(e) Adverse effects of the proposed development and activities upon adjoining residents or owners are minimized by appropriate screening, fencing, or landscaping, as provided or required in this chapter.

(3) Architectural review principles and standards. To assist the Plan Commission and Town Board in the architectural review of new accessory structures under this section, the following review principles, criteria and procedures are established:

(a) Building scale and mass. The relative proportion of a building to its neighboring existing buildings, to pedestrians or observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.

(b) Building rooflines and roof shapes. Building roof lines and roof shapes shall be complementary to the existing or surrounding buildings.

(c) Materials. No building shall be permitted where any exposed facade is constructed or faced with a finished material which is not architecturally compatible to other surrounding buildings.

(d) Building location. Consideration shall be given to siting a building in a manner which would adversely affect values incident to ownership of land in the area or which would have an adverse effect on and general enjoyment of existing structures on adjoining properties.

H. Conditional uses, subject to the provisions of Article **V** being met::

(1) Accessory buildings in the street yard, see §**320-109**.

(2) Bed-and-breakfast establishments.

(3) Berms.

(4) New mobile service support structure according to § **320-107**.

(5) Private ground-mounted solar panels.

(6) Second single-family dwelling unit.

(7) Shared neighborhood amenities such as emergency shelters, parks, paths, pools, playgrounds, and private clubhouse type structures reviewed and approved as part of a land division, unless otherwise approved as part of a Planned Unit Development or Condominium Plat.

I. Private planting strip: A minimum forty-foot-wide private planting strip easement is required for new major land divisions effective June 1, 2022. This easement applies only to land abutting the existing public road frontage at the entrance to the development.

(1) Fences and entrance monuments are permitted in the planting strip with the approval of the Plan Commission and Town Board.

(2) Planting strip material shall be approved as part of the land division approval process by the Plan Commission and Town Board.

§ 320-32 **CR-A Countryside Residential A District.**

A. Statement of Purpose.

This zoning district is intended to provide single-family, low-density residential development incorporating permanently protected open space areas as part of a conservation development defined in this ordinance. 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. Individual lots part of a minor land division containing four or fewer lots 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.

B. Principal use: single-family detached dwellings.

C. Accessory structures and uses. The following noncommercial accessory uses are permitted by members of the family residing on the property:

(1) Accessory buildings and structures in accordance with this section and §**320-109**.

(2) Home occupations in accordance with §**320-110**.

(3) Private utilities.

(4) Private roof-mounted solar panels.

(5) Man-made recreational or wildlife ponds with a pond permit.

D. Conditional uses, subject to the provisions of Article **V** being met:

(1) Accessory buildings in the street yard, see §**320-109**.

(2) Bed and breakfast establishments.

(3) Berms.

(4) New mobile service support structure and substantial modifications that comply with § **320-107**.

(5) Private ground-mounted solar panels.

(6) Public utility transmission and distribution lines, poles and other accessories, provided that when a utility proposes a main intercommunity transmission facility, it shall give notice to the Plan Commission of such intention and of the date of hearing before the Public Service Commission and before actual construction shall file with the Plan Commission a mapped description of the route of such transmission line.

(7) Second single-family dwelling unit.

(8) Shared neighborhood amenities such as emergency shelters, parks, paths, pools, playgrounds, and private clubhouse type structures reviewed and approved as part of a land division, unless otherwise approved as part of a Planned Unit Development or Condominium Plat.

E. Density. Maximum development density shall be one dwelling unit for a minimum of every 4 1/2 acres of contiguous land owned and a part of the development.

F. Open space. A minimum open space ratio of 50% is required of the initial development, exclusive of roads and road rights-of-way. Thus, a maximum of 50% of a development, inclusive of roads and road

rights-of-way, may be covered with structures, driveway pavements and maintained lawns and personal, noncommercial gardens. The 50% of open space shall be denoted on the certified survey map or preliminary and final plat for the development.

G. Lot size. The minimum lot size shall be one acre.

H. Building area:

(1) Principal structures: minimum 1,500 square feet with at least 1,000 square feet on the first floor of a two-story residence.

(2) Accessory structures: shall not exceed an aggregate total floor area of 1,000 square feet for the first acre plus 100 square feet for each additional 1/4 acre up to an aggregate total floor area of 1,500 square feet.

I. Building height:

(1) Principal structures: maximum 42 feet.

(2) Accessory structures: shall not exceed 15 feet in height unless constructed so that the pitch of the roof of the accessory structure matches the pitch of the roof of the principal structure, with maximum height being 35 feet. Accessory structures shall not exceed the height of the principal structure.

J. Minimum frontage for individual lots.

(1) Lots abutting culs-de-sac: minimum 75 feet.

(2) Lots on curve with a maximum center-line radius of 150 feet: 120 feet.

(3) Other lots: minimum 150 feet; however, based upon the presence of natural features along the roadway the Plan Commission and Town Board may allow a minimum lot frontage of 130 feet, but for no more than 10% of the lots.

(4) Lots that do not have frontage upon a public street may be permitted if the Town Board has officially approved other means of access to the lot by a shared driveway agreement as provided in § **279-6D**.

K. Minimum average lot width: 150 feet minimum.

L. Yard setbacks.

(1) Principal structures:

(a) Street: 75 feet, unless § **184-13(B)11** applies.

(b) Rear: 75 feet; 25 feet may be permitted when the entire rear lot line borders commonly held open space (with a depth of at least 75 feet) which is a part of the subdivision.

(c) Side: 25 feet.

(2) Accessory structures:

(a) Street: 75 feet, unless § **184-13(B)11** applies.

(b) Rear and side yard: 25 feet, except as otherwise noted in the Town Code. When located in

the side or rear yard only, accessory structures not exceeding 150 square feet in floor area shall be constructed so that no part of the structure is closer than 10 feet to the side or rear property line. In no case shall any part of any structure be within five feet of a drainage easement.

M. Private planting strip: A minimum forty-foot-wide private planting strip easement is required for new major land divisions effective June 1, 2022. This easement applies only to land abutting the existing public road frontage at the entrance to the development.

(1) Fences and entrance monuments are permitted in the planting strip with the approval of the Plan Commission and Town Board.

(2) Planting strip material shall be approved as part of the land division approval process by the Plan Commission and Town Board.

N. Bonus lots: The Plan Commission and the Town Board are authorized to grant bonus lots if in their judgment they determine the additional lots are warranted based upon the layout and design of the proposed development. To qualify for bonus lot consideration, all open space must be contiguous and held in common. The maximum number of bonus lots the Plan Commission and Town Board may award is one lot per 25 acres of development area (gross contiguous land owned and a part of the development), with a maximum of four bonus lots for any development. The following criteria may be used when evaluating whether or not bonus lots shall be awarded (other items may be considered):

(1) Preserving, rehabilitating and/or reusing historical buildings and structures, including those sites inventoried by the State Historical Society of Wisconsin.

(2) The inclusion of fire protection beyond the minimum requirements required for new developments.

(3) Inclusion of bicycle, multi-modal and/or connection paths consistent with the Town's Master Bicycle and Pedestrian Route Plan or applicable Park and Open Space plan and AASHTO standards within the proposed development that would connect to existing or proposed bike routes to neighboring or future subdivisions that benefit the Town as a whole.

(4) Reforestation.

(5) Other creative uses of the land, including preservation, enhancement, or the creation of natural areas.

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, 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.

§ 320-33 **CR-B Countryside Residential B District.**

A. Statement of Purpose. This zoning district is intended to provide single-family, low-density residential development incorporating permanently protected open space areas as part of a conservation development defined in this ordinance. 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. Individual lots part of a minor land division containing four or fewer lots 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.

B. Permitted principal use: single-family detached dwellings.

C. Accessory structures and uses. The following noncommercial accessory uses are permitted by members of the family residing on the property:

(1) Accessory buildings and structures in accordance with this section and §**320-109**.

(2) Home occupations in accordance with §**320-110**.

(3) Private utilities.

(4) Private roof-mounted solar panels.

(5) Stables, grazing, and pasturage of a noncommercial or business use.

(6) Horses are allowed in this district with a limitation of one horse per acre on a lot.

D. Additional accessory structure requirements:

(1) Existing nonconforming accessory structures may house animals, limited to horses and chickens per § **95-24**.

E. Site plan and architectural review for nonresidential buildings. Any individual building, with the exception of a structure used solely for residential purposes, being newly constructed that is greater than 1,500 square feet shall be subject to architectural design approval and site plan approval by the Town Board, following a recommendation from Plan Commission, in accordance with the Site Plan standards of § **320-126** and the below standards, prior to the any issuance of a building permit. This process is utilized for the purpose of promoting compatible development, stability of property values, and fostering the functional utility of the Town as a place to live and work. An application fee and fee to reimburse the actual cost to the Town of Cedarburg and/or consultants for professional services per § **21-16** of the Town Code related to the application shall be paid as set in the Town Fee Schedule. One digital and two original hard copies of the building permit application, building plans which must be in their final form prior to being placed on a Town Board agenda, most current or new plat of survey showing the proposed location of the building in relation to other buildings on the property and setbacks to property lines and other buildings, proposed building materials and color elevation drawings with a scaled elevation, and narrative describing proposed use/activities that will occur in the building shall be submitted for Plan Commission and Town Board review. Existing and proposed landscaping shall also be included on the plat or scaled site plan. To this end, the following notice procedures and standards for site plan and architectural review are set forth below.

(1) Notice and Public Hearing. The Plan Commission shall hold a public hearing regarding the proposed building, giving notice of the time and place of the meeting by publication of a Class 1 notice, under Ch. 985, Wis. Stats. The owners of record in whole or in part as listed in the office of the Ozaukee County Register of Deeds and who are situated within 1,000 feet of the boundaries of the properties affected shall be sent a notice postmarked at least 10 days prior to the date of consideration by the Plan Commission. The failure of such notice to reach any property owner, provided such failure is not intentional, and shall not invalidate the public hearing or action by the Plan Commission and Town Board.

(2) Site plan review principles and standards. The Plan Commission and Town Board shall review the site, existing and proposed structures, neighboring uses, landscaping, and the proposed use. The Town Board may approve said site plans only after determining that:

(a) The proposed use(s) conforms to the uses permitted.

(b) The dimensional arrangement of buildings and structures conforms to the required area, yard, setback, and height restrictions of this chapter.

(c) The proposed on-site buildings, structures, and entryways are situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, stormwater drainage, erosion, grading, lighting, and parking, as specified by this chapter or any other codes or laws.

(d) Consideration should be given to preserving the natural features of the landscape where they can enhance the development on the site, or where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes or where they assist in preserving the general safety, health, and welfare of the neighborhood.

(e) Adverse effects of the proposed development and activities upon adjoining residents or owners are minimized by appropriate screening, fencing, or landscaping, as provided or required in this chapter.

(3) Architectural review principles and standards. To assist the Plan Commission and Town Board in the architectural review of new buildings under this section, the following review principles, criteria and procedures are established:

(a) Building scale and mass. The relative proportion of a building to its neighboring existing buildings, to pedestrians or observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.

(b) Building rooflines and roof shapes. Building roof lines and roof shapes shall be complementary to the existing or surrounding buildings.

(c) Materials. No building shall be permitted where any exposed facade is constructed or faced with a finished material which is not architecturally compatible to other surrounding buildings.

(d) Building location. Consideration shall be given to siting a building in a manner which would adversely affect values incident to ownership of land in the area or which would have an adverse effect on and general enjoyment of existing structures on adjoining properties.

F. Conditional uses, subject to the provisions of Article **V** being met.

(1) Accessory buildings in the street yard, see §**320-109**.

(2) Bed-and-breakfast establishments.

(3) Berms.

(4) New mobile service support structure and substantial modifications that comply with § **320-107**.

(5) Private ground-mounted solar panels.

(6) Public utility transmission and distribution lines, poles and other accessories, provided that when a utility proposes a main intercommunity transmission facility, it shall give notice to the Plan Commission of such intention and of the date of hearing before the Public Service Commission and before actual construction shall file with the Plan Commission a mapped description of the route of such transmission line.

(7) Second single-family dwelling unit.

(8) Shared neighborhood amenities such as emergency shelters, parks, paths, pools, playgrounds, and private clubhouse type structures reviewed and approved as part of a land division, unless otherwise approved as part of a Planned Unit Development or Condominium Plat.

G. Density. Maximum development density shall be one dwelling unit for a minimum of every 4 1/2 acres of contiguous land owned and a part of the development.

H. Open space. A minimum open space ratio of 50% is required of the initial development, exclusive of roads and road rights-of-way. Thus, a maximum of 50% of a development, inclusive of roads and road rights-of-way, may be covered with structures, driveway pavements and maintained lawns and personal, noncommercial gardens. The 50% of open space shall be denoted on the certified survey map or preliminary and final plat for the development.

I. Lot size. The minimum lot size shall be one acre.

J. Building area:

(1) Principal structures: minimum 1,500 square feet with at least 1,000 square feet on the first floor of a two-story residence.

(2) Accessory structures: Accessory structures on lots less than 10 acres in size shall not exceed an aggregate total floor area of 1,500 square feet. Accessory structures on lots 10 acres in size or greater shall not exceed an aggregate total floor area of 1,000 square feet per acre.

K. Building height:

(1) Principal structures: maximum 42 feet.

(2) Accessory structures: shall not exceed 15 feet in height unless constructed so that the pitch of the roof of the accessory structure matches the pitch of the roof of the principal structure, with maximum height being 35 feet. Accessory structures shall not exceed the height of the principal structure.

L. Minimum frontage for individual lots.

(1) Lots abutting culs-de-sac: minimum 75 feet.

(2) Lots on curve with a maximum center-line radius of 150 feet: 75 feet.

(3) Other lots: minimum 150 feet; however, based upon the presence of natural features along the roadway the Plan Commission and Town Board may allow a minimum lot frontage of 130 feet, but for no more than 10% of the lots.

(4) Lots that do not have frontage upon a public street may be permitted if the Town Board has officially approved other means of access to the lot by a shared driveway agreement as provided

in § **279-6D**.

M. Minimum average lot width: 150 feet.

N. Yard setbacks.

(1) Principal structures:

(a) Street: 75 feet, unless § **184-13(B)11** applies.

(b) Rear: 75 feet; 25 feet may be permitted when the entire rear lot line borders commonly held open space (with a depth of at least 75 feet) which is a part of the subdivision.

(c) Side: 25 feet.

(2) Accessory structures:

(a) Street: 75 feet, unless § **184-13(B)11** applies.

(b) Rear and side yard: 25 feet, except as otherwise noted in the Town Code. When located in the side or rear yard only, accessory structures not exceeding 150 square feet in floor area shall be constructed so that no part of the structure is closer than 10 feet to the side or rear property line. In no case shall any part of any structure be within five feet of a drainage easement.

O. Private planting strip: A minimum forty-foot-wide private planting strip easement is required for new major land divisions effective June 1, 2022. This easement applies only to land abutting the existing public road frontage at the entrance to the development.

(1) Fences and entrance monuments in the planting strip that are approved as part of the land division approval process by the Plan Commission and Town Board.

(2) Planting strip material shall be approved as part of the land division approval process by the Plan Commission and Town Board..

P. Bonus lots. The Plan Commission and the Town Board are authorized to grant bonus lots if in their judgment they determine the additional lots are warranted based upon the layout and design of the proposed development. To qualify for bonus lot consideration, all open space must be contiguous and held in common. The maximum number of bonus lots the Plan Commission and Town Board may award is one lot per 25 acres of development area (gross contiguous land owned and a part of the development), with a maximum of four bonus lots for any development. The following criteria may be used when evaluating whether or not bonus lots shall be awarded (other items may be considered):

(1) Preserving, rehabilitating and/or reusing historical buildings and structures, including those sites inventoried by the State Historical Society of Wisconsin.

(2) The inclusion of fire protection beyond the minimum requirements required for new developments.

(3) Inclusion of bicycle, multi-modal and/or connection paths consistent with the Town's Master Bicycle and Pedestrian Route Plan or applicable Park and Open Space plan and AASHTO standards within the proposed development that would connect to existing or proposed bike routes to neighboring or future subdivisions that benefit the Town as a whole.

(4) Reforestation.

(5) Other creative uses of the land, including preservation, enhancement, or the creation of natural areas.

Q. 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, 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.

§ 320-34 **TR Transitional Residential District.**

A. Statement of Purpose. The TR Transitional Residential Zoning District is intended to provide single-family, low-density residential development incorporating permanently protected open space areas as part of a conservation development as defined herein. The clustering of home sites is encouraged.

B. Principal use: single-family detached dwellings.

C. Accessory structures and uses. The following noncommercial accessory uses by members of the family residing on the property:

(1) Accessory buildings and structures in accordance with this section and §**320-109**.

(2) Home occupations in accordance with §**320-110**.

(3) Private utilities.

(4) Private roof-mounted solar panels.

D. Conditional uses, subject to the provisions of Article **V** being met.

(1) Accessory buildings in the street yard, see §**320-109**.

(2) Bed-and-breakfast establishments.

(3) New mobile service support structure and substantial modifications that comply with § **320-107**.

(4) Private ground-mounted solar panels.

(5) Public utility transmission and distribution lines, poles and other accessories, provided that when a utility proposes a main intercommunity transmission facility, it shall give notice to the Plan Commission of such intention and of the date of hearing before the Public Service Commission and before actual construction shall file with the Plan Commission a mapped description of the route of such transmission line.

(6) Shared neighborhood amenities such as emergency shelters, parks, paths, pools, playgrounds, and private clubhouse type structures reviewed and approved as part of a land division, unless otherwise approved as part of a Planned Unit Development or Condominium Plat.

E. Density. Maximum development density shall be one dwelling unit for a minimum of every 2.25 gross acres of contiguous land owned and a part of the development.

F. Open space. A minimum open space ratio of 20% is required of the initial development, exclusive of roads and road rights-of-way, in the TR Zoning District. Thus, a maximum of 80% of a subdivision, or lot, may be covered with structures, pavements and maintained lawns and personal, noncommercial