

**TOWN OF CEDARBURG
ORDINANCE NO. 2008-09**

An Ordinance to Regulate Outbuildings in the E-1 Estate District by Amending Section 320-29 of the Town of Cedarburg Code of Ordinances, Ozaukee County, Wisconsin.

WHEREAS, the Town Board believes it to be in the interest of the Town of Cedarburg to regulate outbuildings in the E-1 Estate district,

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,

WHEREAS, the Plan Commission recommended that the Town Board approve the proposed amendment to the Town of Cedarburg Code of Ordinances;

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:

§ 320-29 shall be amended as follows:

§ 320-29. E-1 Estate District.

- A. Principal uses: single-family dwellings and the following noncommercial accessory uses by members of the family residing on the property:
 - (1) Agriculture.
 - (2) Stables.
 - (3) Grazing.
 - (4) Pasturage.
 - (5) Forestry.
 - (6) Orchards.
 - (7) Greenhouses.
 - (8) Man-made recreation or wildlife ponds with special permit.
- B. Lot.
 - (1) Width: minimum 200 feet.
 - (2) Area: four acres.
 - (3) Frontage. [Amended 1-6-1999 by Ord. No. 1999-2]
 - (a) Lots abutting culs-de-sac: minimum 75 feet.

- (b) Lots on curve with a maximum center-line radius of 150 feet: minimum 120 feet.
- (c) Other lots: minimum 200 feet.

C. Building area.

- (1) Residence: minimum 1,800 square feet with at least 1,000 square feet on the first floor of two-story residences.
- (2) Outbuildings: outbuildings less than 2,000 square feet in size are subject to standard building permit procedures; outbuildings greater than 2,000 square feet in size may be constructed subject to architectural design and site plan approval. maximum total of 600 square feet per acre of land.

D. Building height.

- (1) Residence: maximum 42 feet. [Amended 3-1-2000 by Ord. No. 2000-7]
- (2) Outbuildings: maximum 35 feet.

E. Yard setbacks.

- (1) Residence.
 - (a) Street: minimum 75 feet.
 - (b) Rear: minimum 40 feet.
 - (c) Side: minimum 40 feet.
- (2) Outbuildings.
 - (a) Street: minimum 125 feet.
 - (b) Rear: minimum 40 feet.
 - (c) Side: minimum 40 feet.

F. Architectural design and site plan approval.

Any proposed construction of an outbuilding in this zoning district that is greater than 2,000 square feet shall be subject to architectural design and site plan approval by the Town Board, upon the review and recommendation by the Plan Commission, prior to any issuance of a building permit. The architectural design and site plan 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 outbuilding in relation to other buildings on the property and proposed outbuilding 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 notice procedures and standards for site plan and architectural review are set forth below.

(1) Notice.

The owners of record in whole or in part as listed in the office of the Ozaukee County Register of Deeds and who are situated within 1,000 feet of the boundaries of the properties affected shall be sent a notice postmarked at least 10 days prior to the date of consideration by the Plan Commission. The applicant requesting the architectural and site plan review shall be responsible for mailing and paying the postage of the notices to meet the above timeline. In the event that the property situated within the one-thousand-foot area is owned entirely by a single property owner, then notice shall be given to the next adjacent property owner so that at least two property owners in each cardinal direction are provided notice of the hearing.

(2) 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 Board may 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.

(3) Architectural Review Principles and Standards.

To assist the Plan Commission and Town Board in the architectural review of outbuildings under this Section, the following review principles, criteria and procedures are established:

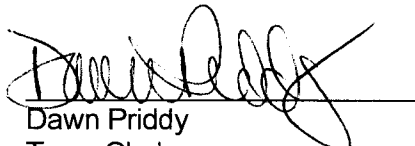
- a. Building Scale and Mass. The relative proportion of a building to its neighboring existing buildings, to pedestrians or observers, or to other existing buildings shall be maintained or enhanced when new outbuildings are built or when existing outbuildings are remodeled or altered.
- b. Building 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.

**(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 7th day of May, 2008.


Dawn Priddy
Town Clerk


David M. Valentine
Town Chairman