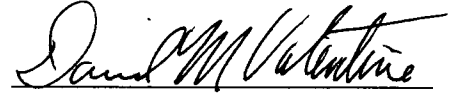
§ 320-110 shall be deleted since this text will be amended and moved to § 320-25. Subsequent sections of the zoning chapter shall then be renumbered reflecting this deletion.

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 6<sup>th</sup> day of February, 2008.



Karen Behrens  
Town Clerk



David M. Valentine  
Town Chairman