



**CITY OF CEDARBURG  
A MEETING OF THE PLAN COMMISSION  
TUESDAY, SEPTEMBER 2, 2025 – 7:00 PM**

A meeting of the Plan Commission, City of Cedarburg, Wisconsin, will be held on Tuesday, September 2, 2025 at 7:00 PM. The meeting will be held online utilizing the zoom app and in-person at City Hall, W63 N645 Washington Avenue, Cedarburg, WI., on the second floor, Council Chambers. The meeting may be accessed by clicking the following link:

<https://us02web.zoom.us/j/87275406401>

AGENDA

1. CALL TO ORDER

A. Mayor Patricia Thome

2. ROLL CALL

A. Present - Mayor Patricia Thome, Jack Arnett, Sig Strautmanis, Sherry Bublitz, Jon Scholz, Common Council Member Jim Fitzpatrick, James Hayes

Also, Present - City Planner Mary Censky, City Administrator Mikko Hilvo, Administrative Assistant Theresa Hanaman

3. STATEMENT OF PUBLIC NOTICE

4. APPROVAL OF MINUTES

A. August 4, 2025 and August 27, 2025

5. COMMENTS AND SUGGESTIONS FROM CITIZENS

Comments from citizens on a listed agenda item will be taken when the item is addressed by the Plan Commission. At this time individuals can speak on any topic not on the agenda for up to 2 minutes, time extensions at the discretion of the Mayor. No action can be taken on items not listed except as a possible referral to committees, individuals, or a future Council agenda item.

6. REGULAR BUSINESS; AND ACTION THEREON

A. Applicants/property owners, Jo Ann Hofhine and Eric Hofhine as Trustees for the Duane and Jo Ann Hofhine Rev Trust, request review, discussion and consultative feedback as to their concept plan to divide a new vacant, buildable lot off from their existing .49-acre homestead property located at N50 W6678 Western Road. This property is zoned Rs-5 Single-Family Residential District.

Previous Discussion Dates: None

Zoning District: Rs-5 Single-Family Residential

Tax Key No: 13-050-07-13-000

Ward/Alder District: W3/AD3

- B. Review, discussion and possible action/recommendation to the Common Council for amendments to Title 13, Chapter 1 of the Municipal Code (Zoning), Sections 13-1-42(a), 13-1-43(a), 13-1-44(a), 13-1-45(a), 13-1-46(a), 13-1-47(a), 13-1-48(a), 13-1-49(a), 13-1-50(a), 13-1-51(a), 13-1-52(a), 13-1-69(m)(2)b., 13-1-76(c)(6), and 13-1-240(b) pertaining to definition and use of the term 'density' and adding the term and definition for Net Buildable Acres.
- C. Review, discussion and possible action/recommendation to the Common Council for amendments to Title 13, Chapter 1 of the Municipal Code (Zoning), Section 13-1-40(a) pertaining to creation of a new Zoning District to be known as the 'Detailed Planned Mixed-Use Neighborhood Zoning District'.
- D. Review, discussion, and possible action (recommendation to the Common Council) for adoption of updated Chapters/Elements and/or related Exhibits or Appendices to the Smart Growth Comprehensive Land Use Plan-2025.

7. COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS

8. MAYOR'S ANNOUNCEMENTS

9. ADJOURNMENT

\* Information attached for Commission Members; available through City Clerk's office. \*\* This topic is to be limited to such items as establishing the next meeting date, items for the next agenda, reminders of scheduled community events, and similar. City of Cedarburg is an affirmative action and equal opportunity employer. All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, disability, age, sexual orientation, gender identity, national origin, veteran status, or genetic information. City of Cedarburg is committed to providing access, equal opportunity, and reasonable accommodation for individuals with disabilities in employment, its services, programs, and activities. To request reasonable accommodation, contact the Clerk's Office at (262) 375-7606 or email: cityhall@ci.cedarburg.wi.us. MEMBERS – PLEASE NOTIFY THE CITY CLERK'S OFFICE IN ADVANCE IF UNABLE TO ATTEND MEETING It is possible that a quorum of members of the Common Council may attend Plan Commission meetings held the first Monday of each month at 7:00 p.m. No business will be conducted by the Common Council and no action will be taken. Attendance is for the purpose of information gathering and exchange. 1 No assurance is provided to those Commissioners and/or citizens planning to attend remotely that the Zoom technology will perform sufficiently to allow for their participation. The meeting will proceed regardless. Commissioners and citizens wishing to ensure they can participate are encouraged to attend in person.

**CITY OF CEDARBURG**  
**PLAN COMMISSION**  
**August 4, 2025**

A regular meeting of the City of Cedarburg Plan Commission was held on Monday, August 4, 2025, at Cedarburg City Hall, W63 N645 Washington Avenue, upper level, Council Chambers, and online via the Zoom app. Mayor Patricia Thome called the meeting to order at 7:00 p.m.

Roll Call -Mayor Patricia Thome, Council Member James Fitzpatrick, Jack Arnett, Sherry Bublitz, Jon Scholz

Excused – Commissioner Strautmanis, Administrative Assistant Theresa Hanaman

Also Present - City Planner Mary Censky, City Administrator Mikko Hilvo

**STATEMENT OF PUBLIC NOTICE**

City Administrator Hilvo confirmed that the agenda for the meeting had been posted and distributed in compliance with the Wisconsin Open Meetings Law.

**APPROVAL OF MINUTES**

A motion was made by Commissioner Bublitz, seconded by Commissioner Scholtz, to approve the meeting minutes from July 7, 2025, as presented. The motion carried unanimously. Commissioner Strautmanis excused.

**COMMENTS AND SUGGESTIONS FROM CITIZENS – NONE**

**PUBLIC HEARINGS; AND ACTION THEREON**

**APPLICANT, BLACK RIVER BELLS, LLC (D/B/A TACO BELL) IN C/O DEAN KOULOURAS, REQUESTS CONDITIONAL USE PERMIT APPROVAL TO DEVELOP A 2,051 SQUARE FOOT TACO BELL QUICK-SERVE RESTAURANT WITH DRIVE-THRU ON THE EXISTING, VACANT, .51-ACRE LOT LOCATED DIRECTLY NORTH OF W62 N202-16 WASHINGTON AVENUE. DETAILED BUILDING AND SITE PLANS ARE INCLUDED FOR REVIEW, CONSIDERATION, AND POSSIBLE APPROVAL. THE PROPERTY OWNER IS CONCORD 44 LLC IN C/O ANDREW PETZOLD. THIS PROPERTY IS ZONED B-2 COMMUNITY BUSINESS DISTRICT.**

Planner Censky reported on a request for a Conditional Use Permit from Black River Bells to establish a 2,051-square-foot Taco Bell restaurant on Washington Avenue. The Site and Architectural Review Board (SARB) recommended several conditions for approval. These include adding screening plants around the dumpster enclosure, planting a deciduous tree in the north landscape yard, removing overgrown landscaping at the base of the existing sign, and ensuring

compliance with various city department requirements related to stormwater management, utilities, and fire apparatus weight.

The proposed exterior lighting features full cut-off design fixtures, which are expected to provide adequate lighting levels for both pedestrian and vehicle safety on-site, while minimizing light trespass. The landscaping plan aims to create a visual and aesthetic break for the front-facing drive-thru queue and associated menu and ordering areas.

The proposed hours of operation for the restaurant are as follows: Monday to Thursday from 9 AM to 2 AM, Friday and Saturday from 9 AM to 3 AM, and Sunday from 9 AM to 1 AM.

In this iteration of the plans, the applicant has addressed the concerns raised by the SARB, including issues related to color schemes, dumpster enclosure materials, and landscaping. A waiver from the Plan Commission will be necessary concerning the sizes of parking stalls and the canopy overhang encroachment in the south yard.

Commissioner Scholz raised concerns about the architectural review board's standards, arguing they should be higher for a new construction building in the South Business District which is a gateway to the rest of the City.

The property owner, Andrew Petzold, expressed appreciation for the community's input and commitment to using higher-quality materials than standard Taco Bell prototypes. Tricia Mullenbach from Excel Engineering explained that the drive-thru orientation was dictated by the narrow lot and corporate requirements for prototype designs. The commission addressed concerns about traffic flow, pedestrian safety, and signage placement, with Ms. Mullenbach confirming that the shared drive would be widened to 24 feet and queuing spaces would be managed to prevent backups.

Ann Griswold-Denk, W62 N598 Washington Avenue-Has concerns about sign lighting for Taco Bell and car backups in the driveway.

Kate Hartman-N59 N374 Hilbert Avenue - Questioned whether there was an assessment or study done regarding pedestrians and traffic.

The motion was made by Commissioner Bublitz, seconded by Council Member Fitzpatrick, to close the public hearing at 7:36 pm. Motion passed on a roll call vote with Mayor Thome, Council Member Fitzpatrick, Commissioner Arnett, Commissioner Bublitz, and Commissioner Scholz voting aye. Commissioner Strautmanis excused.

The motion was made by Commissioner Bublitz, seconded by Commissioner Arnett, to approve the request for a Conditional Use Permit from Applicant Black River Bells, LLC, to develop a 2,051 square-foot Taco Bell quick-serve restaurant with drive-thru and approve the detailed building and site plans to include the Planner's recommended conditions. Commissioner Scholz opposed. Commissioner Strautmanis excused.

**REGULAR BUSINESS; AND ACTION THEREON**

**APPLICANT, KATE SCHLEY D/B/A COACH HOUSE HOMES, REQUESTS CONCEPT REVIEW, DISCUSSION, AND FEEDBACK IN RESPECT TO HER SEVEN-LOT/HOME SINGLE-FAMILY- DETACHED RESIDENTIAL INFILL DEVELOPMENT PROPOSED FOR THE PROPERTIES LOCATED AT W59 N367 HILBERT AVENUE & W61 N394 WASHINGTON AVENUE. THIS 1.78-ACRE SITE, OWNED BY WENDELL LEE LLC IN C/O PAULA MOTTE, IS ZONED RS-5 SINGLE-FAMILY RESIDENTIAL.**

Planner Censky reported: The applicant proposes a seven-lot/home single-family- detached residential Planned Unit Development for this site. The proposal depicts a private cul-de-sac drive entering off of Hilbert Avenue. There is also a public pedestrian walkway proposed to extend through the neighborhood from this cul-de-sac, and extending west out to Washington Avenue. Owing to the typical constraints of an infill setting, the applicant would propose this project using Planned Unit Development (PUD) Overlay rezoning. While they are principally compliant with the basic standards of the Rs-5 Single-Family Residential Zoning District, there are some exceptions, such as with respect to lot size, setback, and floor area ratio, where they may request flexibility/relief. This concept was reviewed by the Site and Architectural Review Board (SARB) on July 24, 2025. The revised plans presented at this time do reflect some extent of efforts by the applicant to respond to SARB concerns, such as home sizes and setbacks.

The Plan Commission discussed the proposed development, focusing on how the new construction should integrate with the existing community instead of creating a separate, distinct area within an existing area. Mayor Thome voiced concerns about the design elements, such as the cobblestone driveway and the special entranceway, expressing that these might not fit the character of the neighborhood. Commissioner Arnett also raised concerns regarding the monuments at the street entrance and the mailroom, questioning whether these features could be removed.

Although this is a concept plan, Commissioner Scholz and Architect Keith Barnes touched on stormwater management, with suggestions for underground storage and bioswales as options if necessary, and the need for sidewalks vs the way it was done in the Glen at Cedar Creek.

The developer, Kate Schley of Coach House, emphasized their commitment to maintaining the neighborhood's character and providing front porch living with sidewalks. She also noted that the development was under the required density and would not significantly impact traffic. Kate explained this development centered on how the new construction could integrate with the existing community rather than create a separate, distinct development.

Val Sorchy, N40 W6068 Jackson Street - Supports the proposal by Coach House Homes, citing their quality of workmanship and the need for positive development on the vacant land.

Aaron Schultz, W59 N370 Hilbert Avenue - Against the proposed development as the size of homes does not fit the character of the area. He has concerns regarding the cul-de-sac and lighting.

Dan Carr, W59 N397 Hilbert Avenue - He called for more affordable housing options and urged the city to slow down the development process to allow for further consideration and community input.

Tom Sorchy, N40 W6086 Jackson Street - Asks that the Plan Commission consider Coach House

Homes. They are outstanding builders and have the community in mind.

Brett Hartman, W59 N374 Hilbert Avenue - Opposed houses of this size because they do not fit the community.

Donna McElligott, W59 N380 Hilbert Avenue - Supports development but questions some of the plans, the code for setbacks, and screening.

Jake Furey, W59 N386 Hilbert Avenue - Concerned with traffic, safety, and additional houses.

Terry King, W63 N762 Sheboygan Road - Would like to see this preserved as green space.

Ann Witte, W59 N264 Hilbert Avenue - Concern regarding traffic, the placement of the road and run-off.

Grant Witte, W59 N364 Hilbert Avenue - Request to table the discussion and send back to the SARB.

Mary Beth Furey, W59 N386 Hilbert Avenue, Concerns about the impact of the community based on the current site plan.

Commissioner Arnett discussed the overall size of the homes, suggesting that market forces, rather than strict mandates, should determine their final dimensions. Council Member Fitzpatrick reviewed the height restrictions and found them to be reasonable. He does not believe that adding seven homes would lead to traffic issues. Mayor Thome confirmed that Hilbert Avenue has served as a thoroughfare for decades and agrees with Council Member Fitzpatrick that the addition of seven homes would not significantly affect the area, contrary to residents' concerns. Commissioner Bublitz expressed a desire to address safety issues related to the new road.

No formal action taken; applicant to consider feedback and proceed with revisions to the Site and Architectural Review Board for further discussion and review.

**REVIEW, DISCUSSION, AND POSSIBLE ACTION (RECOMMENDATION TO THE COMMON COUNCIL) ON PROPOSED NEW REGULATIONS APPLICABLE TO SIDEWALK RIGHT-OF-WAY ENCROACHMENTS THROUGHOUT THE B-3 CENTRAL BUSINESS DISTRICT AND HPD HISTORIC PRESERVATION OVERLAY ZONING DISTRICTS. THIS MATTER IS CITY-INITIATED.**

Planner Censky provided an update on the proposed new regulations for sidewalk right-of-way encroachments in the B3 Central Business District. The key points are:

- Space Requirements: If a business has less than 5 feet of sidewalk space, it may not place any encroachments. Businesses with more than 5 feet of encroachment may submit a proposal for the area. Proposals must include details such as the proximity to the curb and building, as well as specific information about the encroachments, including manufacturer cut sheets, images, colors, sizes, and types. Clear Zone Requirements: A 5-foot pedestrian clear zone is mandatory, along with a 3-foot terrace requirement.
- Permits: Permits are required for tables, chairs, vestibules, and other encroachments. While there is no insurance requirement, a mandatory hold-harmless agreement must be signed.
- Outdoor alcohol consumption is prohibited.
- Permit Duration: The permit term is limited to 6 months but may be renewable.
- Signage: Only sandwich board signs are allowed in the terrace area. In the 3-foot clear terrace area, only sandwich board signs may be placed; tables and chairs are not permitted.

- Application Process: Businesses can apply for permits to place tables, chairs, and other objects in the right-of-way, provided they meet specific conditions and undergo reviews.
- Operating plans must include the dates and times for setting up and removing the encroachments, as well as specific pictures of the intended setup.
- Historic Overlay Districts: Applications for properties located in a historic overlay district will undergo additional review by the Landmarks Commission regarding the aesthetic merits of the encroachment.
- Applications will be submitted to both the City Planner and Building Inspector and may also be reviewed by the Plan Commission.

If the Plan Commission approves these amendments, they will be forwarded to the Common Council for public hearing and final approval. The Council may set a timeline for businesses to comply with these new rules.

Administrator Hilvo confirmed that a notification of this meeting was also sent to businesses in the B-3 District.

Gordon Goggin, Stilt House: W62 N630 Washington Ave. Requested clarification regarding the setbacks and retaining a vestibule to end at the step.

Ken Gasch, Java House W63, W635 Washington Avenue, thanked the Commission for giving options to showcase Cedarburg to customers.

Ann Denk, Wyndrose W62 N600 Washington Avenue, requested clarification of the 8-foot clearance from the curb and what the enforcement process looks like.

Council Member Fitzpatrick sought clarification regarding the permit fee and whether the business owner must resubmit the request every six months. Planner Censky stated there is no permit fee, and businesses must bring a permit request back to the Building Inspector and City Planner for re-approval.

Commissioner Arnett asked to have Chapter 2, Sec 6-2-5, Section c.1.d. of page 82 in the packet referencing the issuance of insurance to be removed.

Administrator Hilvo confirmed that the building inspector will enforce code violations. Planner Censky confirmed there is a protocol in the code, and a penalty can be imposed.

Commissioner Arnett's concerns from a previous meeting regarding the encroachment code have been removed, and he supports the new code along with Commissioner Bublitz.

A motion was made by Commissioner Arnett, seconded by Council Member Fitzpatrick, to recommend to the Common Council the proposed Code Amendments related to permitting Temporary Accessory Use Sidewalk Right of Way Encroachments along Washington Avenue in the B-3 Zoning District and to include the removal of the insurance requirement from Chapter 2, Sec. 6-2-5, section (c)-(1) (d). Motion carried unanimously. Commissioner Strautmanis excused.

**REVIEW, DISCUSSION, AND POSSIBLE RECOMMENDATION TO THE COMMON**

**COUNCIL FOR ADOPTION OF UPDATES/AMENDMENTS TO CHAPTERS 1 - 10 AND OTHER RELATED MATERIALS IN THE CITY OF CEDARBURG SMART GROWTH COMPREHENSIVE PLAN - 2025, AS A PART OF THE UPDATE TO 2050.**

Planner Censky has established Chapters 2, 3, and 4 of the City of Cedarburg's Smart Growth Comprehensive Plan 2025, which have been reviewed and approved by the Plan Commission. Chapter 8, which focuses on land use, is still under review and will be finalized before the next Plan Commission meeting.

The Plan Commission agreed to hold an additional meeting on August 27th at 6 PM to finalize the remaining chapters and appendices, aiming to submit a recommendation for these chapters to the Common Council in time for them to hold a public hearing and take final action in September or October.

Michael Wirth, representing the Clyde and Joan Wirth Trust, presented concerns about the Plan Commission's recommended Land Use for their property. They believe this is down-zoning and spot zoning. Mr. Wirth feels the City should be emphasizing consistency with the city's smart growth plan, and he feels there are legal obligations for the City to plan for housing demand.

**COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS**

NONE

**MAYOR'S ANNOUNCEMENTS**

NONE

**ADJOURNMENT**

A motion to adjourn at 9:29 pm was made by Commissioner Arnett, seconded by Commissioner Bublitz. Motion carried unanimously. Commissioner Strautmanis excused.

Theresa Hanaman  
Administrative Assistant

**CITY OF CEDARBURG  
PLAN COMMISSION  
August 27, 2025**

A special meeting of the City of Cedarburg Plan Commission was held on Wednesday, August 27, 2025, at Cedarburg City Hall, W63N645 Washington Avenue, upper level, Council Chambers, and online via the Zoom app. Vice Chair Jack Arnett called the meeting to order at 6:00 p.m.

Roll Call -Mayor Patricia Thome(ZOOM), Council Member James Fitzpatrick, Sig Strautmanis, Vice Chairman Jack Arnett, Sherry Bublitz, James Hayes

Excused – Jon Scholz

Also Present - City Planner Mary Censky, City Administrator Mikko Hilvo, Administrative Assistant Theresa Hanaman

**STATEMENT OF PUBLIC NOTICE**

Administrative Assistant Hanaman confirmed that the agenda for the meeting had been posted and distributed in compliance with the Wisconsin Open Meetings Law.

**APPROVAL OF MINUTES** - None

**COMMENTS AND SUGGESTIONS FROM CITIZENS**

Terry King – W63 N762 Sheboygan Road-Was not notified of the meeting through Notify Me.  
Cathy Czech – N119 W5835 James Circle-Did not receive notification of this meeting via Notify Me from the city.

**PUBLIC HEARINGS; AND ACTION THEREON** - None

**REGULAR BUSINESS; AND ACTION THEREON**

**REVIEW, DISCUSSION, AND POSSIBLE ACTION, BY PASSAGE OF RESOLUTION 2025-14, FOR ADOPTION OF UPDATED CHAPTERS 2-HOUSING, 3-TRANSPORTATION, 4-UTILITIES AND COMMUNITY FACILITIES, AND 8-LAND USE, APPENDICES A, B, C, AND THE INTRODUCTION SECTION AS A PART OF THE SMART GROWTH COMPREHENSIVE LAND USE PLAN-2025 UPDATE PROJECT.**

Planner Censky presented Resolution 2025-14, the updated Chapters 2-Housing, 3-Transportation, 4-Utilities and Community Facilities, and 8-Land Use, Appendices A, B, C, and the Introduction section as a part of the Smart Growth Comprehensive Land Use Plan-2025 update project to be recommended to the Common Council. Planner Censky pointed out clerical errors, addressed discrepancies in language, and

corrected Appendix labels and updates for Chapters 2, 3, and 4, and 8.

Commissioner Hayes requested that Froedtert Clinic on Columbia Avenue be added to Chapter 4 on page 4-22. Commissioner Hayes also questioned the land use planning duration, while Planner Censky clarified that the plan must account for 20 years of planning as per state statutes; extending it to 25 years is also acceptable.

Vice Chairman Arnett asked to update the TID 2 reference in Chapter 8 on page 8-8 to indicate it has closed and reference the creation of the new business park and current TID. He also questioned whether the flood map was the current version.

Commissioner Strautmanis requested Planner Censky to reorganize the land use section hierarchically and suggested moving the new land use classification ahead of the Smart growth Areas, emphasizing its potential applicability citywide.

### **Public Comment**

Cathy Czech – N1199 W5835 James Circle- Requested the SGA 9 & 11 tab on the City website to be updated and requested clarification on SGA 11 and the maximum number of units allowed under the new land use classification.

### **Action:**

Commissioner Bublitz made a motion, seconded by Council Member Fitzpatrick, to approve recommendation to the Common Council the Resolution 2025-14 for adoption of updated Chapters 2-Housing, 3-Transportation, 4-Utilities and Community Facilities, and 8-Land Use, Appendices A, B, C, and the Introduction section as part of the Smart Growth Comprehensive Land Use Plan-2025 update project, subject to include the Planners' and Commissioners changes/corrections as noted. Motion passed with five aye's on a roll call vote. Commissioner Hayes abstained. Commission Scholz excused.

### **COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS**

Commissioner Bublitz addressed concerns about the new civic clerk system. She stated that while there were some technical issues, this and all meetings are legally noticed. Vice Chairman Arnett expressed appreciation for the hard work of Mary, Mikko, and the staff in completing this process.

### **MAYOR'S ANNOUNCEMENTS**

The Mayor expressed appreciation for the hard work of Mary and Commission members in completing this process. She also thanked the Vice Chairman for running the meeting.

### **ADJOURNMENT**

A motion was made by Vice Chairman Arnett, seconded by Council Member Fitzpatrick, to adjourn the meeting at 6:53 p.m. The motion carried unanimously. Commissioner Scholz excused.

Theresa Hanaman  
Administrative Assistant

# PLANNER REPORT

To: City of Cedarburg Plan Commission

By: Mary Censky

Date Prepared: September 2, 2025

## General Information:

Agenda Item: **6.A.**

**Applicant/Property Owner:**

Jo Ann Hofhine and Eric Hofhine as Trustees for the Duane and Jo Ann Hofhine Rev Trust

**Request:**

Review, discussion and consultative feedback to applicant.

**Current Zoning:**

Rs-5 Single-Family Residential District

**Requested Zoning:**

Same

**Current Master Plan Classification:**

Medium Density Residential

**Surrounding Zoning/Land Use:**

North: Rs-5 Single-Family Residential District

South: Rs-5 Single-Family Residential District

East: Rs-5 Single-Family Residential District

West: Rs-5 Single-Family Residential District

**Lot Size:**

.49 acres (~21,344 Sq. ft.)

**Location:**

N50 W6678 Western Road

## Discussion:

The applicant presents a concept plan as to how they would like to divide this property in the future. They are seeking feedback, before proceeding to have a detailed Certified Survey Map (CSM) prepared in order to identify prospective issues.

As seen in the attached Rs-5 Zoning District matrix review, it *appears* that the applicant will be able to comply with the standards of the district as to both the new vacant (infill) lot, and the remnant lot which will contain the existing home and detached garage.

This concept was reviewed by the Site and Architectural Review Board (SARB) on August 19, 2025. An excerpt of the draft minutes from that meeting are attached.

**Recommendation:**

As this is a concept/consultative review item, there are no specific conditions or recommendations offered at this time.



**LAND DEVELOPMENT APPLICATION**

PROPERTY LOCATION/ADDRESS: N50 W6678 Western Rd, Cedarburg WI 53012

APPLICANT/BUSINESSNAME: Jo Ann L. Hofhine / Eric L Hofhine (Trustees)

APPLICANT/BUSINESS ADDRESS: Self

STATUS OF APPLICANT:  OWNER  AGENT  BUYER  OTHER \_\_\_\_\_

PHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

PROPERTY OWNER (IF DIFFERENT): The Duane & Jo Ann Hofhine Rev Trust

PROPERTY OWNER MAILING ADDRESS: \_\_\_\_\_

PROPERTY OWNER PHONE: \_\_\_\_\_ PROPERTY OWNER EMAIL: \_\_\_\_\_

REQUEST FOR (CHECK ALL THAT APPLY):

- CONCEPT REVIEW
- SITE/ARCHITECTURAL PLAN APPROVAL
- SUBDIVISION PLAT OR CSM REVIEW
- ZONING DISTRICT CHANGE
- CONDITIONAL USE ZONING
- ANNEXATION REQUEST
- VARIANCE/BOARD OF APPEALS
- OTHER \_\_\_\_\_

DESCRIBE REQUEST: Concept for land deviation, West portion of existing lot.

GIS map attached. Concept lot approximately 9100 square feet with approximately 75 feet of frontage on Western Road.

PLEASE SUBMIT: FIVE (5) COPIES OF WRITTEN DESCRIPTION OF PROPOSAL OR REQUEST FOR CITY STAFF REVIEW -PLUS ELECTRONIC FIVE (5) FULL SETS OF SUPPORTING DRAWINGS, SKETCHES OR SURVEY MAPS FOR CITY STAFF REVIEW PLUS ELECTRONIC TEN (10) SETS OF PLANS (11" x 17" MAX) FOR PLAN COMMISSION REVIEW -PLUS ELECTRONIC

**ELECTRONIC COPIES MAY BE SENT TO [THANAMAN@CITYOFCEDARBURG.WI.GOV](mailto:THANAMAN@CITYOFCEDARBURG.WI.GOV)**

The undersigned certifies that he/she has familiarized themselves with the State and Local codes and procedures pertaining to this application. The undersigned further hereby certifies that the information contained in this application is true and correct. This application shall be signed by the property owner(s).

PROPERTY OWNER(S) SIGNATURE: *Jo Ann L. Hofhine* DATE: 7/22/2025

**FOR CITY STAFF USE ONLY**

TOTAL FEE: \$ 100.00 OK 19/13 (SEE FEE SCHEDULE ON REVERSE PAGE) DATE FEE PAID: July 22, 2025

APPLICATION AND FEE RECEIVED BY: Thresh Hanaman PLAN COMMISSION MEETING DATE: September 2, 2025

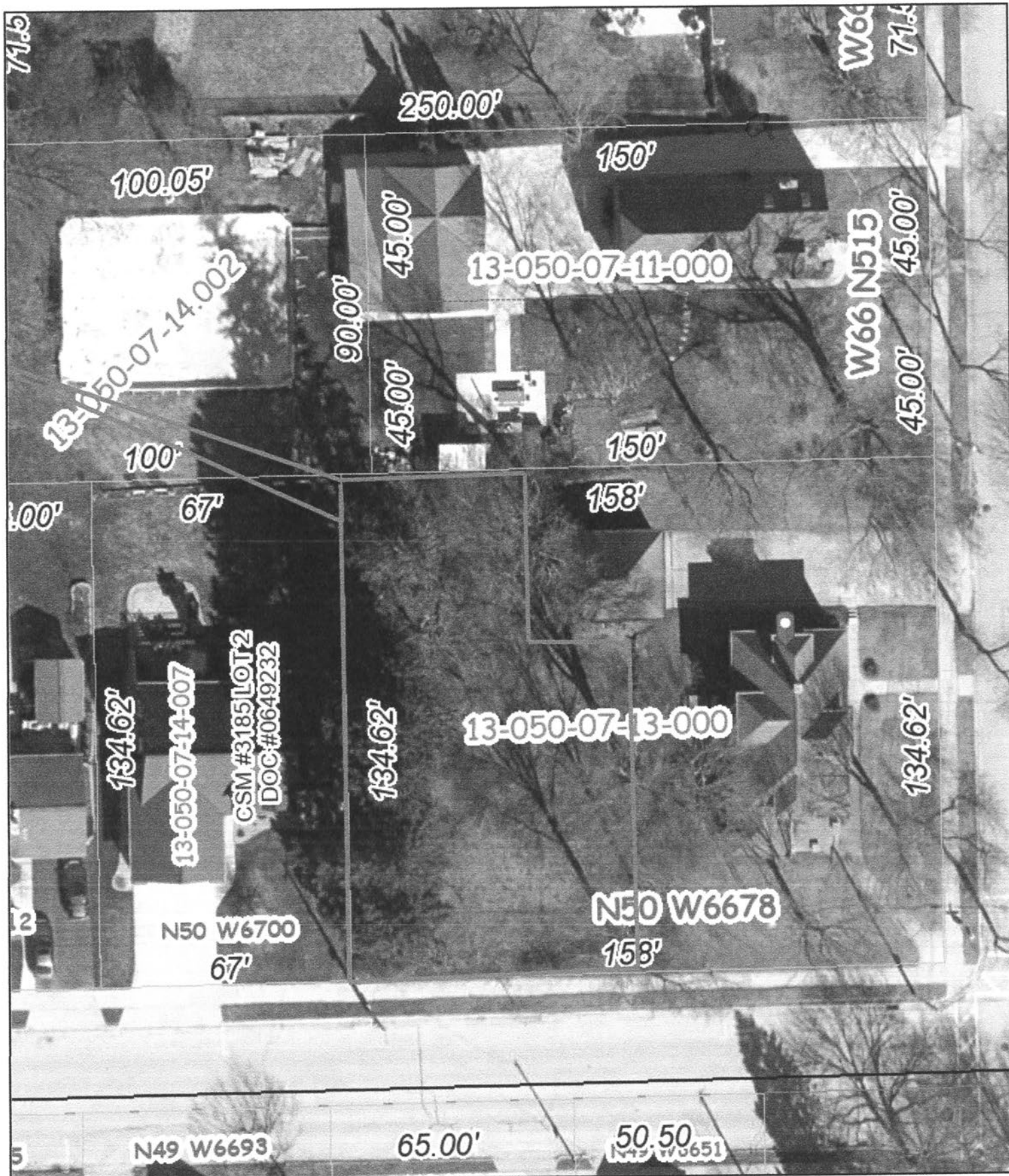
ATTACHMENTS (CHECK IF RECEIVED):

- FIVE DESCRIPTIONS
- FIVE FULL-SIZE SETS
- THIRTEEN PLAN SETS

PROPERTY TAX KEY NO/PLAN COMMISSION FILE NO: 13-050-07-13-000

ZONING: RS-5 ALDERMANIC DISTRICT: 3 PREVIOUS MEETING: N/A





Legend			
	Tax Parcel		CSM
	Gap		Cemetery Plat
	Overlap		Condominium Plat
	Historical Parcel Lines		Subdivision Plat
	Assessors Plat		Plat of Survey
	US Highway		Town Public Road
	State Highway		Railroad Centerline
	County Road		Ramp
	Private Road		

Product of the LAND INFORMATION OFFICE  
7/21/2025, 9:44:15 PM

7/21/2025, 9:44:15 PM

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DISCLAIMER: This map is not a substitute for an actual field survey or onsite inspection. The accuracy of this map is limited to the quality of the records from which it was assembled.



<b>PROJECT NAME:</b>	Hofhine Land Division Concept	<b>PLANNER REVIEW FORM</b>	
<b>PROJECT ADDRESS:</b>	N50 W6678 Western Road	<b>HOFHINE LAND DIVISION/CSM CONCEPT</b>	
<b>PROJECT DESCRIPTION:</b>	Land Division		
<b>Land Use Classification:</b>	Medium Density Residential (i.e. lot sizes 8,400 - 12,000 sq. ft.)		
<a href="#">Rs-5 Single Family Residential District</a>			
The use "Single Family Dwellings" is listed as a permitted use in the Rs-5 District			
	<b>Standard</b>	<b>Compliant</b>	<b>Not Compliant</b>
			<b>Notes/Comments</b>
<b>Land Use Classification</b>	Medium Density Residential*	X	*Comprehensive Plan Describes Medium Density Residential with Lot Sizes 8,400 to 12,000 sq.ft. in area
<b>Maximum Permitted Density in Rs-5 District</b>	5.2 units per acre	X	Applicant has 49% of 1-acre. 5.2 x 49% = 2.548. Applicant is proposing 2 lots.
<b>Minimum Required Lot Size</b>	8,400 square feet	X	Proposed new vacant lot is ~9,100 sq. ft. Proposed remnant homestead lot is ~12,244 sq. ft.
<b>Minimum Required Lot Width</b>	50 feet, as measured at the building setback line.	X	Both the existing and proposed new lots will have > 50 -foot lot widths (i.e. 83'/134' and 75' respectively)
<b>Maximum Building Height:</b>			
	<b>Principal Building</b> 35 feet	T BD	Existing principal building/residence is 'per existing conditions' tall
	<b>Accessory Building</b> 20 feet.	T BD	Existing accessory building/detached garage is 'per existing conditions' tall
<b>Yard Requirements:</b>			
	<b>Minimum Principal Building Setback</b> 25 feet.	T BD	Existing principal structure setback conditions will not be changing. New lot home construction will be required to comply with current Code standards
	<b>Minimum Principal Building Sideyard</b> 4 feet	T BD	" " "
	<b>Minimum Principal Building Rearyard</b> 25 feet.	T BD	" " "
	<b>Detached Accessory Structures</b> 1)No closer than 10' feet to principal structure; 2) 20' height maximum; 3)No closer than 3' to any lot line/5' to an alley line; 4)Max 720 sq. ft. total all accessory structures; 5) Max 2 total accessory structures.	T BD	Existing accessory building/detached garage is 'per existing conditions' as to height, setbacks, area, and quantity. New lot detached structure(s) will have to comply with current Code.
<b>Building Size Requirements:</b>			
	<b>Minimum Principal Building Floor Area</b> 1,100 square feet	T BD	Existing principal structure conditions will not be changing. New lot home construction will be required to comply with current Code standards
	<b>Minimum 1st-floor area of a 2-story principal building</b> 800 square feet	T BD	" " "
	<b>Minimum tri-level floor area per habitable level</b> 400 square feet	T BD	" " "
<b>Maximum Floor Area Ratio:</b>	36%*	T BD	" " "
<b>Maximum Lot Coverage Ratio:</b>	30%*	T BD	" " "
		T BD	New lot, as an infill lot, will be subject to SARB recommendation/PC approval of site plan prior to issuance of building permit.
<a href="#">Site Plan Review</a>		T BD	New lot, as an infill lot, will be subject to SARB recommendation/PC approval of architectural plans prior to issuance of building permit.
<a href="#">Architectural Review</a>		N /A	
<a href="#">Signs</a>	<b>Signs in Rs-5 District</b>		
<b>Other Questions/Comments:</b>			
A CSM will have to be prepared, approved through SARB, PC and CC process then recorded to create the new lot. The new lot will be an infill lot.			
^There are electric lines running along the north side of Western Rd with an electric pole located on the southwest corner of the lot where power would come from. Jeff Thierfelder, Utility Engineer, Cedarburg Light & Water Utility, 262-375-7650			
^There is a 10" sanitary sewer in the middle of Western and a 30" storm sewer on the north side of Western that can be tapped for laterals. The driveway access would also be greater than 50' from Madison which would satisfy the code. I have no issues with this proposal.			
Mike Wieser, P.E. Director of Engineering & Public Works, City of Cedarburg, (262) 375-7610			
^There is a 12" Ductile Iron water main in Western Rd that can be tapped for water. Timothy D. Martin, Water Utility Superintendent, Cedarburg Light and Water Utility, Office – 262-375-7650			

**Sec. 13-1-120 Purpose of site plan and architectural review.**

For the purpose of promoting compatible development, stability of property values, fostering the attractiveness and functional utility of the community as a place to live and work, preserving the character and quality of the built environment by maintaining the integrity of those areas which have a discernible character or are of special historic significance, protecting certain public investments in the area, and raising the level of community expectations for the quality of its environment, this section requiring site plan and architectural review is intended.

**Sec. 13-1-121 Site plan review principles and standards.**

To implement the purposes set forth in section 13-1-120, the city plan commission shall following due consideration of the recommendation(s) of the Site Architectural Design Review Board (SARB), review the site, existing and proposed structures, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading (in the case of commercial and industrial uses), highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation. The city plan commission will approve said site plans only after determining that:

- (a) The proposed use(s) conform(s) to the uses permitted in that zoning district. **YES**
- (b) The dimensional arrangement of buildings and structures conform to the required area, yard, setback, and height restrictions of this chapter. **This is a requirement.**
- (c) The proposed use conforms to all use and design provisions and requirements (if any) as found in this chapter for the specified uses. **---**
- (d) There is a proper relationship between the existing and proposed streets and highways within the vicinity of the project in order to assure the safety and convenience of pedestrian and vehicular traffic. **YES**
- (e) 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, storm water drainage, erosion, grading, lighting, and parking, as specified by this chapter or any other codes or laws. **TBD**
- (f) Natural features of the landscape are retained 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, welfare, and appearance of the neighborhood. **TBD Existing Landscaping?**
- (g) 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. **TBD**
- (h) Land, buildings, and structures are readily accessible to emergency vehicles and the handicapped. **---**
- (i) The site plan is consistent with the intent and purpose of this chapter, which is to promote the public health, safety, and general welfare, to encourage the use of lands in accordance with their character and adaptability, to avoid the overcrowding of population, to lessen congestion on the public roads and streets, to reduce hazards of life and property, and to facilitate existing community development plans. **TBD**
- (j) The site plan is consistent with the public goals, objectives, principles, standards, policies, and urban design criteria set forth in the city's adopted community master plan or components thereof. **TBD**

**Sec. 13-1-122 Architectural review principles and standards.**

**Architectural review and standards are applicable to all new commercial/office/industrial/institutional buildings and all new principal buildings proposed for construction on all new lots created by a subdivision plat, by Certified Survey Map and on all infill lots. Architectural style is not restricted; however, structures must be compatible with the surrounding area. To provide criteria for the implementation of the purposes set forth in section 13-1-120, the following architectural 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. New buildings and additions to existing buildings shall harmonize and correspond to the existing character of the immediate neighborhood. In approving infill projects, the FAR standard for the zoning district in which the building is located shall not govern the building size, but rather, building size will be established, on a case-

TBD

**(b) Building rooflines and roof shapes.** The visual continuity of roofs and their contributing elements (parapet walls, coping, cornices, etc.) shall be maintained in building development or redevelopment.

TBD

**(c) Materials.** Material selection for architectural design shall be based upon the prevailing material already used on existing buildings in the area. No building shall be permitted where any exposed facade is constructed or faced with a finished material which is aesthetically incompatible with other building facades in the area and which presents an unattractive appearance to the public and surrounding

TBD

**(d) Colors.** Since the selection of building colors has a significant aesthetic and visual impact upon the public and neighboring properties, color shall be selected in general harmony with the existing

TBD

**(e) Building location.** No building shall be permitted to be sited in a manner which would unnecessarily destroy or substantially damage the beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in the area or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.

TBD

**(f) Historic structures.** Any construction, rehabilitation and/or restoration of any landmark or historic building or structure within the Washington Avenue Historic District and proposed for any locally designated historic building shall conform to all the requirements of this chapter and with the terms and conditions outlined by the landmarks commission and included in the city's Building/Historic Code.

TBD

**(g) Infill lot.** An infill lot is a single vacant lot located in a predominately built-up area, which is bounded on two or more sides by existing development. In addition any lot which contains an existing building, which will be removed and replaced with a new building, shall also be considered an infill lot. The infill status of a lot shall continue until building plans have been approved by the SARB, a building permit acquired and the building constructed in accordance with the approved plans and an occupancy permit issued. Once the occupancy permit is issued, the status of the lot shall change to non-infill and any additions or modifications thereafter shall be processed under normal procedures in accordance with article F.

**(h) Application of standards and review procedures.**

(1) Architectural standards for new buildings on lots created by a subdivision plat or by Certified Survey Map shall be submitted to the SARB for review, consideration and recommendation to the Plan Commission as covenants or deed restrictions to be applied to any approval granted by the plan commission and/or council at the time of an approval of the Certified Survey Map or preliminary and final plat. The plan commission and council shall consider the recommendation(s) of the SARB, apply the above principles and criteria, and either approve, approve conditionally or reject the proposed architectural covenants or deed restrictions.

(2) The city plan commission shall, following due consideration of the recommendation(s) of the SARB, review the proposed architectural style/design, materials, and colors, in the context of the surrounding area and the purpose set forth in Section 13-1-120 above, for all new or substantially modified buildings located on commercial/office/industrial/institutional sites. The city plan commission will approve said site plans only after determining that these plans comply with the architectural review principles and criteria set forth in Section 13-1-122 (a)-(g) above.

(3) On infill lots, architectural plans and data in accord with section 13-1-124 shall be submitted to the SARB. The plan commission, giving due consideration to the recommendations of the SARB, and applying the above principles/criteria, shall either approve, approve conditionally or reject the architectural plans.

**Sec. 13-1-123 Compliance for multiple-family residential and non-residential structures.**

**(a) Compliance for multiple-family residential and non-residential structures.**

No use or structure [except single-family and two-family non-infill dwellings] shall hereafter be erected, moved, reconstructed, extended, enlarged, altered, or changed until the city SARB has reviewed and made a recommendation to the plan commission as to said plans for the site and structures. The city plan commission shall not approve any plans unless they find after review and study of the application, and giving due consideration to the recommendation(s) of the SARB, that the use and/or structures, as planned, will not violate the intent and purposes of this chapter, as well as the principles/criteria set forth in sections 13-1-121 and 13-1-122.

**CITY OF CEDARBURG  
SITE AND ARCHITECTURAL REVIEW BOARD  
August 19, 2025**

1. A regular meeting of the City of Cedarburg Site and Architectural Review Board was held on Tuesday, August 19, 2025, at Cedarburg City Hall, W63 N645 Washington Avenue, upper level, Council Chambers, and online via the Zoom app. Chairman Adam Voltz called the meeting to order at 8:30 a.m.

ROLL CALL: Present - Chairman Architect Adam Voltz, Architect Peter Damsgaard, Architect Paul Rushing, Plan Commission Co-Chairperson Jack Arnett

Absent- Council Member Kristen Burkhart

Also Present - Mayor Patricia Thome (via Zoom), City Planner Mary Censky, Administrative Assistant Theresa Hanaman,

2. **STATEMENT OF PUBLIC NOTICE**

Administrative Assistant Hanaman confirmed that the meeting agenda had been posted and distributed in compliance with the Wisconsin Open Meetings Law.

3. **APPROVAL OF MINUTES**

A motion was made by Commissioner Arnett, seconded by Chairman Voltz, to approve the meeting minutes from July 24, 2025, with the correction on page 2, paragraph 1, "This may necessitate relocating the existing sign and landscaping" to say "and remove the obsolete brick pillar that may have had a light on it at one time." Chairman Voltz was not referring to the sign.

4. **COMMENTS AND SUGGESTIONS FROM CITIZENS** -NONE

5. **REGULAR BUSINESS AND POSSIBLE ACTION THEREON**

- A. **APPLICANTS/PROPERTY OWNERS, JO ANN HOFHINE AND ERIC HOFHINE AS TRUSTEES FOR THE DUANE AND JO ANN HOFHINE REV TRUST, REQUEST REVIEW, DISCUSSION, AND CONSULTATIVE FEEDBACK AS TO THEIR PLAN TO DIVIDE A NEW VACANT, BUILDABLE LOT OFF FROM THEIR EXISTING .49-ACRE HOMESTEAD PROPERTY LOCATED AT N50 W6678 WESTERN ROAD. THIS PROPERTY IS ZONED RS-5 SINGLE-FAMILY RESIDENTIAL DISTRICT.**

Planner Censky presented the request for a concept review of a future land division at 6678 Western Road, which involves dividing a .49-acre lot into two parcels: one 12,000-square-foot lot with the existing home and garage, and a new 9,100-square-foot vacant lot. Staff reviewed the project against zoning standards and found it generally compliant with minimum requirements, though they noted that any future construction on the new lot would require a Certified Survey Map and site plan/architectural review.

Board member Rushing asked if there is a tree preservation ordinance in the city and what the potential impact of mature trees being removed would be on the proposed new lot. He also suggested providing consultative feedback to applicants to help design compatible projects and emphasized the need for clear guidelines.

Board member Damsgaard favored maintaining alignment with existing homes and preserving trees where possible. He recognized the value of site visits for understanding properties and suggested adding a checkbox for the property to permit this access. Planner Censky agreed to explore this further.

Chairman Voltz emphasized preserving Cedarburg's character and the importance of achieving consensus in recommendations. He discussed the need to protect specimen trees and align new buildings with existing structures. Overall, the discussions focused on tree preservation, site reviews, and establishing clear guidelines for applicants.

**A motion by Board member Damsgaard, seconded by Board member Rushing, to support the applicant's request to divide a new vacant, buildable lot off from the existing .49-acre homestead property located at N50 W6678 Western Road, provided they are attentive to the following recommendations when they come back with the CSM and Site/Architectural plans for any future new construction**

- 1) Retain as many trees (specimens in particular) as possible on the new lot;**
- 2) The remnant lot must comply with the Rs-5 Zoning District standards in all respects, such as building setbacks, floor area ratio...;**
- 3) The setback for a new home should generally align with the surrounding homes;**

**Motion carried unanimously. Council member Burkart was absent.**

**B. DISCUSSION/PRESENTATION REGARDING THE EXISTING REGULATIONS WITHIN THE SITE AND ARCHITECTURAL REVIEW BOARD (SARB) PURVIEW TO APPLY, POLICIES AND PROCEDURES OF THE SARB, AND THE SARB RELATIONSHIP TO THE PLAN COMMISSION AND COMMON COUNCIL.**

Planner Censky reported on efforts to review and potentially, eventually amend existing zoning and architectural review standards. The objective is to recommend code amendments to the Planning Commission, which may include expanding current regulations or adding more specific details. Examples from other communities like Whitefish Bay and Grafton were explored, highlighting the trend of adopting design guidelines in similar-sized towns.

Chairman Voltz supported the incorporation of ideas from other communities to preserve Cedarburg's character, focusing on avoiding repetitive or cookie-cutter designs.

Board member Damsgaard expressed his preference for codes that give good advance design guidelines and leave strict interpretation/application somewhat open-ended. He also emphasized the importance of preventing mirror-image homes on different lots, as they are not “different”

ORDINANCE NO. 2025-    

**ORDINANCE TO AMEND TITLE 13, CHAPTER 1 OF THE MUNICIPAL CODE (ZONING), SECTIONS 13-1-42(a), 13-1-43(a), 13-1-44(a), 13-1-45(a), 13-1-46(a), 13-1-47(a), 13-1-48(a), 13-1-49(a), 13-1-50(a), 13-1-51(a), 13-1-52(a), 13-1-69(m)(2)b., 13-1-76(c)(6), and 13-1-240(b) pertaining to definition and use of the term ‘density’ and adding the term and definition for Net Buildable Acres.**

**WHEREAS**, the City of Cedarburg Plan Commission did, on September 3, 2025, review, discuss, and favorably recommend this Code amendment to the Common Council; and

**WHEREAS**, the City of Cedarburg Common Council did, on DATE TBD, 2025, conduct a public hearing on this matter;

**NOW, THEREFORE**, the City Council of the City of Cedarburg, Ozaukee County, Wisconsin does ordain as follows:

**SECTION I**

**SECTIONS 13-1-42(a), 13-1-43(a), 13-1-44(a), 13-1-45(a), 13-1-46(a), 13-1-47(a), 13-1-48(a), 13-1-49(a), 13-1-50(a), 13-1-51(a), 13-1-52(a), 13-1-69(m)(2)b., 13-1-76(c)(6), and 13-1-240(b)** , as forth in Title 13, Chapter 1, Article C and Article L of THE MUNICIPAL CODE OF THE CITY OF CEDARBURG are hereby amended to read as follows:

13-1-42(a). *Purpose.* The Rs-1 Single-Family Residential District is intended to accommodate single-family residential development at densities not exceeding 2.2 dwelling units per **net buildable** acre served by public sanitary sewer and water supply facilities. Standards certain public improvements may be modified as provided in [section 13-1-42\(k\)](#) of this chapter.

13-1-43(a). *Purpose.* The Rs-2 Single-Family Residential District is intended to establish high-quality single-family residential development at densities not exceeding 2.9 dwelling units per **net buildable** acre served by public sanitary sewer and water supply facilities. In addition to establishing new subdivisions with complete urban infrastructure, the RS-2 District is intended to accommodate existing single-family development in newly-annexed areas. In such newly-annexed areas, complete urban infrastructure such as curb, gutter, storm sewers, street lights, street trees and sidewalks may not be required. A determination to waive such requirements shall be on a case-by-case basis after review and recommendation of the plan commission and in accord with procedures and provisions described in [section 14-1-90](#) of the Land Division and Subdivision Regulations. Sidewalks may be required if determined necessary by the plan commission.

13-1-44(a). *Purpose.* The Rs-3 Single-Family Residential District is intended to establish and preserve quiet single-family residential neighborhoods free from other urban land uses, except those which are compatible with such residential use, and at densities not to exceed 3.6 units per net **buildable** acre, served by public sanitary sewer and water supply facilities.

13-1-45(a). *Purpose.* The Rs-4 Residential District is intended to establish and preserve the same use as in the Rs-3 Single-Family Residential District, except at densities not to exceed 4.4 units per net **buildable** acre, served by public sanitary sewer and water supply facilities.

13-1-46(a). *Purpose.* The Rs-5 Single-Family Residential District is intended to establish and preserve the same use as in the Rs-3 Residential District, except at densities not to exceed 5.2 units per net **buildable** acre, served by public sanitary sewer and water supply facilities.

13-1-47(a). *Purpose.* The Rs-6 Single-Family/Two-Family Residential District is intended to establish and preserve single-family and two family residential use in older neighborhoods, at densities not to exceed 10.4 dwelling units per **net buildable** acre, free from other use except those which are compatible with such residential use and, further, to allow for the conversion of large single-family dwellings to two family dwellings.

13-1-48(a). *Purpose.* The Rs-7 Low-Density Single-Family Residential District is intended to accommodate existing single-family residential platted subdivisions and land divisions by certified survey map which are low-density in character and which do not necessarily provide the full complement of urban improvements such as concrete curb and gutter, street lamps, sidewalks, storm sewers, or street trees. The district is intended to accommodate such existing low-density single-family residential development on lots at densities not to exceed 2.2 dwelling units per **net buildable** acre to be served by municipal sewer and water facilities. Sidewalks may be required in plan commission-designated areas.

13-1-49(a). *Purpose.* The Rs-8 Low-Density Single-Family Residential District is intended to accommodate single-family residential platted subdivisions and land divisions by certified survey map which are low-density in character and which do not necessarily provide the full complement of urban improvements such as concrete curb and gutter, street lamps, sidewalks, storm sewers, or street trees. The district is intended to accommodate such low-density single-family residential development on lots at densities not to exceed 1.1 dwelling units per **net buildable** acre to be served by municipal sewer and water facilities. Sidewalks may be required in plan commission-designated areas. Conservation subdivisions may be allowed as a conditional use in accord with performance standards applicable to such subdivisions.

13-1-50(a). *Purpose.* The Rd-1 Two-Family Residential District is intended to establish and preserve two family residential neighborhoods, at densities not to exceed 8.7 dwelling units per net **buildable** acre, served by municipal sewer and water facilities.

13-1-51(a). *Purpose.* The Rm-1 Multiple-Family Residential District is intended to establish and preserve residential areas, at densities not to exceed 10.9 dwelling units per net **buildable** acre, served by municipal sewer and water facilities.

13-1-52(a). *Purpose.* The Rm-2 Multiple-Family Residential District is intended to establish and preserve multiple-family residential areas, at densities not to exceed 16.1 dwelling units per net **buildable** acres, served by municipal sewer and water facilities.

13-1-69(m)(2)b. The total ~~net~~ residential density within the PUD Planned Unit Development Overlay District will be compatible with the city's Smart Growth Comprehensive Plan - 2025 and/or the **average** density permitted in the underlying basic use district.

13-1-76(c)(6). Residential development at densities not to exceed 6.7 dwelling units per net **buildable** acre for two-family and 3.4 dwelling units per net **buildable** acre for single-family, served by municipal sewer and water facilities:

13-1-240(b)

~~**Density net.** Density is the area required for a residence divided into an acre [43,560 square feet]. The result is expressed as "dwelling units per acre." Net area, used in computing "net density," is the actual sites devoted to the residential use and consists of the ground floor area of the building plans, the required yards, and open space.~~

~~Density, gross. Density means the number of dwelling units per unit of land. Gross areas, used in computing "gross density" are the net area devoted to the residential use plus the proportionate area devoted to all supporting land uses, including streets, public lands or unusable lands, school sites, and commercial sites in a given property location.~~

Net Buildable Acres (NBA). NBA shall mean "Gross total site acreage minus any unbuildable lands such as, but not necessarily limited to regulated wetlands, shorelands, floodway, floodplain, C-1, C-2, C-3 and C-4 Conservancy Areas, and Environmental Corridors, except to the extent as may be specifically waived or modified by the Plan Commission.

**SECTION II**

All Ordinances or parts of Ordinances contravening the terms and conditions of this Ordinance are hereby to that extent repealed;

**SECTION III**

The several sections of this Ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the Ordinance.

**SECTION IV**

This Ordinance shall take effect upon passage and publication as approved by law, and the City Clerk shall so amend the Code of Ordinances of the City of Cedarburg and shall indicate the date and number of this amending Ordinance therein.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2025 by the City of Cedarburg Common Council.

APPROVED:

\_\_\_\_\_  
City of Cedarburg Mayor, Patricia Thome

COUNTERSIGNED:

\_\_\_\_\_  
City Clerk, Tracie Sette

ORDINANCE NO. 2025-    

**ORDINANCE TO AMEND TITLE 13, CHAPTER 1, ARTICLE C OF THE MUNICIPAL CODE (ZONING), SECTION 13-1-40(a) Districts. by adding a new district titled “Detailed, Planned Mixed-Use Neighborhood Zoning District”.**

**WHEREAS**, the City of Cedarburg Plan Commission did, on September 3, 2025, review, discuss, and favorably recommend this Code amendment to the Common Council; and

**WHEREAS**, the City of Cedarburg Common Council did, on DATE TBD, 2025, conduct a public hearing on this matter;

**NOW, THEREFORE**, the City Council of the City of Cedarburg, Ozaukee County, Wisconsin does ordain as follows:

**SECTION I**

**SECTIONS 13-1-40(a)** , as forth in Title 13, Chapter 1, Article C of THE MUNICIPAL CODE OF THE CITY OF CEDARBURG is hereby amended to include a new Zoning District:

Detailed Planned Mixed-Use Neighborhood Zoning District:

(a) Purpose. The PMN Planned Mixed-Use Neighborhood District is intended to provide for integration of multiple use types, including primarily residential uses, in addition to locally oriented business/service/office uses, and public or private open space/outdoor gathering and/or recreational spaces/uses within a single pre-planned development site/plan/plat applying traditional neighborhood design principles.

(b) Procedures. Developments in the PMN District shall not be eligible for Planned Unit Development (PUD) Overlay zoning. All applications for PMN development sites/plans/plats shall contain a comprehensive plan set (i.e., the Project Plan) submittal including, but not necessarily limited to all information as required and set forth in [Sections 13-1-24 and 13-1-25](#) of the Code as to Site and Architectural Plans, and all information as required and set forth in [Title 14, Chapter 1 Land Division, Subdivision and Condominium Regulations](#) to the extent a Certified Survey Map, Subdivision Plat and/or Condominium Plat may be incorporated as a part of the planned development.

(1) The Plan Commission shall review, consider and make a recommendation to the Common Council as to the Project Plan, including for instance but not necessarily limited to, site plan, nonresidential operating plans, phasing plans, platting, architecture of all mixed use, multi-family, and nonresidential buildings, architectural guidelines for all single-family and two-family residence structures, and comprehensive plans throughout the development for open space, pedestrian interconnectivity, landscaping, exterior lighting, screening devices/strategies, and traffic/parking/circulation plans.

(2) The Common Council shall conduct a public hearing, review and consider the project plans and the recommendation of the Plan Commission, and either approve, deny, or approve with conditions, the Planned Mixed-Use Neighborhood Zoning Project Plan.

(3) The Plan Commission and the Common Council shall not give their respective recommendations or approvals unless it is found that:

a. The proposed mixture of uses produces a unified composite which, as a total development entity, is compatible with the surrounding neighborhood.

b. The various types of uses conform to the purpose and general requirements as set forth herein.

c. The proposed development shall be adequately provided with and shall not overburden public services and facilities, such as fire and police protection, streets, schools, or public utilities and facilities.

(4) Any approved Planned Mixed-Use Neighborhood Zoning Project Plan shall be documented/memorialized in its entirety, signed by the Developer, City Mayor and City Clerk, and retained on file in the City Clerk's office.

(5) Any subsequent change or addition to an approved Planned Mixed-Use Neighborhood Zoning Project Plan shall first be submitted for consideration/possible approval by the city plan commission. If in the opinion of the city plan commission such change or addition constitutes a substantial alteration of the original plan, a public hearing before the city common council shall be required and notice thereof be given pursuant to the provisions of [section 13-1-229 of the Zoning Code](#). In the case of a substantial alteration, the Common Council shall have the final approval authority, bearing in mind the recommendation of the Plan Commission.

(6) If a building permit is not issued within one year of receiving Planned Mixed-Use Neighborhood Zoning Project Plan approval, the Project Plan approval for the property shall be automatically discontinued. Any future development of the site(s) thereafter shall be subject to an applicant initiating the plan review and approval process again from the beginning.

(7) Appeal to the decision of the Common Council related to a Planned Mixed-Use Neighborhood Zoning Project Plan, may be made to the zoning board of appeals. Such an appeal shall be filed with the city clerk on or before the 30<sup>th</sup> day following the date of the common council action.

(c) Permitted nonresidential uses.

(1) Any of the following establishments selling goods, merchandise, and services directly to the general public:

- a. Art studios and galleries.
- b. Bagel stores.
- c. Bakery for retail sales.
- d. Book or stationary stores.
- e. Candy/confectionary stores.
- f. Clothing or dry good stores.
- g. Coffee/espresso bars.
- h. Computer stores.
- i. Custard/ice cream and soda shops.
- j. Delicatessens
- k. Florist shops.
- l. Gift shops.
- m. Grocery stores (neighborhood scale/style).
- n. Hobby shops.
- o. Jewelry stores.
- p. Music and radio stores.
- q. Optical stores.
- r. Pharmacies (neighborhood scale/style).
- s. Shoe stores.
- t. Sporting goods stores.
- u. Cellular devices, wireless phone and related accessories stores.
- v. Beer and wine bars.

(2) Any of the following business, professional and public service offices:

- a. Accounting and similar professional offices.
- b. Architectural, engineering, or other similar professional offices.
- c. Legal service and similar professional offices.
- d. Dental, optical, chiropractic, surgical, and similar medical practitioners' professional offices and services.
- e. Banks, savings and loans associations and similar financial institutions.

(3) Any of the following customer service establishments:

- a. Art, dance, or music teaching studios.
- b. Shoe repair shops.
- c. Travel agent offices.
- d. Pet grooming (not including daycare, boarding or training) services.

e. Internet, cellular, cable TV and similar service providers.

(d) Permitted Residential Uses.<sup>1</sup>

(1) Single-Family detached residential dwelling units.<sup>2</sup>

(2) Two-Family attached townhome-style, residential dwelling units.<sup>2</sup>

(3) Multi-Family attached townhome-style residential dwelling units.<sup>2</sup> (Ref City of Cedarburg Smart Growth Comprehensive Land Use Plan-2050 for applicable definition of Townhome).

(e) Permitted accessory uses.

(1) Accessory buildings customarily incidental to the uses allowed herein including garages, storage sheds and dumpster facilities.

(2) Essential services.

(3) Ground-mounted and building-mounted satellite dish antennas less than three feet in diameter.

(4) Off-street parking and loading areas.

(f) Conditional uses. (Also see [section 13-1-226.](#))

(1) Beauty parlors and barber shops.

(2) Child day care facilities.

(3) Public and/or private utilities, telecommunication installations, transmission and distribution lines, poles, and other accessories. [Note: when a utility proposes a main inter-city transmission facility, the utility shall give notice to the city of such intention and of the date of hearing before the public service commission]. Public and/or private utility installations less than three feet in height shall be subject only to City of Cedarburg staff approval and may be allowed subject to staff-imposed conditions regarding, among other things, effective screening from public view with all-season vegetation.

(4) Brew pubs.

(5) Restaurants.

(6) Businesses serving liquor.

(7) Satellite Dishes larger than three-foot diameter.

(8) Liquor stores.

(9) Any individual nonresidential use, user, tenant space, or occupancy exceeding 5,000 sq. ft. gross floor area.

(10) Any use requiring drive-thru ordering or drive-thru pick-up such as, but not necessarily limited to, banking, food ordering, or food pick-up.

(11) Any nonresidential use that proposes to be open to the public between the hours of 12:00 a.m. and 4:00 a.m.

(g) Standards

(1) <sup>1</sup> Not less than 51% of net buildable acres in a Planned Mixed-Use neighborhood shall be devoted to residential use. Total permitted residential use density (minimum 5.2 and maximum 10.8 units per net buildable acre) shall be calculated against 70% of total net buildable acres.

(2) As for the locally oriented neighborhood business/service/office portion of the development plan, emphasis shall be on providing compatibly styled and proportioned, multi-modal transportation accessible spaces (i.e., automobile, bicycle and pedestrian) for sale or lease to providers of convenience goods, services, dining, entertainment and/or social places such as set forth above in permitted principal, accessory and conditional uses (target not less than 10% of total net buildable acres should be devoted to development of nonresidential buildings/spaces/uses).

(3) Target not less than 30% of the total net buildable acres of the site to be set aside for public or private outdoor open space/gathering and recreational spaces/uses. These spaces should be thoughtfully designed for the use and benefit of the residents of the neighborhood, interspersed, and interconnected throughout the planned neighborhood.

(4) Traditional neighborhood design principles should be observed in the site plan/plat strategy including, for instance:

a. Compact development. The developed area is designed for human scale/pedestrian interconnectivity, vs the automobile exclusively, throughout the area. This includes being sensitive to walking distances, heights of buildings, design of exterior lighting, signs, landscaping,

- paths/sidewalks and other features. Compact development includes parks, gathering spaces, residential, and community business/service/office uses within a close proximity. These features serve as destination points for the immediate and surrounding residential areas (1/2 mile or less).
- b. Mixed Use. The development includes a mixture of land uses and housing types. Mixing uses can promote different means of interconnected transportation being promoted in the community (walking, bicycling, automobiles). Mixing housing types and sizes tends to result in households of all ages, sizes and incomes. Mixed use may also mean that residential uses are provided above commercial uses such as shops or offices.
  - c. Cultural and Environmental Sensitivity and Design. The development should foster a sense of community identity. Adequate open spaces, thoughtful use of landscaping, and the use of environmentally responsive storm water management systems may play a significant role in characterizing the neighborhood.
- (5) <sup>2</sup> Within the residential acreage, primary emphasis shall be placed on providing a mixed spectrum of residential unit types (i.e., target minimum 20% of all residential units as single-family-detached), along with some two-family units (i.e., target minimum 20% of all housing units), and some multi-family townhome\* units (not to exceed eight attached units per townhome building or two stories above grade). Residential units may also be incorporated on the second floor of buildings containing locally oriented business/service/office uses on the first floor with the total number of second floor residence units per building to be set at the discretion of the Plan Commission while bearing the overall maximum residential unit types and density targets in mind. \*For the purposes of this section, townhomes are defined as attached residential units, each with a private at grade entrance, and with each individual unit extending vertically from (and including) the lowest floor/story of the building through to (and including) the top floor of the building.
- a. Not more than eight multi-family-attached townhome dwelling units shall be permitted in a single building.
  - b. Multi-family attached townhome buildings shall not exceed two-stories above grade.
- (6) The perimeter of a traditional planned neighborhood must be bound by a greenbelt not less than 20 feet in depth. This greenbelt shall include thoughtful, undulating berming and landscaping together with accessible pedestrian ways.
- (7) Target required open space across the planned development site is 30% of total net buildable acres/area.
- (8) Target maximum permitted floor area ratio across the planned development site not to exceed 50% of total net buildable acres.
- (9) Minimum required lot size and lot width for single-family detached residence lots shall be 3,000 square feet, and 30-feet, respectively.
- a. Setbacks on all single-family residence lots shall be:
    - i. Front. 10-feet.
    - ii. Sides. 5-feet. No single-family or two-family residence building may be placed closer than 10 feet to any other building.
    - iii. Rear. 15-feet.
  - b. Total minimum living area per single-family residence shall be:
    - i. 1,000 square feet total.
    - ii. 700 square feet on the first floor of a two-story residence.
    - iii. 330 square feet per habitable story in a tri-level residence.

Every residence unit in a single-family attached building must be supplied with at least two attached/enclosed parking stalls plus .75 unenclosed guest parking stalls located within 250 feet of the residence unit.
- (10) Minimum required lot size and lot width for two-family residence lots shall be 5,000 square feet, and 50-feet, respectively.
- a. Setbacks on all two-family residence lots shall be:
    - i. Front. 10-feet.
    - ii. Sides. 5-feet. No single-family or two-family residence building shall be placed closer than 10 feet to any other building.
    - iii. Rear. 15-feet.
  - b. Total minimum living area per residence unit in a two-family attached building shall be:

- i. 900 sq. ft. total.
  - ii. 500 sq. ft. on the first floor of a two-story residence unit.
  - iii. Every residence unit in a two-family-attached building shall be supplied with at least two attached/enclosed parking stalls plus .5 unenclosed guest parking stalls located within 250 feet of the residence unit.
- (11) Minimum required lot size and lot width for all multi-family townhome residence lots shall be 1,500 sq. ft. per attached residence unit, and 25-feet per attached residence unit, respectively.
  - a. Setbacks on all multi-family townhome residence lots shall be:
    - i. Front. 15-feet.
    - ii. Sides. 10-feet. No multi-family townhome residence building shall be placed closer than 15-feet to any other building.
    - iii. Rear. 25-feet.
  - b. Total minimum living area per townhome residence unit in a multi-family attached building shall be:
    - i. 800 sq. ft. total.
    - ii. 400 sq. ft. on the first floor of a two-story residence unit.
    - iii. Every townhome residence unit in a multi-family-attached building shall be supplied with at least one attached/enclosed parking stall, one attached/unenclosed parking stall and, .5 unenclosed guest parking stalls located within 250 feet of the residence unit.
- (12) Minimum required lot size and lot width for all locally oriented neighborhood business/service/office lots shall be 8,400 sq. ft. and 50-feet respectively.
  - a. Setbacks on all locally oriented neighborhood business/service/office lots shall be:
    - i. Front. 25-feet.
    - ii. Sides. 10-feet.
    - iii. Rear. 25-feet.
- (13) Minimum required living area per residence unit located on the second floor above non-residential first floor uses shall be 600 sq. ft. total. Every residence unit located on the second floor above non-residential first floor use shall be supplied with at least 1.5 parking stalls located within 100 feet of the unit entrance. These stalls may, at the discretion of the Plan Commission and Common Council, be shared in whole or in part with the parking stalls supplied in support of the non-residential uses.
- (14) Minimum setback from wetlands for all structures shall be not less than 15-feet. Construction activity shall not be allowed to encroach upon the wetlands.
- (15) No principal residence building or parts of a principal residence building shall exceed 35 feet in height. No residential accessory building shall exceed 20 feet in height.
- (16) No principal non-residential building or parts of a building shall exceed 35 feet unless a gabled roof style is proposed in which case the non-residential building height may be increased to not more than 40-feet to the top of the highest point on the building as measured from average grade along the front elevation of the building. Nonresidential accessory buildings shall not exceed 20 feet in height.
- (17) Site and architectural plan review. (See article F.)
- (18) Traffic, loading, parking, and access. (See article D.)
- (19) Performance standards. (See article H.)
- (20) Signs. (See title 15, chapter 5 of the Municipal Code.)

(h) Waiver or modification of Standards.

The Planned Mixed-Use Neighborhood zoning district is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicular traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The Planned Mixed-Use Neighborhood district will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the standards set forth above.

To this end, the Plan Commission and Common Council may determine and permit, in the case of any particular and unique site/plan circumstance, that in order to achieve a coordinated area plan with maximal diversity in the location of structures and mixing of compatible uses, waiver or modification of Standards set forth in Sections

(g)(2) – (g)(16) above.

**SECTION II**

All Ordinances or parts of Ordinances contravening the terms and conditions of this Ordinance are hereby to that extent repealed;

**SECTION III**

The several sections of this Ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the Ordinance.

**SECTION IV**

This Ordinance shall take effect upon passage and publication as approved by law, and the City Clerk shall so amend the Code of Ordinances of the City of Cedarburg and shall indicate the date and number of this amending Ordinance therein.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2025 by the City of Cedarburg Common Council.

APPROVED:

\_\_\_\_\_  
City of Cedarburg Mayor, Patricia Thome

COUNTERSIGNED:

\_\_\_\_\_  
City Clerk, Tracie Sette

# Cedarburg Housing Data Report



## 1.1 Executive Summary

Cedarburg has long been an appealing community, with significant efforts made by its residents to preserve the historic structures that contribute to its unique character. Since its founding, the city has grown steadily, expanding outward from Cedar Creek.

Currently, the City of Cedarburg is actively engaged in a Comprehensive Plan Update. Chapter 2 – Housing is a critical element of Cedarburg's Comprehensive Plan. It plays a pivotal role in shaping the future of the City. As part of the planning activities, the City has requested a third-party analysis of the housing market in Cedarburg, population growth projections and potential future housing needs.

The analysis was undertaken in late Q3 and early Q4 of 2024. The analysis draws heavily on the 2022 American Community Survey (ACS) generated by the U.S. Census bureau, data from the Wisconsin Multiple Listing Service (MLS), U.S Department of Housing and Urban Development (HUD), Rentdata.org and RocketHomes.com.

Like many communities throughout Wisconsin and across the nation, Cedarburg faces a housing shortage driven by high demand and limited availability of housing units. As a result, housing affordability is a challenge for buyers.

The City of Cedarburg seeks to continue its growth, protect its community character, and maximize available development space. Planning efforts to address these priorities encompass transportation analysis, public utility analysis, engagement with external stakeholders (e.g., Cedarburg School District), and public involvement. These activities focus on where and how to grow and the potential impacts of growth.

The Smart Growth areas identified by the Plan Commission help answer the question of where growth should occur. Utilizing these areas provides the flexibility needed to address projected population growth of 3,375 people and an expansion of 1,324 housing units by 2040.

This document centers on Cedarburg's housing data and acknowledges the unique character of the City, which fosters a strong sense of community and desirability as a place to live. The analysis provided aims to equip the community with data to establish goals, objectives, and policies that address Cedarburg's housing needs while preserving its overall character.

## 1.2 Housing Data and Analysis

An important part of assessing the local housing market is to understand current conditions as well as factors that influence residential patterns. By reviewing existing conditions, the factors that influence these conditions, and assessing housing strengths and concerns, we can develop a picture of the local housing market in 20 years. The following sections touch upon these aspects of the City housing market.

- [Supply Factors](#) – Number and type of housing units, tenure, vacancies, housing values and rental rates, cost and condition of housing stock.
- [Demand Factors](#) – Population, households, income, and economic factors.
- [Local Housing Market Overview](#)

Data from the 2022 ACS shows that 57.3% of the current units in the City of Cedarburg were built prior to 1980, and 14.6% of the City's housing unit were built since 2000. **Table 1-2A** provides total number of units in the City of Cedarburg, the occupancy type and number of units by occupancy type.

**Table 1-2A Total Housing Units & Occupancy**

Total Housing Units	5,390
Occupied housing units	5,067
Vacant housing units	323
Homeowner vacancy rate	0
Rental vacancy rate	3.8

Source: [2022 ACS DP04](#)

Vacant units listed in the table above include 78 seasonal homes, 67 rental units, 41 sold but unoccupied units, and 137 other vacant units, as indicated in [Table B25004](#) of the 2022 ACS.

The City of Cedarburg's owner-occupancy rate of 66.5% and renter-occupancy rate of 33.5% are consistent with the rates for Ozaukee County and the State of Wisconsin. **Table 1-2B** illustrates Cedarburg, Ozaukee County and Wisconsin occupancy type and rates. The table also shows average household size by occupancy type.

**Table 1-2B Housing Unit Occupancy Type & Household Average Size**

	Units	Percent	Ozaukee County	Wisconsin
Owner-occupied	3,369	66.50%	74.00%	67.90%
Renter-occupied	1,698	33.50%	26.00%	32.10%
Avg. Household Size - Owner	2.72		2.72	2.49
Avg. Household Size - Renter	1.68		1.51	1.94

Source: [2022 ACS DP04](#)

**Table 1-2C** shows the number of units in a structure. Housing units in Cedarburg are predominantly single family detached dwellings at 63.7%. That is also consistent with Ozaukee County 65.2% at and Wisconsin at 66.1%.

**Table 1-2C Housing Units Per Structure**

Units in Structure	Units	Percent
Totals Units	5,390	
1-unit, detached	3,433	63.70%
1-unit, attached	293	5.40%
2 units	139	2.60%
3 or 4 units	372	6.90%
5 to 9 units	494	9.20%
10 to 19 units	119	2.20%
20 or more units	540	10.00%
Mobile home	0	0.00%
Boat, RV, van, etc.	0	0.00%

Source: [2022 ACS DP04](#)

**\*Table 1-2D** summarizes number of units built by year and percentage of the total housing units. Of note, the ACS data does not reflect the 567 units constructed / approved since 2020 (i.e. Arrabelle, Stone Lake, Cedar Place, Fox Run and Cedarway) by the City.

Data from the 2022 ACS shows that 57.3% of the current units in the City of Cedarburg were built prior to 1980, and 14.6% of the City's housing unit were built since 2000.

**Table 1-2D Housing Unit Date Built\***

Total Housing Units	Units	Percent
Built 2020 or later	5	0.10%
Built 2010 to 2019	440	8.20%
Built 2000 to 2009	338	6.30%
Built 1990 to 1999	873	16.20%
Built 1980 to 1989	644	11.90%
Built 1970 to 1979	896	16.60%
Built 1960 to 1969	636	11.80%
Built 1950 to 1959	471	8.70%
Built 1940 to 1949	253	4.70%
Built 1939 or earlier	834	15.50%

Source: [2022 ACS DP04](#)

Increases in housing costs in the City of Cedarburg have outpaced the growth in Median Household Income since 2000. The median home value in the City of Cedarburg is \$372,500 per the [2022 ACS](#) which is 107% higher than data reported in the 2000 census. During that same time frame, the median household income increased 41.1% from \$56,431 to \$79,610 in 2022. This difference creates pressure on housing affordability. **Table 1-2E** shows the reported values of owner-occupied housing units in Cedarburg.

**Table 1-2E Housing Unit Values**

Owner-occupied Units	Units	Percent
Less than \$50,000	32	0.90%
\$50,000 to \$99,999	35	1.00%
\$100,000 to \$149,999	26	0.80%
\$150,000 to \$199,999	53	1.60%
\$200,000 to \$299,999	835	24.80%
\$300,000 to \$499,999	1,761	52.30%
\$500,000 to \$999,999	626	18.60%
\$1,000,000 or more	1	0.00%
<b>Median (dollars)</b>	<b>\$</b>	<b>372,500</b>

Source: 2022 ACS DP04

A majority of households in the City of Cedarburg are long-term residents, with 79% reporting they have lived at their current location for over fourteen years. **Table 1-2F** details the number of owner-occupants by the date range in which they took occupancy of their current unit.

**Table 1-2F Householder Occupancy Date**

Range	Units	Percent
Moved in 2021 or later	288	5.70%
Moved in 2018 to 2020	771	15.20%
Moved in 2010 to 2017	1,577	31.10%
Moved in 2000 to 2009	1,069	21.10%
Moved in 1990 to 1999	634	12.50%
Moved in 1989 and earlier	728	14.40%

Source: 2022 ACS DP04

The tenure of householders indicates limited filtering, defined as downsizing or moving to larger homes, within the city, which restricts opportunities for new residents to join the community. New householders are more likely to seek occupancy in newly constructed units, which have also increased in price. The lack of householder movement suggests a limited variety of housing units, potentially leading to longer occupancy in current homes. Additionally, affordability plays a significant role in housing decisions.

**Table 1-2G 2019 MLS Data**

Class	Beds	Total Listed	# Sold	% Sold	Average	Median	Average	Median	Sale / List Ratio	Average	Median
					List Price Sold		Sale Price Sold			DOM Sold	
Single-Family	All	275	222	80.73%	\$417,702	\$399,000	\$416,917	\$391,250	99.81%	46	16

Source: Wisconsin MLS, Accessed by Vierbicher Staff October 2024

**Table 1-2H YTD 2024 MLS Data**

Class	Beds	Total Listed	# Sold	% Sold	Average	Median	Average	Median	Sale / List Ratio	Average	Median
					List Price Sold		Sale Price Sold			DOM Sold	
Single-Family	All	132	121	91.67%	\$557,219	\$515,000	\$560,020	\$520,000	100.50%	21	5

Source: Wisconsin MLS, Accessed by Vierbicher Staff October 2024

Cedarburg homeowners considering a housing change face the stark reality that the cost to acquire a home equivalent to their current one may be 50% higher than when they first moved to Cedarburg. This is a challenge statewide as the [Wisconsin Policy Forum report](#) from March of 2024 indicates. The median home sale price increased 53.3% from 2017 to 2022 and the price-to-income ratio is 3.7%.

The Cedarburg census-based data on median home values confirms a significant increase, with market-based data reflecting an even greater rise. Data pulled from the Wisconsin Multiple Listing Service (MLS) in early October 2024 indicates that the median sale price for a single-family home in Cedarburg is \$515,000. This 2024 median sale price is \$142,500 higher than the 2022 median home value reported in the 2022 ACS.

**Tables 1-2G** and **1-2H** report MLS market-based data for the City of Cedarburg in 2019 and year-to-date in 2024. Over this 5-year period, the median sale price increased by 32.91%. Notably, the number of single-family units listed decreased by 52%, and the average days on the market dropped by 54.35% over the same timeframe. In 2024, buyers are also paying over the list price for single-family units in Cedarburg. This data reflects the high demand for housing in Cedarburg and the limited inventory available, which has driven market prices up and made affordability a major barrier.

As Cedarburg develops the housing element of its updated comprehensive plan, housing affordability is a critical component. The U.S. Department of Housing and Urban Development (HUD) defines affordable housing as “housing costs that constitute 28% to 30% of a household’s gross annual income.” The Urban Land Institute defines workforce housing as “housing affordable to households earning 60% to 120% of the area median income.” The Wisconsin Realtors Association further defines workforce housing as “the supply of housing in a community that meets the needs of its workforce (e.g., teachers, police officers, firefighters, nurses).”

To put affordability into perspective, the Median Household Income (MHI) in the City of Cedarburg is \$79,610, as reported by the 2022 ACS. **Table 1-2I** shows the estimated income over 12 months for the City Cedarburg.

**Table 1-2I Last 12 Month Income Estimates**

Annual Gross Income	Percent	Number
Less than \$10,000	2.70%	137
\$10,000 to \$14,999	2.30%	117
\$15,000 to \$24,999	10.00%	507
\$25,000 to \$34,999	5.30%	269
\$35,000 to \$49,999	12.60%	638
\$50,000 to \$74,999	13.50%	684
\$75,000 to \$99,999	11.40%	578
\$100,000 to \$149,999	14.80%	750
\$150,000 to \$199,999	13.50%	684
\$200,000 or more	13.90%	704
<b>Median income (dollars)</b>	<b>\$</b>	<b>79,610</b>

Source: [2022 ACS S1901](#)

Based on this data, approximately 46.4% of households in Cedarburg are at or below the MHI of \$79,610. The housing affordability threshold, defined by HUD as 30% of income, would be \$1,990 per month or \$23,883 annually.

Financial institutions generally use a factor of 2.5 times gross annual income as a benchmark for an affordable mortgage. This would equate to a mortgage of \$199,025 for a household earning the MHI in Cedarburg.

**Table 1-2J** below provides a matrix showing Median Household Income (MHI) levels and values, the workforce MHI range, the calculated affordable mortgage value, and the affordable housing threshold. The matrix indicates that a household earning 180% of the MHI could secure an affordable mortgage of \$358,245. In this scenario, the household would need a down payment of \$161,755, or 31%, to purchase the median-priced owner-occupied housing unit in Cedarburg.

**Table 1-2J Last 12 Month Income Estimates**

City of Cedarburg	Below Median Household Income		Median Income	Above Median Household Income		
	60% AMI	80% AMI	100% AMI	120% AMI	150% AMI	180% AMI
<b>Median Income Ranges</b>	\$47,766	\$63,688	\$79,610	\$95,532	\$119,415	\$143,298
	<b>WORKFORCE HOUSING RANGE</b>					
Affordable Mortgage (2.5x income)	\$119,415	\$159,220	\$199,025	\$238,830	\$298,538	\$358,245
Affordable Housing Threshold (30% of income)	\$14,330	\$19,106	\$23,883	\$28,660	\$35,825	\$42,989

Sources: [2022 ACS S1901](#), and Vieribicher

While owner-occupied housing in Cedarburg faces significant affordability challenges, renter-occupied units are more affordable. Table 7-2K documents the 2022 ACS-reported gross rents for the 1,698 rental units in Cedarburg. Based on the affordability threshold above, 96% of the rental units in Cedarburg are affordable to householders at the median household income (MHI) or above.

**Table 1-2K Gross Rents**

Occupied Units Paying Rent	Units	Percent
Less than \$500	47	2.80%
\$500 to \$999	753	45.30%
\$1,000 to \$1,499	628	37.80%
\$1,500 to \$1,999	168	10.10%
\$2,000 to \$2,499	54	3.20%
\$2,500 to \$2,999	9	0.50%
\$3,000 or more	4	0.20%
No rent paid	35	
<b>Median (dollars)</b>	<b>\$</b>	<b>1,018</b>

Source: 2022 ACS DP04

Market data on rents in the Cedarburg area also provides a positive point related to affordability. **Table 1-2L** shows the projected market rent rates with estimates for monthly utilities and insurance. Based on this data, market rate rental prices are affordable to householders at MHI of above as estimates costs are below the \$1,990 monthly affordability threshold shown in Table 1-2J on the previous page.

**Table 1-2K Gross Rents**

Unit Type	Rent	Utilities	Insurance	Total
1 Bedroom	\$1,056.00	\$100.00	\$10.56	\$1,166.56
2 Bedroom	\$1,257.00	\$110.00	\$12.57	\$1,379.57
3 Bedroom	\$1,558.00	\$120.00	\$15.58	\$1,693.58
4 Bedroom	\$1,701.00	\$130.00	\$17.01	\$1,848.01

Source: Rentdata.org, Accessed by Vierbicher Staff October 2024

The housing market in Cedarburg faces many of the same challenges observed statewide and nationally. Since the Great Recession, the creation of new housing parcels has plummeted, and today, the annual parcel creation total is about half of what it was in 2007. As a result, there is an undersupply of housing units. While Cedarburg has seen new construction of both single-family and multi-family units, this construction has not kept pace with demand, leading to limited availability of units, which drives market prices up. Additionally, a limited variety of housing unit options hinders the historic filtering of housing units, as empty nesters, retirees, and seniors look to downsize. These householders are staying in place, and thus their housing units are not available on the market. Furthermore, households seeking to upgrade to larger homes have limited options and often pursue remodels and additions to their current housing units instead of acquiring or constructing new housing.

Costs related to construction also hinder the creation of new housing units. New construction costs have more than doubled since 2019 due to the impacts of COVID-19, supply chain challenges, and labor shortages.

Increasing the number and variety of housing units in the City of Cedarburg will help reduce supply pressures in the housing market. Expansion of traditional residential development, consisting of single-family homes, twin homes, and multi-family units, is critical. In-fill development opportunities for multi-family, twin homes, and single-family units should also be pursued.

### 1.3 Population Analysis

Another critical consideration in Chapter 2 – Housing element of the Cedarburg comprehensive plan is population projection. Population growth is driven by a variety of factors, including school districts, employment opportunities, public amenities (i.e., parks, trails, events, etc.), public safety, transportation infrastructure, community character, and affordability. The impacts of these community attributes are difficult to quantify. An analysis of historic population growth can provide a basis for projecting future growth and is data-driven. The combination of this data and the community attributes is key to developing future population projections.

Section 1.3 of this document draws on data from the U.S. Census and the Wisconsin Department of Administration. It also incorporates input from City staff related to the community attributes identified above.

**Table 1-3A** depicts the gender and age of the residents of Cedarburg. The median age in Cedarburg is 43.9 and slightly younger than Ozaukee County where the median age is 44.3.

**Table 1-3A Cedarburg Gender & Age**

Gender and Age Range	Persons	Percent
Male	5,893	48.30%
Female	6,320	51.70%
Under 5 years	492	4.00%
5 to 9 years	795	6.50%
10 to 14 years	869	7.10%
15 to 19 years	1,010	8.30%
20 to 24 years	690	5.60%
25 to 34 years	1,150	9.40%
35 to 44 years	1,383	11.30%
45 to 54 years	1,536	12.60%
55 to 59 years	810	6.60%
60 to 64 years	999	8.20%
65 to 74 years	1,293	10.60%
75 to 84 years	766	6.30%
85 years and over	420	3.40%
Median age (years)	43.9	

Source: [2022 ACS DP05](#)

Cedarburg's medial age is higher than the State of Wisconsin median age of 40.5. Nearly 22% of Cedarburg's population is under 18 years of age and 23.9% is between 35 and 54. Older residents, aged 55 and older, make up 35.1% of the population, with 20.3% being 65 or older.

Consideration of current age classes projected into the future is an essential element of population projection. For example, in 2044, the current 35 to 54 age cohort will be 55 to 74 years of age, representing a 5.9% decline in that group. The currently 55 to 64 cohort will age into the 75 to 84 group, which indicates a 120% increase in that cohort. These changes will impact the type and number of housing units needed to serve an aging population.

**Household**

Based on ACS Data the average household size in Cedarburg has declined from 2.93 to 2.37 persons from 2010 to 2022. This trend is consistent with household size declines at the county, state and national level for the same period. **Table 1-3B** illustrates the average household size for Cedarburg, Ozaukee County and the state.

**Table 1-3B Total Households & Ave Household size**

Households	City	County	State
Total Households	5,067	38,030	2,495,539
Ave Household Size	2.37	2.41	2.31

Source: 2022 ACS S1101

There is a link between population, average household size and housing unit demand. If population remains constant and the average household size declines, that equates to more households within the population. In the case of Cedarburg, ACS Data from 2010 reports 4,711 households, while the 2022 ACS total household count is 5,067, representing a 7.5% increase.

**Table 1.3C** is a projection from the Wisconsin Department of Administration (DOA). The DOA does household projections every 10 years based on Census data. Their projection estimates 5,274 households in Cedarburg by 2040, reflecting a 4.1% increase over the 5,067 reported in the 2022 ACS.

2020 Projection	2025 Projection	2030 Projection	2035 Projection	2040 Projection
5,009	5,197	5,335	5,357	5,274

Source: DOA "Pop & Household Projections, Produced in 2013, Based on 2010 census"

The Wisconsin Department of Administration (DOA) does multiple population projections for communities in the State of Wisconsin. The first projection is done every 10 years and is based on data collected in the decennial census. DOA projections based on the 2020 Census will not be available until December 2024. When that data is released, it is recommended that the Cedarburg Plan Commission review the data and consider potential adjustments based on the data. The second DAO population estimate is done on an annual basis. **Table 1-3D** is a summary of the annual DOA population estimates for Cedarburg.

**Table 1-3D DOA Annual Population Estimates**

2010 Census	2013 Estimate	2015 Estimate	2020 Census	2024 Estimate
11,412	11,451	11,530	12,121	12,914

Source: DOA Population Est. Time Series 10/2024

The population of Cedarburg has grown by 6.54% since the 2020 census, based on the DOA annual estimates. Vierbicher staff reviewed the historic population growth documented by the U.S. Census, the DOA decennial projections, and the DOA annual estimates to establish a conservative annual growth rate of 1.6% annually for the population of Cedarburg. The annual growth rate also took into account data provided by City Planning staff related to community attributes. Table 1-3E projects the population of Cedarburg over 5-year increments through 2040.

**Table 1-3E Vierbicher Population Projection**

2020 Actual	2024 DOA Estimate	2025 Projection	2030 Projection	2035 Projection	2040 Projection
12,121	12,914	13,121	14,051	15,211	16,289

Source: US Census Data, DOA "Population & Household Projections, Vierbicher

The projected population growth of 1.6% annually results in a 15.92% increase from 2020 to 2030 and a 15.93% increase from 2030 to 2040. These decade-level increases are below the historic decade to decade average increase of 18.61% experienced by Cedarburg since the 1890 census.

To accommodate the projected population growth, the City of Cedarburg should pursue policies that result in more housing units across a wide variety of types (i.e., single-family homes, twin homes, townhomes, and multi-family units). Table 1-3F (on the following page) identifies the need for 1,324 additional housing units in Cedarburg to support the population growth estimates in Table 1-3E. The projection indicates 881 owner-occupied units and 444 renter occupied units are needed. This projection derived from the current owner to renter occupied ratio in the City. However, the mix of housing may tighten or invert. In that scenario more multi-family units may be built versus traditional single-family units. State and national trends support this scenario, as affordability concerns and availability of land for development continue to challenge communities and developers. Additionally, the trend toward renter-occupied versus owner-occupied housing may continue to expand, driven by factors such as affordability, flexibility, amenities, and preferences.

Based on the housing unit projection above, 81 new housing units would be needed 2025. A total of 365 new housing units would need to be built from 2026 through 2030. Four hundred fifty-six new units would need to be constructed between 2031 and 2035. During the period from 2026 to 2040, a projected 423 new units will be needed. This results in an average of 82 new units annually from 2026 through 2040.

The new housing units projected keep pace with projected population growth over this period. However, the projected new units do not increase the available housing stock required to address the inventory and affordability challenges faced by Cedarburg. As the Plan Commission and City Council proceed with planning activities related to land use and housing, a review of strategies that further increase the number of new units in the city may be necessary.

The City of Cedarburg is not alone as it relates to housing challenges. Communities throughout that state and nationwide are faced with low inventories, affordability issues, shifting demographics and changes in householder preferences. Housing is a leading topic at state and national planning and administration conferences. Communities nationwide are seeking strategies to address housing challenges. Housing affordability across various housing types is a topic of discussion at the municipal, county, state, and national levels. Affordable housing and workforce housing are priorities nationwide.

Changes in zoning to enable housing unit diversity within the community, reduction of lots sizes to increase density, allowance of accessory dwelling units, implementation of bungalow courts, and planned unit development are all strategies that are being implemented nationwide. Cedarburg is positioned to select the strategies that best fit the community needs and character.

**Table 1-3F Vierbicher Housing Unit Projections**

	2020 Actual	2024 DOA Estimate	2025 Projection	2030 Projection	2035 Projection	2040 Projection	Totals
Occupied Housing Units	4920	5,067	5,148	5,513	5,968	6,391	
Owned Occupied	3514	3,369	3,423	3,666	3,968	4,250	881
Renter-Occupied	1406	1,698	1,725	1,847	2,000	2,142	444
Needed Owner Occupied			54	243	303	281	<b>881</b>
Needed Renter Occupied			27	122	153	142	<b>444</b>
						<b>Total Units</b>	<b>1,324</b>

Source: US Census Data, DOA "Population & Household Projections, Vierbicher

One strategy is the adoption of Smart Growth Areas. The Plan Commission, as part of Chapters 2 (Housing) and 8 (Land Use) of the comprehensive plan, has identified 12 Smart Growth Areas throughout the City of Cedarburg. The Smart Growth Areas represent land for potential development and is a combination of green field, redevelopment and infill properties. The Plan Commission has approached these areas from the perspective that "developments should be in accordance with the Housing and Residential Development Goals, Objectives and Policies as set forth in Chapter of this Comprehensive Plan (i.e., Housing)".

The identified Smart Growth areas provide more than sufficient area to support the housing unit projections mentioned above. Additionally, the designation of Smart Growth Areas provides the tools to plan and manage development compatible with the community needs and desires. These areas leverage existing infrastructure and maximize the available space within the City. The goal in each designated area is to maximize its use for the City while considering compatibility with its surroundings by identifying its potential future use. The designation of the Smart Growth Areas provides a guide for local officials to leverage when considering projects within the City of Cedarburg and provides the flexibility to address the range of housing needs in the City.

Cedarburg has opportunities that many communities in Wisconsin can only hope for. The community is a highly desirable place to live, with unique character that attracts potential new residents. The demand for housing in Cedarburg generates interest from companies focused on residential development, with several submitting proposals for consideration by the City. These growth opportunities are beneficial for Cedarburg.

The City of Cedarburg has benefited from growth over the past 130 years. This commercial and residential expansion has shaped the community and funded services and amenities. Today, communities in Wisconsin are dependent on growth to generate the revenues needed to keep pace with increasing operational costs. Growth is critical to the future of Cedarburg, just as it has been since its founding.

Planning and managing growth is a delicate balance, which is understood by the Plan Commission and Common Council. The local governing body is engaged and will continue to provide opportunities for members of the community to contribute to the planning process. Through this engagement, the community will complete the Comprehensive Plan update and chart the path for the City of Cedarburg to follow for the next 20 years.

# Appendix D to Comprehensive Plan - Target 2050

## The Town of Cedarburg, Wisconsin

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

### Resolution 2021-8

“RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN CITY OF CEDARBURG AND TOWN OF CEDARBURG TO PROVIDE FOR ORDERLY GROWTH AND DEVELOPMENT AND FOR THE CONNECTION OF FORWARD WAY TO HILLTOP DRIVE”

**WHEREAS**, Section 66.0301(6)(a) of the Wisconsin Statutes provides that any two municipalities whose boundaries are immediately adjacent at any point may enter into a written agreement determining all or a portion of a common boundary line between the municipalities; and

**WHEREAS**, Section 66.0301(6)(c) of the Wisconsin Statutes provides that before any such agreement may take effect, it must be approved by the governing body of each municipality by the adoption of a resolution and, before each municipality may adopt such resolution, a public hearing on the agreement must be held after due notice; and

**WHEREAS**, on the 7<sup>th</sup> day of July, 2021, after due public notice, a public hearing was held before the Town Board of the Town of Cedarburg regarding the Intergovernmental Agreement between the City of Cedarburg and Town of Cedarburg to provide for orderly growth and development and for the connection of Forward Way to Hilltop Drive, a copy of said Agreement is attached to this Resolution and incorporated herein by reference.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Cedarburg does hereby approve the Intergovernmental Agreement between City of Cedarburg and Town of Cedarburg to provide for orderly growth and development and for the connection of Forward Way to Hilltop Drive, as set forth in the attached Agreement, incorporated herein by reference.

Adopted this 7<sup>th</sup> day of July, 2021.



David M. Salvaggio, Town Chairman

Attest:



Jack Johnston, Assistant Administrator/Clerk

**INTERGOVERNMENTAL AGREEMENT BETWEEN  
CITY OF CEDARBURG AND TOWN OF CEDARBURG  
TO PROVIDE FOR ORDERLY GROWTH AND DEVELOPMENT  
AND FOR THE CONNECTION OF FORWARD WAY TO HILLTOP DRIVE**

**THIS AGREEMENT** (“Agreement”) is entered into by and between the City of Cedarburg (“City”), a Wisconsin municipal corporation, and the Town of Cedarburg (“Town”), both located in Ozaukee County, Wisconsin. The City and the Town may be individually referred to herein as “Party” or collectively as “Parties”. The purpose of the Agreement is to set forth the procedures, terms, and conditions by which the parties wish to achieve the following mutual goals pursuant to Section 66.0301, of the Wisconsin Statutes:

Orderly, planned growth for the City and the Town and the provision of appropriate, cost effective municipal services for such development;

Orderly, planned boundaries between the City and the Town, promoting cost effective provision of services and more efficient operation of all units of government;

Prevention of unplanned development leading to urban sprawl, and protection of the area’s natural resources; and

Promotion of quality development in the City and the Town.

**ARTICLE I  
DEFINITIONS**

**1.1 City Growth Area.** Attached and incorporated by reference is a map, marked **Zoning Map A**, showing the area that is identified as the “City Growth Area”. The City Growth Area consists of developed and undeveloped land within the Town that the Parties acknowledge may be annexed at the request of the property owner and/or developed within the City’s future municipal boundaries. City Smart Growth areas are included within the City Growth Area. The City Growth Area is intended to be sufficient for at least the next 20 years of City growth.

**1.2 Town Area.** The remaining areas not included as City Growth Area shall be referred to herein as “Town Area”. The Town Area consists primarily of developed and undeveloped land that the Parties acknowledge shall remain under the Town’s jurisdiction and/or developed within the Town during the term of this Agreement. The Town Area is intended to be sufficient for at least the next 20 years of Town growth and will be guided by the Town Comprehensive Plan.

**1.3 Smart Growth Area.** The term “Smart Growth Area”, as used herein, shall have the meaning given in the City Smart Growth Comprehensive Land Use Plan - 2025, passed,

approved and adopted by the City on February 25, 2008, by Ordinance No. 2008-06, as amended.

**1.4 Rural Profile.** The term “Rural profile”, as used herein, shall mean the construction of a public roadway without curb, gutter, or storm sewer, but, rather, with gravel shoulder and ditch construction.

## **ARTICLE II NATURE OF THIS AGREEMENT**

**2.1 Intergovernmental Cooperation.** This Agreement is entered into pursuant to and in accordance with the provisions of Section 66.0301, Wis. Stats.; it shall be liberally construed and enforced in favor of cooperative action between the Parties. The Parties agree the adoption of this agreement does not in and of itself result in the change of the jurisdiction of any territory or a boundary change.

**2.2 Effectiveness of Agreement.** Notwithstanding any provision to the contrary contained herein, this Agreement shall not become effective unless and until the Governing Body of each Party has adopted an “Authorizing Resolution”, which Resolution approves of this Agreement and authorizes its execution, and this Agreement is fully executed by all such authorized individuals. If such Authorizing Resolutions are not so duly adopted by the Governing Body of each Party on or before July 7, 2021, then in such event, this Agreement shall not become effective.

**2.3 Public Hearing.** Prior to the adoption of the Authorizing Resolutions, each Party held a public hearing on this Agreement. Each Party gave notice of this Agreement and public hearing thereon by publishing a Class 1 notice under Ch. 985. At the public hearing, each Party hereto provided proof of such publication.

**2.4 Publication of Agreement.** When each of the Parties hereto has adopted the Authorizing Resolution, the Parties shall jointly publish this Agreement as a Class 1 notice under Ch. 985 in a newspaper of general circulation within the jurisdiction of each Party.

**2.5 Effective Date.** The “effective Date” for purposes of this Agreement shall be the date of the adoption and publication of the final Party’s Authorizing Resolution.

## **ARTICLE III DEVELOPMENT WITHIN CITY GROWTH AREA**

**3.1 General Agreement.** At such times that this Agreement remains in effect, including the Renewal Term, the following terms and conditions shall dictate future development and/or annexation of real property within the City Growth Area.

**3.2 City Covenants.** The City may annex territory at the request of the property owner from the City Growth Area upon receipt of a Petition for Annexation submitted in compliance with the Wisconsin Statutes.

**3.3 Town Covenants.** Prior to the expiration or termination of the Agreement, including the Renewal Term, for any reason, the Town agrees as follows concerning the City Growth Area:

a. The Town will cooperate to maintain currently undeveloped lands in an undeveloped state, in order to preserve them for potential future City development.

b. The Town will discourage premature development by imposing and maintaining zoning classifications that do not permit, or that discourage, development in violation of the terms herein. To the extent authorized by law, the Town shall refuse to approve certified survey maps or platted subdivisions within the City Growth Area.

c. The Town shall not challenge any annexation within the City Growth Area, including, but not limited to, annexation of town island parcels, nor shall the Town judicially oppose any annexations that are consistent with the terms of this Agreement. The Town will not financially support anyone who opposes or contests any such annexation within the City Growth Area. The City shall meet with Town officials prior to or shortly after the filing of any annexation petition for the purpose of discussing matters of mutual concern under this Agreement. If the Town is impleaded into an annexation lawsuit by a party other than the City, the Town shall immediately stipulate that it does not oppose the contested annexation. The Town will also cooperate with the City on the dismissal of the Town as a party to the lawsuit.

#### **ARTICLE IV DEVELOPMENT WITHIN TOWN**

**4.1 General Agreement.** At such times that this Agreement remains in effect, including the Renewal Term, the following terms and conditions shall dictate future development and/or annexation of real property within the Town Area.

**4.2 City Covenants.** The boundaries of the City Growth Area are intended to establish the outer limits of annexation and the potential boundary of the City for the term of this Agreement, including the Renewal Term. Prior to the expiration or termination of the Agreement and the Renewal Term, for any reason, the City agrees that it will not annex any land from the Town Area, without prior Town approval. The City shall not implement/exercise Extraterritorial Zoning or Extraterritorial Plat review over Town lands within the Town Area for the duration of this Agreement, including the Renewal Term.

**ARTICLE V  
ROADS**

**5.1 Hilltop Road and Forward Way.** Pursuant to the Highway Order, issued by the Town conditionally or contemporaneously herewith, the extension of the City right-of-way and public roadway identified as Forward Way shall connect to the existing Town right-of-way and public roadway identified as Hilltop Drive, as set forth on **Exhibit B**, attached hereto and incorporated herein by reference. Such connection shall require completion of the construction of Hilltop Drive, to the corporate boundary of the City, and shall further result in anticipated increased traffic on Sycamore Drive, to its intersection with Washington Avenue. Therefore, the parties agree to share the costs of such construction and reconstruction of Hilltop Drive and Sycamore Drive, to its intersection with Washington Avenue, as follows:

a. **Hilltop Drive extension to Sycamore Drive intersection.** The City shall undertake, bid, construct and be financially responsible for the construction of Hilltop Drive, from the corporate boundary of the City, north to and including the intersection with Sycamore Drive. Said reconstruction shall be approximately as set forth on **Exhibit B**, with a Rural Profile. The City, its officers, employees, contractors, agents and assigns, shall be granted access at all reasonable times to this section of Hilltop Drive right-of-way for the purposes set forth herein. The Town shall reasonably cooperate with the reconstruction, which cooperation shall include, but is not necessarily limited to, assisting in traffic control and/or notices to adjacent or impacted landowners. Such work shall be completed by the City no later than December 31, 2022.

b. **Sycamore Drive reconstruction to Washington Avenue.** The City shall reimburse the Town for forty-five percent (45%) of the actual costs for the reconstruction of Sycamore Drive, identical to its existing construction and profile, from its intersection with Hilltop Drive west to the intersection with Washington Avenue. Such reimbursement shall not include the reconstruction of the intersection of Sycamore Drive and Washington Avenue, which is anticipated to be served by a four-way stop. The Town shall undertake, bid, construct and pay for such reconstruction, subject to the reimbursement set forth herein. The Town shall determine the reconstruction schedule. City shall be given a minimum of one-year advanced notice of said reimbursement ("Notice"), in order to properly budget for said cost. Said Notice shall include the approximate construction schedule, engineering designs for said extension, and actual or engineer's estimate of total and City reimbursement costs. The City shall make the reimbursement payment to the Town within two months of the Town sending the City a summary of the actual roadway construction costs.

**ARTICLE VI  
PROHIBITION OF TOWN INCORPORATION**

**6.1 Prohibition on Incorporation.** At such times that this Agreement remains in effect, including any Renewal Term, Incorporation by the Town, as set forth in Chapter 66 of the

Wisconsin Statutes, as amended, or any other applicable law, rule or regulation, shall be prohibited.

**ARTICLE VII  
TOWN COOPERATION WITH CITY UTILITY EASEMENT TO  
CONNECT TO WATER RECYCLING CENTER**

**7.1** In the event that the City determines, in its sole discretion, that it is most appropriate to extend water and/or sewer lines through Town roads or right-of-way for purposes of extending or connecting the lines to a new or existing City water recycling center or sewer plant outside of the City on property located on Pioneer Road as identified on the attached Exhibit A, then the Town shall fully cooperate, in no way obstruct, and timely approve of such extension, pursuant to Chapter 196 of the Wisconsin Statutes, or any other applicable law, rule or regulation. The City shall be responsible, at City expense, for such installation, including restoration of the Town road(s) to the condition prior to construction. The City shall indemnify and hold harmless the Town for any and all claims which may arise related to such work in the Town Right of Way. Nothing herein shall require or in any way mandate that the City provide water or sewer service outside of its corporate boundaries. Any related work shall not result in the annexation of any Town properties.

**ARTICLE VIII  
TERM**

**8.1 Term.** The initial term of this Agreement shall commence upon the Effective Date and continue for a ten (10) year period of time thereafter ("Initial Term").

**8.2 Automatic Renewal; Renewal and Withdrawals.** The Initial Term hereof shall be automatically extended for one (1) additional ten (10) year renewal term ("Renewal Term") commencing upon the expiration of the Initial Term; unless both Parties agree to terminate the automatic renewal term at least 120 days prior to the expiration of the Initial Term:

**ARTICLE IX  
NO CHALLENGES TO THIS AGREEMENT; REMEDIES**

**9.1 No Challenges.** Each Party waives any and all rights each may have to commence or maintain any action or other proceeding to contest, invalidate, or otherwise challenge the validity or enforceability of this Agreement.

**9.2 Defense.** In the event of any action by any person other than a Party challenging the validity or enforceability of this Agreement or any of its provisions, the Parties shall reasonably cooperate in order to preserve this Agreement. If both Parties are not named as a party to the said action, the other Party shall seek to intervene; and the named Party shall support such intervention. To the extent deemed appropriate by the governing bodies of the Parties, the Parties may jointly retain counsel to represent their interests in the event of such

challenge. No settlement of such an action shall be permitted without the approval of both Parties.

**9.3 Breach.** A Party's failure to comply with any provisions of this Agreement constitutes a breach of the Agreement.

**9.4 Remedies.** In the event of a breach of this Agreement, a Party may seek specific performance of this Agreement in addition to any other remedies available at law or in equity. The breaching Party shall pay the other Party's attorney fees reasonably incurred in seeking specific performance or other remedies for the breach.

**9.5 Mediation.** In the event that the Parties are unable to resolve a dispute as to the construction or application of this Agreement, or if one Party believes there has been a breach by the other Party, the Parties shall participate in mediation of the dispute or the alleged breach. The mediator shall be an impartial individual found mutually acceptable to the Parties. In the event that the Parties are unable to agree to a mediator, within 30 days of written request for mediation by one Party, either Party may petition the Circuit Court for Ozaukee County for the appointment of a mediator pursuant to Chapter 708 of the Wisconsin Statutes. The Parties shall attempt in good faith to avoid litigation of disputes through mediation. The Parties shall share equally in the cost of the mediator. This Section 9.5, however, does not preclude any Party from instituting litigation, if necessary, in its opinion for the protection of its interests or if mediation is not successful. In the event of any litigation following failed mediation, the prevailing Party in such litigation is entitled to recover from the adverse Party its reasonable attorney's fees and disbursements.

## **ARTICLE X MISCELLANEOUS PROVISIONS**

**10.1 Amendments.** This Agreement may be amended in writing, from time to time, by mutual consent of both parties.

**10.2 Notices.** All notices required under this Agreement must be served, either personally or by certified mail, upon the Parties' respective municipal clerks.

**10.3 Enforceability and Compliance with Laws.** The Parties have entered into this Agreement under the authority of Section 66.0301 of the Wisconsin Statutes. Its enforceability will not be affected by statutory amendments, changes in the forms of City or Town government, or changes in elected officials. The Parties agree that this Agreement shall be construed so as to be binding upon the Parties' respective officials, employees, successors and agents. This Agreement is consistent with all known state and federal laws and administrative rules and regulations. This Agreement shall be governed by the laws of the State of Wisconsin.

**10.4 Complete Agreement.** This Agreement is the complete agreement of the parties with respect to the matters covered by this Agreement and it shall supersede all prior

agreements or municipal policies to the contrary. No agreements, promises, or representations made during or in connection with the negotiations for or approval of this Agreement shall be binding or effective unless they are included herein. This Agreement may be recorded with Register of Deeds for Ozaukee County. This Agreement may be used in litigation and may be introduced into evidence by either Party without objection in any action to enforce the terms of this Agreement.

**10.5 No Waiver.** The failure of a Party to require strict performance with any provision of this Agreement will not constitute a waiver of the provision or of any of the Parties' rights under this Agreement. Rights and obligations under this Agreement may only be waived or modified in writing. A writing waiving a right must be signed by the Party waiving the right. If an obligation of a Party is being waived or released, the writing must be signed by all affected Parties. Waiver of one right, or release of one obligation, will not constitute a waiver or release of any other right or obligation of any party. Waivers and releases will affect only the specific right or obligation waived or released and will not affect the rights or obligations of the Party that did not sign the waiver or release.

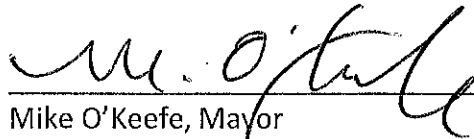
**10.6 Performance Standard.** This Agreement requires the Parties to act or to refrain from acting on a number of matters. The Parties hereby acknowledge that this Agreement imposes on them a duty of good faith and fair dealing. In addition, whenever consent or approval is required by a Party, the consent or approval shall not be unreasonably withheld.

**10.7 No Third Party Beneficiary.** This Agreement is intended to be solely between the signatories set forth on the following pages. Nothing in this Agreement grants any third party beneficiary rights to any non-party that may be enforced by any non-party to this Agreement.

**10.8 Construction.** This Agreement shall be liberally construed to accomplish its intended purposes. The parties acknowledge that the language contained in this Agreement is the product of numerous individuals representing the various interests. Therefore, ambiguities shall not be construed against the drafter of this document. This Agreement should be construed to give a reasonable meaning to each of its provisions, and a construction that would render any of its provisions meaningless, inexplicable, or mere surplusage is to be avoided.

**10.9 Severable Provisions.** If any clause, provision, or section of this Agreement is declared invalid by any Court of competent jurisdiction, the invalidity of such clause, provision, or section shall not affect the remaining provisions.

CITY OF CEDARBURG

  
\_\_\_\_\_  
Mike O'Keefe, Mayor

ATTEST:

  
\_\_\_\_\_  
Tracie Sette, Clerk

TOWN OF CEDARBURG

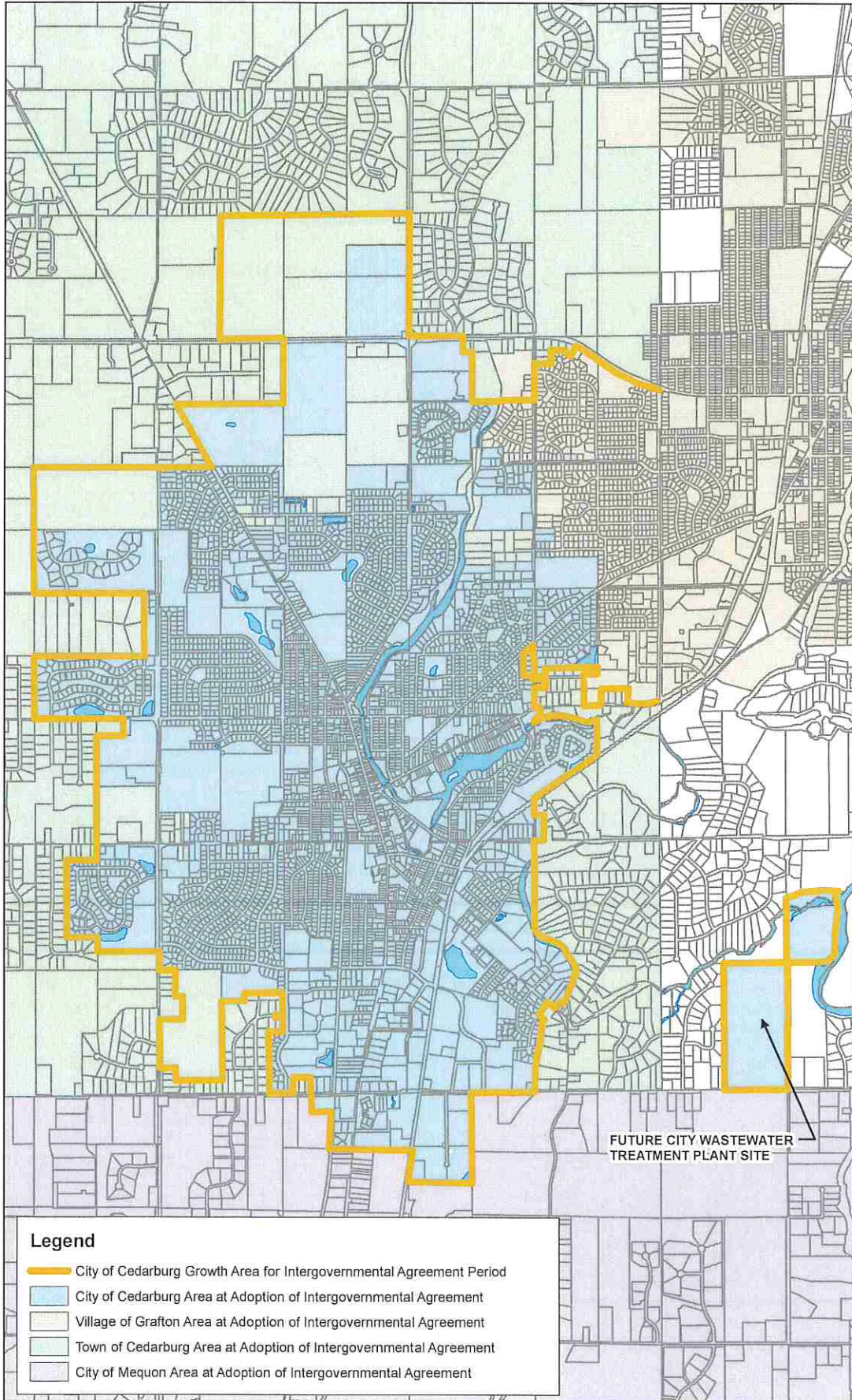
  
\_\_\_\_\_  
David Salvaggio, Chairman

ATTEST:

  
\_\_\_\_\_  
Jack Johnston, Clerk

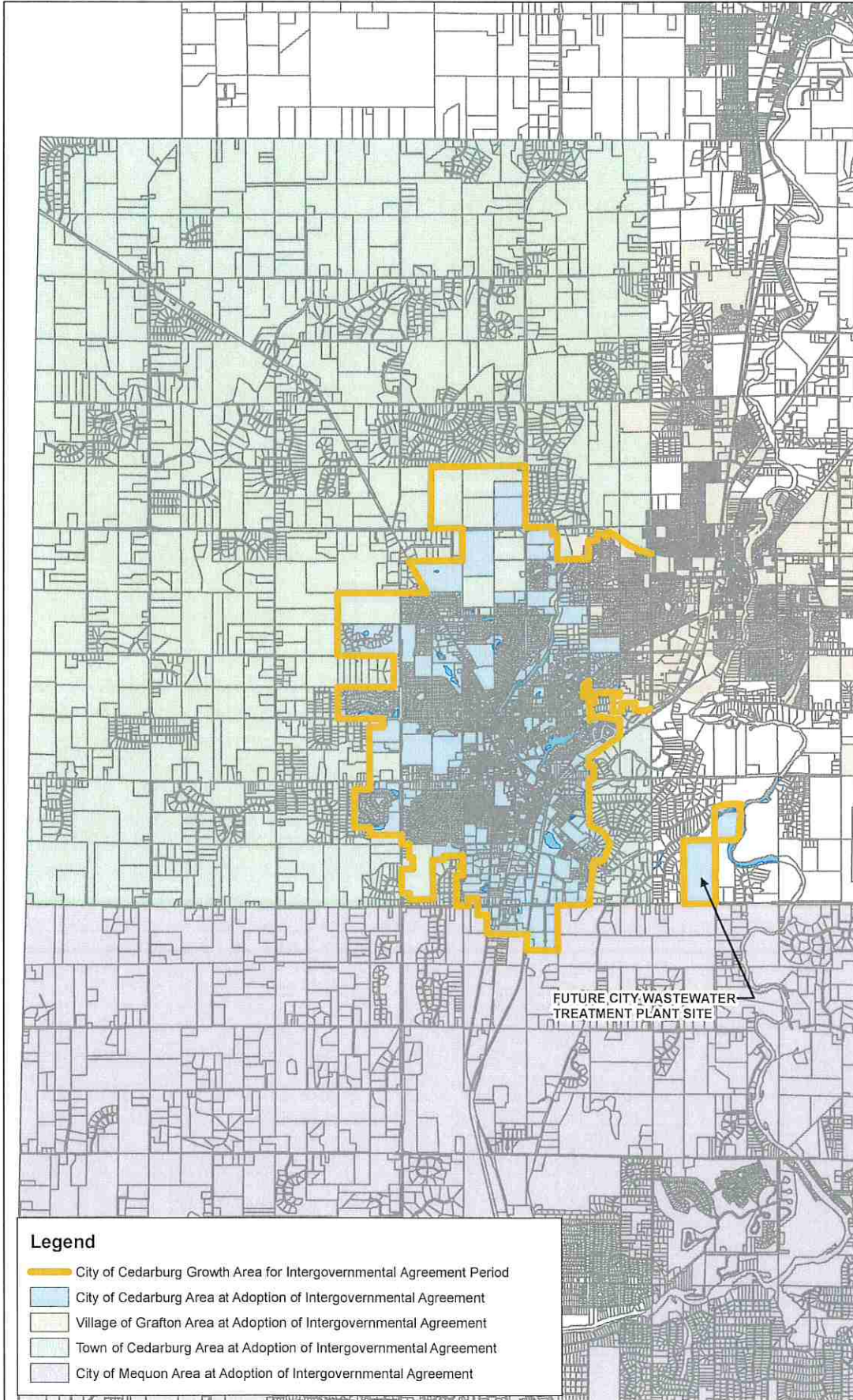
**ZONING MAP A**

**ZONING MAP A  
CEDARBURG CITY AND TOWN INTERGOVERNMENTAL AGREEMENT MAP**



1 inch = 2,000 feet

**ZONING MAP A  
CEDARBURG CITY AND TOWN INTERGOVERNMENTAL AGREEMENT MAP**



1 inch = 4,000 feet

**EXHIBIT B**

# EXHIBIT

## HILLTOP DRIVE (TOWN OF CEDARBURG ROADWAY)

Part of Hilltop Drive, being a part of the Northeast 1/4 of the Northwest 1/4 of Section 22, Town 10 North, Range 21 East, in the City and Town of Cedarburg, Ozaukee County, Wisconsin, bounded and described as follows:

Commencing at the Southwest corner of Lot 2 of CSM 1829, and the point of beginning; thence South 87° 52' 12" West 80.00 feet along the south line of the Town of Cedarburg Limits, 80.00' to the Southwest corner of Hilltop Drive; thence North 02° 07' 48" West along the West line of said Drive 38.52 feet to a point; thence North 87° 52' 12" East 80.00 feet to a point in the East line of said Drive; thence South 02° 07' 48" East along said East line 37.67 feet to the Southeast corner of said Drive and to the point of beginning.

Said land contains 3,048 square feet or 0.0699 acres.

June 4, 2021

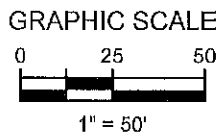
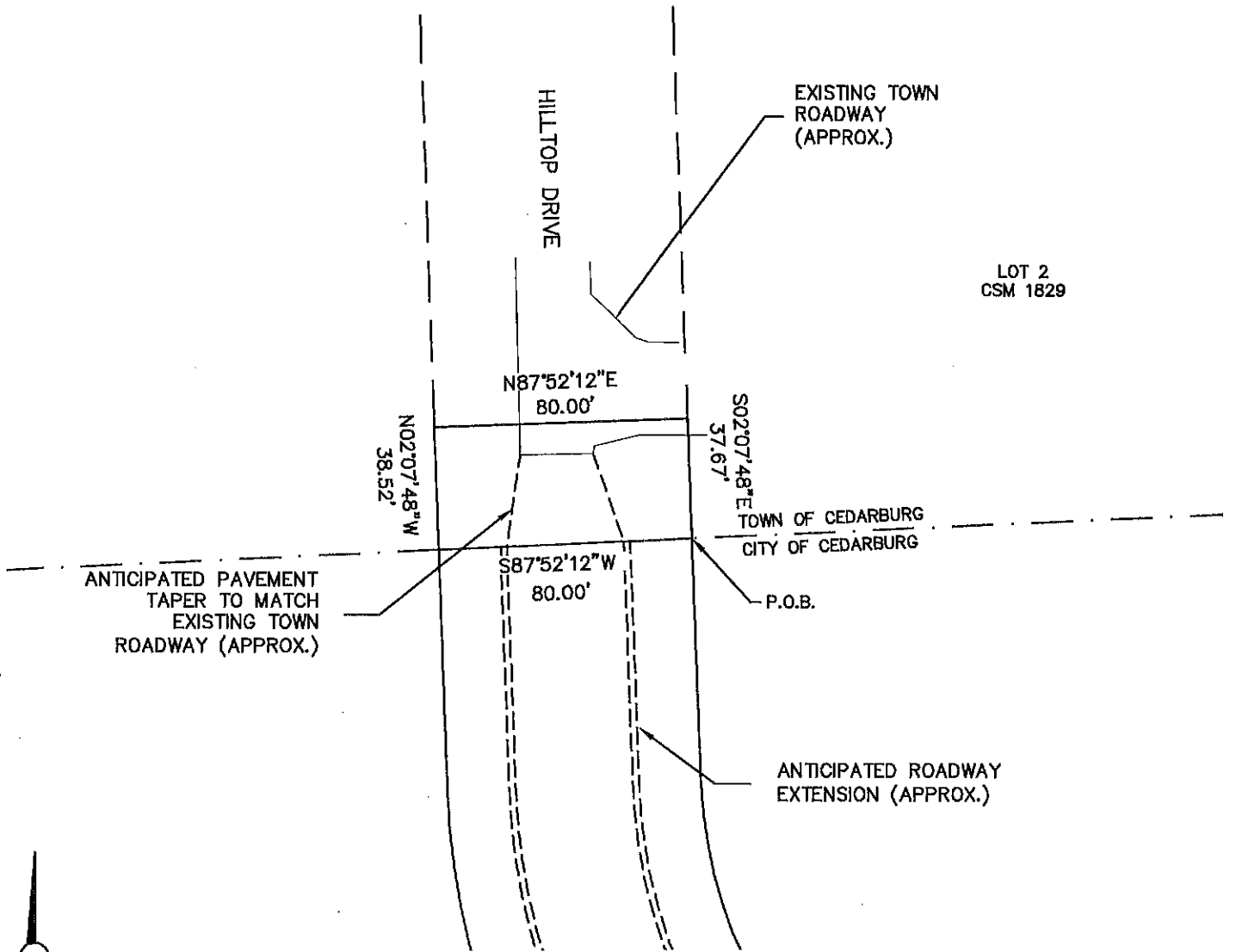
Drawing No. 168106-RMK

**raSmith**  
CREATIVITY BEYOND ENGINEERING

16745 W. Bluemound Road  
Brookfield, WI 53005-5936  
(262) 781-1000  
rasmith.com

# EXHIBIT

## HILLTOP DRIVE (TOWN OF CEDARBURG ROADWAY)



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**raSmith**  
CREATIVITY BEYOND ENGINEERING

16745 W. Bluemound Road  
Brookfield, WI 53005-5938  
(262) 781-1000  
rasmith.com

# EXHIBIT

## HILLTOP DRIVE (ROADWAY LAYOUT)

NE COR OF  
NW 1/4 OF  
SEC. 22-10-21

#500001  
CONC MON CAP

LOT 2  
CSM 1829

HILLTOP DRIVE

EXISTING TOWN  
ROADWAY (APPROX.)

ANTICIPATED  
PAVEMENT TAPER TO  
MATCH EXISTING TOWN  
ROADWAY (APPROX.)

TOWN OF CEDARBURG  
CITY OF CEDARBURG

S. LINE NE 1/4 OF  
NW 1/4 OF SECTION 22  
N. LINE PROPOSED FAIRWAY VILLAGE

80.00'

PROPOSED OUTLOT 2  
FAIRWAY VILLAGE

ANTICIPATED  
ROADWAY EXTENSION  
(APPROX.)

80.00'

FORWARD WA

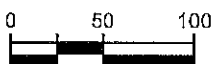
PROPOSED OUTLOT 3  
FAIRWAY VILLAGE

E. LINE NW 1/4 SECTION 22

P.O.C.  
SE COR OF  
NW 1/4 OF  
SEC. 22-10-21

#50001  
CONC

GRAPHIC SCALE



1" = 100'

**raSmith**

CREATIVITY BEYOND ENGINEERING

16745 W. Bluemoor Road  
Brookfield, WI 53005-5938  
(262) 781-1000  
rasmith.com

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