



IN THE NAME AND BY THE AUTHORITY OF THE TOWN OF CEDARBURG, WISCONSIN

ORDINANCE NO. 2022-4

An Ordinance to Amend Chapter 184 Land Divisions and Chapter 320 Zoning of the Town of Cedarburg Code of Ordinances, Ozaukee County, Wisconsin, regarding planting strips.

- WHEREAS,** The Town of Cedarburg is a body corporate and politic; and
WHEREAS, the Plan Commission of the Town of Cedarburg, by a majority vote of the entire Commission, has recommended the Town Board adopt the following amendments to Chapter 184 & Chapter 320 of the Town Code of Ordinances regarding planting strips; and
WHEREAS, all notices required by Town Code and State Statutes have been published and a public hearing was held before the Town Board of Supervisors on June 1, 2022;
WHEREAS, the Town Board has determined that such amendments will promote the public health, safety, welfare and comfort of the general public and the Town, and has directed that the Ordinances of the Town of Cedarburg be amended accordingly;

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, that Chapter 184 Land Divisions and Chapter 320 Zoning, of the Town of Cedarburg Code of Ordinances are hereby amended to read as follows:

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

Chapter 184. Land Division

§ 184-13. Requirements and design standards for public improvements.

§ 184-13B(11)

Roadway Arterial street and highway protection. Whenever the a proposed land subdivision contains or is adjacent to a railroad right-of-way or public major street or highway or section line road, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by a minimum building setback of at least 100 feet from the public section line road right-of-way. All developments, regardless of whether or not they are adjacent to a public section line road, containing lots within major land divisions shall provide screen planting contained in a limited nonaccess planting strip easement along the right-of-way of the public road street or railroad, or by the use of frontage streets. A nonaccess planting strip easement of a width established by the applicable zoning district one-hundred-foot (measured perpendicular to the road right-of-way) nonaccess planting strip easement shall be provided along the entire frontage length of any public road section line road that abuts a major land division.

§ 184-13B(24)(a)

Subdivision lots. When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access public road highway or a railroad, a nonaccess planting strip easement of a width established by the applicable zoning district of at least 400 feet in depth shall be provided adjacent to the public road highway or railroad in addition to the normal lot depth. This nonaccess planting strip shall be part of the platted lots but shall have the following restriction lettered on the face of the plat: "This easement is reserved for the planting of trees and shrubs, the building of new structures hereon is prohibited unless approved by the Plan Commission and Town Board."

CHAPTER 320: ZONING

§ 320-16. R-1 Single-Family Residential District.

G. Nonaccess Planting Strip: a minimum 40 foot wide nonaccess planting strip easement is required for new major land divisions effective June 1, 2022 when the lots are adjacent to a public road. This easement applies only to land abutting the public road.

(1) Fences and other structures 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.

§ 320-17. R-2 Single-Family Residential District.

G. Nonaccess Planting Strip: a minimum 40 foot wide nonaccess planting strip easement is required for new major land divisions effective June 1, 2022 when the lots are adjacent to a public road. This easement applies only to land abutting the public road.

(1) Fences and other structures 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.

§ 320-18. R-3 Single-Family Residential District.

G. Nonaccess Planting Strip: a minimum 40 foot wide nonaccess planting strip easement is required for new major land divisions effective June 1, 2022 when the lots are adjacent to a public road. This easement applies only to land abutting the public road.

(1) Fences and other structures 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.

§ 320-29. E-1 Estate District.

H. Nonaccess Planting Strip: a minimum 40 foot wide nonaccess planting strip easement is required for new major land divisions effective June 1, 2022 when the lots are adjacent to a public road. This easement applies only to land abutting the public road.

(1) Fences and other structures 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.

§ 320-30 CR-A Countryside Residential A District

M. Nonaccess Planting Strip and Building setbacks. Building setbacks where lot is adjacent to a section line road: a minimum of 100 feet from existing or planned rights-of-way, as depicted on

the Town Transportation Plan Map for section line roads, with a requirement that the first ~~40~~ 400 feet from the right-of-way be a nonaccess planting strip easement.

(1) ~~No~~ Fences or other structures are permitted in the planting strip without the approval of the Plan Commission and Town Board.

(2) ~~The~~ Planting strip material shall be approved as part of the land division approval process. ~~will be designed in accordance with the planting strip guidelines document, as most recently approved by the Town Plan Commission and Town Board.~~

§ 320-31 CR-B Countryside Residential B District

M. Nonaccess Planting Strip and Building setbacks. Building setbacks where lot is adjacent to a section line road: a minimum of 100 feet from existing or planned rights-of-way, as depicted on the Town Transportation Plan Map for section line roads, with a requirement that the first ~~40~~ 400 feet from the right-of-way be a nonaccess planting strip easement.

(1) ~~No~~ Fences or other structures are permitted in the planting strip without the approval of the Plan Commission and Town Board.

(2) ~~The~~ Planting strip material shall be approved as part of the land division approval process. ~~will be designed in accordance with the planting strip guidelines document, as most recently approved by the Town Plan Commission and Town Board.~~

§ 320-32 TR Transitional Residential District

M. Nonaccess Planting Strip and Building setbacks. Building setbacks where lot is adjacent to a section line road: minimum of 100 feet from existing or planned rights-of-way, as depicted on the Town Transportation Plan Map, along section line roads, with a requirement that the first ~~50~~ 40 feet off the right-of-way be a nonaccess planting strip easement. ~~No building or structure hereinafter erected shall be placed closer than 50 feet to a Town or subdivision road, upon which the subject property abuts.~~

(1) ~~No~~ Fences or other structures are permitted in the planting strip with the approval of the Plan Commission and Town Board.

(2) The planting strip material shall be approved as part of the land division approval process. ~~will be designed in accordance with the planting strip guidelines document, as approved by the Town Plan Commission and the Town Board, in effect at the time of platting.~~

§ 320-33 TR-2 Transitional Residential 2 District

M. Nonaccess Planting Strips and Building Setbacks. ~~A forty-five-foot planting strip will be required and must be designed in accordance with the planting strip guidelines document, as approved by the Town Plan Commission and the Town Board, in effect at the time of platting.~~

Building setbacks where lot is adjacent to a public section line road: minimum of 100 feet from existing or planned rights-of-way, as depicted on the Town Transportation Plan Map, along section line roads, with a requirement that the first 40 feet off the right-of-way be a nonaccess planting strip easement.

(1) Fences or other structures are permitted in the planting strip with the approval of the Plan Commission and Town Board.

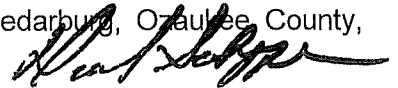
(2) The planting strip material shall be approved as part of the land division approval process.

(The above text modified with a strikethrough shall be deleted).

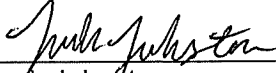
(The above text modified with an underline shall be added).

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

PASSED AND ADOPTED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, this 1st day of June, 2022.



David M. Salvaggio
Town Chairman



Jack Johnston
Assistant Administrator/Clerk