

**TOWN OF CEDARBURG
ORDINANCE NO. 2012-1**

An Ordinance amending Chapter 320: Zoning, of the Town of Cedarburg Code of Ordinances regarding conservation subdivision design.

- WHEREAS,** The Town of Cedarburg is a body corporate and politic; and
- WHEREAS,** the Town Board exercises village powers by Ch. 61, Wis. Stats.; and
- WHEREAS,** Section 184-4 explains that to further the goals and policies of the Town Comprehensive Land Use Plan, master plan, or land use plan, assuming all other provisions of the chapter are met, the Town Board will favor plans for land divisions that provide for a cluster development or conservation subdivision; and
- WHEREAS,** the Comprehensive Plan contains goals that promote clustering of lots and open space found in conservation subdivision design when it states the Town should, "Encourage the use of residential districts that require common open space where appropriate to preserve rural character and foster unique subdivision design," and the Town should, "Encourage and possibly require the clustering of lots in order to yield open space that can remain in active agricultural use"; and
- WHEREAS,** the Plan Commission has reviewed this ordinance and has made a favorable recommendation to the Town Board for its adoption; and
- WHEREAS,** the Town Board held a public hearing regarding this proposed amendment, a notice of which was published twice, once at least ten days prior to the date of the hearing,

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

**(The text modified with a strikethrough shall be deleted).
(The text modified with an underline shall be added).**

§ 320-30. CR-A Countryside Residential A District.

A. Purpose.

[Amended 5-2-2001 by Ord. No. 2001-5; 12-2-2004 by Ord. No. 2004-19; 1-7-2009 by Ord. No. 2009-2; 5-6-2009 by Ord. No. 2009-8; 5-6-2009 by Ord. No. 2009-9]

- (1) This zoning district is intended to provide single-family, low-density residential development incorporating permanently protected open space areas. Land divisions containing five or more lots shall cluster lots, with 50% of the original land area being located in contiguous common open space. Land divisions containing five or more lots having individual lots eight acres or greater in size are exempt from the clustering requirement of this district; in such instances open space may be located on private lots but must be recorded as permanent open space on the plat. when in a subdivision development. Individual lots part of a minor land division containing four or fewer lots in nonsubdivision developments shall be a minimum of four acres; the open space related to minor land divisions may be common open space or open space located on private lots, but must be noted as permanent open space on the certified survey map.

(2) Definition. Conservation development is a development design technique that provides a concentration of houses to aid in the preservation of contiguous open space. Open space shall be designed to preserve, enhance, or create environmentally sensitive areas. These may include recreational opportunities (for example, hiking/cross-country ski trails) but may not include other mowed areas such as for soccer or baseball fields, or neighborhood parks, without the approval of the Plan Commission and Town Board. ~~The examples provided of conservation development to preserve open space are for illustrative purposes only. Conservation development proposals should reflect the basic principles illustrated but should show originality and creative use of the parcel proposed for development.~~

O. Design guidelines and open space. The most current version of the Southeastern Wisconsin Regional Planning Guide No. 7, Rural Cluster Development, original version dated December 1996, as amended, provides design guidelines to aid in achieving good design of cluster groups and the proper distribution of open space. This guide, along with the most current version of a conservation subdivision ordinance drafted by the Southeastern Wisconsin Regional Planning Commission provide ample guidance for the proper design and maintenance of a conservation subdivision. The open space within these subdivisions should be connected. A copy of the current SEWRPC Planning Guide and conservation subdivision ordinance is on file and available for inspection at the office of the Plan Commission. *Editor's Note: Original § 10-1-48(q), Connected open space, which immediately followed this subsection, was deleted 10-4-2006 by Ord. No. 2006-11.*

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

A. Purpose.

[Amended 12-2-2004 by Ord. No. 2004-19; 1-7-2009 by Ord. No. 2009-2; 5-6-2009 by Ord. No. 2009-8; 5-6-2009 by Ord. No. 2009-9]

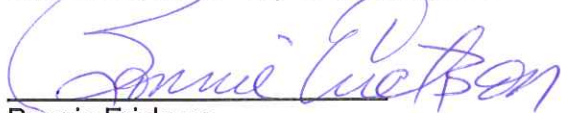
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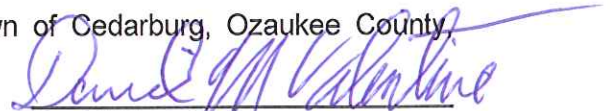
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This ordinance shall be in full force and effect upon its passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, this 4th day of January, 2012.



Bonnie Erickson
Deputy Town Clerk



David M. Valentine
Town Chairman