

**TOWN OF CEDARBURG  
ORDINANCE NO. 2012-7**

**An Ordinance Amending the Town of Cedarburg Comprehensive Plan: 2035, regarding the Ozaukee County Farmland Preservation Plan and other edits making the Town Comprehensive Plan consistent with Town Ordinances Approved since April 2, 2008.**

**WHEREAS**, pursuant to Sections 62.23(2) and (3), Section 61.35, and Section 60.22(3) of the Wisconsin Statutes, the Town of Cedarburg is authorized to prepare and adopt a comprehensive plan, or amendment thereof, as defined in Sections 66.1001(1)(a) and 66.1001(2).

**WHEREAS**, the Town of Cedarburg Comprehensive Plan: 2035 first adopted via Ordinance 2008-7 on April 2, 2008, contains all nine elements required by State Statute; and

**WHEREAS**, Exhibit A requires an amendment to the Future Land Use Map and associated text edits contained within the Town Comprehensive Plan; and

**WHEREAS**, Town staff have proposed updating other sections of the Comprehensive Plan to make the Plan consistent with various ordinances that have been adopted since April 2, 2008 (Exhibit B); and


**WHEREAS**, the Town has duly noticed and held a public hearing on the proposed Comprehensive Plan amendments, in compliance with the requirements of Section 66.1001(4)(d) of the Wisconsin Statutes; and


**WHEREAS**, the Plan Commission of the Town of Cedarburg, by a majority vote of the entire commission recorded in its official minutes, adopted Resolution 2012-6 at their meeting on March 21, 2012, recommending the Town Board approve the proposed amendments contained within Exhibit A regarding farmland preservation and Exhibit B regarding other updates making the Comprehensive Plan consistent with various ordinances that have been adopted since April 2, 2008;

**NOW, THEREFORE, BE IT ORDAINED** the Town Board of the Town of Cedarburg, Wisconsin, does, by the enactment of this ordinance, formally adopt the amendments to the Comprehensive Plan via Ordinance 2012-7, "An Ordinance Amending the Town of Cedarburg Comprehensive Plan: 2035, regarding the Ozaukee County Farmland Preservation Plan and other edits making the Town Comprehensive Plan consistent with Town Ordinances Approved since April 2, 2008," pursuant to Section 66.1001(4)(c) of the Wisconsin Statutes, and this ordinance shall take effect upon passage by a majority vote of the members-elect of the Town Board and publication or posting as required by law.

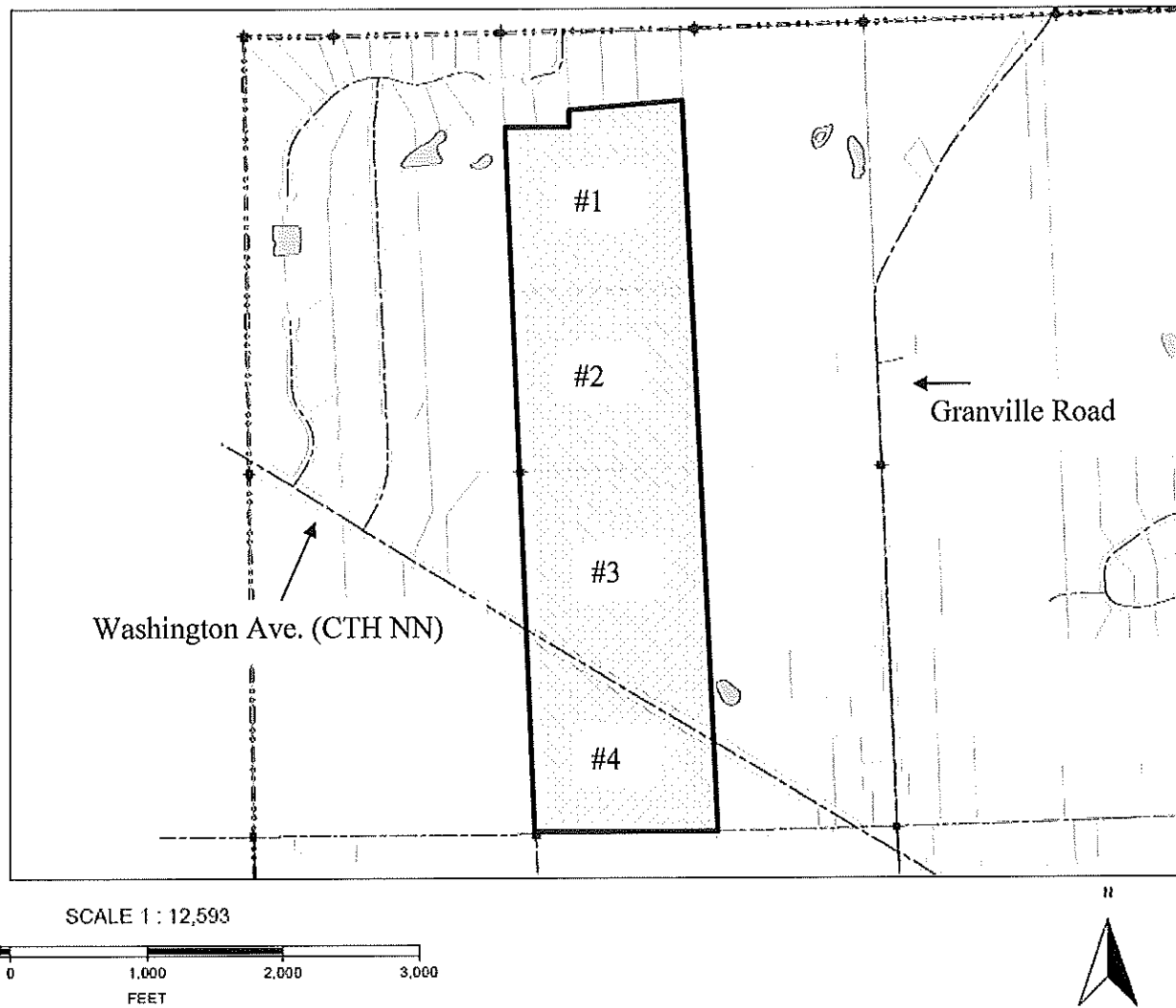
**PASSED AND ADOPTED** by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, this 2nd day of May, 2012.

Published/Posted: May 4, 2012

  
Debra Otto  
Town Clerk

  
David M. Valentine  
Town Chairman

# EXHIBIT A



Parcels affected:

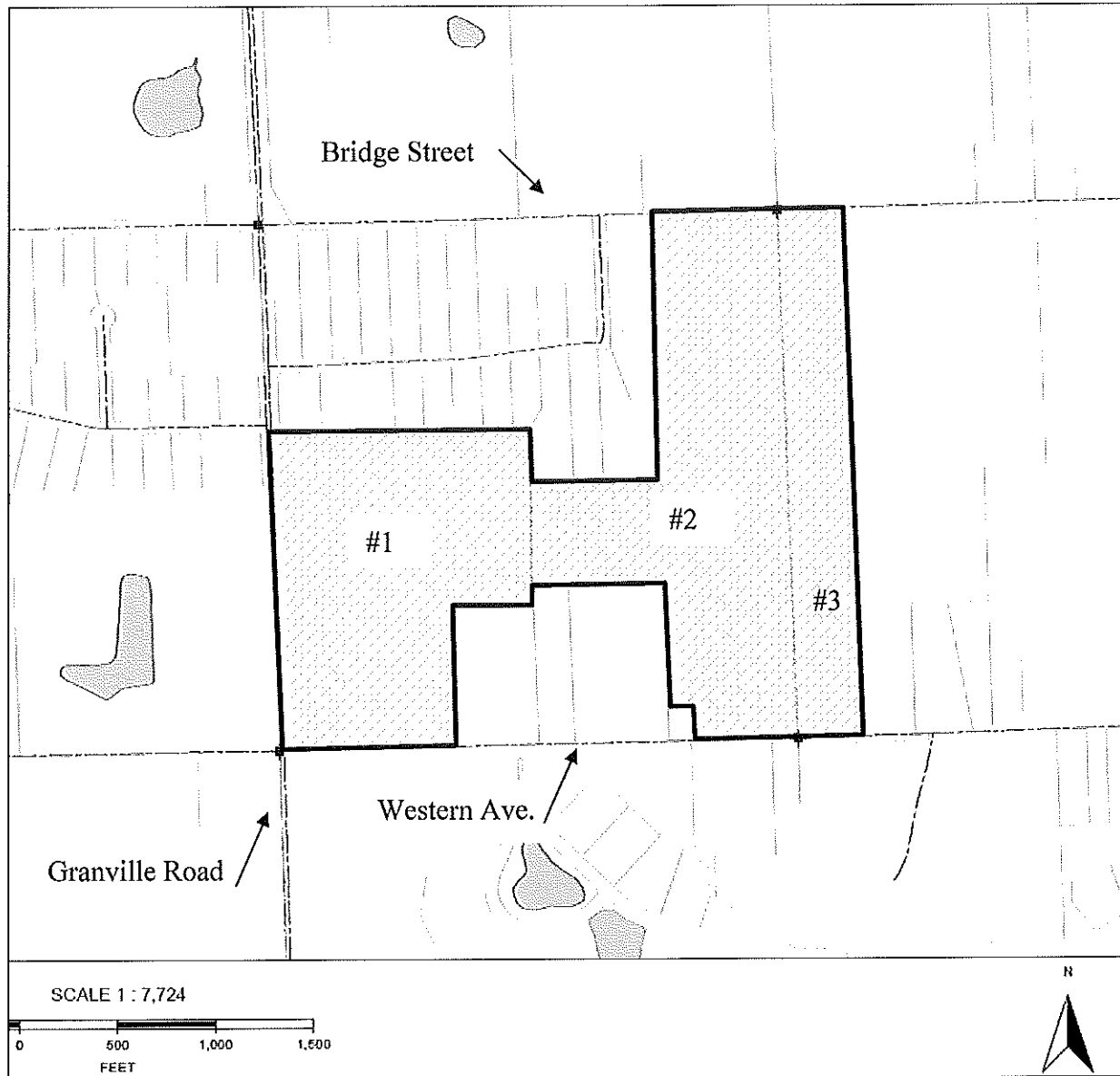
Tax Key#:

1 = 030060200200

2 = 030060300000

3 = 030061400100

1 = 030061500100



Parcels affected:

Tax Key#:

1 = 030291000000

2 = 030290900000

3 = 030291400100

COMPREHENSIVE PLAN ADOPTION & AMENDMENT HISTORY

*Plan Originally Adopted*

*April 2, 2008*

*Plan Amendment*

*September 2, 2009*

Plan Amendment

May 2, 2012



- Planning and development of land uses that create or preserve varied and unique urban and rural communities.
- Providing an integrated, efficient and economical transportation system that affords mobility, convenience and safety and that meets the needs of all citizens, including transit-dependant and disabled citizens.

Ozaukee County, along with fifteen participating local governments (including the Town of Cedarburg), and the Southeastern Wisconsin Regional Planning Commission (SEWRPC) have entered into a multi-jurisdictional comprehensive planning process. This multi-jurisdictional process will result in comprehensive plans that will satisfy the comprehensive planning requirements set forth in Section 66.1001 of the Statutes for the County and all participating local governments. Following completion of the multi-jurisdictional County Plan, it will be forwarded to the County Board for adoption. Each participating local government will compile and adopt their individual comprehensive plan document, which may take into consideration the multi-jurisdictional plan. These individual plans will then be forwarded to the local governing body for adoption as the local comprehensive plan.

Ozaukee County has not previously adopted a County development plan or a comprehensive plan, the County Board did adopt the 2010 Regional Land Use and Transportation elements of the Regional Master Plan for Southeastern Wisconsin. The County Board also adopted an update to the County Park and Open Space Plan in 2001, and a Farmland Preservation Plan in 1983.

By accepting this grant funding, Ozaukee County and participating local governments have agreed to complete and adopt a County Comprehensive Plan and a Local Comprehensive Plan, as defined by Wisconsin Statutes, by April 2008.

and an update to the Farmland Preservation Plan in 2012.

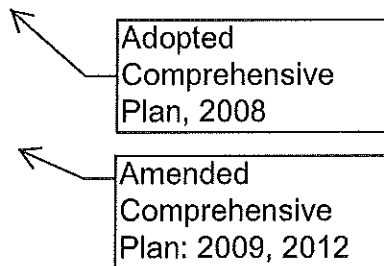


One other area within the present township limits is located near Granville and Cedar Creek Roads and has been identified as a campsite. Several artifacts were found and catalogued in the early 1960's (Daalman, Elmer C., A Campsite In Cedarburg Township, Ozaukee County, The Wisconsin Archeologist, December 1964, Vol. 45, No. 4, Milwaukee, WI: The Wisconsin Archeology Society, 1964), p. 175-178). This area has seen recent housing development activity.

#### PAST PLANNING IN THE TOWN

The Town has completed the following plans since 1995:

- Comprehensive Land Use Plan, 1995
- Master Bicycle and Pedestrian Route Plan, 1999
- Comprehensive Park Plan, 2009
- Five Corners Master Plan, 2006



## AGRICULTURAL, NATURAL AND CULTURAL RESOURCES

A strong community identity and stable economic development are affected by the wise use of resources. The conservation of agricultural land, the protection of natural features, and the preservation of cultural resources are all fundamental to a healthy environment and thriving community. Types of resources acknowledged by the Comprehensive Plan include productive agricultural areas, undeveloped areas, stream corridors, environmentally sensitive areas, wetlands, mineral resources, open spaces, and historical buildings and areas.

The Town of Cedarburg Comprehensive Plan recognizes that resources in the County and Town are limited and need to be properly managed. Key to this effort is the identification and location of the specific characteristics and locations of agricultural, natural, and cultural resources in the County and Town. This is necessary to properly locate future development, avoid serious environmental problems, and ensure the protection of natural resources.

### **AGRICULTURAL RESOURCES**

Managing land for agricultural uses is important to the area as it impacts the area's economy and affects development decisions. It also contributes to the rural character and provides open space.

#### Ozaukee County Farmland Preservation Plan

In 1983, the Ozaukee County Board adopted the Farmland Preservation Plan, which identified prime agricultural lands throughout the county. The plan defines prime agricultural land as follows: "an individual farm must be at least 35 acres in size; at least one-half of the farm must be covered by soils meeting U.S. Natural Resources Conservation Service (NRCS) criteria for national prime farmland or farmland of statewide significance (general Class I, II, or III soils); and the farm must occur in a contiguous farming area at least 100 acres in size."

#### Soil Associations

The Natural Resources Conservation Service (NRCS) issued a soil survey for Ozaukee County in 1970. The data from this survey can be applied to the following endeavors: managing farms and woodlands; selecting sites for roads, buildings, and other structures; identifying mineral resources; and judging the suitability of land for agricultural, industrial, or recreational uses.

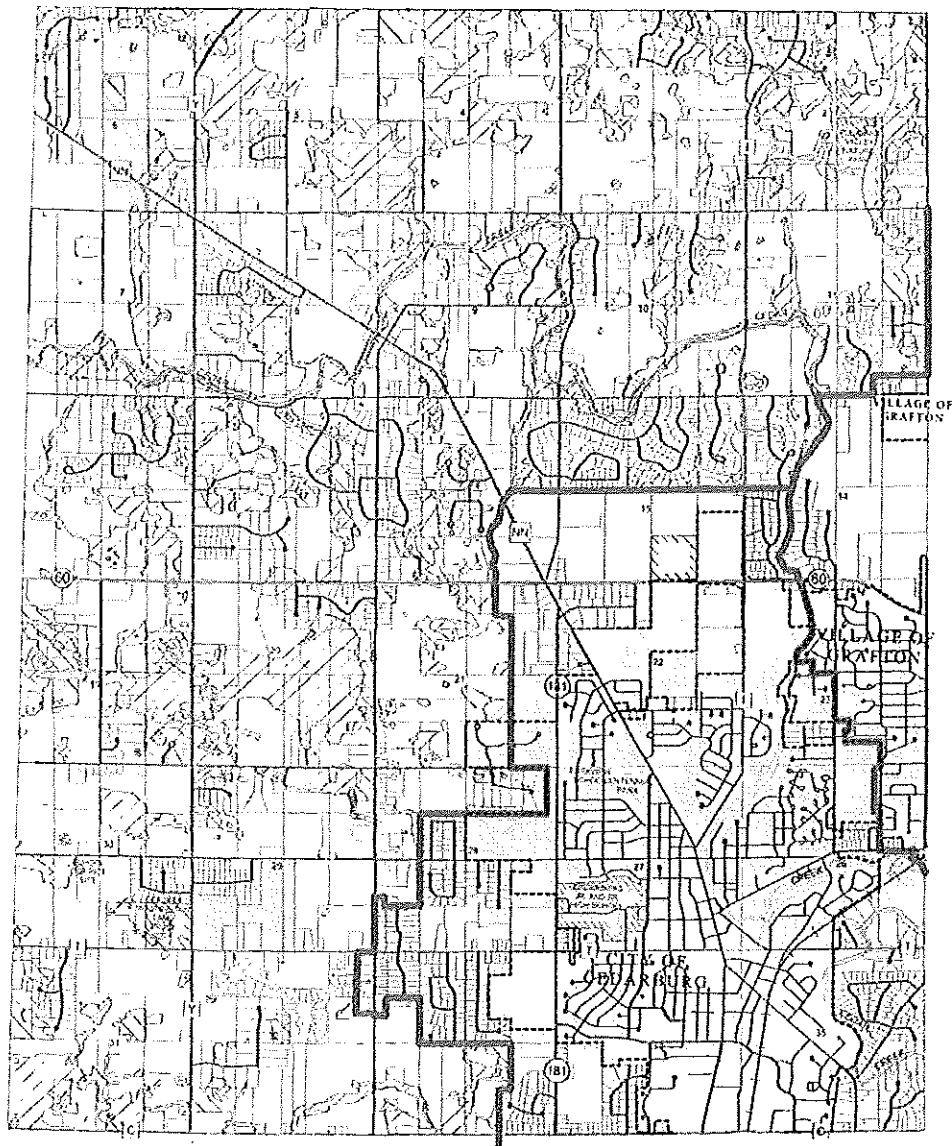
The survey identified the Town of Cedarburg to have a large soil association called Hochiem-Sisson-Casco association. Soil associations are general areas with broad patterns of soils. The Hochiem-Sisson-Casco association contains well-drained soils that have a subsoil of loam to clay loam underlain mainly by loamy till, outwash, and lake-laid deposits on uplands, terraces, and in lakebeds. Most areas are suitable for cultivation have been cleared and are cultivated. This association also contains more woodlands than other associations found in the County.

Smaller soil associations found within the Town of Cedarburg are the Ozaukee-Mequon, Houghton-Adrian, and Casco-Fabuis associations.

In 2012, Ozaukee County updated its Farmland Preservation Plan to meet the requirements of the Working Lands Initiative. The Town of Cedarburg opted to have certain lands included in the County Farmland Preservation Plan in an effort to preserve farming in the community. These lands are shown in Figure 1a.

# MAP V- 3

## FARMLAND PRESERVATION AREAS IN THE TOWN OF CEDARBURG: 2035



- PARCEL BOUNDARY
- FARMLAND PRESERVATION AREA
- OTHER LAND USES
- ▨ LOWLAND CONSERVANCY OVERLAY
- ▨ UPLAND CONSERVANCY OVERLAY
- ADOPTED REFINED AND PLANNED SANITARY SEWER SERVICE AREA
- SURFACE WATER
- CITY OR VILLAGE BOUNDARY

Source: Town of Cedarburg, Ozaukee County, and SEWRPC.

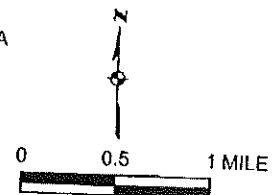


Figure 1a: Farmland Preservation Areas in the Town of Cedarburg



## **AGRICULTURAL, NATURAL AND CULTURAL RESOURCES:**

### **GOALS, OBJECTIVES, AND POLICIES**

#### **GOAL #1**

Maintain and protect the Town of Cedarburg's unique rural character and identity.

#### **OBJECTIVE**

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

#### **POLICIES**

Explore the use of programs that allow the transfer of development rights (TDR) and the purchase of development rights (PDR) for significant cultural features, natural areas, and environmental corridors.

Utilize the Town's preservation award program for historic significance.

Encourage deed restrictions on unique/sensitive areas as part of new development or redevelopment to preserve open space.

Promote Managed Forest Law (MFL) or similar programs as incentives to encourage the sustainability of woodlands in the Town of Cedarburg.

Study the implementation of a Tree Preservation Ordinance for the Town of Cedarburg.

Encourage the implementation of the Park Plan recommendations (as they relate to significant cultural features, natural areas, and environmental corridors) for the Town of Cedarburg.

Update the 1996 Landmarks Commission Barn Survey to include stone silos and other historic stone agricultural structures.

#### **OBJECTIVE**

Preserve scenic views and minimize views of new development from roads.

#### **POLICIES**

Discourage new development on hilltops and ridges and encourage significant housing setbacks from major roads.

Encourage "parkway" streetscapes along major roadways in the Town of Cedarburg.

Promote compliance with the Town's Planting Strip Guidelines for new major land divisions on arterial and collector roads.



See sample goals, objectives and policies for those the Plan Commission recommended for inclusion here.

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 <sup>a</sup>	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	One acre	Not specified
				← half acre	
B-2	Planned Business District	N/A <sup>a</sup>	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	Two acres	Not specified
				← one acre	
B-3	Business District	N/A <sup>a</sup>	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	One 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 <sup>a</sup>	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,	10 acres	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

← one acre



- 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 the 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.

### 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



TABLE 8: Land Use Plan Table.

LAND USE		ZONING CLASSIFICATIONS ALLOWED IN LAND USE DISTRICTS <sup>1</sup>														ADDITIONAL CONDITIONS							
MAP CODE	NAME	A-1	A-2	R-1	R-2	R-3	TR	TR-2	E-1	CRA	CR-B	B-1	B-2	B-3	TCCD	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 - Horna 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
<div>New District: Farmland Protection District: the new zoning classification will be inserted if the DATCP accepts the proposed Town properties.</div>																							
LAND USE		ZONING CLASSIFICATION														ADDITIONAL CONDITIONS							
MAP CODE	NAME	A-1	A-2	R-1	R-2	R-3	TR	TR-2	E-1													Common Open Space Requirements	Other
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

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

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### 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

As the Town adopted a Comprehensive Plan before January 1, 2010,

### **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.
- State Statutes require land use decisions to be consistent with the comprehensive plans 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.

### ~~Land Use Conflicts and the "Consistency" Requirement~~

~~It is important, however, to emphasize several related issues: (1) such conflicts are not an issue until after January 1, 2010; furthermore, it is conceivable that the legislation may be changed prior to that time, and (2) the definitions of "consistency" will ultimately be decided in the courts. For example, the following positions may be argued:~~

- ~~• Consistency means that there is an absolute match between the current zoning and the current plan.~~
- ~~• Consistency means that the current zoning should match the plan, which depicts a future state, if and when the zoning is changed. Put another way, if everything matched the plan exactly it would not be a "plan" but a map of "existing conditions". The purpose of the plan is to guide decisions as they are made.~~
- ~~• Consistency means that as decisions are made they are generally within the intent and guidelines established by the plan, including all the provisions that such plans allow for making reasonable exceptions due to unique circumstances (not unlike conditional uses in zoning).~~

"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.

## UTILITIES AND COMMUNITY FACILITIES

Section 66.1001 (2)(d) of the Wisconsin Statutes requires the Utilities and Community Facilities Element to provide a compilation of goals, objectives, policies, maps, and programs that guide the future development of various utilities and community facilities.

Furthermore, Section 16.965 of the Wisconsin Statutes sets forth goals related to the Utilities and Community Facilities Element that may be addressed as part of the planning process. They are:

- Promotion of the redevelopment of lands with existing infrastructure and public services and the maintenance and rehabilitation of existing residential, commercial and industrial structures.
- Providing adequate infrastructure and public services and an adequate supply of developable land to meet existing and future market demand for residential, commercial and industrial uses.

The intent of this chapter is to address these issues and requirements set forth by the Wisconsin Statutes.

### PARKS

The Town of Cedarburg owns, in whole or in part, five public parks: Pleasant Valley Nature Park (Figure 1), Creekside Park, Hamilton Park (Figure 2), Cedar Creek Farms Canoe Launch (Figure 3), and Krohn Park (Figure 4). Covered Bridge Park is located in the Town, but is owned by Ozaukee County. Currently, the parks are not connected by a complete system of trails.

The Town of Cedarburg shares the Cedarburg Parks and Recreation Department with the City, and subsidizes a portion of the department's annual budget. Due to the subsidy, Town residents are entitled to resident rates at the Cedarburg Swimming Pool, and registration in various department leagues, programs, and classes.

#### Park Committee

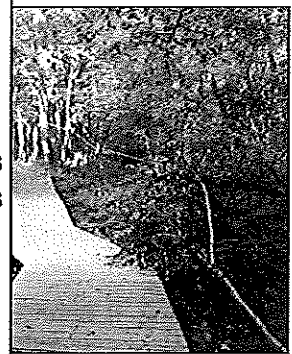
The Town of Cedarburg Park Committee is comprised of six Town citizens, who represent different parts of the Town, and one Town Supervisor. The citizen members are appointed by the Town Chairman with the majority approval of the Town Board in April of each year.

The Committee serves as an advisory panel to the Town Board, and undertakes the planning, development, acquisition, expansion, disposition, maintenance and the use of all parks, open spaces, natural areas, facilities, and other similar public property under the jurisdiction of the Town. The Committee works to sustain, enhance and preserve the natural resources of the Town of Cedarburg.

#### Town Comprehensive

The Town's Parks and recreation facilities, provides an inventory of current parks and green space, outlines the natural resources available for parks and green space, offers a needs analysis, and provides action plan recommendations for the Town. A summary of the action plan recommendations are provided below.

The Committee is composed of four (4) Town of Cedarburg citizen members and one Town Supervisor. Two members address facilities and activities associated with passive Town parks, while two other members address facilities and activities associated with active Town parks. The Town Board member addresses both active and passive facilities and activities. The citizen members are appointed by the Town Chairperson with the majority approval of the Town Board and are appointed for three-year terms. The Supervisor member of the Committee is appointed by the Town Chairman with the majority approval of the Town Board in April of each year. The citizen members should be from different parts of the Town of Cedarburg.



Nature Park Boardwalk

The Committee works to provide the broadest community benefit in its provision of parks and recreation activities in the Town and acts to sustain, enhance and preserve the natural resources of the Town of Cedarburg. The Committee also makes recommendations to the Town Board when it deems appropriate to make application for grant funds from state agencies for the purpose of creating or enhancing the Town's parks and related facilities and recreation programs.

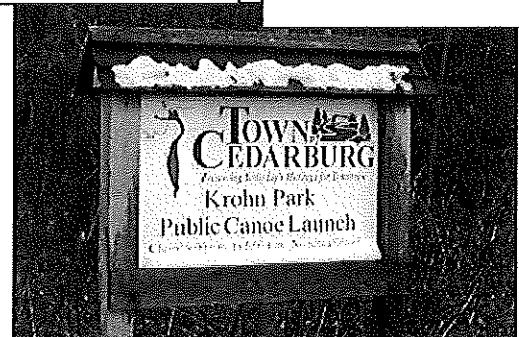


FIGURE 4: Krohn Park Signage.

Source: The Town of Cedarburg.

## POLICE

The Ozaukee County Sheriff's Department is responsible for overseeing the Town of Cedarburg. The Sheriff's Department is located in the Ozaukee County Justice Center in the City of Port Washington (Figure 9). As of 2005, the Sheriff's Department employed 34 full time officers, not including staff for jail operations, communications, or support services divisions. The Town shares the Sheriff's Department with the Village of Belgium and the Towns of Belgium, Fredonia, Grafton, Port Washington, and Saukville.

### Town Constable

The Town also has one appointed Town Constable to provide basic law enforcement and code compliance for Town residents. Per Section 60.22(4) of the Wisconsin Statutes, the Town Constable is responsible for enforcing local ordinances and issuing citations for ordinance violations. The Constable may also assist the Cedarburg Fire Department in maintaining order at the scene of a fire.

A few

Community

### SHARED SERVICES

~~Several~~ services are shared between the Town and the City of Cedarburg. They are: ~~Cedarburg Senior Center programs, Cedarburg Pool, Cedarburg Recreation programs (mentioned previously in the section on parks), Cedarburg Fire and Emergency Medical, and Cedarburg Library.~~

and

formerly shared

### CEDARBURG SENIOR CENTER

The Town shares a senior center with the City of Cedarburg that provides the programming of activities for residents age 55 or older. The facility is located in the Lincoln Building on Washington Avenue.

During the composition of the original comprehensive plan, the Town participated in a shared services agreement with the City for the Senior Center, which ended on January 1, 2010.

The Town survey addressed the senior center in a series of questions about shared facilities. The first question asked for respondents to comment on the condition and adequacy of the shared service facility: 32.1% marked "excellent" or "good" for the center (65.0% had no opinion). In regards to the frequency with which residents use the center, the largest response group, 87.7% of respondents, have never visited the facility. Approximately 77.8% of respondents marked "no opinion" in regards to the quality of services provided by the senior center.

The last question pertaining to the senior center asked the following: "Rather than partner with the City for shared services, which of the following shared services should the Town provide on its own?" Of the respondents that answered the survey question, approximately 7.0% selected the senior center as a service the Town should provide on its own.

### CEDARBURG COMMUNITY POOL

The Cedarburg Community Pool is a shared service between the Town and the City of Cedarburg, which is jointly owned. The pool is located on Evergreen Boulevard.



However, the Town

## LIBRARIES

participated in a library shared services agreement with the City at the time of the original drafting of the Town comprehensive plan; this shared services agreement expired as of January 1, 2010. The Town currently participates in the Eastern Shores Library system as a non-librariated community.

The Town shares library services with the City of Cedarburg, and owns a portion of the public library facility. The facility for both municipalities is located on Hanover Avenue.

The Town survey asked respondents to comment on the condition and adequacy of the library facility: 64.3% marked "excellent" or "good". In regards to the frequency with which residents use the library, the largest response group (32.8%) visited the library "1-3 times per season." Approximately 68.2% of respondents marked "excellent" or "good" for the quality of services provided by the library. Only 3.7% selected the library as a service the Town should provide on its own.

## SCHOOLS

### Cedarburg School District

The majority of children in the Town of Cedarburg attend classes in the Cedarburg School District, which houses approximately 3,000 students in three elementary schools (K-5), one middle school (6-8) and one high school (9-12):

- Cedarburg High School (9-12)
- Webster Transitional (6-8)
- Parkview Elementary (K-5)
- Thorson Elementary (K-5)
- Westlawn Elementary (K-5)

The school district includes all of the City and the Town of Cedarburg, and parts of the City of Mequon, the Town of Jackson, and the Town and Village of Grafton. Cedarburg High School is accredited by the North Central Accrediting Association, and is a member of the Wisconsin Interscholastic Athletic Association and the North Shore Conference. Cedarburg High School employs 65 full-time faculty members, 11 part-time faculty members, and 2 administrators. The high school offers 22 extracurricular athletic and organizations, including the Community Service Volunteer Program.

The school district currently holds land in the southwestern portion of the Town (near Bridge Street) that is being reserved for a school, although there are no immediate plans to build a facility.

### Private Schools

St. Francis Borgia Catholic parish is planning a private school facility within Town boundaries.

### Ozaukee Homeschoolers Network

A number of students at all levels are homeschooled in Ozaukee County. The Ozaukee Homeschoolers Network provides learning resources, legal information, and general support for parents and children involved in home schooling. The Oscar Grady library in Saukville also offers materials for homeschooled children.

### Post-Secondary Educational Facilities

Several post-secondary educational facilities are available in close proximity to the Town of Cedarburg. The University of Wisconsin-Milwaukee (UWM) maintains a field station with research facilities in the Town of Saukville at the Cedarburg Bog Natural Area. In addition,

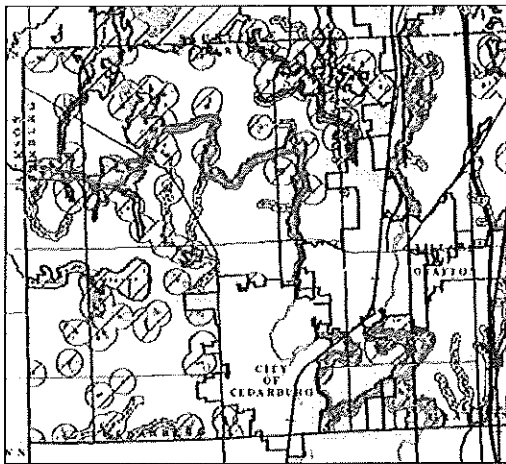


FIGURE 2. Shoreland and Floodplain Zoning in Unincorporated Areas in the Ozaukee County Planning Area: 2005. Source: SEWRPC; Multi-Jurisdictional Comprehensive Plan for Ozaukee County: 2035

- or town that borders the proposed consolidated city or village.
- A comprehensive plan in accordance with s.66.1001, effective the date of consolidation, must also be adopted by the consolidating city, village, or town.
- At least some part of the consolidated city or village receives sewage disposal services.

#### Land Division Regulations

Section 236.45 of the Wisconsin Statutes authorizes county and local governments to adopt their own land division ordinances. The Town of Cedarburg has such an ordinance in place. A land division ordinance regulates the division of land into smaller parcels, and helps ensure the following:

- New development is appropriately located;
- Lot size minimums specified in zoning ordinances are observed;
- Arterial street rights-of-way are appropriately dedicated or reserved;
- Access to arterial streets and highways is limited in order to preserve the traffic-carrying capacity and safety of such facilities;
- Adequate land for parks, drainageways, and other open spaces is appropriately located and preserved;
- Street, block, and lot layouts are appropriate;
- Adequate public improvements are provided.

Land division ordinances can be enacted by cities, villages, towns and counties. County land division ordinances only apply to unincorporated areas. Within unincorporated areas, it is possible for both counties and towns to have concurrent jurisdiction over land divisions. Counties also have authority under Section 236.10 to review and approve all subdivisions located in unincorporated areas. In addition to these requirements, the Ozaukee County shoreland and floodplain zoning ordinance includes land division regulations for areas located in the shoreland. Portions of the Town of Cedarburg are regulated under this ordinance (Figure 2).

Chapter 236 of the Wisconsin Statutes sets forth general requirements governing the subdivision of land, and grant authority to county and local governments to review subdivision maps (plats) with respect to local plans and ordinances. Under the Chapter, local governments are required to review and take action on plats for subdivisions. Local subdivision ordinances may be broader in scope and require review and approval of land divisions in addition to those meeting the statutory definition of a subdivision.

Communities within Ozaukee County administer their own zoning, which includes land division regulations. The Town of Cedarburg regulates land division in Chapter 184 of the Town Code. The Town should continuously evaluate county and surrounding city and village land division regulations in relation to its own ordinance.

#### Shared Services

See the Utilities and Community Facilities element for existing Town intergovernmental agreements with the City of Cedarburg regarding fire and rescue, library, pool, and recreational services.

and community



ELEMENT / CATEGORY	RECOMMENDATION	RESPONSIBLE PARTY	PRIORITY LEVEL
<u>Agricultural, Cultural, and Natural Resources</u>	Actively participate with Ozaukee County and the Wisconsin Department of Natural Resources in zoning and conditional use deliberations for the establishment, maintenance, operation, and reclamation of any existing or future mineral extraction sites.	Town Board Town Plan Commission Town Staff	Ongoing
	Promote Managed Forest Law (MFL) or similar programs as incentives to encourage the sustainability of woodlands in the Town of Cedarburg.	Town Staff	2010
	Update the 1996 Landmarks Commission Barn Survey to include stone silos and other historic stone agricultural structures.	Landmarks Commission	2010
	Study the implementation of a Tree Preservation Ordinance for the Town of Cedarburg.	Town Staff	2015
	Promote unique agricultural uses (i.e. forestry, tree farms, vegetable farms, equestrian facilities, etc.). The Town of Cedarburg should explore incentive programs to attract these types of uses.	Town Staff	2025
	Explore the use of programs that allow the transfer of development rights (TDR) and the purchase of development rights (PDR) for significant cultural features, natural areas, and environmental corridors.	Town Board Town Plan Commission Town Staff	2035
	Promote the use of agricultural tax incremental financing (TIFs) to maintain, attract, or expand agricultural and agricultural related uses.	Town Board Town Plan Commission Town Staff	2035

See sample goals, objectives and policies for those the Plan Commission recommended for inclusion here.

## Sample Goals, Objectives, Policies and Programs

### **General Agricultural Resources Issue**

- **Goal:** Preserve and enhance the agricultural base within the Town of Cedarburg.

### **Soil Suitability for Agriculture Production Issue**

- **Goal:** Preserve soils suitable for agricultural production in the Town of Cedarburg.
  - **Objective:** Encourage soil conservation practices to reduce farmland erosion and sustain and increase farmland productivity in the Town.
    - **Policy:** Implement strategies regarding the reduction of cropland erosion as recommended in the *Ozaukee County Land and Water Resource Management Plan 2005 – 2010*, and subsequent updates.
      - **Program:** Enforce the guidelines required of participants in the Wisconsin Farmland Preservation Program (FPP).
      - **Program:** Continue to promote the use of the Conservation Reserve Program (CRP) and Conservation Reserve Enhancement Program (CREP) in the Town.

### **Farmland Protection and Land Evaluation and Site Assessment (LESA) Analysis Issue**

- **Goal:** Preserve a sufficient amount of agricultural land to ensure farming remains viable in Ozaukee County as a whole.
  - **Objective:** Protect parcels that were determined to be suitable for long-term agricultural use, based in part on the results of the LESA analysis.
    - **Policy:** Discourage future incompatible uses near farms and large contiguous areas of agricultural use.
      - **Program:** Promote agricultural use on parcels determined to be most suitable for long-term agricultural use, based in part on the results of the LESA analysis.
      - **Program:** Support Wisconsin's Working Lands Initiative recommendations
      - **Program:** Review and revise the Town Zoning Ordinance and Land Division Ordinance as necessary to ensure they are consistent with the Town comprehensive plan.
    - **Policy:** Encourage niche farming operations in the Town, such as organic farming and orchards.
      - **Program:** Assign agricultural use to parcels identified as agriculture and agriculture-related uses that meet the Town and County criteria including orchards, nurseries, and special agriculture on the Town Planned Land Use Map.

### **Protection of Farms and Farming Issue**

- **Goal:** Protect farms and farming in the Town of Cedarburg
  - **Objective:** Retain existing farm operations in the Town to the extent possible
  - **Objective:** Retain existing agri-business in the Town to the extent possible.
  - **Objective:** Encourage agricultural activity on lands identified for agricultural use on the Town Planned Land Use Map for 2035.

- **Policy:** Support economic initiatives to ensure farming remains viable in the Town, including funding programs, agri-tourism, and direct marketing of farm products.
- **Policy:** Protect agricultural infrastructure in the Town to support farm operations.
- **Policy:** Encourage farming by younger age groups in the Town.
- **Policy:** Encourage retiring farmers to pass farms on to heirs or to sell farms to other farmers.
- **Policy:** Support implementation of the Working Lands Initiative recommendation to establish a beginning farmer program to recruit and train the next generation of farmers.
  - **Program:** Establish a program to promote agri-tourism in the Town through agricultural-related special events. Events could include farm breakfasts, farm tours, corn mazes, and u-pick farms.
  - **Program:** Implement programs recommended under the Farmland Protection and Land Evaluation and Site Assessment Analysis Issue to preserve agricultural activity in the Town, including support of the Wisconsin Working Lands Initiative recommendations.

#### **Sample Farmland Protection Land Use Definition**

**Farmland Protection:** Farmland Protection areas occupy 264 acres, or about 1.7 percent, of the Town the 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.