

LAND USE

LAND USE PLANNING IN RELATION TO STATE STATUTES

Section 62.23 of the Wisconsin Statutes grants cities and villages the authority to prepare and adopt local master plans or plan elements. Section 60.10(2)(c) of the Statutes gives towns the authority to prepare and adopt a local master plan under Section 62.23 provided a town adopts village powers and creates a town plan commission. All of the towns in Ozaukee County, including the Town of Cedarburg, have adopted village powers and created a plan commission.

In 1999, the Wisconsin Legislature enacted legislation that greatly expanded the scope and significance of comprehensive plans within the State. The law, often referred to as Wisconsin's "Smart Growth" law, provides a new framework for the development, adoption, and implementation of comprehensive plans by regional planning commissions and by county, city, village, and town units of government. The law, which is set forth in Section 66.1001 of the Wisconsin Statutes, requires that the administration of zoning, subdivision, and official mapping ordinances be consistent with a community's adopted comprehensive plan beginning on January 1, 2010.

Several of the nine comprehensive planning elements required by Section 66.1001 of the Statutes must be updated or addressed to bring existing land use or master plans into compliance with the requirements of the comprehensive planning legislation. This chapter will focus on updating the Land Use Element for the Town of Cedarburg.

LAND USE PLANNING IN THE REGION

The regional land use plan sets forth the fundamental concepts that are recommended to guide the development of the seven-county Southeastern Wisconsin Region. The most recent version of the plan (A Regional Land Use Plan for Southeastern Wisconsin: 2035) was adopted by SEWRPC in June 2006. The regional land use plan map as it pertains to the Ozaukee County planning area is illustrated in Figure 1. Although the Town may agree with some aspects and recommendations contained in the regional land use plan, the Town has chosen not to endorse SEWRPC's plan. The key recommendations of the regional land use plan include:

Environmental Corridors

The regional land use plan recommends the preservation of natural, open space uses of the remaining primary environmental corridors. Under the plan, development within primary environmental corridors should be limited to transportation and utility facilities, compatible outdoor recreational facilities, and on a limited basis, rural density housing located at the fringes of upland environmental corridors using cluster development techniques at a maximum density of one dwelling unit per five acres. The plan further recommends the preservation, to the extent practicable, of remaining secondary environmental corridors and isolated natural resource areas, as determined through county and local planning efforts.



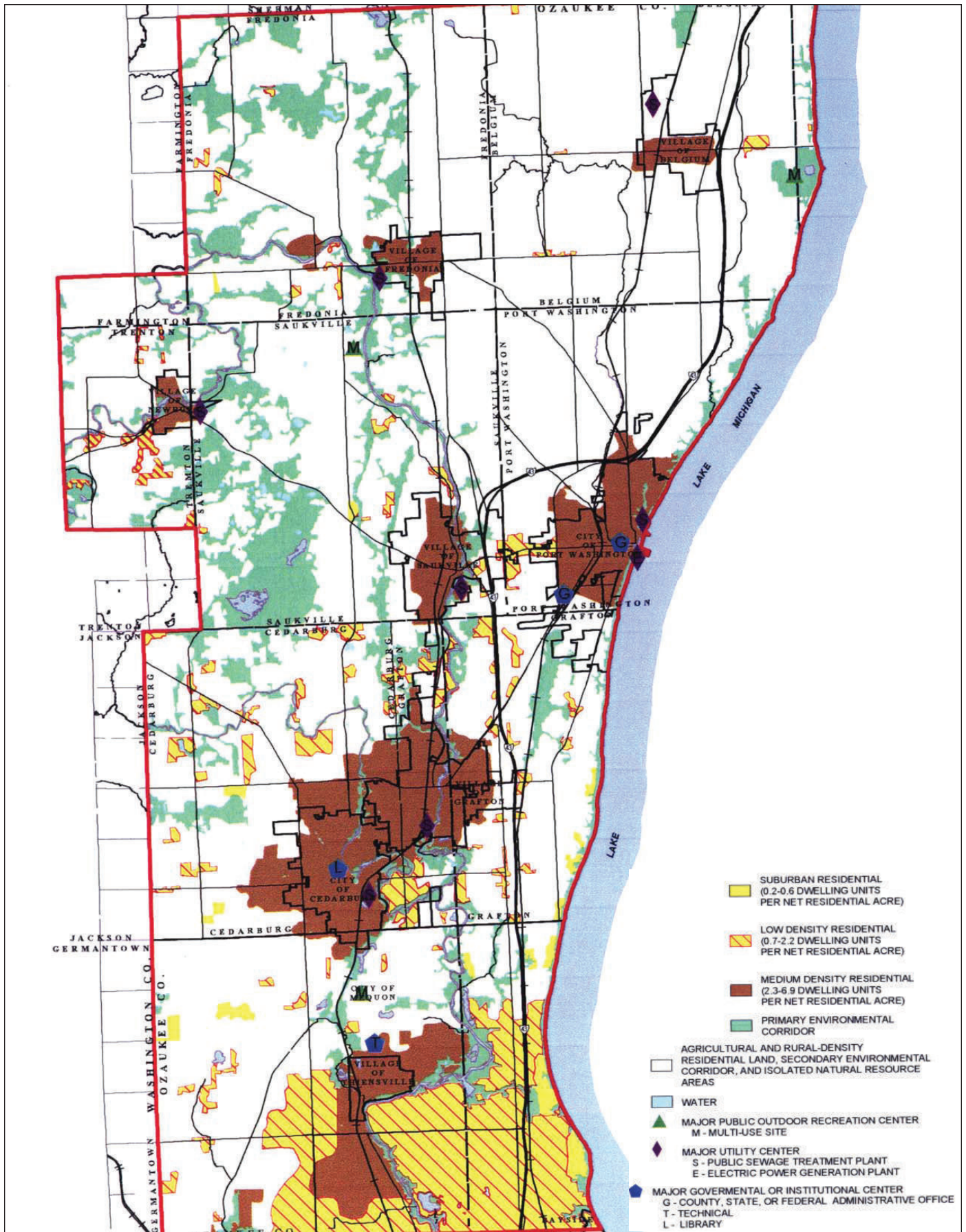


FIGURE 1: Regional Land Use Plan as it Pertains to the Ozaukee County Planning Area.
 Source: SEWRPC; Multi-Jurisdictional Comprehensive Plan for Ozaukee County: 2035

Urban Development

The regional land use plan encourages urban development only in those areas which are covered by soils suitable for such development, which are not subject to special hazards such as flooding or erosion, and which can be readily provided with basic urban services including public sanitary sewer service.

Prime Agricultural Land

The regional land use plan recommends that prime agricultural land be preserved for long-term agricultural use and not converted to either urban development or to other forms of rural development.

Other Agricultural and Rural-Density Residential Lands

In addition to preserving prime agricultural lands and environmental corridors, the regional land use plan seeks to maintain the rural character of other lands located outside planned urban service areas. The plan encourages continued agricultural and other open space uses in such areas. The plan seeks to limit development in such areas primarily to rural-density residential development, with an overall density of no more than one dwelling unit per five acres. Where rural residential development is accommodated, the regional plan encourages the use of conservation design, with homes grouped together on relatively small lots surrounded by permanently preserved agricultural, recreational, or natural resource areas such as woodlands, wetlands, or prairies sufficient to maintain the maximum recommended density of no more than one home per five acres.

LAND USE PLANNING IN THE TOWN OF CEDARBURG

The purpose of land use planning in the Town of Cedarburg is to provide a description of how development will appear and what types of activities and densities are allowed. This chapter serves as the primary tool for guiding future growth and development in the Town.

The land use element is based on standards that reflect the desires of community residents, committee members, elected officials and proven principles in community development, environmental preservation, and residential development.

As part of the land use element, several factors related to the growth of the built environment will be explored. These factors are as follows:

- Social factors include those which give or maintain character (i.e. gathering areas, civic identity, and the “rural small town” feeling).
- Economic factors include the creation of jobs, balance of municipal expenses and revenue, and land value influenced by natural amenities and water quality.
- Physical factors include the actual development of the land (i.e. how it appears and feels, what types of development are allowed, and where development is located).

The land use element cannot be successfully implemented when only looking at the physical attributes of growth. Diverse and healthy communities grow in all three areas and a balance should be achieved to provide a quality environment for its residents. Together these factors influence one another, the current residents, and the attractiveness for new residents and businesses.



Demand for Development

One method for measuring the demand for development within a community is to examine the amount and price of land being sold. Table 1 - Table 3 compare agricultural land sales between Ozaukee County and the remaining Region. Table 1 illustrates agricultural land sales for 2004, Table 2 illustrates agricultural land sales for 1998, and Table 3 illustrates the percent change from 1998 to 2004. The middle columns in each table identify agricultural land that has been converted to other uses for development.

For agricultural land being diverted to other uses, the number of transactions in 1998 was slightly lower than 2004; however, the number of acres sold and the average dollar per acre greatly increased. The total amount of acres diverted to other uses from 1998 to 2004 increased by 142% (325 acres to 785 acres); likewise, the average dollar per acre from 1998 to 2004 increased by 409% (\$3,874/acres to \$19,733/acre).

The 142% change in agricultural acres sold reveals the fact that Ozaukee County has agricultural land that is in high demand for

TABLE 1: Agricultural Land Sales - Land with and without Buildings and Improvements (2004).

County	Ag. Land Continuing in Ag. Use			Ag. Land Being Diverted to Other Uses			Total of All Agricultural Land		
	Number of Transactions	Acres Sold	Ave. Dollars Per Acre	Number of Transactions	Acres Sold	Ave. Dollars Per Acre	Number of Transactions	Acres Sold	Ave. Dollars Per Acre
Ozaukee	8	541	\$5,699	11	785	\$19,733	19	1,326	\$13,817
Kenosha	15	1,016	\$11,338	7	557	\$25,070	22	1,573	\$15,756
Milwaukee	0	0	\$0	0	0	\$0	0	0	\$0
Racine	8	623	\$9,817	12	806	\$11,115	20	1,429	\$11,581
Walworth	35	4,326	\$6,777	8	680	\$14,178	43	5,006	\$7,621
Washington	9	518	\$4,857	28	1,970	\$17,721	37	2,488	\$14,494
Waukesha	6	340	\$11,923	24	1,291	\$2,783	30	1,631	\$24,215
Southeastern District	81	7,364	\$7,797	90	6,089	\$18,565	171	13,453	\$12,766

Source: Wisconsin Agricultural Statistics Service

TABLE 2: Agricultural Land Sales - Land with and without Buildings and Improvements (1998).

County	Ag. Land Continuing in Ag. Use			Ag. Land Being Diverted to Other Uses			Total of All Agricultural Land		
	Number of Transactions	Acres Sold	Ave. Dollars Per Acre	Number of Transactions	Acres Sold	Ave. Dollars Per Acre	Number of Transactions	Acres Sold	Ave. Dollars Per Acre
Ozaukee	8	443	\$2,625	7	325	\$3,874	15	768	\$3,312
Kenosha	14	704	\$5,806	8	444	\$1,485	22	1,148	\$9,196
Milwaukee	0	0	\$0	1	38	\$6,216	1	38	\$6,216
Racine	12	969	\$3,143	5	144	\$2,747	17	1,113	\$3,056
Walworth	43	3,257	\$3,363	13	833	\$5,089	56	4,090	\$3,670
Washington	12	705	\$3,796	7	242	\$6,163	19	947	\$4,290
Waukesha	11	616	\$4,603	14	623	\$5,566	25	1,239	\$5,037
Southeastern District	100	6,694	\$3,790	55	2,649	\$7,100	155	9,343	\$4,766

Source: Wisconsin Agricultural Statistics Service

TABLE 3: Agricultural Land Sales - Land with and without Buildings and Improvements (Change 1998 - 2004).

County	Ag. Land Continuing in Ag. Use			Ag. Land Being Diverted to Other Uses			Total of All Agricultural Land		
	Number of Transactions	Acres Sold	Ave. Dollars Per Acre	Number of Transactions	Acres Sold	Ave. Dollars Per Acre	Number of Transactions	Acres Sold	Ave. Dollars Per Acre
Ozaukee	0%	22%	117%	57%	142%	409%	27%	73%	317%
Kenosha	1%	44%	95%	-13%	25%	1588%	0%	37%	71%
Milwaukee	0%	0%	0%	-100%	-100%	-100%	-100%	-100%	-100%
Racine	-33%	-36%	212%	140%	460%	305%	18%	28%	279%
Walworth	-19%	33%	102%	-38%	-18%	179%	-23%	22%	108%
Washington	-25%	-27%	28%	300%	714%	188%	95%	163%	238%
Waukesha	-45%	-45%	159%	71%	107%	-50%	20%	32%	381%
Southeastern District	-19%	10%	106%	64%	130%	161%	10%	44%	168%

Source: Wisconsin Agricultural Statistics Service

development. This can be attributed to Ozaukee County's close proximity to the City of Milwaukee. Agricultural land proximate to the City is, in general, valued higher for development. The Town of Cedarburg certainly falls within this development scenario.

Land Use Trends

In addition to examining the amount and price of land being sold as a method for measuring the demand for development, as a community, reviewing past land use trends can aid in identifying and planning for the types of uses that are demanded. Table 4 illustrates the land use trends for the Town of Cedarburg from 1980 to 2000.

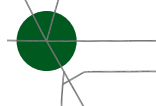
Similar to the previous tables, Table 4 illustrates that the Town of Cedarburg has lost approximately 1,698 acres of agricultural land to other types of uses from 1980 to 2000, or 84.9 acres per year. The primary loss of this land is for residential purposes. In 2000, the primary urban land use within the Town was single family residential, approximately 2,713 acres (or 73.0%). This was an increase of 46.9% from 1980 (1,846 acres). The remaining urban land uses within the Town were transportation (859 acres or 23.1%); commercial (56 acres or 1.5%), government and institutional (38 acres or 1.0%), recreational (30 acres or 0.8%), and industrial (20 acres or 0.5%). Of the remaining urban land uses, commercial increased by 60.0% from 1980 (35 acres) to 2000 (56 acres).

Even though the amount agricultural land in the Town has been decreasing over time, agricultural land still plays a significant role in Town's nonurban land uses (8,163 acres or 64.6%). This is a decrease of 17.2% from 1980 (9,861 acres). Other nonurban land uses in the Town are natural resource areas (3,401 acres or 26.9%), open lands (979 acres or 7.7%), and extractive and landfill (95 acres or 0.8%).

TABLE 4: Land Use Trends.

	Town of Cedarburg									Ozaukee County		
	1980			1990			2000			2000		
	Acres	% Dev. Area	% Total Area	Acres	% Dev. Area	% Total Area	Acres	% Dev. Area	% Total Area	Acres	% Dev. Area	% Total Area
Residential	1,846	69.7%	11.3%	2,021	70.8%	12.4%	2,713	73.0%	16.6%	18,938	55.0%	11.9%
Single Family	1,846	69.7%	11.3%	2,020	70.8%	12.4%	2,712	73.0%	16.6%	17,900	52.0%	11.2%
Two Family	0	0.0%	0.0%	1	0.0%	0.0%	1	0.0%	0.0%	453	1.3%	0.3%
Multi Family	0	0.0%	0.0%	0	0.0%	0.0%	0	0.0%	0.0%	573	1.7%	0.4%
Mobile Home	0	0.0%	0.0%	0	0.0%	0.0%	0	0.0%	0.0%	12	NA	NA
Commercial	35	1.3%	0.2%	45	1.6%	0.3%	56	1.5%	0.3%	933	2.7%	0.6%
Industrial	18	0.7%	0.1%	22	0.8%	0.1%	20	0.5%	0.1%	978	2.9%	0.6%
Transportation	681	25.7%	4.2%	694	24.3%	4.2%	859	23.1%	5.3%	9,990	29.0%	6.3%
Arterial Street ROW's	222	8.4%	1.4%	222	7.8%	1.4%	304	8.2%	1.9%	4,021	11.7%	2.5%
Non-arterial Street ROW's	378	14.3%	2.3%	383	13.4%	2.3%	478	12.9%	2.9%	5,127	14.9%	3.2%
Railroad ROW's	5	0.2%	0.0%	5	0.2%	0.0%	4	0.1%	0.0%	458	1.3%	0.3%
Communication & Utilities	76	2.9%	0.5%	84	2.9%	0.5%	73	2.0%	0.4%	384	1.1%	0.2%
Governmental & Institutional	34	1.3%	0.2%	37	1.3%	0.2%	38	1.0%	0.2%	1,145	3.3%	0.7%
Recreational	36	1.4%	0.2%	34	1.2%	0.2%	30	0.8%	0.2%	2,456	7.1%	1.5%
Urban Subtotal	2,650	100.0%	16.2%	2,853	100.0%	17.4%	3,716	100.0%	22.7%	34,440	100.0%	21.6%
Natural Resource Areas	3,124	22.8%	19.1%	3,266	24.2%	20.0%	3,401	26.9%	20.8%	27,892	22.4%	17.6%
Woodlands	741	5.4%	4.5%	814	6.0%	5.0%	866	6.9%	5.3%	7,863	6.3%	5.0%
Wetlands	2,158	15.7%	13.2%	2,220	16.4%	13.6%	2,331	18.4%	14.3%	17,750	14.3%	11.2%
Surface Water	225	1.6%	1.4%	232	1.7%	1.4%	204	1.6%	1.2%	2,279	1.8%	1.4%
Agricultural	9,861	72.0%	60.3%	9,500	70.4%	58.1%	8,163	64.6%	49.9%	85,799	69.0%	54.0%
Extractive & Landfill	100	0.7%	0.6%	127	0.9%	0.8%	95	0.8%	0.6%	662	0.5%	0.4%
Open Lands	619	4.5%	3.8%	608	4.5%	3.7%	979	7.7%	6.0%	10,003	8.1%	6.4%
Nonurban Subtotal	13,704	100.0%	83.8%	13,501	100.0%	82.6%	12,638	100.0%	77.3%	124,356	100.0%	78.4%
Total	16,354	~	100.0%	16,354	~	100.0%	16,354	~	100.0%	158,796	~	100.0%

Source: SEWRPC



Based on the demand for development and review of past land use trends in the Town, it is recommended that the Town focus growth on residential and commercial land uses while preserving the community's natural resource areas, open lands, and agricultural areas (where appropriate).

ZONING DISTRICTS

Figure 2, Table 5, and the Town's Land Use Plan are the primary planning tools that the Town of Cedarburg uses when reviewing and approving changes in zoning, planned unit developments (PUDs), conditional uses, land divisions, land stewardship plans, road alignments and circulation improvements, and related development matters. These tools can be compared to the County's interpretation of existing land use in the Town (Figure 3).

The general intent and purpose of the Town's zoning map is to promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of the people of the Town. The zoning map and its regulations will be the basis for creating the Town's land use plan map.

The Town may consider reviewing and making amendments to the zoning code over the life of the comprehensive plan to increase opportunities for the community as a whole to become more sustainable. This can be accomplished by increasing the flexibility of zoning regulations, adding incentives (e.g. density bonuses), and making amendments and additions to the code that support sustainable activities. The term "sustainability" is defined in a number of ways. Efforts to make the zoning code more sustainable would be further clarified as amendments are made.

FIGURE 2: Zoning Map.

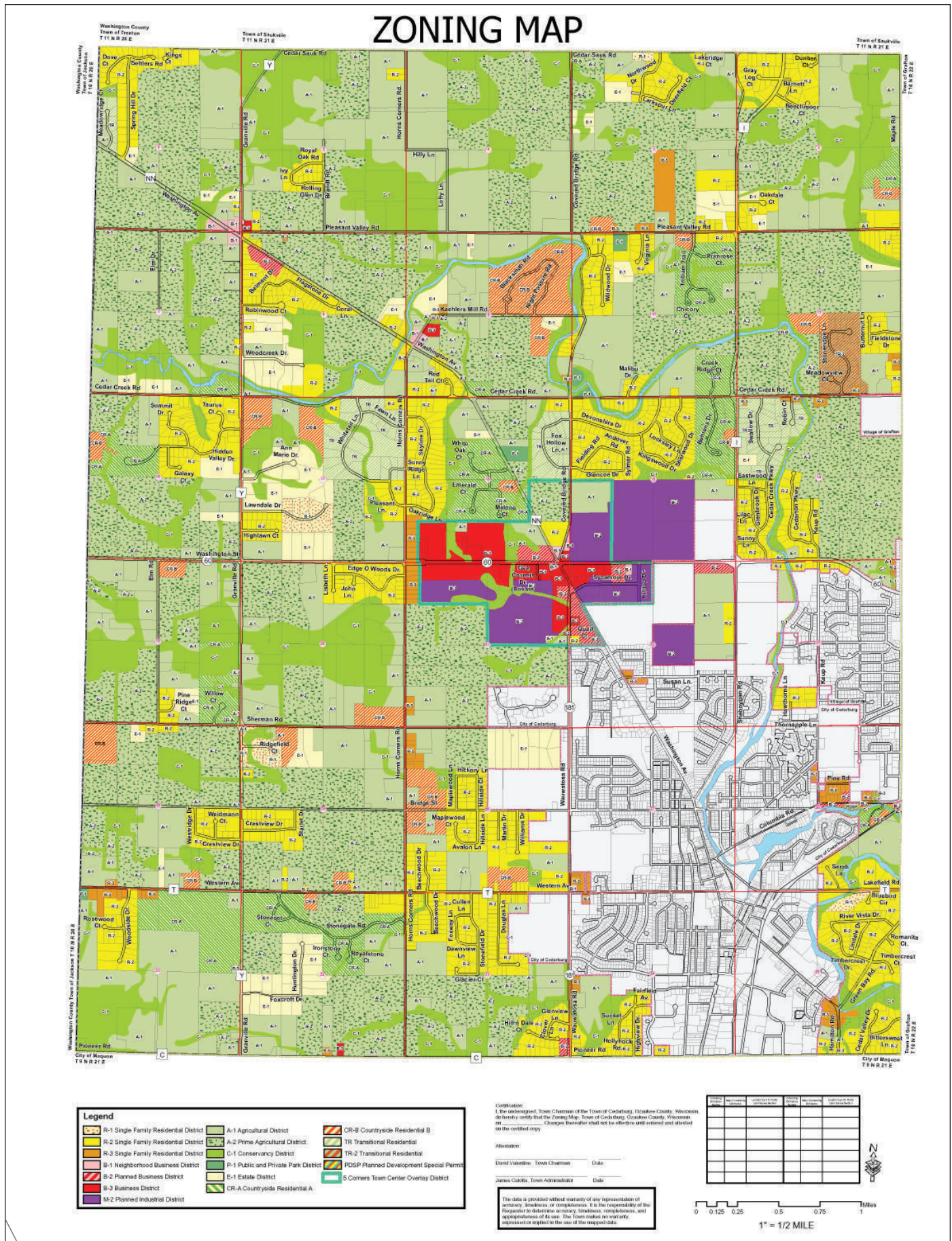


TABLE 5: Town of Cedarburg Zoning Ordinance-Summary of District Regulations.

District	Typical Principal Uses	Typical Conditional Uses	Minimum Lot Size	Minimum / Maximum Floor Area (square feet)
R-1 Single-Family Residential District	one-family dwellings on land that currently exists in this zoning classification. No other lands not already zoned R-1 shall be rezoned to the same	Bed and breakfast establishments, governmental and cultural uses, utilities, planned unit developments, residential unit used by the owner or operator of a contiguous business, landfills	80,000 sf.	1,800 minimum; 1,200 first floor minimum for two story
R-2 Single-Family Residential District	one-family dwellings on land that currently exists in this zoning classification. No other lands not already zoned R-2 shall be rezoned to the same	Bed and breakfast establishments, governmental and cultural uses, utilities, schools and churches, planned unit developments, home occupations and professional offices, residential unit used by the owner or operator of a contiguous business, private athletic clubs, quilt shops, landfills	40,000 sf.	1,500 minimum; 1,000 first floor minimum for two story
R-3 Single-Family Residential District	one-family dwellings on land that currently exists in this zoning classification. No other lands not already zoned R-3 shall be rezoned to the same	Bed and breakfast establishments, governmental and cultural uses, utilities, schools and churches, planned unit developments, meeting places of a noncommercial nature, homes for the aged and children's nurseries, home occupations and professional offices, boarders and lodgers, residential unit used by the owner or operator of a contiguous business, landfills	40,000 sf.	1,200 minimum; 1,000 first floor minimum for two story

TABLE 5 (cont.): Town of Cedarburg Zoning Ordinance-Summary of District Regulations.

District	Typical Principal Uses	Typical Conditional Uses	Minimum Lot Size	Minimum / Maximum Floor Area (square feet)
B-1 Neighborhood Business District	N/A ^a	Bakeries, barbershops, bars, beauty shops, bed and breakfast establishments, business offices, clinics, clothing stores, cocktail lounges, confectioneries, delicatessens, drug stores, fish markets, florists, fruit stores, gift stores, governmental and cultural uses, grocery stores, hardware stores, hobby shops, home occupations, lodges, meat markets, optical stores, packaged beverage stores, private athletic clubs, professional offices, public passenger transportation terminals, residential dwellings, residential unit used by the owner or operator of a contiguous business, restaurants, self-service and pickup laundry and dry-cleaning establishments, soda fountains, sporting goods, supermarkets, tobacco stores, utilities, vegetable stores, vehicle uses, landfills	Half acre	Not specified
B-2 Planned Business District	N/A ^a	Appliance stores, clothing repair shops, crockery stores, department stores, electrical supply, financial institutions, food lockers, furniture stores, hotels, laundry and dry-cleaning establishments employing not over 7 persons, liquor stores, music stores, newspaper offices and press rooms, nightclubs, office supply stores, pawnshops, personal service establishments, pet shops, photographic supply stores, places of entertainment, plumbing supply stores, printing, private clubs, private schools, publishing, radio broadcasting studios, secondhand stores, television broadcasting studios, variety stores, governmental and cultural uses, utilities, public passenger transportation terminals, drive-in theaters, drive-in establishments serving food or beverages for consumption outside the structure, motels, funeral homes, drive-in banks, tourist homes, vehicle uses, arcades, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, lodges, miniature golf, physical culture, pool and billiard halls, racetracks, rifle ranges, Turkish baths, skating rinks, theaters, sport fields, bed and breakfast establishments, landfills	Half acre	Not specified
B-3 Business District	N/A ^a	General merchandising establishments, general wholesaling establishments, printing and publishing, community service facilities, retail stores and shops, general warehousing or warehousing in connection with any permitted use, studios, transportation terminals, upholstery, laundry, cleaning, pressing and dyeing establishments, distributors, food locker plants, tool and die design and production, woodworking shops not requiring outside dust collection equipment, commercial greenhouses, automotive body repairs, farm machinery sales and service, storage and sale of machinery and equipment, trade and contractors' offices and yards, laboratories, public passenger transportation terminals, bed and breakfast establishments, landfills	Half acre	Not specified

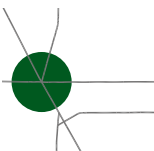


TABLE 5 (cont.): Town of Cedarburg Zoning Ordinance-Summary of District Regulations.

District		Typical Principal Uses	Typical Conditional Uses	Minimum Lot Size	Minimum / Maximum Floor Area (square feet)
M-1	Industrial District	Automotive body repairs, upholstery, cleaning, pressing and dyeing establishments, commercial bakeries, commercial greenhouses, distributors, farm machinery, food locker plants, laboratories, machine shops, manufacture and bottling of nonalcoholic beverages, painting, printing, publishing, storage and sale of machinery and equipment, professional offices, trade and contractor's offices, warehousing and wholesaling; manufacture, fabrication, processing, packing, packaging, and assembly of products from: (see zoning code for full list)	Airfields, governmental and cultural uses, utilities, public passenger transportation terminals, schools and churches, animal hospitals, disposal facilities, pea vineries, creameries, condenseries, manufacturing and processing of specific materials (see zoning code), commercial service facilities, planned industrial developments, bed and breakfast establishments, landfills	One acre	Not specified
M-2	Planned Industrial District	N/A ^a	All M-1 principal uses; airfields, freight yards, freight terminals and transshipment depots, inside storage, breweries and crematories, existing nonmetallic mining operations, planned unit developments, animal hospitals, disposal facilities, pea vineries, creameries, condenseries, manufacturing and processing of specific materials (see zoning code), outside storage and manufacturing areas, commercial service facilities, public passenger transportation terminals, utilities, landfills, bed and breakfast establishments; mineral extraction operations,	Half acre	1,200 minimum; 1,000 first floor minimum for two story apply to existing residences
M-3	Quarrying District	Mineral extraction operations and concrete and concrete products manufacturing that are presently in existence	Extension of legally existing mineral extraction operations and manufacture of concrete and concrete products, creation of new such extraction or manufacturing operations, utilities, landfills, bed and breakfast establishments; mineral extraction operations, including washing, crushing or other processing	N/A	N/A

TABLE 5 (cont.): Town of Cedarburg Zoning Ordinance-Summary of District Regulations.

District	Typical Principal Uses	Typical Conditional Uses	Minimum Lot Size	Minimum / Maximum Floor Area (square feet)
A-1 Agricultural District	Apiculture, dairying, floriculture, forestry, farming, grazing, greenhouses, hatcheries, horticulture, livestock and poultry raising, nurseries, orchards, paddocks, pasturage, stables, truck farming, viticulture	Agricultural buildings and high density animal enclosures within 500 feet of any residential district, existing non-metallic mining operations, landscaping business of a nonretail nature, septic transportation business, airfields, utilities, other public and private institutions, planned unit developments, second single-family dwelling units, animal hospitals, disposal facilities, commercial production, housing for farm laborers, manufacturing and processing of specific materials (see zoning code), storage, landfills, bed and breakfast establishments; mineral extraction operations, including washing, crushing or other processing	5 acres	1,200 minimum; 1,000 first floor minimum for two story apply to farm dwellings
A-2 Prime Agricultural District	All A-1 principal uses	Agricultural buildings and high density animal enclosures within 500 feet of any residential district, existing non-metallic mining operations, airfields, utilities, planned unit developments, second single-family dwelling units, commercial production, housing for farm laborers, manufacturing and processing of specific materials (see zoning code), second single-family residence, veterinary services, storage, landfills, bed and breakfast establishments; mineral extraction operations, including washing, crushing or other processing; telecommunication facilities	35 acres	1,200 minimum; 1,000 first floor minimum for two story apply to farm dwellings
C-1 Conservancy District	Drainageways, floodways, floodplains, fishing, hunting, historic and scientific sites, fish hatcheries, soil and water conservation, sustained yield forestry, scenic areas, streambank and lake shore protection, water retention, and wildlife preserves	Water measurement and control facilities, grazing, lodges, accessory structures, orchards, truck farming, and wild crop harvesting, bed and breakfast establishments, utilities	N/A	N/A
P-1 Public and Private Park District	Parks, arboretums, playgrounds, fishing, wading, swimming, beaches, skating, sledding, sustained yield forestry, soil and water conservation, and water measurement and control facilities	Airfields, governmental and cultural uses, bed and breakfast establishments, utilities, landfills, schools and churches, other public and private institutions, archery ranges, bathhouses, beaches, boating, camps, conservatories, driving ranges, firearm ranges, golf courses, gymnasiums, hiking trails, hunting, ice boating, marinas, music halls, polo fields, pools, riding, academies, skating rinks, stadiums, swimming pools, zoological and botanical gardens, sport fields	N/A	N/A

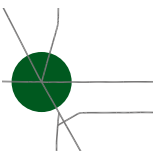


TABLE 5 (cont.): Town of Cedarburg Zoning Ordinance-Summary of District Regulations.

District		Typical Principal Uses	Typical Conditional Uses	Minimum Lot Size	Minimum / Maximum Floor Area (square feet)
E-1	Estate District	Single-family dwellings, agriculture, stables, grazing, pasturage, forestry, orchards, greenhouses, manmade recreation or wildlife ponds (with special permit)	Second single-family dwellings, bed and breakfast establishments, utilities, landfills	4 acres	1,800 minimum; 1,000 first floor minimum for two story
CR-A	Countryside Residential A District ^b	Single-family detached dwellings in cluster subdivision developments with a minimum open space requirement of 50 percent; accessory uses	Public and private parks and schools/daycare, churches, home occupations and home professional offices, clubs and meeting places of a noncommercial nature, public offices, planned unit developments, agricultural buildings, second single-family dwellings, bed and breakfast establishments, utilities, landfills	One acre; density of one dwelling unit per 4.5 acres	1,500 minimum; 1,000 first floor minimum for two story
CR-B	Countryside Residential B District ^b	Single-family detached dwellings in cluster subdivision developments with a minimum open space requirement of 50 percent; accessory uses	All CR-A District conditional uses; non-domesticated animals and facilities	One acre; density of one dwelling unit per 4.5 acres	1,500 minimum; 1,000 first floor minimum for two story
TR	Transitional Residential District	Single-family detached dwellings; accessory uses Minimum open space requirement of 20%	All CR-A District conditional uses	1.5 acres; density of one dwelling unit per 2.25 acres	1,500 minimum; 1,000 first floor minimum for two story
TR-2	Transitional Residential District	Single-family detached dwellings; accessory uses Minimum open space requirement of 30%	Public and private parks, churches, bed and breakfast establishments, utilities, landfills	One acre; density of one dwelling unit per 2 acres	1,500 minimum; 1,000 first floor minimum for two story

Note: This table is a summary of the Town of Cedarburg zoning code. Refer to the code for language regarding the Town Center Overlay District (TCOD) and planned unit developments (referred to as PDSP on the zoning map).

^a No principal uses permitted.

^b Individual parcels eight acres or greater in size are exempt from the clustering requirements of this district.

Source: Town of Cedarburg Zoning Ordinance, adopted in December 1991, and SEWRPC.

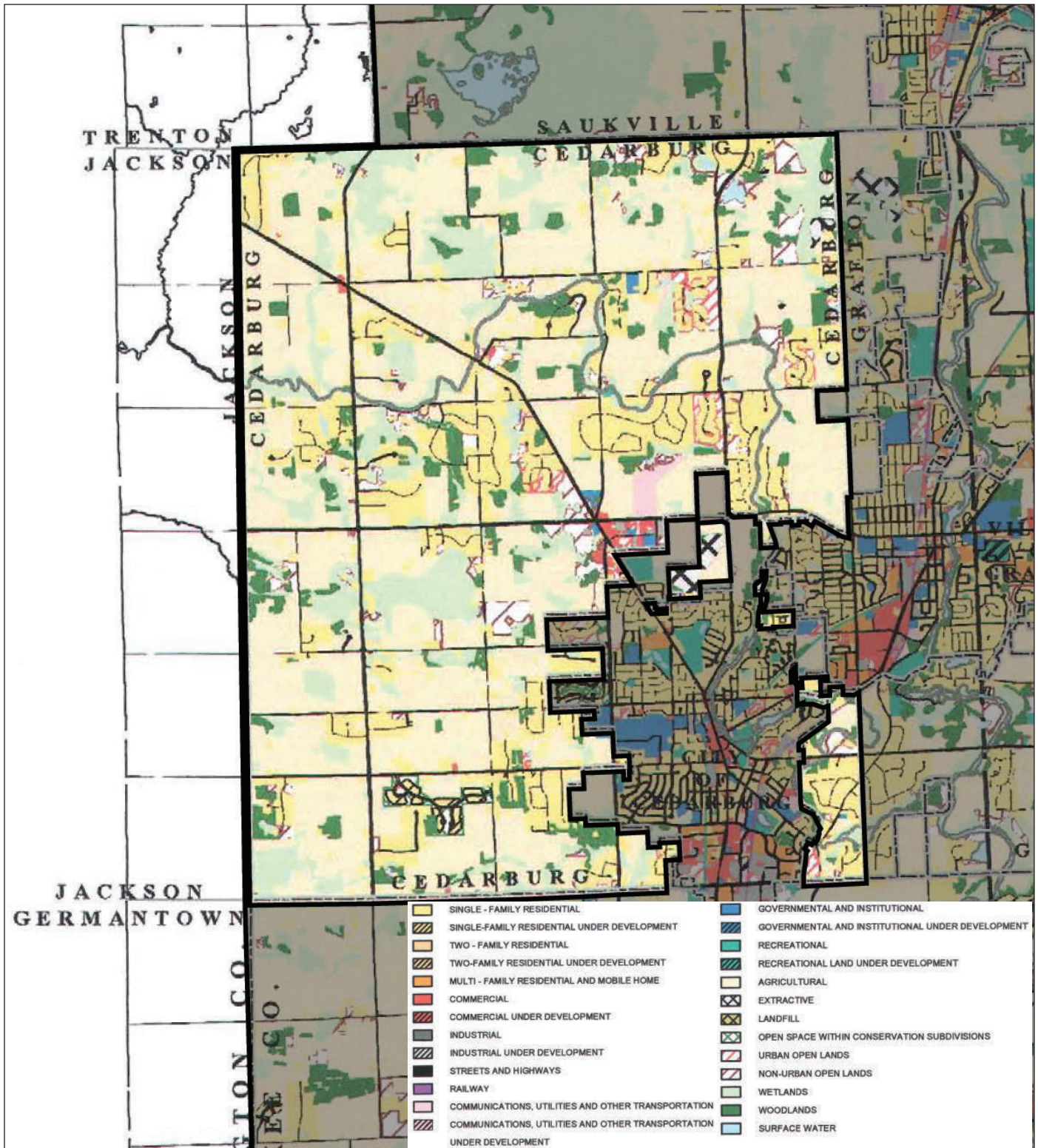
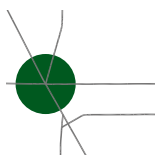


FIGURE 3: Generalized Land Uses in the Town of Cedarburg. Source: SEWRPC.



DEVELOPMENT PROJECTIONS

The actual amount of development that can be anticipated in the Town of Cedarburg over the next 30 years is difficult to predict. Development in Ozaukee County is increasing rapidly, and easy accessibility to the highway system makes the Town a desirable place to live.

Residential Development Projections

Table 6 and Table 7 illustrate two potential development scenarios in the Town of Cedarburg for future residential units over the next 30 years.

The first set of estimated projections (Table 6) assumes that all of the land planned for residential (R-1, R-2, R-3, E-1, CR-A, CR-B, TR, and TR-2) will be “built-out” over the next 30 years, which results in approximately 643.7 units every 5 years for a total of 3,862.41 units by 2035.

TABLE 6: Residential Development Projections: Based on Town’s Planned Projections for Residential Development.

Residential District	Approximate Acres ^b	Gross Density	Estimated Units	Housing Units in 5-Year Increments ^a					
				2010	2015	2020	2025	2030	2035
R-1	78.50	80,000 sf	42.74 du	7.1	7.1	7.1	7.1	7.1	7.1
R-2	2,515.46	40,000 sf	2,739.34 du	456.6	456.6	456.6	456.6	456.6	456.6
R-3	186.17	40,000 sf	202.74 du	33.8	33.8	33.8	33.8	33.8	33.8
E-1	621.05	4 ac	155.26 du	25.9	25.9	25.9	25.9	25.9	25.9
CR-A	714.57	4 ac	178.64 du	29.8	29.8	29.8	29.8	29.8	29.8
CR-B	420.92	1.5 ac	280.61 du	46.8	46.8	46.8	46.8	46.8	46.8
TR	318.61	1.5 ac	212.41 du	35.4	35.4	35.4	35.4	35.4	35.4
TR-2	76.00	1.5 ac	50.67 du	8.4	8.4	8.4	8.4	8.4	8.4
Total	4,931.28		3,862.41 du	643.7	643.7	643.7	643.7	643.7	643.7

^a Assumes build-out by 2035.

^b Approximate acreages are based on the Town’s 2007 Zoning Map. The approximate acreage includes developed and non-developed land in each zoning district.

The second set of estimated projections (Table 7) assumes that the Town will grow in a similar fashion to past building permit trends. From 1995 to 2006, the Town of Cedarburg has issued 360 new home building permits, or an average of 30 permits per year. Assuming that the Town of Cedarburg continues this trend, over the next 30 years, the Town can estimate approximately 150 units every 5 years for a total of 900 units by 2035.

Based on past trends and data, it is realistic to assume that the population growth and housing growth will follow the second set of estimated projections (Table 7) identified by the Town. These projections were based on past historical building permit trends from 1995 to 2006; whereas, the first set of projections was based on planned projections provided by the Town of Cedarburg.

TABLE 7: Residential Development Projections: Based on Town’s Past Building Permit Records.

Residential District	Approximate Acres ^b	Gross Density	Estimated Units	Housing Units in 5-Year Increments ^a					
				2010	2015	2020	2025	2030	2035
R-1	78.50	80,000 sf	14.33 du	2.4	2.4	2.4	2.4	2.4	2.4
R-2	2,515.46	40,000 sf	459.09 du	76.5	76.5	76.5	76.5	76.5	76.5
R-3	186.17	40,000 sf	33.98 du	5.7	5.7	5.7	5.7	5.7	5.7
E-1	621.05	4 ac	113.35 du	18.9	18.9	18.9	18.9	18.9	18.9
CR-A	714.57	4 ac	130.42 du	21.7	21.7	21.7	21.7	21.7	21.7
CR-B	420.92	1.5 ac	76.82 du	12.8	12.8	12.8	12.8	12.8	12.8
TR	318.61	1.5 ac	58.15 du	9.7	9.7	9.7	9.7	9.7	9.7
TR-2	76.00	1.5 ac	13.87 du	2.3	2.3	2.3	2.3	2.3	2.3
Total	4,931.28		900.00 du	150.0	150.0	150.0	150.0	150.0	150.0

^a Based on past Town building permit records (1995-2006).

^b Approximate acreages are based on the Town’s 2007 Zoning Map. The approximate acreage includes developed and non-developed land in each zoning district.

Commercial Development Projections

The Town of Cedarburg has five distinct commercial areas. They are the Five Corners Business District (B-1, B-2, B-3), Columbia Business District (B-2, C-1, PDSP, R-3), Deckers Corners Business District (B-1 and B-3), Hamilton Historic District (B-1 and B-3), and Horns Corners Business District (B-1, B-3). Based on data provided by the Town, there are approximately 285.79 acres planned for commercial use (B-1, B-2, B-3).

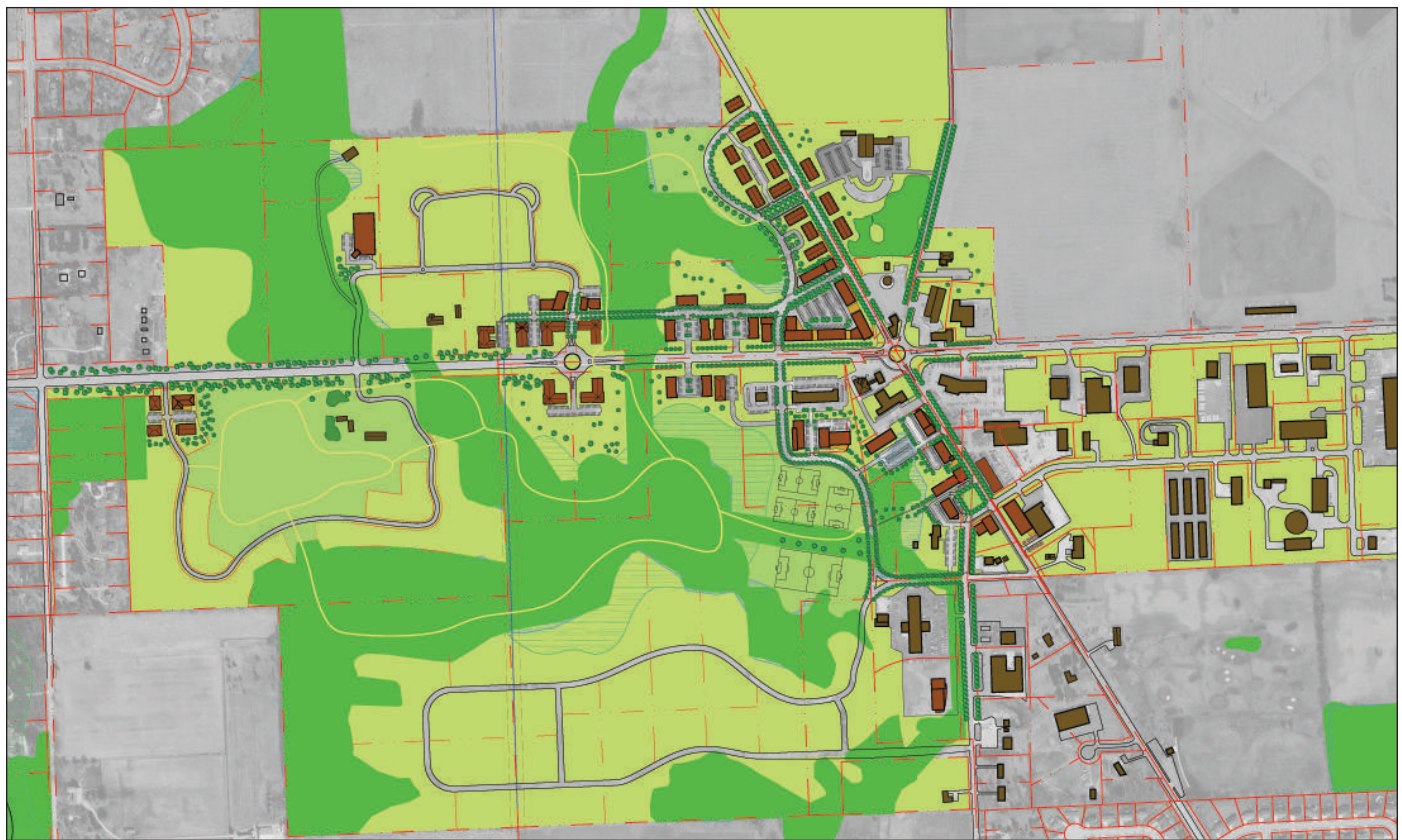
Recently, the Town of Cedarburg completed a Master Plan for the Five Corners area. The purpose of the Master Plan was to create a vibrant and pedestrian friendly “town center” featuring mixed-use development, and provide a focal point and gathering place for the Town. The Five Corners Master Plan includes approximately 457 acres from the Five Corners intersection (STH 60, Wauwatosa Road, Washington Road and Covered Bridge Road) west to Horns Corners Road and 1/4 to 1/2 mile north and south along STH 60 (Figure 4).

It is realistic to assume that the actual build-out will be based on the time frame of infrastructure improvements, market trends, and absorption rates within the County and Town.

Industrial Development Projections

The Town of Cedarburg has one industrial district (M-2). Based on data provided by the Town, there are approximately 413.89 acres planned for commercial, professional office, manufacturing, and warehousing uses. It is realistic to assume that the actual build-out will be based on market trends and absorption rates for the County and Town.

FIGURE 4: Five Corners Master Plan.



Agricultural Development Projections

In 1980 the Town of Cedarburg had approximately 9,861 acres of agricultural land (A-1 and A-2). In 2000 the amount of agricultural land had decreased to 8,163 acres. This is a loss of approximately 1,698 acres of agricultural land over a 20-year period, or 283 acres every 5 years. As stated earlier in this chapter, the loss of agricultural land can be attributed to the increase in demand for residential development, the attractive rural character of the Town, the close proximity to a highway system, and the Town's close proximity to the City of Milwaukee.

LAND USE PLAN

Structure of the Land Use Plan

The Town of Cedarburg Land Use Plan consists of two maps, a table, and the following text which collectively are referred to as the "Land Use Plan":

- Land Use Plan Text
- Land Use Plan Map (Figure 5)
- Land Use Plan Table (Table 8)
- Existing Zoning Classifications Map (Figure 2)

Amending the Land Use Plan

The Land Use Plan should be reviewed and amended periodically. Suggestions for amendments may be brought forward by Town staff, officials, and residents, and should be consistent with the overall vision of the plan. Proposed amendments could originate in any of the following ways:

- a) Amendments proposed as corrections of clerical or administrative errors, mapping errors, and updated data for text, tables, and maps. Such amendments would be drafted by Town staff.
- b) Amendments proposed as a result of discussion with officials and citizens.
- c) Amendments proposed as a result of recommendations discussed during a Town planning process.

When a change is proposed, it should follow this general procedure:

- Recommendation by the Plan Commission to conduct a review process for the proposed amendment.
- Facilitation of public hearings as required by applicable Wisconsin Statute and/or ordinance.
- Recommendation from the Plan Commission to the Town Board.
- Consideration and decision by Town Board.

Using the Land Use Plan

The Land Use Plan should be used when reviewing and approving changes in zoning, planned unit developments (PUDs), conditional uses, land divisions, land stewardship plans, road alignments and circulation improvements, and related development matters. In all cases, consistency with the Land Use Plan should be a primary determinant of the recommendations and decisions made by the Town:

- Step 1: determine the status of the property in question in terms of zoning, use, and land division. Does the proposal actually require a change in (1) zoning, (2) use of the land, or (3) land division? If none of these three items are being changed, then the proposal is considered consistent with the Land Use Plan. If, however, the proposal requests a change in zoning, use, or land division, all aspects of the Land Use Plan are applicable.
- Step 2: assuming there is a change in zoning, use, or land division, the next step is identifying the critical land use issues. This type of proposal must be understood in terms of the maps and table which collectively are referred to as the Land Use Plan. The proposal should be geographically located on the Existing Zoning Classifications Map, Land Use Plan Map, and Land Use Plan Chart. The relevant issues should be identified.
- Step 3: reference the Town’s Code for regulations and policies (i.e. density, minimum lot size, common open space requirements, etc.) in regards to zoning (Chapter 320), use, and land division (Chapter 184).
- Step 4: review the overall development process and determine what other regulations and policies need to be considered in addition to the land use. The process for reviewing development proposals includes many regulatory and procedural steps that go beyond land use. For example, regulations for wetlands (DNR), regulations for road design and access (Ozaukee County), drainage policies, sewer and sanitation policies, subdivision regulations, etc. These regulations and policy issues should be noted early in the process to avoid major misunderstandings regarding conformance to the Land Use Plan.

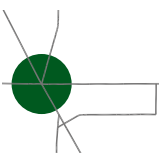
LAND USE PLAN MAP

The Land Use Plan Map identifies several neighborhoods, districts, and corridors within the Town of Cedarburg. The following descriptive standards for each neighborhood, district, and corridor are based on goals, objectives, and policies from all the elements of this Comprehensive Plan. These neighborhoods, districts, and corridors are larger-scale designations of intended development character. Within each neighborhood, district, and corridor certain individual zoning classifications are allowed and are listed below within each District description.

The Land Use Plan Map (Figure 5) illustrates the boundaries of the following neighborhoods, districts, and corridors.

1) NEIGHBORHOODS

There are three distinct designated Neighborhoods identified in the Town of Cedarburg. The Neighborhoods are identified by geographic location, character and long-term vision, and development pressures.



The Neighborhoods are:

- Rural Neighborhood - Countryside
- Residential Neighborhood - North
- Residential Neighborhood - South

Rural Neighborhood - Countryside

The Town of Cedarburg prides itself on conserving and enhancing a large portion of its land area in a natural, rural, countryside character. This area includes cultivated fields, large estates, and several significant environmental corridors and environmentally sensitive areas (i.e. wetlands, woodlands, wildlife habitat). This area has scenic views across large open spaces, and provides an irreplaceable cultural character that defines the Town of Cedarburg as a historically agricultural and rural community.

The Rural Neighborhood - Countryside is intended to minimize residential density and maximize the preservation of open space that directly enhances the countryside character and environmental amenities of the area which will be critical in maintaining the social and economic value of the Town.

As new development occurs within the Rural Neighborhood - Countryside, the value of environmental preservation will increase and, on occasion, become more difficult. Typically rural areas like this are subject to major economic and public pressures for development. Once such areas are developed it is almost impossible to reverse the process. Consequently, the preservation of environmental resources in this Neighborhood should be given the highest priority.

Typical zoning classifications allowed in the Rural Neighborhood - Countryside are:

- A-1 Agricultural District
- A-2 Prime Agricultural District
- E-1 Estate District
- CR-A Countryside Residential A
- CR-B Countryside Residential B
- M-3 Quarrying District (through the use of a CUP)
- C-1 Conservancy District
- P-1 Public & Private Park District

Residential Neighborhood - North

The Residential Neighborhood - North is located north of STH 60 adjacent to the Five Corners Business District. Most of the Neighborhood is developed and the densities are established, however, several parcels still remain undeveloped.

The Residential Neighborhood - North is intended to allow higher density residential development than the Rural Neighborhood - Countryside.

Where appropriate, a transition (density and preservation of open space) between the Residential Neighborhood - North and

Rural Neighborhood - Countryside is critical. Where these two Neighborhoods meet, it is recommended that the Town of Cedarburg promote the use of Countryside Residential policies.

Typical zoning classifications allowed in the Residential Neighborhood - North are:

- TR Transition Residential
- TR-2 Transition Residential
- E-1 Estate District
- CR-A Countryside Residential A
- CR-B Countryside Residential B
- C-1 Conservancy District
- P-1 Public & Private Park District
- A-1 Agricultural District
- A-2 Prime Agricultural District

Residential Neighborhood - South

The Residential Neighborhood - South is south of STH 60 and surrounds the City of Cedarburg's municipal limits on the west, north, and east. Most of the Neighborhood is developed and the densities are established, however, several parcels still remain undeveloped.

The Residential Neighborhood - South, at the discretion of the Town, is intended to allow higher density residential development through the use of the Town's Planned Unit Development ordinance as an incentive to minimize the loss of land to City annexation.

Where appropriate, a transition (density and preservation of open space) between the Residential Neighborhood - South and Rural Neighborhood - Countryside is critical. Where these two Neighborhoods meet, it is recommended that the Town of Cedarburg promote the use of Countryside Residential policies.

Typical zoning classifications allowed in the Residential Neighborhood - South are:

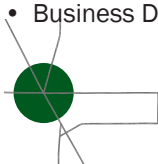
- TR Transition Residential
- TR-2 Transition Residential
- E-1 Estate District
- CR-A Countryside Residential A
- CR-B Countryside Residential B
- C-1 Conservancy District
- P-1 Public & Private Park District
- A-1 Agricultural District
- A-2 Prime Agricultural District

2) DISTRICTS

There are five distinct designated Districts identified in the Town of Cedarburg.

The Districts are:

- Business District - Deckers Corners
- Business District - Horns Corners
- Business District - Five Corners



- Business District - Columbia
- Historic District - Hamilton

While some communities have a single downtown, other communities have developed historically with multiple centers, each serving different areas and neighborhoods. This is particularly appropriate for the Town of Cedarburg which lies at the crossroads of many traffic patterns with diverse history of residential development. These Districts are intended to be pedestrian-friendly, socially active developments that include not only shops, but also offices, residences, active streets, public places, and other amenities intended to serve Town residents and businesses.

Business District - Deckers Corners and Horns Corners

These districts have the potential to become “small-scale” neighborhood business districts that serve the surrounding population. While these Districts would be smaller in scale than the Five Corners area, future development in these areas should adhere to the general site, landscape, and architectural guidelines established in the Five Corners Master Plan.

Within these business districts, a substantial landscape edge should be required between non-compatible uses (commercial adjacent to residential) where appropriate. At the Town’s discretion, developments <5,000 square feet (ground floor footprint) may be permitted with no PUD required; developments >5,000 and < 30,000 square feet may be permitted through the use of a PUD; and developments >30,000 square feet are not permitted.

Typical zoning classifications allowed in these Districts are:

- B-1 Neighborhood Business District
- B-2 Planned Business District
- B-3 Business District
- C-1 Conservancy District
- P-1 Public & Private Park District
- A-1 Agricultural District
- A-2 Prime Agricultural District

Business District - Five Corners

As traffic continues to increase in the Five Corners area, new opportunities will arise for increased development. This District should be planned and designed as a major Town Center in the manner of a traditional mixed-use area. The layout of this area should follow the general principles established by the Five Corners Master Plan.

At the Town’s discretion, developments >30,000 square feet (ground floor footprint) may be permitted through the use of a GDP. Properties in Business District - Five Corners may be subject to the Town Center Overlay District.

Typical zoning classifications allowed in the Business District - Five Corners are:

- B-1 Neighborhood Business District
- B-2 Planned Business District
- B-3 Business District
- TCOD Town Center Overlay District

- M-1 Industrial District (through the use of a GDP)
- M-2 Planned Industrial (through the use of a GDP)
- C-1 Conservancy District
- P-1 Public & Private Park District
- A-1 Agricultural District
- A-2 Prime Agricultural District

Business District - Columbia

This district has the potential to become a “small-scale” neighborhood business district that serves the surrounding population. While this District would be smaller in scale than the Five Corners area, future development in this area should adhere to the general site, landscape, and architectural guidelines established in the Five Corners Master Plan.

Within this business district, a substantial landscape edge should be required between non-compatible uses (commercial adjacent to residential) where appropriate. At the Town’s discretion, developments <5,000 square feet (ground floor footprint) may be permitted with no PUD required; developments >5,000 and < 30,000 square feet may be permitted through the use of a PUD; and developments >30,000 square feet are not permitted.

Typical zoning classifications allowed in these Districts are:

- TR Transitional Residential District
- TR-2 Transitional Residential District
- CR-A Countryside Residential A
- CR-B Countryside Residential B
- B-1 Neighborhood Business District
- B-2 Planned Business District
- B-3 Business District
- C-1 Conservancy District
- P-1 Public & Private Park District
- A-1 Agricultural District
- A-2 Prime Agricultural District

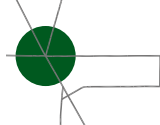
Historic District - Hamilton

This district has the potential to become a “small-scale” neighborhood district that serves the surrounding population. While this District would be smaller in scale than the Five Corners area, future development in this area should adhere to the general site, landscape, and architectural guidelines established in the Five Corners Master Plan. The applicant may be encouraged to follow historic preservation guidelines as established by the Town.

Within this district, a substantial landscape edge should be required between non-compatible uses (commercial adjacent to residential) where appropriate. At the Town’s discretion, developments <30,000 square feet may be permitted through the use of a PUD, while developments >30,000 square feet are not permitted.

Typical zoning classifications allowed in Historic District - Hamilton are:

- TR Transitional Residential District
- TR-2 Transitional Residential District
- E-1 Estate District



- CR-A Countryside Residential A
- CR-B Countryside Residential B
- B-1 Neighborhood Business District
- B-2 Planned Business District
- B-3 Business District
- C-1 Conservancy District
- P-1 Public & Private Park District
- A-1 Agricultural District
- A-2 Prime Agricultural District

Farmland Protection District

Farmland Protection areas occupy 264 acres, or about 1.7 percent, of the Town 2035 planned land use map. The farmland protection category allows for all agricultural uses and recommends a minimum parcel size of 35 acres or a LESA score of 6.4 or greater. The plan encourages continuation of agricultural activity in this area including dairy farming, row crops and niche agriculture such as orchards and organic farming. This land use discourages residential development and land divisions, except for associated agricultural-related residences.

Typical zoning classifications allowed in this District are:

- A-1 Agricultural District
- A-2 Prime Agricultural District

3) CORRIDORS

There are three designated Corridors proposed in the Town of Cedarburg.

The Corridors are:

- Arterial Parkway Corridor - Highway NN
- Arterial Parkway Corridor - STH 60
- Arterial Parkway Corridor - Wauwatosa Road

These Corridors are intended to allow a more compact form of development with generous provisions of landscape features along the public right-of-way. Commercial and residential development in these Corridors would be less intensive than development within the Neighborhoods and Districts.

Within each Corridor, new development and substantial redevelopment will incorporate parkway landscaping to assist in preserving the rural character of the Town. Parkway landscapes are heavily landscaped areas along existing arterial roadways (as identified by these Corridors). Parkways shall include a double row of canopy shade trees planted in a rhythmic pattern with a possible walkway or bicycle path located between the rows. The edge of the parkway along the private property line shall include an ornamental fence or continuous coniferous hedge of at least 4' in height whenever a parking lot abuts the public right-of-way. The parkway landscape shall not include berms.

Arterial Parkway Corridor - Highway NN

This Corridor represents the continuation of existing residential uses

serviced by Business District - Deckers Corners and Horns Corners (nodes of “small-scale” neighborhood commercial uses). Such uses are expected to continue; however, the Corridor should not become as commercially dominated as the proposed Business District - Five Corners. At the Town’s discretion, developments >5,000 square feet and <30,000 square feet may be permitted through the use of a PUD, while developments >30,000 square feet are not permitted.

Typical zoning classifications allowed in Arterial Parkway Corridor - Highway NN are:

- A-1 Agricultural District
- A-2 Prime Agricultural District
- TR Transitional Residential District
- TR-2 Transitional Residential District
- E-1 Estate District
- CR-A Countryside Residential A
- CR-B Countryside Residential B
- B-1 Neighborhood Business District
- B-2 Planned Business District
- B-3 Business District
- C-1 Conservancy District
- P-1 Public & Private Park District

Arterial Parkway Corridor - STH 60

This Corridor represents the continuation of existing residential uses serviced by Business District - Five Corners. However, based on future traffic counts, this Corridor may support nodes of “medium-scale” commercial uses (i.e. hardware store, grocery store, etc). These uses should not compete with the proposed commercial market for the Business District - Five Corners. At the Town’s discretion, developments <30,000 square feet may be permitted through the use of a PUD.

Typical zoning classifications allowed in Arterial Parkway Corridor - STH 60 are:

- TR Transition Residential
- TR-2 Transition Residential
- E-1 Estate District
- CR-A Countryside Residential A
- CR-B Countryside Residential B
- B-1 Neighborhood Business District
- B-2 Planned Business District
- B-3 Business District
- C-1 Conservancy District
- P-1 Public & Private Park District
- A-1 Agricultural District
- A-2 Prime Agricultural District

Arterial Parkway Corridor - Wauwatosia Road

This Corridor represents the continuation of existing mixed residential uses. On a case-by-case basis, limited “small-scale” neighborhood commercial uses may be permitted. At the Town’s discretion, developments <30,000 square feet may be permitted through the use of a PUD, while developments >30,000 square feet are not permitted.

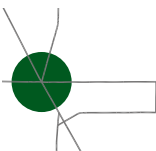


TABLE 8: Land Use Plan Table.

MAP CODE	LAND USE NAME	ZONING CLASSIFICATIONS ALLOWED IN LAND USE DISTRICTS ¹														ADDITIONAL CONDITIONS							
		A-1	A-2	R-1	R-2	R-3	TR	TR-2	E-1	CR-A	CR-B	B-1	B-2	B-3	TCOD	M-1	M-2	M-3	C-1	P-1	Common Open Space Requirements	Other	
NEIGHBORHOODS																							
RN-C	Rural Neighborhood - Countryside	√	√						√	√	√							√	√	√	Reference Town Code	At the Town's discretion, allow M-3 through the use of a CUP	
RN-N	Residential Neighborhood - North	√	√				√	√	√	√									√	√	Reference Town Code		
RN-S	Residential Neighborhood - South	√	√				√	√	√	√									√	√	Reference Town Code	At the Town's discretion, allow higher density developments through the use of a PUD	
DISTRICTS																							
BD-DC	Business District - Deckers Corner	√	√									√	√	√						√	√	Reference Town Code	At the Town's discretion, allow developments <5,000 sf (ground floor footprint) with no PUD needed, >5,000 and < 30,000 sf through the use of a PUD. >30,000 sf not permitted
BD-HC	Business District - Horns Corner	√	√									√	√	√						√	√	Reference Town Code	At the Town's discretion, allow developments <5,000 sf (ground floor footprint) with no PUD needed, >5,000 and < 30,000 sf through the use of a PUD. >30,000 sf not permitted
BD-FC	Business District - Five Corners	√	√									√	√	√	√	√	√			√	√	Reference Town Code	1. Allow uses permitted in the M-1/M-2 through the use of a GDP. 2. At the Town's discretion, allow developments > 30,000 sf (ground floor footprint) through the use of a GDP. 3. Properties subject to Town Center Overlay District.
BD-C	Business District - Columbia	√	√				√	√	√	√	√	√	√	√						√	√	Reference Town Code	At the Town's discretion, allow developments <5,000 sf (ground floor footprint) with no PUD needed, >5,000 and < 30,000 sf through the use of a PUD. >30,000 sf not permitted
HD-H	Historic District - Hamilton	√	√				√	√	√	√	√	√	√	√						√	√	Reference Town Code	At the Town's discretion, allow developments < 30,000 sf through the use of a PUD. >30,000 sf not permitted
FPD	Farmland Protection District	√	√																	√		Reference Town Code	Refer to Town Code & State Statutes
CORRIDORS																							
APC-NN	Arterial Parkway Corridor - Highway NN	√	√				√	√	√	√	√	√	√	√						√	√	Reference Town Code	At the Town's discretion, allow developments <5,000 sf (ground floor footprint) with no PUD needed, >5,000 and < 30,000 sf through the use of a PUD. >30,000 sf not permitted
APC-60	Arterial Parkway Corridor - STH 60	√	√				√	√	√	√	√	√	√	√						√	√	Reference Town Code	At the Town's discretion, allow developments > 30,000 sf (ground floor footprint) through the use of a PUD
APC-WR	Arterial Parkway Corridor - Wauwatosa Road	√	√				√	√	√	√	√	√	√	√						√	√	Reference Town Code	At the Town's discretion, allow developments < 30,000 sf through the use of a PUD. >30,000 sf not permitted

¹ Refer to Table 5 (Land Use Element) for the Summary of each Zoning Classification

Typical zoning classifications allowed in Arterial Parkway Corridor - Wauwatosa Road are:

- TR Transition Residential
- TR-2 Transition Residential
- E-1 Estate District
- CR-A Countryside Residential A
- CR-B Countryside Residential B
- B-1 Neighborhood Business District
- B-2 Planned Business District
- C-1 Conservancy District
- P-1 Public & Private Park District
- A-1 Agricultural District
- A-2 Prime Agricultural District

LAND USE PLAN TABLE

The neighborhoods, districts, and corridors as identified by the Land Use Plan Map shall be used in reviewing and approving changes in zoning, planned unit developments (PUDs), conditional uses, land divisions, land stewardship plans, road alignments and circulation improvements, and related development matters.

In all areas, the Land Use Plan shall allow for the continuation of existing land uses on existing lots and parcels that match the existing zoning at the time of adoption except otherwise restricted by Town ordinance or applicable law. Proposed land uses that do not match the zoning at the time of adoption, or require a land division, are not recommended by the Land Use Plan unless they are included in Table 8 of recommended land uses.

DEVELOPMENT GUIDELINES

Development guidelines were created as part of the Five Corners Master Plan. The guidelines contain regulations for site and building design for all properties contained within the Town Center boundary, as well as additional guidelines for the Main Street Sub-Area. These guidelines were customized to ensure the desired character and quality was achieved for the distinct areas within the Five Corners District.

As part of this chapter, it is recommended that the intent of those guidelines be utilized for each District identified in the Land Use Plan.

LAND USE CONDITIONS

In addition to the Land Use Plan, the “Natural Conditions that may Limit Building Site Development” and “Other Environmentally Sensitive Lands” maps are two integral components to the Town’s Land Use element. These maps are for informational purposes and are not regulatory maps; however, they should be utilized in coordination with the Land Use Plan when reviewing and approving changes in zoning, planned unit developments (PUDs), conditional uses, land divisions, land stewardship plans, road alignments and circulation

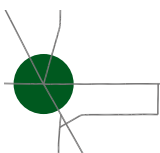
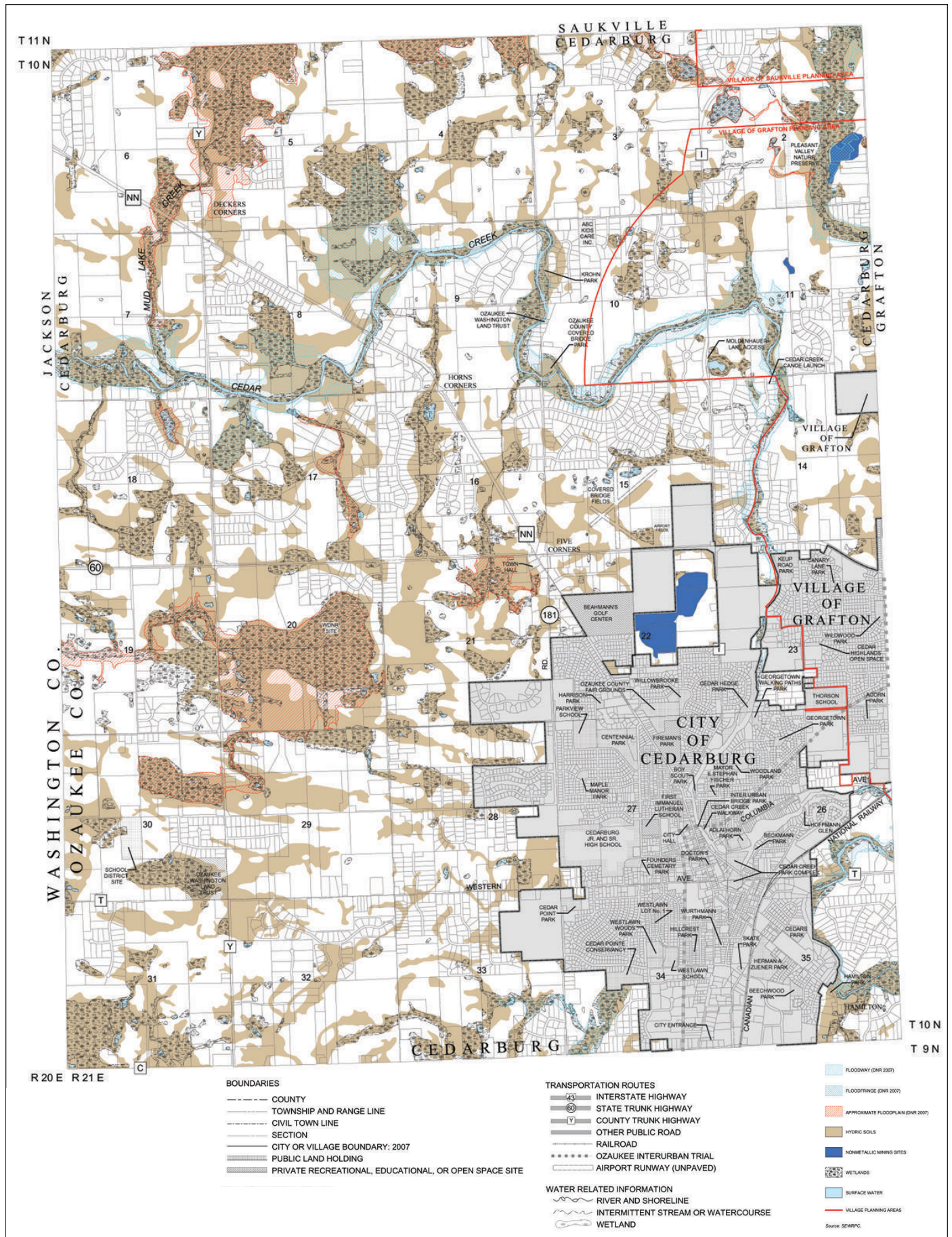


FIGURE 6: Natural Conditions That May Limit Building Site Development.



improvements, and related development matters. A primary use of these maps shall be for the development of stewardship plans or preservation of environmental corridors or other environmentally sensitive areas.

Natural Conditions that May Limit Building Site Development

Figure 6 identifies natural features that may limit potential building site development. The natural features identified on Figure 6 are as follows:

- 100-Year Floodplain
- Floodway
- Hydric Soils
- Nonmetallic Mining Sites (existing)
- Surface Water
- Wetlands

Other Environmentally Sensitive Areas

Figure 7 identifies natural features that should be protected, buffered, or incorporated as an open space amenity as future development occurs. The natural features identified on Figure 7 are as follows:

- Primary Environmental Corridors
- Secondary Environmental Corridors
- Isolated Natural Resources
- Natural Areas
- Critical Species Habitat Sites
- Woodlands

POTENTIAL LAND USE PLAN CONFLICTS

An important issue when developing the Town’s Land Use Plan is the potential for conflicts with the plans of surrounding incorporated areas. This is complicated by the following policies:

- Villages and cities are allowed to develop plans for the areas outside their corporate boundaries which will include land in the Town of Cedarburg.
- Ozaukee County is obligated to include the comprehensive plans of villages and cities within the County Plan regardless of whether or not such plans conflict with town plans.
- As the Town adopted a Comprehensive Plan before January 1, 2010, State Statutes require land use decisions to be consistent with the comprehensive plan after January 1, 2010.
- The County could be in a position in reviewing a land use decision in the Town of Cedarburg that was consistent with the Town’s Plan but inconsistent with the extraterritorial plans adopted by surrounding incorporated areas (i.e. City of Cedarburg, Village of Grafton, City of Mequon).
- The areas that may be subject to such extraterritorial plans are shown on Figure 8.
- Consistency of Town plans with comprehensive plans may also be considered as a basis for reviewing zoning decisions and plat decisions.

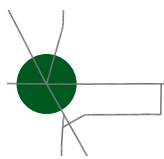


FIGURE 7: Other Environmentally Sensitive Areas.

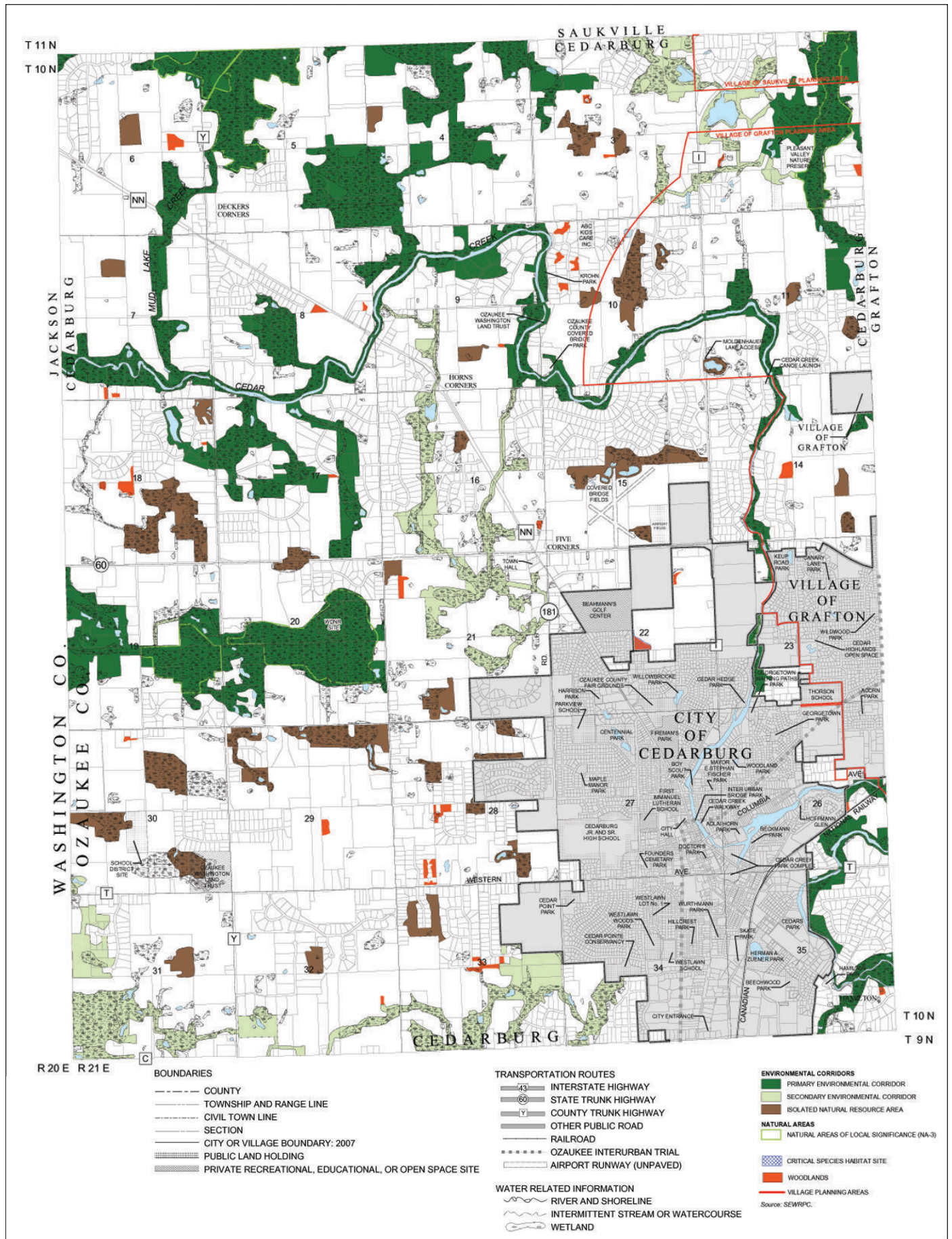
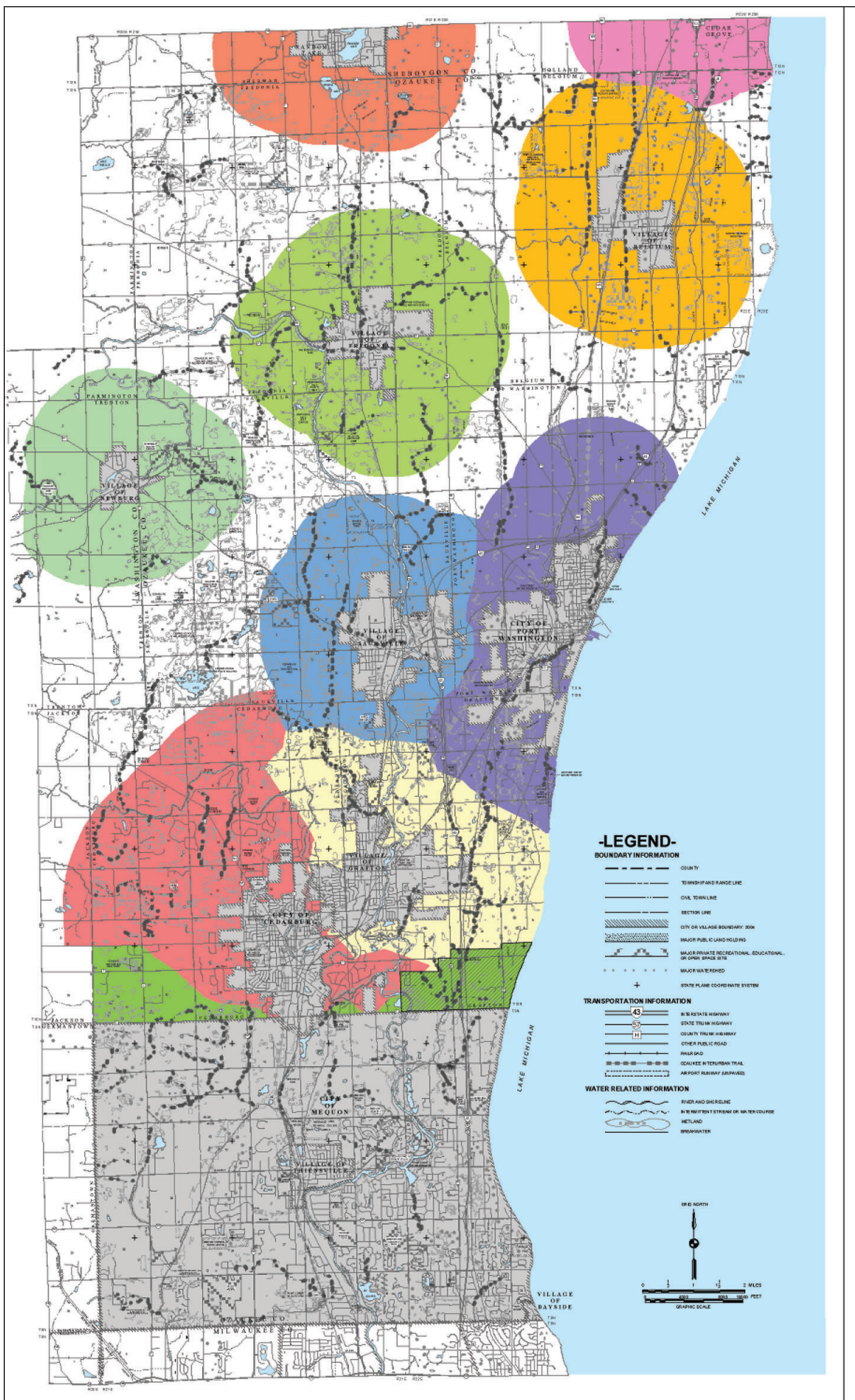


FIGURE 8: Extraterritorial Planning by Surrounding Communities.



Source: SEWRPC; Multi-Jurisdictional Comprehensive Plan for Ozaukee County: 2035



The “Consistency” Requirement

“Consistent with” means furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan. As the Town adopted a comprehensive plan before January 1, 2010, beginning on January 1, 2010, any of the following ordinances listed in Section 66.1001(3)(g-q) shall be consistent with the comprehensive plan. These may include official mapping ordinances enacted or amended under s. 62.23 (6), local subdivision ordinances enacted or amended under s. 236.45 or 236.46, county zoning ordinances enacted or amended under s. 59.69, city or village zoning ordinances enacted or amended under s. 62.23 (7), town zoning ordinances enacted or amended under s. 60.61 or 60.62, or shore lands or wetlands in shore lands zoning ordinances enacted or amended under s. 59.692, 61.351 or 62.231. Refer to s. 66.1001 for current language.

The specific issue of conflicts with regard to extraterritorial plat review deserves special consideration. For example, when a village exercises its authority for extraterritorial plat review, it is looking at the plat, not the land use. In such a context, the question of whether or not a plat is consistent with the land use plan may be a moot issue – that is, the plat and the land use are separate issues. If the requirement for consistency between plats and land use is required in 2010, it will be a matter of debate whether a land division is implicitly a land use decision. From one perspective, it may be reasonable to argue that a plat is inconsistent with a comprehensive plan only if that plat is also accompanied by a change in land use.

Land Use Conflicts and Multi-Jurisdictional Plans

Current discussions of planning conflicts tend to focus on the relationship between incorporated areas and towns. However, there are many other types of planning and land use conflicts. For example, transportation plans often conflict among federal, state, county, and local governments. Many of these conflicts are resolved through regulations and operational policies. The point, however, is that there are numerous conflicts in planning and land uses that occur throughout government operations. This is also true, for example, in planning for environmental preservation, wetlands, water use, historic preservation, and many other fields. The presence of such conflicts is routine and plans do not necessarily resolve all of these conflicts. Often, the solution is simply identifying the conflicts, defining the key issues, and suggesting procedures for minimizing or resolving conflicts. This approach could, for example, be recommended by the Town to be incorporated by the County in its comprehensive plan.

Land Use Conflicts are Legitimate and Appropriate Components of Plans

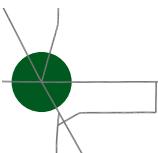
Land use and planning conflicts are not, by definition, inappropriate. Perhaps the simplest example is the concept of “mixed-use”. Most planning literature today defines mixed-use as a legitimate and desirable type of land use. However, a few decades ago mixed uses were considered rare and potentially threatening to property values. Mixed use by definition embodies the potential for multiple futures and alternatives. The same is true for different land use alternatives. It is reasonable to assert, from a planning perspective, that some areas or districts might be most appropriately planned with multiple futures. In fact, it could be argued that plans which define categorically only one appropriate future for an area may be misleading. In addition, most plans have provisions for amendments that are exercised with some

frequency. This implies that land use alternatives are dynamic and that plans are being changed constantly. It is reasonable to accept the idea that land use plans with conflicting contents may both have some legitimacy.

Resolution of Alternative Planning Futures

For the Town of Cedarburg, the following policies should be considered for resolving different land use proposals from neighboring municipalities and from the County:

- Identify clearly that the presence of land use options is legitimate and desirable.
- Recognize that the Town's image of its future is legitimate regardless of whether it does not match the image of a neighboring municipality.
- Indicate that there are many ways to meet the criterion for "consistency" if and when such a criterion is actually imposed.
- Seek out municipal boundary agreements where they are possible.
- Suggest other ways of collaborative planning with adjacent communities and the County.



LAND USE

GOALS, OBJECTIVES, AND POLICIES

GOAL #1

Preserve the rural character to the greatest extent possible and minimize the visual impact and site disturbance of new residential development by managing conflicts between Land Use Districts.

OBJECTIVE

Locate land uses in appropriate areas (i.e. commercial and industrial uses should be located in close proximity to the highway system; residential areas should be located in rural/scenic areas while preserving the natural environment) and at appropriate densities.

POLICIES

Construction of new roads should respect existing contours and meander around existing large trees (drip line).

Disturbance resulting from the construction of roads, basins, and other improvements should be kept at a minimum.

Disturbance on individual lots should be limited.

Locate homes, when possible, adjacent to tree lines and wooded field edges, rather than isolated in the middle of open-view areas.

Preserve existing trees and prohibit structures on lots with wooded slopes.

Preserve, when possible, existing agricultural features and structures such as barns, silos, stone rows, and tree lines.

Promote the use of existing farm roads into the design of proposed subdivisions.

Utilize the descriptions of each Land Use Plan District and the development guidelines as a basis for land use decision making when reviewing development proposals.

GOAL #2

Protect and enhance the environmental assets of the Town.

OBJECTIVE

Preserve and maintain significant cultural features, natural areas, and environmental corridors.

POLICIES

Encourage the use of residential districts that require common open space where appropriate to preserve rural character and foster unique subdivision design.

Plan interconnected trail networks that will allow for exercise and movement among and between new developments.

Preserve critical species habitats for wildlife to move throughout the area.

Encourage and possibly require the clustering of lots in order to yield open space that can remain in active agricultural use.

Consider establishing and reviewing amendments and additions to the zoning code to increase opportunities for the community as a whole to become more sustainable.

GOAL #3

Enhance the aesthetics of future development through the diversification of building types.

OBJECTIVE

Provide a variety of housing within the Town that will have a range in style, density, and price in order to meet the needs of residents differing in age, income, and lifestyle.

POLICIES

Continue to apply the shared driveways ordinance to encourage infill development.

Promote the establishment of a senior care facility or retirement community in the Town.

GOAL #4

Manage the potential for future annexations.

OBJECTIVE

Locate appropriate land use along municipal boundaries that will limit the loss of the Town land base through annexations.

POLICY

Allow for PUDs to encourage complementary developments that abut the City of Cedarburg.

Implement the Five Corners Master Plan and revise as needed.

