

**TOWN OF CEDARBURG  
ORDINANCE NO. 2014-1**

**An Ordinance to Amend Chapter 320 Zoning, of the Town of Cedarburg Code of Ordinances, Ozaukee County, Wisconsin, relating to architectural and site plan reviews, and reviews related to repairs, improvements, additions and/or alterations to nonconforming 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 architectural and site plan reviews, and reviews related to repairs, improvements, additions and/or alterations to nonconforming structures, considered the real and potential cost of staff/consultant review time and other related costs, 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).**

**§ 320-25. A-1 Agricultural District.**

**G. Building size restrictions for nonresidential buildings.**

(2) 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. A fee to cover the cost to the Town of Cedarburg and/or consultants for reviewing the plans and specifications shall be paid as set in the Town Fee Schedule. 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.

**§ 320-26. A-2 Prime Agricultural District.**

G. Site plan and architectural review for nonresidential buildings. 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. A fee to cover the cost to the Town of Cedarburg and/or consultants for reviewing the plans and specifications shall be paid as set in the Town Fee Schedule. 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.

**§ 320-29. E-1 Estate District.**

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. A fee to cover the cost to the Town of Cedarburg and/or consultants for reviewing the plans and specifications shall be paid as set in the Town Fee Schedule. 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.

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

C. Accessory uses.

(c) Any individual structure, being newly constructed, that is greater than 1,500 square feet shall be subject to architectural design approval (including approval of building materials to be used) and site plan approval by the Plan Commission and the Town Board. A fee to cover the cost to the Town of Cedarburg and/or consultants for reviewing the plans and specifications shall be paid as set in the Town Fee Schedule.

**And Sections**

**§ 320-63. Existing nonconforming uses and structures.**

C. Repairs, improvements or alterations to nonconforming structures. The total structural repair, improvements or alterations to a nonconforming structure or building shall not exceed 50% of the current fair market value of the building unless permanently changed to conform to this chapter; provided, however that:

- (1) For the purpose of promoting the health, safety and general welfare of the Town and of the state, the Town Board may waive this provision to regulate any place, structure or object with a special character, historic interest, aesthetic interest or other significant value for the purpose of preserving the place, structure, building or object and its significant characteristics of the Town of Cedarburg (§ 60.64, Wis. Stats.). A fee to cover the cost to the Town of Cedarburg and/or consultants for reviewing the plans and specifications shall be paid as set in the Town Fee Schedule.

**§ 320-65. Additions and enlargements.**

A. Additions and enlargements to existing nonconforming structures in the residential zoning districts are permitted when it is determined that the enlargement or addition does not increase the nonconformity of the structure, that is, it does not decrease existing setbacks of the established structure. Additions to existing nonconforming structures must comply with the required setbacks of the zoning district, with the following exceptions:

- (1) An addition to the side of a structure does not come any closer to the right-of-way than the closest part of the current nonconforming structure already does.
- (2) An addition to the nonconforming side of a structure does not come any closer to the property line than the closest part of the current nonconforming structure.
- (3) Any additional stories to a structure are located over existing indoor living space and do not exceed the maximum height requirement for the zoning district in which the structure is located.
- (4) The addition and/or enlargement is required to address any federal, state or local codes.


B. Town Board approval is required for all additions and/or enlargements to nonconforming structures. Documentation shall be provided to the Town Board by the property owner substantiating the cost of the building addition and/or enlargement. A fee to cover the cost to the Town of Cedarburg and/or consultants for reviewing the plans and specifications shall be paid as set in the Town Fee Schedule. All appropriate building permits shall be obtained from the Building Inspector prior to commencement of the addition and/or enlargement.

**(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 5<sup>th</sup> day of March, 2014.

  
Debra Otto  
Town Clerk

  
David M. Valentine  
Town Chairman