

**CITY OF CEDARBURG  
PLAN COMMISSION  
June 2, 2025**

A regular meeting of the Plan Commission, City of Cedarburg, Wisconsin, will be held at 7:00 p.m. on Monday, June 2, 2025. Attendees have the option of joining the meeting in person at City Hall, W63N645 Washington Avenue, upper level, Council Chambers, or online via the following Zoom link<sup>1</sup>: <https://us02web.zoom.us/j/82347902742>

**AGENDA**

1. CALL TO ORDER - Mayor Patricia Thome
2. ROLL CALL: Present - Mayor Patricia Thome, Jack Arnett, Adam Voltz, Sig Strautmanis, Sherry Bublitz, Jon Scholz, Common Council Member Jim Fitzpatrick  
  
Also Present - City Planner Mary Censky, City Administrator Mikko Hilvo, Administrative Assistant Theresa Hanaman
3. STATEMENT OF PUBLIC NOTICE
4. APPROVAL OF MINUTES – May 5, 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. Under this item, individuals can speak on any topic *not* on the agenda for up to 2 minutes, with possible time extensions at the discretion of the Mayor. No action will be taken on items not listed on this agenda except as a possible referral to committees, individuals, or a future Plan Commission agenda item.
6. DISCUSSION AND POSSIBLE ACTION ON CERTIFICATION OF CODE OF ETHICS
7. PUBLIC HEARINGS; AND ACTION THEREON  
**A.\*** Applicant Gregory Chay, d/b/a Chay's Tae Kwon Do, requests Conditional Use Permit approval to locate his health/fitness service business in the existing site/structure located at N69 W5289 Columbia Road. This .35-acre property is owned by Pontiac Garage LLC in c/o Greg Zimmerschied.  
Previous Discussion Dates: None  
Zoning District: B-2 Community Business District  
Tax Key No: 13-135-04-01-000  
Ward/Alder District: W6/AD6
8. REGULAR BUSINESS; AND ACTION THEREON  
**A.\*** Applicant Andrea Acosta, d/b/a Blanca's Commercial Kitchen, requests Temporary Use approval to conduct 8 Food Truck Events in the parking lot behind the business/building they occupy (in part) at W63 N540 Hanover Avenue. This .38-acre property is owned by Phoa Enterprises 2 LLC in c/o Jimmy Phoa.  
Previous Discussion Dates: None  
Zoning District: Part B-3 Central Business District and Part B-3 with HPD Historic Preservation Overlay District.  
Tax Key No: 13-050-09-07-003  
Ward/Alder District: W3/AD3

**B.\*** Review, discussion, and possible action (recommendation to the Common Council) on proposed new regulations applicable to sidewalk/right-of-way encroachments. This matter is City-initiated.

Previous Discussion Dates: January 6, 2025

Zoning District: B-3 Central Business District and HPD Historic Preservation Overlay District

**C.\*** Status report/update from Staff, and possible recommendation to the Common Council regarding the Plan Commission's April 7<sup>th</sup>, 2025 recommendation to the Common Council to modify Section 13-1-82(c) of the Zoning Code changing the City's minimum parking stall size requirement from 180 sq. ft., to 162 sq. ft. laid out in 9'w x 18'd configuration, and to give the Plan Commission authority to waive or modify this new standard in cases where they have determined that the unique circumstances of a particular site suggest that stalls may be safely and effectively provided under alternative size or configuration arrangements.

**9. COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS\*\***

**10. MAYOR'S ANNOUNCEMENTS\*\***

**11. 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](mailto: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.*

<sup>1</sup> *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  
May 5, 2025**

A regular meeting of the City of Cedarburg Plan Commission was held on Monday, May 05, 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, Sig Strautmanis, Jack Arnett, Sherry Bublitz, Jon Scholz

Excused-Adam Voltz

Also Present - City Planner Mary Censky, City Administrator Mikko Hilvo, Administrative Assistant Theresa Hanaman, Tony Phillips of Kendall Communications, Jordan Larson via Zoom, Seth Dehne, and Joe Nowak of Sierzant, Andrew and Debra Helgeson

**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**

Commissioner Bublitz, seconded by Commissioner Strautmanis, moved to approve the minutes from April 7, 2025, and April 14, 2025. The motion carried unanimously. Commissioner Voltz excused.

**COMMENTS AND SUGGESTIONS FROM CITIZENS**

**Terry King-** W63N762 Sheboygan Road – Suggested the Plan Commission resend the packet through Notify Me on the City website when issues arise.

**PUBLIC HEARING**

**REVIEW, DISCUSSION, AND POSSIBLE ACTION ON THE REQUEST OF APPLICANT TOWERCO, IN C/O TONY PHILLIPS OF KENDALL COMMUNICATIONS FOR CONDITIONAL USE PERMIT APPROVAL TO CONSTRUCT A NEW 195-FOOT-TALL WIRELESS TELECOMMUNICATIONS MONOPOLE WITH RELATED ANTENNAS AND GROUND EQUIPMENT/ENCLOSURE AT W65 N1170 FORWARD WAY. THIS 5.28-ACRE PROPERTY IS OWNED BY THE CITY OF CEDARBURG.**

The motion was made by Council Member Fitzpatrick, seconded by Commission Arnett, to open

the Public Hearing at 7:03 p.m. The motion carried unanimously. Commissioner Voltz excused.

Planner Censky reported her recommendations that the following conditions be considered for attachment to any approval the Plan Commission is inclined toward granting in this matter:

- 1) City Engineer/Director of Public Works review and approval of:
  - a. The supporting certifications confirming that the tower's structural integrity and fall zone are not compromised or modified by the addition of any proposed antennas or related equipment to be mounted on the tower. This must be done before the placement of any antennas or related equipment.
  - b. Certified engineering plans for all retaining walls greater than 3 feet tall that are to be installed on this property in support of the proposed new tower project.

Commissioner Bublitz expressed concerns about the visual impact of the proposed tower on nearby residents, particularly those in the new Fairway Village subdivision. Commissioner Bublitz voiced her disappointment that residents were not notified earlier about the tower's plans. She also questioned the necessity of the tower being 195 feet tall. Tony Phillips from Kendall Communications explained that the height is essential for adequate coverage and to accommodate multiple carriers.

The City Administrator stated that extensive research was conducted on various locations, and this site was determined to be the best option as it would benefit the Tax Increment District (TID). A long-term agreement to have a tower on this site is in place, with payment secured in advance for ten years.

Commissioners Scholz and Bublitz inquired whether the Common Council had approved the tower, to which Administrator Hilvo confirmed their approval.

Commissioner Strautmanis asked if a shorter monopole could effectively fill the coverage gaps. The reply was that a shorter alternative would probably require multiple monopoles to be placed instead of a single tall monopole.

**Public Comment:**

**Brian Shonat** -N110 W7163 August Lane – Opposed the monopole and would not have purchased a home in the neighborhood if he were aware of the monopole.

**Ryan Hillgartner** – N115 W6823 Cabot Court – Opposes the monopole and does not feel there is a gap in services.

**Jessie Scott** – N49 W5237 Portland Road – Applauded Commissioner Bublitz and supports the community's concerns with the monopole. He would like to see other alternatives for residents.

**Lynda Johnson** – W62 N780 Sheboygan Road – Thinks the City should have had foresight.

Commissioner Fitzpatrick explained that monopoles need to be located where the cellular traffic is, not out in low-demand locations. Commissioner Arnett gave the locations of five monopoles in the area and said if the city doesn't install the monopole, the city wouldn't receive payments, but the pole would likely still be installed somewhere close by.

There being no one else wishing to speak, the motion was made by Commissioner Strautmanis, seconded by Commissioner Bublitz, to close the Public Hearing at 7:33 p.m. Motion carried on a roll call vote with Commissioners Arnett, Scholz, Strautmanis, Bublitz, Council Member Fitzpatrick, and Mayor Thome voting aye. Commissioner Voltz was excused.

**Action:**

The motion was made by Council Member Fitzpatrick, seconded by Commissioner Arnett, to approve the request for Conditional Use Permit approval to construct a new 195-foot-tall wireless telecommunications monopole with related antennas and ground equipment/enclosure to include the Planner recommended conditions. Commissioner Bublitz opposed. Commissioner Voltz was excused.

**REVIEW, DISCUSSION AND POSSIBLE ACTION ON THE REQUEST OF APPLICANT SIERZANT, IN C/O SETH DEHNE AND JOE NOWAK AS TO THEIR REQUEST FOR CONDITIONAL USE PERMIT AMENDMENT APPROVAL TO ADD OUTDOOR RECREATION USE (BOCCE COURTS), TO ADD OUTDOOR LIGHTING IN THE OUTDOOR SEATING AREA, TO HAVE OUTDOOR MUSIC LESS THAN 80 DECIBELS AT THE SITE, AND TO USE THE ACCESSORY OUTBUILDING/SHED ADJACENT TO THE PERMITTED OUTDOOR SEATING AREA FOR LIMITED BAR PURPOSES. THIS 1.34-ACRE PROPERTY(S), LOCATED AT N49W5471 PORTLAND ROAD, IS OWNED BY MOFRO LLC IN C/O LANCE WOOTEN.**

Planner Censky reported the request for amendment to a conditional use permit for a property formerly known as Ernie's Wine Bar. The amendments include adding outdoor recreation (bocce ball courts), outdoor lighting, outdoor music, and using an accessory shed for outdoor bar purposes. Planner Censky outlined the proposed changes, including proposed hours of operation for the bocce courts and lighting, and she discussed potential conditions the Plan Commission could impose to mitigate potential adverse impacts on neighboring residential properties. She emphasized the need to balance the business's requests with the comfort and welfare of the surrounding residential area.

The B-2 Community Business District does not list "Outdoor dining and non-alcoholic beverage service" as an accessory use that may be allowed in the B-2 District. (Note: the B-3 Central Business District does list this as an accessory use).

In September 2024, the applicants requested approval from the Plan Commission to expand upon the existing "Ernie's" permission by adding additional outdoor seating space, including an outdoor bar and amplified sound/music. Outdoor recreation uses were also proposed. Because the accessory use "Outdoor dining and non-alcohol beverage service" is not listed as a use that may be considered/approved in the B-2 District, the Plan Commission denied their expansion/modification plans, opting instead to simply grant the conversion of the existing legal nonconforming use by Ernie's into a Conditional Use Permit. Since the fencing around the old Ernie's allowed area has been removed by the applicants, the Plan Commission deferred new/replacement fence plan approval to the Planner and Building Inspector. The Plan Commission

also gave a favorable recommendation to the Common Council for approval of an outdoor alcohol consumption permit within the footprint of the original Ernie's outdoor seating area of the new owners. The terms of that approval were that the site and use be "an exact replica of the prior Ernie's Wine Bar" permissions and requirements.

At this time, the applicant would like to amend their Conditional Use Permit to include:

- Permission to use the accessory shed for outdoor alcohol sales and service (i.e., outdoor bar).
- Permission to add outdoor, dimmable string/café style lighting in the fenced seating area.
  - o Fastened in swag fashion (not lower than 8-feet) to the tops of 10ft poles coming out of the wine barrels depicted on the Site Plan.
  - o Proposed "lights-on" hours to include:
    - Tuesday, Wednesday, Thursday: 2pm - 11pm\*
    - Friday & Saturday: 2pm-12am\*
    - Sunday: 2pm-10pm\*
  - o Bulbs identified as 40 lumens (i.e., equivalent to ~2.5 incandescent watts) /each.
- Permission to have amplified and ambient sound/music in the outdoor patio and recreation areas at a sound level less than 80 decibels.
- Permission to install artificial turf-surfaced bocce ball courts, two lanes for a total of 14ft x 40ft (560sq.ft).
  - o Including bollard style downlights lighting along the sides of these lanes (10 fixtures total).
  - o Lanes bounded by border made of 8" x 8" railroad ties.
  - o Hours of play to include:
    - Tuesday, Wednesday, Thursday: 2pm - 10pm\*
    - Friday & Saturday: 11am - 11pm\*
    - Sunday: 10am - 9pm
    - Extended hours on holidays as needed without going past 10pm\*
    - No alcohol permitted in the bocce recreation area.

\* = Later than the current permitted use hours for the outdoor seating area.

The City Code does not prohibit the use of outdoor lighting in the B-2 District. The performance standard in Section 13-1-174 of the Code does provide that "External lighting shall be shielded so that light rays do not adversely affect adjacent uses".

The City Code does list "Indoor or outdoor recreational and entertainment facilities" as a conditional use that may be considered/approved in the B-2 District. The Conditional Use Section of the City Code provides, among other things, that: Conditions such as landscaping, architectural design, type of construction, floodproofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this Chapter. The foregoing is not an exclusive list of the types of conditions that may be imposed. Conditional uses shall comply with all other provisions of this Chapter unless variances are granted by the Zoning Board of Appeals.

The stated purpose of Chapter 1/Zoning Code is “To promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of the City of Cedarburg, Wisconsin, and its residents. The Planner recommends that the following conditions be considered for attachment to any approval the Plan Commission may be inclined toward granting in this matter:

- 1) The string/café style lighting be denied in favor of the applicant submitting a revised seating area lighting plan, to be reviewed and approved by the Plan Commission at a subsequent date, which keeps all light supports, fixtures, strings and/or luminaires out of the view from grade or from any story within a building on the adjoining residentially zoned properties. No lighting shall be permitted in the outdoor seating or recreation areas where the luminaire/light source itself is visible to the surrounding view (i.e., all lighting shall be provided using full cut-off type fixtures).
- 2) The hours of operation for the outdoor seating area are reiterated to be not later than 9pm on Sunday through Thursday, and 10 pm on Friday and Saturday.
- 3) The hours of use for the bocce outdoor recreation, and for any permitted lighting or sound/music associated with the outdoor seating area and bocce area, shall be not permitted later than 9pm on Sunday through Thursday, and 10 pm on Friday and Saturday.
- 4) Outdoor sound/music, outdoor seating area lighting, outdoor recreation play or lighting shall not be permitted when the bar on site is not open for business.
- 5) In consideration for the adjacent proximity of this use to existing low density single family residential uses, outdoor ambient or amplified sound/music shall not exceed TBD decibels.
- 6) The existing 8-foot-tall fence shall be extended, dropped in height to seven feet or less and continued along and not less than 1-foot beyond/west of the south side of the bocce courts. The small gravel area that is behind the existing 8-foot-tall fence shall be restored to
- 7) A detailed landscaping plan to lessen the aesthetic impact of the somewhat harsh, stockade-like appearance of the existing and expanded fence from the south and east, shall be prepared by the applicant and submitted for Plan Commission review and approval at a future meeting.
- 8) Not less than three strategically placed 6’-tall (at planting) coniferous trees (such as or similar to Norway Spruce or Black Spruce shall be placed in the yard area between the fence landscaping and the south property line. City staff shall guide in the field placement of these trees.
- 9) Approval by the Common Council and City Clerk issuance of all permits as may be required regarding outdoor alcohol sales/service/consumption activities at this site.
- 10) All requirements and conditions must be in full compliance at the site prior to the start use in the outdoor patio or recreation area.
- 11) If the bocce use is not approved, or if it is not installed within 3-months of approval, that area shall be restored to natural turf grass and landscaping as was the preexisting condition at the time of Ernie’s.
- 12) Unightly, unenclosed outdoor storage of any materials, equipment or supplies related to the residential, business and/or recreational uses of this property shall be prohibited.

Commissioner Arnett opposes the Conditional Use Permit request submitted by Sierzant, citing that the zoning does not support it and noting the community's opposition. Commissioner Bublitz also does not support the request and suggests considering a live musician instead of a bocce ball court. In contrast, Commissioner Scholz is in favor of granting the Conditional Use Permit to add a bocce ball court. Council Member Fitzpatrick supports Sierzant, stating that this use is reasonable for Cedarburg and highlighting that bocce ball is a relatively quiet sport. Council Member Fitzpatrick also expressed gratitude to Planner Censky for the recommendations regarding ambient music and lighting.

Commissioner Strautmanis was comfortable with the decision of Sierzant not to expand at the beginning of the approval from last year. Mayor Thome's point comes down to zoning. There is limited scope for B-2 zoning as the adjoining neighbors are not comfortable with a bar outside of the business. Mayor Thome is hesitant to add "outdoor recreation" to the B2 district.

The motion was made by Council Member Fitzpatrick, seconded by Commissioner Bublitz, to open the Public Hearing at 8:13 p.m. The motion carried unanimously. Commissioner Voltz was excused.

The applicant, Co-owner of Sierzant, Joe Nowak, addressed concerns from the city and neighbors, explaining their efforts to communicate with neighbors and their willingness to adjust lighting, hours, and landscaping. The applicant emphasized their desire to work within the community while maintaining the bar's character and adding bocce ball courts. Joe emphasized their intentions to be respectful of the community and highlight the potential benefits of their plan.

**Public Comment:**

**Mike Kashou**-N47 W5450 Spring Ct.- Opposed to any outdoor games, music, and an outdoor bar.

**Jaqueline Janz**-N47 W5450 Spring Ct- Is opposed to the request. She doesn't want people to trespass onto her property, make noise, traffic, or create light disturbances.

**John Nelson** -W55 N470 SPRING CT- He opposed the request, suggesting the decibel level be lower than a conversation, and asked the Plan Commission to deny it and restore Ernie's footprint.

**Jesse Scott** - N49 W5237 Portland Road- Opposes Sierzant's request, stating there is no physical barrier between bocce ball and serving alcohol, and requesting the decibel levels to be low.

**Tara Strong** - W55 N460 Spring Ct. – Opposed to the additional request by Sierzant.

**Eddie Sauer** - W60 N629 Jefferson Avenue-Supports Sierzant. In favor of the request stating this would be a great addition to the city, Its inviting, and the property enhancement is tasteful.

**Ronald Sella**-W55 N503 Highland Dr. - Bozman's has quadrupled in size and has gotten louder. The bigger Sierzant gets, the louder it will be. Requesting the same footprint as Ernie's.

The applicant, Co-owner of Sierzant Sethe Dehne confirmed his willingness to work with the city and neighbors about ongoing issues and requests. The lighting is currently the same as Ernie's Wine Bar, also the height of the fence. The applicant is willing to change the lighting and fence height and has removed the horseshoe court that was in the rear of the property.

**Darlene Dorfler** – N46 W5674 Spring St – is concerned that traffic and parking are increasing.

**Ben Recob** – W64 N727 Washington Avenue- Supports Sierzant, stating Cedarburg is evolving.

Jake Dehne, Sierzant Co-Owner, mentioned that Bocce ball will only be available 5 months out of the year.

No others wishing to speak, the motion was made by Commissioner Arnett, seconded by Council Member Fitzpatrick, to close the Public Hearing. Motion carried on a roll call vote with Commissioners Arnett, Scholz, Strautmanis, Bublitz, Council Member Fitzpatrick, and Mayor Thome voting aye. Commissioner Voltz excused.

Mayor Thome reiterated her concern about the code and expressed her desire to protect it. She noted that if the city grants certain requests for Sierzant, then all businesses in the B2 District should also be allowed to make similar requests. Additionally, she would like to see alternatives to string lighting.

Council Member Fitzpatrick believes this expectation is reasonable and emphasizes that the city cannot selectively enforce regulations. He noted that other businesses also use string lights. Overall, he finds everything reasonable, except for the specified hours and the use of the outdoor bar. He considers it a good and fair use, largely in favor of the proposal.

Commissioner Arnett believes that the downtown area has unique expectations. Commissioner Bublitz supports the original design plan and is not opposed to the seating or lighting, but she does not support the addition of a bocce court. She is concerned that it will create excessive noise disturbances in the neighborhood and insists that music levels should not exceed 40 decibels.

Commissioner Scholz supports the request for a bocce court, while Commissioner Strautmanis is concerned about controlling alcohol outside of the designated seating area and the bocce court.

The applicant, Seth Dehne, agreed to monitor the area and add split rail fencing with planting boxes so that there would not be alcohol beverages crossing over into the bocce area.

**Action:**

The motion was made by Council Member Fitzpatrick, seconded by Commissioner Scholz, to approve the request as presented but excluding use of the accessory outbuilding/shed adjacent to the permitted outdoor seating area for bar purposes and subject to the Planners conditions in her report, stipulating that the landscaping and lighting plan requirements be subject to review and approval by the City Planner (vs Plan Commission) requiring that, in consideration for the adjacent proximity of this use to existing low density single family residential uses, outdoor ambient or amplified sound/music shall not exceed 65 decibels as the maximum decibel level permitted at the lot line. The motion carried unanimously, with Commissioner Arnett and Bublitz voting nay. Commissioner Voltz was excused.

A second motion was made by Commissioner Arnett, seconded by Commissioner Bublitz, to end bocce and outdoor music by 9:00 pm every day. Commissioners Scholz and Strautmanis, Council Member Fitzpatrick, and Mayor Thome voted nay. Commissioner Voltz was excused.

**REGULAR BUSINESS AND POSSIBLE ACTION THEREON**

**REVIEW, DISCUSSION, AND POSSIBLE ACTION (RECOMMENDATION TO THE COMMON COUNCIL) ON THE REQUEST OF APPLICANT JORDAN LARSON, D/B/A CEDAR WAY CONDOMINIUM, FOR APPROVAL OF HIS FINAL CONDOMINIUM DECLARATION/PLAT. THIS 7-UNIT CONDOMINIUM IS TO BE CONSTRUCTED ON .72-ACRES LOCATED AT W61 N451 WASHINGTON AVENUE.**

Planner Censky reported: The applicant has submitted his Final Condominium Declaration and Plat documents for review and approval by the Plan Commission and Common Council. As with a subdivision plat, if the Final plans are substantially consistent with the Preliminary approved plans, and provided the applicant enters into an agreement providing specifications and sureties for any public improvements that are required to be installed as a part of the project, they are eligible for Final approval.

Based upon staff review, the final documents do appear to comport with the terms of the Preliminary approvals, including as subsequently modified with respect to, for instance, the elimination of an island in the center of the access drive/turn-around, relocation of the dumpster enclosure area, and updated landscaping.

The Planner recommends the following conditions be considered for attachment to any recommendation for approval the Plan Commission is inclined toward making in this matter:

- 1) Applicant to receive final condominium plat review and approval by the Common Council prior to issuance of an early start footing/foundation permit or building permit.
- 2) Applicant to enter into, and establish any required sureties as may be set forth in, a Development Agreement with the City for the design and satisfactory completion of the improvements required to be installed in support of this project - prior to issuance of an early start footing/foundation permit or building permit.

**Action:**

The motion was made by Commissioner Strautmanis, seconded by Council Member Fitzpatrick, to approve the recommendation to the Common Council on the request of applicant Jordan Larson, d/b/a Cedar Way Condominium, for approval of his final condominium declaration/plat. This 7-unit condominium is to be constructed on .72-acres located at W61 N451 Washington Avenue, subject to the Planner's recommendations. Motion carried unanimously with Commissioner Voltz excused.

**REVIEW, DISCUSSION, AND CONSULTATIVE FEEDBACK TO APPLICANTS/PROPERTY OWNERS ANDREW AND DEBRA HELGESON ABOUT CONVERTING A PORTION OF THE FIRST-FLOOR BUILDING SPACE TO RESIDENTIAL USE IN THEIR MULTI-TENANT BUILDING LOCATED AT N53 W6393/6395 CENTER STREET. THIS SITE IS .13-ACRES (5,663 SQ. FT.) IN SIZE.**

Planner Censky reported: This property has an existing principal building, and a detached

accessory shed on it. The principal building is currently subdivided into multiple residential rental units and multiple commercial rental units. There is one space on the first floor at the rear of the building that is used as landlord's shop space.

The applicant wants to rehabilitate this first-floor shop space into a residence unit. The Interurban Trail is a zoning District boundary between the residential districts (to its west) and the B-3 Commercial District (to its east) throughout the central city area. Exceptions to this include a couple of small multi-family sites and the City Emergency Government facility located on Western Avenue, for instance.

The B-3 Central Business District permits residential use of buildings only as follows:

- Owners may continue “Residential use of single-family and two-family structures that existed prior to the adoption of this Ordinance.”
- The accessory use “Residential quarters provided that such quarters are in the principal building, not on a ground-level floor, and the entrances and exits to such quarters are directed to the interior of the building. There shall be a minimum floor area of 420 square feet for an efficiency or one bedroom apartment and 550 square feet for a two-bedroom apartment.” may be permitted.
- Tourist Rooming House, defined as “All lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients as regulated under Wisconsin Chapter DHS 195.”, is listed as a conditional use that may be considered for approval.

The B-1 Neighborhood Business District lists “Residential units, excluding storefront space and new principal residential structures,” as a permitted use.

The only access and parking available to serve this site are located on land owned by Wisconsin Electric Power Company. The applicant indicates they have an enduring easement for continued use of the WEPCO property for access and parking to serve this building and its various uses.

Because this is a matter of consultation and feedback only, the Planner has no recommendation at this time.

The owner, Andy Helgeson of 4940 Timbercrest Dr., Cedarburg explained why the request for this is before Plan Commission. Mr. Helgeson is asking for consideration and is looking for next steps.

Commissioner Strautmanis inquired whether the owner could apply for a B-3 zoning designation through a variance. However, he noted that there is no demonstrated hardship, which is one of the requirements for a variance application. The Planning Commissioners suggested that the owner seek rezoning before consulting with an architect, but they believe that the zoning could potentially be changed to B-2 zoning.

**No action, Discussion only.**

**REVIEW, DISCUSSION, AND POSSIBLE ACTION (RECOMMENDATION TO THE**

**COMMON COUNCIL) TO CREATE THE NEW SITE AND ARCHITECTURAL REVIEW BOARD (SARB).**

Planner Censky reported, The City has been in discussions about creating a new Site and Architectural Design Review Board (SARB) tasked with reviewing new commercial/industrial/institutional/mixed-use site and building plans, as well as residential plats and residential building designs, and making recommendations to the Plan Commission. These duties are currently assigned to the Plan Commission, where a couple of the many Commissioners who are uniquely qualified to lend expert review and comments as a part of Plan Commission consideration, tend to contribute a great deal of their personal time and expertise, outside of the regular Plan Commission meetings, in preparation for the design and architectural discussions on these items.

Plan Commission recently favored policies outlined in the Chapter 2 Housing of the Smart Growth Comprehensive Plan calls for developers to ‘provide architectural theme and design detail information as a part of any new housing development application as might ensure that certain unique architectural and building/site design characteristics of historic Cedarburg continue to be referenced going forward’. Further, Chapter 8-Land Use provides among its goals/objectives that ‘detailed site design considerations must also be addressed during the project approval phase’. These examples suggest that the City is calling for design excellence in new/future development projects. The SARB could substantially impact these outcomes, considering that the goal is to appoint members to this Board who possess special expertise in architecture and similar site and building design vocations, such as, but not necessarily limited to, construction, landscape architecture, and site planning, for instance. It's likely that, as a part of its initial work, the SARB will review and may recommend modifications to portions of the specific language describing the site and architectural design standards as outlined in Article F.

If the Plan Commission feels it would be beneficial to include this sort of specialized consideration as to site plans and building architecture prior to final approvals, then a favorable recommendation to the Common Council would be appropriate at this time referencing the DRAFT code language changes above as the desired means of incorporating this board into the review/approval process.

The Plan Commission discussed creating a new Site and Architecture Review Board (SARB) as an advisory committee to the Planning Commission. They review proposed language changes that would define how SARB would interact with the Planning Commission's responsibilities. Mayor Thome discussed the potential composition of SARB, including having architects, a Plan Commissioner, and other experts as members. Council Member Fitzpatrick debated whether a City Council member should be included, given that SARB would advise the Planning Commission rather than the Council directly.

**Action:**

The motion was made by Commissioner Bublitz and seconded by Council Member Fitzpatrick to recommend to the Common Council to approve the creation of the new Site and Architectural Review Board (SARB) and to make the changes to Title 13, Chapter 1, Article F of the Code as presented. The motion carried unanimously. Commissioner Voltz excused.

**REVIEW, DISCUSSION, AND POSSIBLE ACTION/RECOMMENDATION TO THE COMMON COUNCIL AS TO THE SMART GROWTH COMPREHENSIVE LAND USE PLAN-2025 UPDATE INCLUDING:**

- **CREATION OF NEW PLANNED MIXED LAND USE CLASSIFICATION AND RELATED ZONING DISTRICT**
  - **'DETAILED PLANNED MIXED USE RESIDENTIAL/LOCAL BUSINESS NEIGHBORHOOD' LAND USE CLASSIFICATION**
  - **'PLANNED MIXED USE RESIDENTIAL/LOCAL BUSINESS' ZONING DISTRICT**
- **SMART GROWTH AREAS 1-12**
- **CHAPTERS 2-HOUSING, AND 4-UTILITIES AND COMMUNITY FACILITIES.**

Planner Censky reported her draft of the new planned mixed residential/local commercial/open space land use classification and related zoning district.

This new land use classification and district would allow for the mixing of residential uses, including single-family, duplex, and townhome-style multifamily units. The proposed district would be called Planned Mixed-Use Neighborhood Zoning District and would be intended to allow for carefully planned mix of residential, locally oriented neighborhood business, service office, and public or private outdoor open space gathering and recreational spaces on a single development site or a grouping of multiple sites that are in common ownership at the time of application. Each such district would contain not less than 15 gross acres. The residential use would be the predominant land use type, with a total residential use density of a minimum of 5.2 units per net, buildable acre and a maximum, 10.8 units per net, buildable acre. The residential form of the plan would emphasize detached single-family units, with at least 60% of all residential units being single-family, along with some 2-family units not to exceed 10%, and some multifamily townhomes not to exceed 8 attached units per building or 2 stories above grade. The district would also allow for mixed use in non-residential buildings not to exceed 2 stories above grade. Planned unit development overlay zoning would not be applicable in this district.

Commissioner Arnett questioned whether the 30% allocation for commercial land use was too high. Council Member Fitzpatrick and Mayor Thome concurred that 60% for single-family residential could be excessive.

The Commissioners appeared to be wrestling with the level of detail and restrictions in the proposed ordinance. For instance, is there a need for flexibility in the commercial component of the district, with a minimum requirement for a commercial component without specifying the exact percentage? Due to the late hour and the complexity of the issue, the Commission agreed to continue the discussion at a future date.

Property owners, Mary Jo, Elizabeth, Michael Wirth, and their Attorney Brian Randall are arguing for higher-density multifamily housing based on the data from the Vierbicher Housing report, the School District Community Growth and Projections report, and the Cedarburg Traffic Study.

**Cathy Czech**-N119 W5835 James Circle- Inquired whether the Commission included parking in the 70%/30% ratio for retail and guest parking for the housing units. Additionally, there are antennas designed to resemble trees, as mentioned in item 6a.

**Linda Johnson** – W62 N780 Sheboygan Road- Thanked the Commission for listening to the neighbor's concerns, but it should not include multifamily and high-density developments.

**Beth Maresh** -W62 N787 Sheboygan Road – Appreciates the Plan Commission looking at this property as a multi-use development and is opposed to multi-family and apartments.

**Kate Meyers**-W64 N201 Fairfield St- Noted the property was annexed into the city to bring tax dollars. Reminded Commission of the donations the Wirth family made to the city, to include Adlai Horn Park and Cedar Creek Park, and founding Cedarburg News, now News Graphic.

**Terry King**-W63 N762 Sheboygan Road- Reminded the Commission of the many good families of Cedarburg.

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

Commissioner Bublitz expressed her limit and wanted to table the discussion until next month.

### **MAYOR'S ANNOUNCEMENTS**

NONE

### **ADJOURNMENT**

A motion was made by Commissioner Arnett, seconded by Council Member Fitzpatrick, to adjourn the meeting at 10:39 p.m. The motion carried unanimously. Commissioner Voltz excused.

Theresa Hanaman  
Administrative Assistant

## CHAPTER 5 ETHICS CODE

### **Sec. 2-5-1 Declaration of policy.**

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office is not to be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is established in this chapter a code of ethics for all City of Cedarburg officials and employees whether elected or appointed, paid or unpaid, including members of council as well as boards, committees and commissions of the city (city agencies). The purpose of this ethics code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the City of Cedarburg and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the city.

(Ord. No. 2004-08)

### **Sec. 2-5-2 Responsibility of public office.**

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and carry out impartially the laws of the nation, state and municipality, to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern.

(Ord. No. 2004-08)

### **Sec. 2-5-3 Dedicated service.**

- (a) Officials and employees should adhere to the rules of work, professionalism and performance established as the standard for their positions by the appropriate authority.
- (b) Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

(Ord. No. 2004-08)

### **Sec. 2-5-4 Fair and equal treatment.**

- (a) *Use of public property.* No official or employee shall request or permit the unauthorized use of city-owned vehicles, equipment, materials or property for personal convenience or profit.
- (b) *Fundraising.* With the exception of fundraising for purposes of raising money for city departmental programming, equipment, or capital projects, which may occur subject to council approval and all provisions of this Code and the State Statutes, the following shall be prohibited:

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- (1) No official or employee shall request or permit the use of city resources, city time or city equipment for the purpose of fundraising.
  - (2) No official or employee shall use his or her position, authority or influence, whether possessed or anticipated, to represent themselves as a city official or employee for private or public fundraising.
- (b) *Obligations to citizens.* No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

(Ord. No. 2004-08; Ord. No. 2015-13)

## **Sec. 2-5-5 Conflict of interest.**

- (a) *Financial and personal interest prohibited.* No official or employee, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this chapter or which would tend to impair independence of or action in the performance of official duties.
- (b) *Definitions.*
- (1) *Financial interest.* Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.
  - (2) *Personal interest.* Any interest arising from blood or marriage relationships or from close business or political associations, whether or not any financial interest is involved.
  - (3) *Person.* Any individual or legal entity.
- (c) *Specific conflicts enumerated.*
- (1) *Incompatible employment.* No official or employee shall engage in or accept private employment or render service for private interest when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties, unless otherwise permitted by law.
  - (2) *Disclosure of confidential information.* No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City, nor shall such information be used to advance the financial or other private interests of the official or employee or others.
  - (3) *Gifts and favors.*
    - a. No public official or employee may use his or her public office to "obtain financial gain" or "anything of value" for the private benefit of himself or herself, for his or her immediate family, or for an organization with which he or she is associated.
    - b. No person may directly or indirectly offer or give "anything of value" to a local public official or employee if it could reasonably be expected to affect that official's vote, official action or judgment, or if it could be construed as a reward for any official action or inaction on the part of the local public official or employee. No local public official or employee may accept "anything of value" tendered under such circumstances. "Anything of value" is defined as "money or property, favor, service, payment, advance, forbearance, loan or promise of future employment". Legal campaign contributions are exempt from the definitions. An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or

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a member of the guest's immediate family, was a City official or employee. This includes any discount on the price of admission, parking, or use of a box at a stadium that is tax exempt from general property taxes. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.

- c. No local public official or employee may take any official action that affects a matter in which the public official or employee, a member of his or her immediate family, or an organization with which the official or employee is associated has a substantial financial interest.
  - d. No local public official or employee may use his or her office or position in any way that produces or assists in producing a substantial benefit, either directly or indirectly, for the official or employee, any members of his or her immediate family, or an organization with which the official or employee is associated.
- (4) *Representing private interests before city agencies or courts.* No officer or employee shall appear on behalf of any private person (other than him or herself, his or her spouse or minor children) before any city agency. However, members of the common council may appear before city agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations.
- (d) *Contracts with the city.* No city officer or employee who, in his capacity as such officer or employee, participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract with some function requiring the exercise of discretion on his part shall enter into any contract with the city unless it is within the confines of section 946.13.
- (e) *Disclosure of interest in legislation.*
- (1) Any member of the common council who has a financial interest or personal interest in any proposed legislation before the common council shall disclose on the records of the common council or the ethics board created by this chapter the nature and extent of such interest.
  - (2) Any other official or employee who has a financial interest or personal interest in any proposed legislative action of the common council or who serves on a board or committee, shall disclose the nature and extent of such interest.
  - (3) If there is a conflict of interest for any official or employee, he or she must refrain from participating in any way including discussion, deliberations or action on the item.

(Ord. No. 2004-08)

### **Sec. 2-5-6 Advisory opinion.**

Any questions as to the interpretation of any provisions of this code of ethics chapter shall be referred to the personnel committee serving as the ethics board or the city attorney. The fact that a person seeks an advisory opinion and abides by the material facts as stated, is evidence of intent to comply with the ethics code.

(Ord. No. 2004-08)

### **Sec. 2-5-7 Jurisdiction and application.**

- (a) The personnel committee shall have administrative jurisdiction over this code of ethics chapter and shall be deemed the ethics board pursuant to Wis. Stats. § 19.59(3)(d) for that purpose. An individual may request an

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(Supp. No. 7)

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advisory opinion on the propriety of any matter to which he or she is or may become a party. However, the personnel committee has complete discretion as to whether to issue such an opinion. All requests and advisory opinions to the ethics board must be in writing.

- (b) The personnel committee may make recommendations with respect to amendments to this code of ethics chapter.
- (c) Upon the sworn complaint of any person alleging facts which, if true, would constitute improper conduct under the provisions of this chapter, the personnel committee shall conduct an investigation of the facts of the complaint; if the investigation indicates there may be a reasonable basis for the complaint justifying further investigation, the committee shall conduct a public hearing in accordance with the common law requirements of due process, including notice, an opportunity to be heard, an opportunity to cross-examine witnesses and to present testimony and other evidence in support of the accused's position and an opportunity to be represented by counsel or other representatives at the expense of the accused. The committee shall make written findings of fact and issue a written decision concerning the propriety of the conduct of the subject official or employee and shall refer the matter to the common council for final disposition.
- (d) In the event a member of the personnel committee is allegedly involved in an ethics code violation, the mayor, subject to the confirmation of the common council, shall appoint another council member to temporarily replace the member of the committee who is under investigation.

(Ord. No. 2004-08)

### **Sec. 2-5-8 Sanctions.**

A determination that an official's or employee's actions constitute improper conduct under the provisions of this chapter may constitute a cause of suspension, removal from office or employment or other action permitted by law.

(Ord. No. 2004-08)

### **Sec. 2-5-9 Distribution of ethics code.**

- (a) The city clerk shall cause a copy of this code of ethics to be distributed to every public official and employee of the City of Cedarburg within 30 days after enactment of this chapter. Each public official and employee elected, appointed or engaged thereafter shall be furnished a copy before entering upon his duties.
- (b) Each public official, the mayor, the chairman of each board, commission or committee and, through the city administrator, the head of each department shall, between May 1 and May 31 each year, review the provisions of this Code with his fellow council, board, commission, committee members or subordinates as the case may be and certify to the city clerk by June 15 that such annual review had been undertaken. A copy of this ethics code chapter shall be continuously posted on each department bulletin board wherever situated.

(Ord. No. 2004-08)

# PLANNERS REPORT

**To:** City of Cedarburg Plan Commission

**By:** Mary Censky

**Date:** June 2, 2025

## **General Information:**

**Agenda Item:** 7.A.

**Applicant:**

Gregory Chay d/b/a Chay's Tae Kwon Do

**Property Owner:**

Pontiac Garage LLC in c/o Greg Zimmerschied

**Requested Action:**

Review and approval of Conditional Use Permit for health/fitness service business (i.e., Tae Kwon Do)

**Current Zoning:**

B-2 Community Business District

**Current Master Plan Classification:**

Commercial

**Surrounding Zoning/Land Use:**

North: Rs-6 Residential District

South: B-2 Community Business District

East: B-2 Community Business District

West: Rs-6 Residential District

**Lot Size:**

.35-acres

**Location:**

N69 W5289 Columbia Road

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## **Discussion:**

The applicant seeks Conditional Use Permit (CUP) approval to locate his Tae Kwon Do health/fitness service business in this existing vacant building/site.



The [B-2 Community Business District](#) lists “Health clubs” among the uses that may be approved through conditional use permit.

The proposed hours of operation for this use are 4 p.m. to 7:30 p.m. Monday – Friday, and 9 a.m. – 11:30 a.m. on Saturdays. The business will be closed on Sundays.

No changes are proposed to the exterior of the building or site at this time. No changes are proposed to the exterior site/building lighting, parking/circulation, or landscaping at this time.

**Recommendation:**

The Planner recommends the following conditions be considered for attachment to any approval the Planning Commission may be inclined to grant in this matter:

- 1) Issuance of an Occupancy Permit prior to the start of the proposed new use in this building.
- 2) The dumpster screening enclosure shall be maintained in good repair at all times and trash receptacles and/or dumpster shall be stored inside the enclosure at all times.
- 3) All exterior doors and windows to the building shall remain closed whenever classes/training are in session.
- 4) The building and site shall be in accordance with site plan attached.
- 5) All signs are subject to prior review, approval, and permit issuance in accordance with Chapter 5 of the Building Code – Regulation of Signs prior to placement at the site.
- 6) Full execution and recording of the Conditional Use Permit documents prior to the start of occupancy.



LAND DEVELOPMENT APPLICATION

PROPERTY LOCATION/ADDRESS: 169 W5289 Columbia Rd

APPLICANT/BUSINESSNAME: Gregory Chay

APPLICANT/BUSINESS ADDRESS: 9295 Starsgate Rd. Cedarburg

STATUS OF APPLICANT: [ ] OWNER [ ] AGENT [ ] BUYER [X] OTHER prospective tenant

PHONE: 414-899-4968 EMAIL: chay+kdman@aol.com

PROPERTY OWNER (IF DIFFERENT): Pontiac Garage LLC in c/o Greg Zimmerchied

PROPERTY OWNER MAILING ADDRESS: 167 W5389 Cedar Ct.

\* PROPERTY OWNER PHONE: 262-375-3919 \*PROPERTY OWNER EMAIL: cornerstoneLLC@earthlink.net

REQUEST FOR (CHECK ALL THAT APPLY):

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

DESCRIBE REQUEST: Tae Kwan Do health / fitness
6 day / week 4pm - 7:30pm M-F Sat 9am - 11:30 am
Sunday closed. No A landscaping, lighting, parking, building.

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

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: [Signature] DATE: 05/08/2025

FOR CITY STAFF USE ONLY

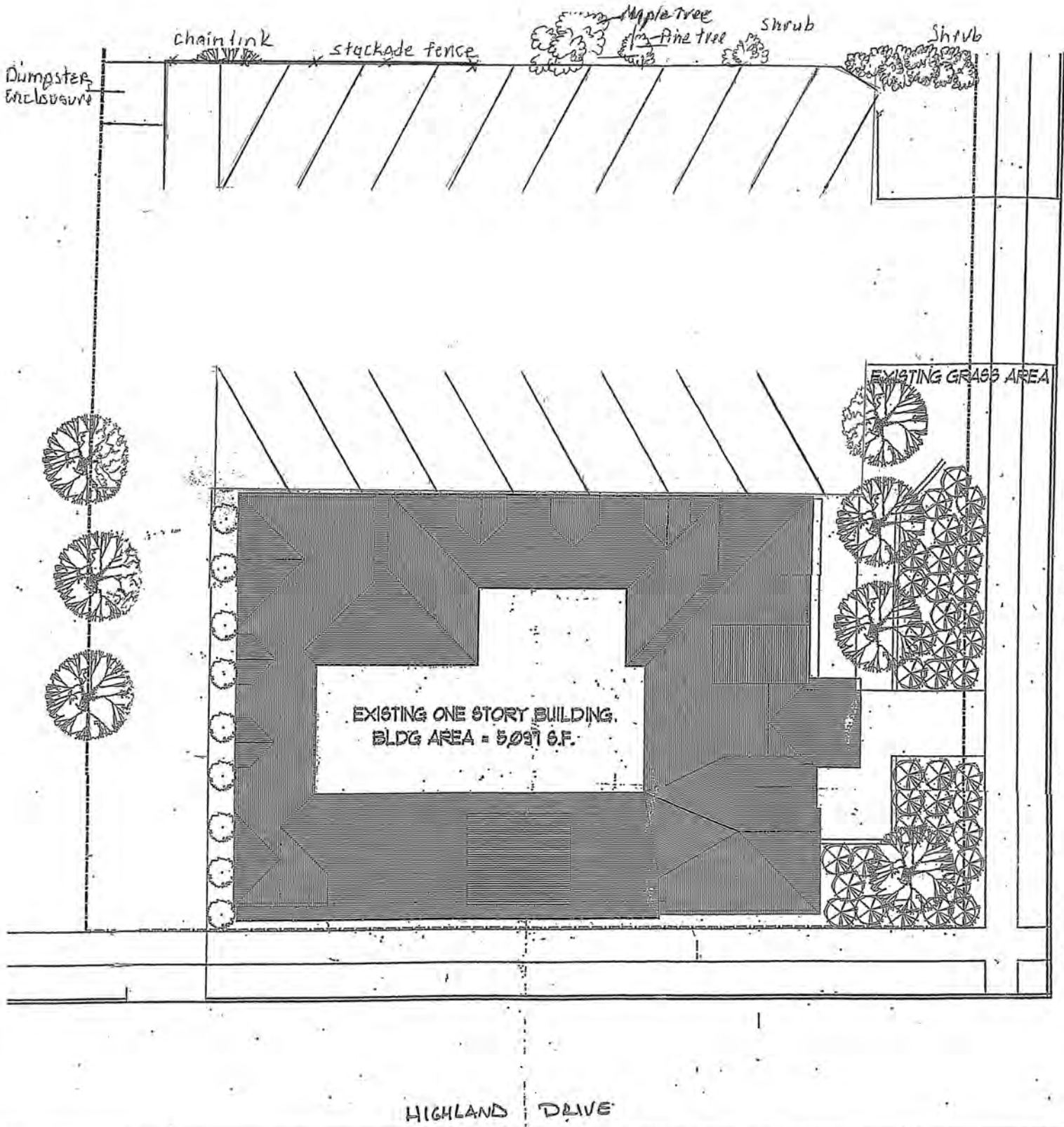
TOTAL FEE: \$ 300.00 (SEE FEE SCHEDULE ON REVERSE PAGE) DATE FEE PAID: 5-8-25

APPLICATION AND FEE RECEIVED BY: [Signature] PLAN COMMISSION MEETING DATE: June 2, 2025

ATTACHMENTS (CHECK IF RECEIVED): [ ] FIVE DESCRIPTIONS [ ] FIVE FULL-SIZE SETS [ ] THIRTEEN PLAN SETS

PROPERTY TAX KEY NO/PLAN COMMISSION FILE NO: 13-135-04-01-000

ZONING: B-2 ALDERMANIC DISTRICT: PREVIOUS MEETING:



SITE PLAN 1"=10'



PLAN

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## PLANNERS REPORT

To: City of Cedarburg Plan Commission

By: Mary Censky

Date Prepared: June 2, 2025

### General Information:

#### Agenda Item: **8.A.**

#### Property Owner/Applicant:

Andrea Acosta, d/b/a  
Blanca's Commercial  
Kitchen

#### Request:

Temporary Use approval  
to conduct 8 Food Truck  
Events in the parking lot.

#### Current Zoning:

Part B-3 Central Business  
District and part B-3 with  
HPD Historic  
Preservation Overlay  
District

#### Current Master Plan Classification:

Commercial

#### Surrounding Zoning/Land Use:

North: B-3

South: B-3 (City owned  
parkland)

East: B-3

West: B-3 w/ HPD

#### Lot Size:

.38 Acres

#### Location:

W63 N540 Hanover  
Avenue

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### Background:

The applicant would like to use the parking lot behind/west of the building they currently lease/use for commercial kitchen and bar with outdoor

seating/consumption purposes (with outdoor music permit), to conduct 8 food truck events on Wednesday evenings July 9, 16, 23, 30 and August 6, 13, 20, 27 from 4 p.m. to 9 p.m. each time. The plan as presented calls for up to 6 food vendors all or some of which may be mobile food trucks.

The applicant indicates that there will be outdoor lighting set-up for these events (i.e., food trucks and tents will have LED or rope lighting) but further details are not provided at this time. The food trucks/vendors will not be supplied with electricity from the site, rather each vendor must supply their own generator.

The applicant advises that there is an easement on this property that must be maintained open/passable at all times. Staff doesn't have any details or a copy of this easement. The applicant indicates they will maintain a 16'-wide open lane between the backs of the food trucks and the north lot line for emergency access and for the benefit of the property at W62 N551-53 Washington Avenue.

Section 7-18-2 of the City Code (see below) requires all mobile food vendors to be licensed by the City. The applicant requests an exemption from this licensing requirement under Section 7-18-3(f) of the Code (see below).

The applicant proposes to offer the single restroom located in the Blanca's Commercial Kitchen building as the sanitary waste solution for vendors and visitors.

Ozaukee County GIS Aerial Photo Image 2024



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## CHAPTER 18 REGULATION OF MOBILE VENDORS AND MOBILE FOOD ESTABLISHMENTS

### Sec. 7-18-1 Definitions.

In this Chapter:

*Food* means all articles used for food, non-alcoholic drink or condiment including ice or water used by humans whether simple, mixed or compound articles used or intended for use as ingredients in the composition or preparation thereof.

**Mobile food establishment** means a restaurant or retail food establishment where ready-to-eat food is cooked, wrapped, packaged, processed, served or sold from a vehicle, car, truck, trailer, cart, or similar portable device which may or should be capable of periodically changing locations. This ordinance does not intend to regulate home delivery of food and beverage items.

*Mobile food vendor* or *mobile vendor* means the owner, owner's agent or employees of a mobile establishment within the City of Cedarburg. A mobile food vendor or vendor shall expressly not include direct seller's, as defined in section 7-4-2 of the Code of Ordinances.

**Mobile vendor** means a retail establishment where products or services of any kind are served, offered or sold from a vehicle, car, truck, trailer, cart, or similar portable device which may or should be capable of periodically changing locations.

### Sec. 7-18-2 License required.

It shall be unlawful for a person to operate as a mobile vendor or mobile food establishment, serve, sell or distribute food from a mobile food establishment or cook, wrap, package, process, serve or portion food in a mobile food establishment in the City of Cedarburg without first having obtained a valid mobile vendor or mobile food establishment license from the city clerk as provided for by this chapter.

(Ord. No. 2019-07, 4-8-19)

### Sec. 7-18-3 Exemptions from license requirement.

Mobile food establishments and mobile vendors participating in any of the festivals, organizations, activities, or events listed below are exempt from obtaining a mobile food establishment license and the location and general operation restrictions required by this chapter:

- (a) Any mobile vendor or mobile food establishment on premises and controlled, regulated or permitted through section 7-14-1 (festival celebration permit) of the Code of Ordinances.
- (b) Any mobile food vendor or mobile food establishment acting by, through or under Summer Sounds at Cedar Creek Park organized by Cedarburg Music Festivals.
  - (1) Limited to no more than 12 Friday night events per year.
- (c) Any person selling goods at a farmer's market or flea market, on premises and under the control of the farmer's market or flea market organizers.
- (d) Any person selling goods on premises at the Ozaukee County Fairgrounds.
- (e) Any fundraising activities sponsored by the City of Cedarburg.
- (f) Any other festival/organization/activity/event that the City of Cedarburg Plan Commission deems appropriate for exemption.

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- (g) Any mobile food establishment or mobile vendor commissioned or paid directly by a private land owner and who does not receive direct payment from persons receiving food items, goods, or services from the mobile food establishment or mobile vendor.

#### **Sec. 7-18-4 Application.**

Any person desiring to operate as a mobile vendor or mobile food establishment shall make written application for a mobile vendor or mobile food establishment license to the city clerk. The application shall be on the form provided by the city clerk's office and shall include the following:

- (a) The name, signature, and address of each applicant and each member or officer of a corporate applicant.
- (b) The name of each employee of the mobile food establishment.
  - (1) The applicant must provide to the city clerk's office the name and address of any new employee within 30 days of hiring.
- (c) A description of the mobile vending vehicle or cart, including the make, model, VIN number and license plate for mobile vending vehicles.
- (d) A valid copy of all necessary licenses for the operation of the mobile vendor or mobile food establishment, including, but not limited to, licenses or certificates required by Ozaukee County, the state of Wisconsin, or any subsidiary enforcement agencies or departments thereof.
- (e) A signed statement that the vendor shall hold harmless the city and its officers and employees, and shall indemnify the city, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license. Vendor shall furnish and maintain such public liability insurance coverage of not less than \$1,000,000.00
- (f) The proposed location of the vending vehicle or cart and any additional information as deemed necessary by city staff.
- (g) The city reserves the right to conduct a background check of the applicant and the applicant's employees.

#### **Sec. 7-18-5 Investigation.**

- (a) Upon receipt of each application from the city clerk's office, the City of Cedarburg Police Department shall conduct an investigation of the statements made on such application, including a background check of the applicant and the employees of the applicant.
- (b) After investigation by the City of Cedarburg Police Department, the application shall be reviewed for approval or denial by the city clerk's office. The city clerk's office shall refuse to license the applicant if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by the authorities in the preceding cities, villages and towns, not exceeding three, in which the applicant conducted similar business; the applicant or an employee of the applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's or an employee's fitness to engage in the conduct for which the license is requested; the applicant failed to comply with any applicable provision of section 7-18-4 or the applicant failed to pay the fees required for the license. The city clerk shall notify the applicant, in writing, of any denial of issuance of a license, and the reasons therefore.

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### **Sec. 7-18-6 Location restrictions.**

Except as provided herein, licensed mobile vendor and mobile food establishments shall not operate upon or in the public road right-of-way, public grounds, or public alleys. Licensed mobile vendors and mobile food establishments may operate on private non-residential property, with the written permission of the private property owner.

- (a) The plan commission may grant a temporary use permit to a mobile food establishment for operation in the Historic District Preservation Overlay District for any activity or event that it deems appropriate. The plan commission shall specify the location, hours of operation, and any other restrictions it deems appropriate for the specific activity or event.

### **Sec. 7-18-7 General operation restrictions.**

- (a) Hours of operation for a mobile vendor or mobile food establishment shall be no earlier than 10:00 a.m. to no later than 10:00 pm.
- (b) Any power required for the mobile vendor or mobile food establishment shall not use utilities drawn from the public right-of-way. No power cable or equipment shall be extended over any city street, alley or sidewalk.
- (c) No mobile vendor or mobile food establishment shall use or maintain any outside sound amplifying equipment, lights, or noisemakers of any kind, while stationary.
- (d) Mobile vendors or mobile food establishments are responsible for providing trash/refuse receptacles on site and for removing such receptacles at the conclusion of sales. Trash or refuse from the mobile vendor or mobile food vendor's receptacles shall not be placed in any public or private trash receptacles, including dumpsters, without the private trash receptacles' owner's consent.
- (e) Mobile vendors and mobile food establishments shall take every precaution to ensure that their operation does not materially affect the peace and welfare of the general public nor cause any unreasonably loud, disturbing, and/or unnecessary noise or any other noise of any character, intensity or duration as to be detrimental or disturbing to the public peace or welfare.
- (f) Mobile vendors and mobile food establishments shall not operate on dates during which a permitted festival is occurring within the city pursuant to section 7-14-1 of the Code of Ordinances.

### **Sec. 7-18-8 Fees and conditions.**

- (a) All licensed mobile vendors and mobile food establishments shall pay an annual license fee in the amount of \$100.00.
- (b) Licenses shall commence on January 1 and end on December 31 of each calendar year. Licenses applied for after January 1 of a year will expire on December 31 of that year; license fees shall not be pro-rated.
- (c) The license is not transferrable from person to person or mobile vending vehicle or cart to mobile vending vehicle or cart.
- (d) Each mobile vendor or mobile food establishment shall be separately licensed.
- (e) Mobile vendors and mobile food establishments shall comply with NFPA-1 Fire Code and Wisconsin Administrative Code SPS 314.50.

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**Sec. 7-18-9 Enforcement.**

The enforcement of this article shall be under the jurisdiction of the building inspector, fire department, and police department, who shall have the power to inspect to determine compliance with this article.

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### **Sec. 7-18-10 Renewal.**

The license holder shall, on an annual basis, file a renewal form provided by the city clerk's office and renewal fee as established by the common council prior to the expiration of the license, and such renewal shall be processed in the same manner as the initial application.

### **Sec. 7-18-11 Records.**

The chief of police shall report to the city clerk all violations of this chapter issued to the licensee or any employee, contractor, or agent of the licensee. The city clerk shall note any such violation on the record of the vendor convicted.

### **Sec. 7-18-12 Suspension, revocation, or non-renewal of license.**

- (a) a mobile vendor or mobile food establishment license may be suspended, revoked, or not renewed by the city clerk if the applicant or licensee:
  - (1) Made any material omission or materially inaccurate statement in the license application; or
  - (2) Made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in mobile food vending; or
  - (3) Violated any provision of this chapter; or
  - (4) Was convicted of any offense which is directly related to the licensee's fitness to engage in mobile vending.
- (b) If the chief of police, building inspector, or an authorized representative of the fire department recommends that the city clerk suspend, revoke, or not renew a mobile food establishment license, or, if the city clerk indicates an intention to suspend, revoke, or not renew the mobile vendor or mobile food establishment license, the city clerk shall, in writing, inform the applicant of the intended non-renewal, suspension or revocation, the reasons, and of the opportunity to request a hearing before the plan commission. Such notice shall be sent by certified and regular mail to, or personally served upon, the licensee at least ten days prior to hearing.
- (c) A license is a privilege, the issuance of which is a right granted solely to the city clerk. The city clerk shall consider the circumstances, severity and facts of an offense, offenses or pattern of behavior when making the determination to grant, deny, suspend, revoke, or not renew a license.

### **Discussion:**

The B-3 Central Business District does not list Mobile Food Establishment Events as a Permitted or Conditional Use in the District.

Under accessory uses, the B-3 District does list “Accessory buildings and uses customarily incidental to the above [i.e. Permitted] uses, including garages used in conjunction with the operation of the uses of the premise and dumpster storage facilities”.

Under Permitted Uses, the B-3 District does list “Farmers markets, including farm products, food, crafts, and food vendors” and “Specialty food and beverage product sales”.

While the [Temporary Use section of the City Code](#) defers approval of Temporary Uses to the City Building Inspector and Planner, Plan Commission guidance is requested in this particular case.

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### **Recommendation:**

The Planner recommends the following conditions be considered for attachment to any approval the Plan Commission may be inclined toward granting in this matter:

- 1) Applicant to submit detailed, comprehensive lighting plans for the event(s) for review and approval by the City Building Inspector and Planner prior to each event. Lighting shall not be permitted that may become a nuisance upon neighbors to this site.
- 2) None of the vendors are permitted to supply amplified or other sound/music.
- 3) Mobile food vendors/establishments at these 8 events are/are not exempt from the requirement to secure a mobile food establishment license from the City of Cedarburg when parked on the approved premises during these 8 Wednesday night events.
- 4) The full set-up for these 8 events, including access, all tents/trucks/trailers, any heating/cooling devices, energy supplies and similar are subject to review and approval by the City of Cedarburg Fire Department prior to each event.
- 5) Applicant shall submit a plan for the location and manner of enclosure for the dumpster located on this site, such enclosure to be completed prior to the start of the first Food Truck Event at this site.
- 6) No signage may be placed in support of this Food Truck Event Temporary use(s) without prior review and approval of a Sign Plan and Sign Permit issuance by the Building Inspector. NOTE that off-premises signs are considered “prohibited” pursuant to Section [15-5-11\(f\) of the City Code](#). The applicant may consult with the Building Inspector about whether there is any [Temporary Sign](#) solution that could be approved for these events.



# TEMPORARY USE APPLICATION

(private property only)

City of Cedarburg  
W63N645 Washington Ave  
PO Box 49  
Cedarburg WI 53012  
(262) 375-7600  
[www.ci.cedarburg.wi.us](http://www.ci.cedarburg.wi.us)

Applicant Name: Andrea Acosta Phone: 414-208-7586  
 Mailing Address: 1102 2nd Ave, Grafton, WI 53024 Email: DianaSummerville  
kitchen@gmail.com  
 Location Address: W63N540 Hanover Ave, Cedarburg, WI 53012 eli 414 255 6645  
cen  
 Property Owner: Jimmy Phoa Phone: 262-388-1502  
 Property Owner Mailing Address: W63N547 Washington Ave Email: \_\_\_\_\_  
 Proposed Use: Food Truck Event  
 Dates of Operation: See Attached Hours of Operation: 4-9pm

**The following information needs to be submitted along with this completed application:**

- 1) Payment of \$27.50 fee via cash, charge or check.
- 2) Drawing showing location in relation to lot lines and other structures on site.  
(if more space is needed use other side of page)

The undersigned certifies that he/she has familiarized himself/herself 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.

\_\_\_\_\_  
 Property Owner Signature Date

**Conditions of Approval:**

- 1) The applicant shall be responsible to correct any problem that may result from this use immediately upon notification.
- 2) All items shall be a minimum of two feet from the sidewalk.
- 3) No unattended merchandise stands, displays or materials are allowed.
- 4) Use of public street waste containers is not permitted.

**APPLICATION APPROVED BY:**

\_\_\_\_\_  
 City Planner Date Building Inspector Date

\_\_\_\_\_  
 Fire Inspector Date

**FOR CITY STAFF USE ONLY**

TOTAL FEE: \$ 27.50 DATE FEE PAID: \_\_\_\_\_ APPLICATION AND FEE RECEIVED BY: \_\_\_\_\_

IF USE IS IN THE HISTORIC DISTRICT, LANDMARKS COMMISSION MEETING DATE AND TIME: \_\_\_\_\_

IF USE EXCEEDS FOURTEEN DAYS, PLAN COMMISSION MEETING DATE AND TIME: \_\_\_\_\_

cc: Applicant Festival Committee  
 Deputy City Clerk Cedarburg Police Department  
 Temporary Permit File Property File Tax Key No: \_\_\_\_\_



# TEMPORARY USE APPLICATION

(private property only)

City of Cedarburg  
W63N645 Washington Ave  
PO Box 49  
Cedarburg WI 53012  
(262) 375-7600  
[www.ci.cedarburg.wi.us](http://www.ci.cedarburg.wi.us)



Applicant Name: Andrea Acosta Phone: 414-208-7580  
 Mailing Address: 1102 2<sup>nd</sup> Ave, Grafton, WI 53024 Email: blancascommercialkitchen@gmail.com  
 Location Address: W603 N540 Hanover Ave, Cedarburg WI 53012  
 Property Owner: Jimmy Phoa Phone: 262-388-1502  
 Property Owner Mailing Address: W62 N547 Washmyton Ave Email: phoa brothers inc@gmail.com  
 Proposed Use: Food Trucks  
 Dates of Operation: Wednesdays in July & August Hours of Operation: 5-9 pm

**The following information needs to be submitted along with this completed application:**

- 1) Payment of \$27.50 fee via cash, charge or check.
- 2) Drawing showing location in relation to lot lines and other structures on site.

(if more space is needed use other side of page)

requesting exemption 7-18-3(f)  
See Attached

? detail the outdoor music plans

? Easement verification

Exact dates  
Exact hours

Exact # of food trucks w/ location of each unit shown on site plan  
manner of supplying power to the trucks  
Full detailed exterior lighting plans

The undersigned certifies that he/she has familiarized himself/herself 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.

Property Owner Signature

5-12-25  
Date

**Conditions of Approval:**

- 1) The applicant shall be responsible to correct any problem that may result from this use immediately upon notification.
- 2) All items shall be a minimum of two feet from the sidewalk.
- 3) No unattended merchandise stands, displays or materials are allowed.
- 4) Use of public street waste containers is not permitted.

**APPLICATION APPROVED BY:**

City Planner \_\_\_\_\_ Date \_\_\_\_\_

Building Inspector \_\_\_\_\_ Date \_\_\_\_\_

Fire Inspector \_\_\_\_\_ Date \_\_\_\_\_

**FOR CITY STAFF USE ONLY**

TOTAL FEE: \$ 27.50 13910 DATE FEE PAID: 5-12-25 APPLICATION AND FEE RECEIVED BY: SB

IF USE IS IN THE HISTORIC DISTRICT, LANDMARKS COMMISSION MEETING DATE AND TIME: \_\_\_\_\_

IF USE EXCEEDS FOURTEEN DAYS, PLAN COMMISSION MEETING DATE AND TIME: \_\_\_\_\_

cc: Applicant Festival Committee  
Deputy City Clerk Cedarburg Police Department  
Temporary Permit File Property File Tax Key No: 13-050-09-07-003

Dates of Operation for a Food Truck Event located at W63 N540 Hanover Ave:

Wednesday July 9, 2025

Wednesday July 16, 2025

Wednesday July 23, 2025

Wednesday July 30, 2025

Wednesday August 6, 2025

Wednesday August 13, 2025

Wednesday August 20, 2025

Wednesday August 27, 2025

Outdoor Beer Garden to remain in the same location as previously approved in 2024 and renewed for 2025

Maintain the Emergency Vehicle Pass-through access. Set to a minimum of 16 ft wide.

Outdoor Amplified Music permit approved in 2024 and renewed for 2025

Request for review of current B-3 permitted use Sec. 13-1-55 (c) (22) to allow food vendors without a Farmers Market.

8 tables and chairs located in parking stalls as marked as "T" on attached map.

L shaped food trucks and food tent section not to exceed a total of 6 food vendors. To be made up of a mix of food trucks and food tent vendors. All licensed by their respective Health Department. Each food vendor aware they may be subject to Ozaukee-Washington Health Department inspection at any time. Each food vendor will be self-sufficient with power and water. Food trucks and food tents to have LED or rope lighting.

Requesting exemption of Chapter 18 Regulation of Mobile Vendors per 7-18-3(f)

Parcel Information



**Legend**

	Parcel		Condominium Plat		State Highway		Town/Plat Road
	Tax Parcel		Subdivision Plat		County Road		Railroad Centerline
	Gap		CSM		Ramp		Private Road
	Overlap		Century Plat		US Highway		
	Matched Parcel Lines						
	Assessor's Plat						
	CSM						
	Century Plat						

Product of the LAND INFORMATION OFFICE

5/18/2025, 4:41:57 PM

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

5/18/2025, 4:41:57 PM

0 0.001 0.003 0.006 0.009 0.012 mi

024UKIEE COUNTY



drives  
to Riverview ←



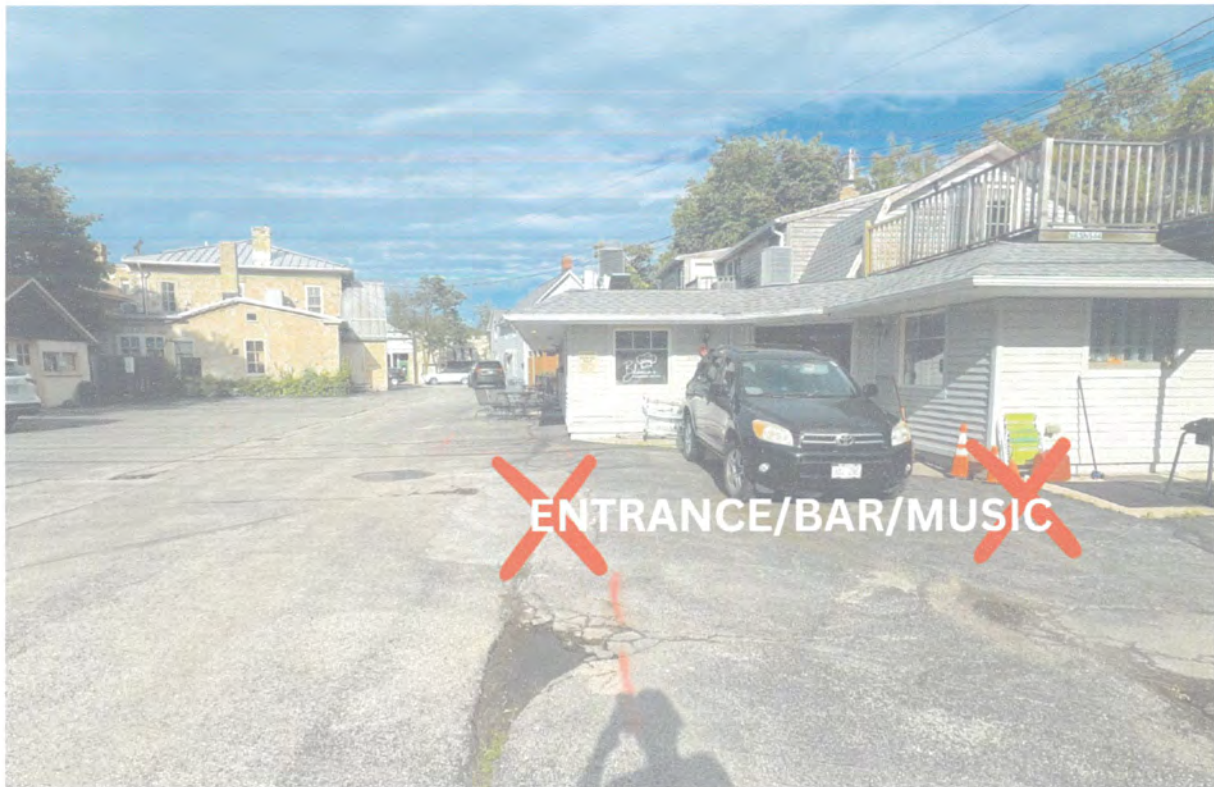
→ "L" section  
on map



From 2024 Beer  
Garden approval



From 2024 Beer  
Garden approval



# PLANNERS REPORT

To: City of Cedarburg Plan Commission

By: Mary Censky

Date Prepared: June 2, 2025

## General Information:

Agenda Item: **8.B.**

Property Owner/Applicant:

City Initiated Item

Request:

Review, discussion, and possible action (recommendation to the Common Council) on proposed new regulations applicable to sidewalk/right-of-way encroachments.

Location:

Throughout the B-3 Central Business District and HPD Historic Preservation Overlay Zoning Districts.

## Background:

The Plan Commission recently discussed the question of whether to maintain and enforce the existing City Code prohibitions on sidewalk encroachments considering that the current regulations as set forth in Section(s) 6-2-5 and 15-5-14 are essentially prohibitive.

## Discussion:

[Section 6-2-5 of the City Code](#) provides as follows with respect to “Obstructions and encroachments” upon any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof:

**(a)** Obstructions and encroachments prohibited. No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in subsections (b) and (c).

**(b)** Exceptions. The prohibition of subsection (a) shall not apply to the following:

**(1)** Public utility encroachments duly authorized by state law or by the common council.

**(2)** Goods, wares, merchandise or fixtures being loaded or unloaded which do not obstruct the width of a sidewalk by more than three feet on a sidewalk, provided such goods, wares, etc., do not remain thereon for more than three hours.

**(3)** Temporary encroachments or obstructions authorized by permit under [section 6-2-6 of this section](#) pursuant to Wis. Stats. § 66.045.

**(4)** Building materials for the period authorized by the building inspector and city engineer which shall not obstruct more than one-half of the sidewalk or more than one-third of the traveled portion of the street and which do not interfere with the flow in the gutters.

**(5)** Excavations and openings permitted under sections 6-2-3 and 6-2-4 of this Code.

**(c)** Issuance of permit.

**(1)** The building inspector is authorized to issue a temporary permit which allows property owners to place certain fixtures on sidewalks which immediately adjoin their property. In determining if a permit shall be authorized, all of the following requirements must be met:

**a.** The property must be located in an area zoned for commercial uses.

**b.** The fixture(s) shall not be physically attached to the sidewalk, any street fixture or any adjacent building, and shall be of a temporary design.

**c.** The placement of the fixture shall not impede the flow of pedestrian traffic on the sidewalk. In no event shall the fixture reduce the unobstructed sidewalk width to less than five feet at any point.

**d.** The property owner shall provide the city with proof of liability insurance coverage. The insurance coverage shall be an amount prescribed by the city's schedule of insurance requirements, and the policy shall specifically state that it includes coverage for the fixtures located on the city sidewalks. In addition, the city shall be identified as a third-party insured.

**e.** The fixture(s) shall not be for sale, nor shall the fixture(s) be used for the sale of merchandise. Specifically excluded are all forms of vending machines, vendors' carts or tables, etc.

**f.** The property owner whose property adjoins the city sidewalk shall file the permit application or authorize the occupant of the subject property to file the permit application.

**(2)** Upon reviewing the permit application, if it is determined by the building inspector that all of the above requirements have been met, he shall issue the permit. Said permit may be revoked by the building inspector or any city law enforcement officer ("city enforcement officials") at any time when one or more of the above requirements are not complied with or if he determines that the placement of the fixture(s) endangers the safety of the pedestrians who utilize the sidewalks.

**(d)** Removal by city for sidewalk obstructions and encroachments. In addition to any other penalty imposed, if any city enforcement official determines that a sidewalk is unlawfully obstructed in violation of this section, he shall issue a written notice to the owner or occupant of the premises which adjoins the obstructed sidewalk, directing that the obstruction be removed within 24 hours.

**(e)** Removal by city for obstruction and encroachments located in the city streets, alleys, public grounds or lands dedicated for public use. In addition to any other penalty imposed, if any city enforcement official determines that a city street, alley, public grounds or land dedicated for public use is obstructed or encumbered, he shall issue a written notice to the property owner of the premises which adjoin the obstructed public area directing that the obstruction be removed within 30 days.

**(f)** Failure to remove obstruction.

**(1)** If the owner or occupant fails to remove the obstruction within the time period established in section (d) or (e) respectively, any city enforcement official shall cause the removal of the obstruction, keeping an account of the expense of the abatement, and such expenses shall be charged to and paid by such property owner. Notice of the bill for abatement of the obstruction shall be mailed to the owner of the premises and shall be payable within ten calendar days from receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the city clerk shall enter those charges onto the tax roll as a special tax as provided by the State Statutes.

**(2)** The failure of the city clerk to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the city expense on the tax rolls for unpaid bills for abating the obstruction as provided for in this section.

**Discussion continued:**

Section 15-5-14(d)(3)a.8. of the City Code presently provides as follows with respect to Sandwich Board Signs in the B-3 Central Business District:

Sandwich board signs shall be aesthetically compatible with the Historic District. One sandwich board sign is permitted per business on the sidewalk in front, standing no more than four feet high and with each sign surface not exceeding eight square feet. Sandwich signs shall not be placed so as to block building entrances, exits, or public rights-of-way and where the adjacent building location makes it possible, the sign shall be located entirely on private property. Where the right-of-way extends up to the building, the sign shall be placed where it will not interfere with pedestrian traffic.

Included in the packet is a field review map that was made in Spring 2025 detailing the current right of way depth from back of curb toward the buildings along both sides Washington Avenue extending from Sheboygan Road to Spring Street. This map reveals the variety of conditions that exist throughout the corridor, ranging from buildings

**Recommendation:**

The Planner requests Plan Commission input prior to drafting updates/amendment to the existing Code. The City Engineer/Director of Public Works, Assistant City Engineer and Planner did meet to go over this map and topic. Consensus recommendations/suggestions to come out of that review include:

- 1) Minimum 5-foot-deep clear pedestrian thoroughway shall be maintained throughout all frontages. If less than 5 feet clear presently exists due to the presence of fixed public assets (such as trees, trash cans, light posts, street signs, hydrants, utility boxes), and/or existing, permanently fixed building improvements (such as but not necessarily limited to attached stairs/steps/stoops/railings), and/or existing, legal nonconforming fixed private improvements (such as but not necessarily limited to clock and awning support posts), then the preexisting depth of clear pedestrian thoroughway shall be the required minimum. No new encroachments upon the minimum required clear pedestrian thoroughway shall be permitted.
- 2) Minimum 3-foot-deep clear terrace shall be maintained between the back of curb and the minimum required clear pedestrian thoroughway throughout all frontages. Within this 3-foot-deep terrace area, sandwich board signs that comply with Section 15-5-14(d)(3)a.8. of the City Code may be permitted. If less than 3 feet clear terrace space presently exists due to the presence of fixed public assets (such as trees, trash cans, light posts, street signs, hydrants, utility boxes), and/or existing, permanently fixed building improvements (such as but not necessarily limited to attached stairs/steps/stoops/railings), and/or existing, legal nonconforming fixed private improvements (such as but not necessarily limited to clock and awning support posts), then the preexisting depth of clear terrace shall be the required minimum. No new encroachments, with the exception of permitted sandwich board signs, shall be permitted within the minimum required clear sidewalk terrace area.
- 3) All sandwich board signs permitted to be placed in the 3-foot-deep terrace right of way shall be removed from the public sidewalk/right of way during all hours that the business the sign pertains or supports is closed.

- 4) Temporary permission may be approved by the Building Inspector and Planner to place tables, chairs, seasonal entryway vestibules, and similar temporary accessories to/in support of an existing business located on the premises, and then only directly along that business's street frontage. Alcoholic beverages ~~may~~ may not be consumed at approved tables/chairs located in the public sidewalk right of way. When deemed necessary by the Inspector and Planner, such requests may be referred to the Plan Commission for their review, consideration and possible approval. All the requirements as set forth in Section 6-2-5(c) shall be fully complied with.

SEE CONSTRUCTION DETAIL (SHEET 5) FOR SIDEWALK LEADING UP TO CITY HALL FRONT DOOR

**CITY HALL BEGIN**

EXISTING BRICK PAVERS AND DRINKING FOUNTAIN TO REMAIN

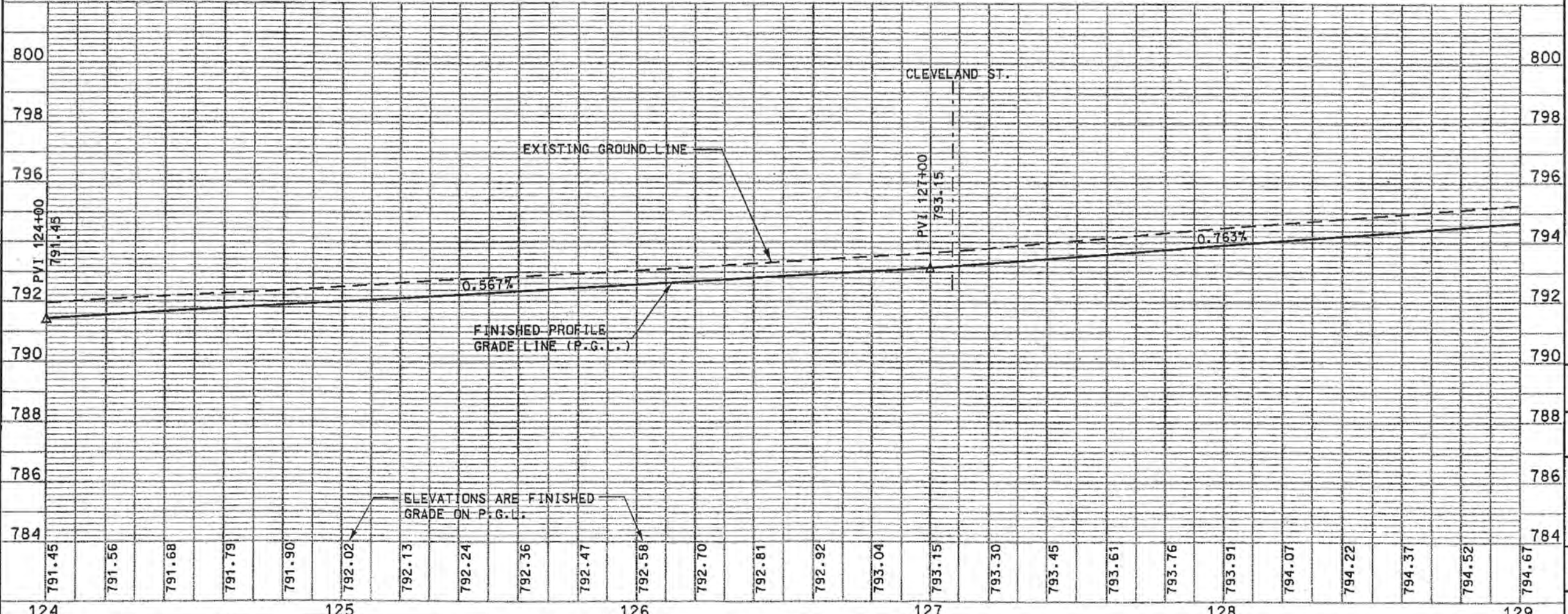


WASHINGTON AVE.

NOTE: SEE INTERSECTION DETAIL SHEET FOR GRADES AT CURB RETURNS.

- LEGEND**
- (A) CONCRETE DRIVEWAY (SEE DETAIL)
  - (B) CONCRETE SIDEWALK, 5-INCH
  - (C) CURB RAMP (SEE DETAIL)
  - (D) SPECIAL PAVERS (SEE STREETSCAPE PLANS)
  - (E) MILL 1 1/2-INCH OF EXISTING PAVEMENT, PAVE 1 1/2-INCH ASPH. PAV'T, TYPE HV

- XXX FULL DEPTH SAWCUT REQUIRED
- [Symbol] PROPOSED TREE GRATES
- [Symbol] PROPOSED LIGHT POLE



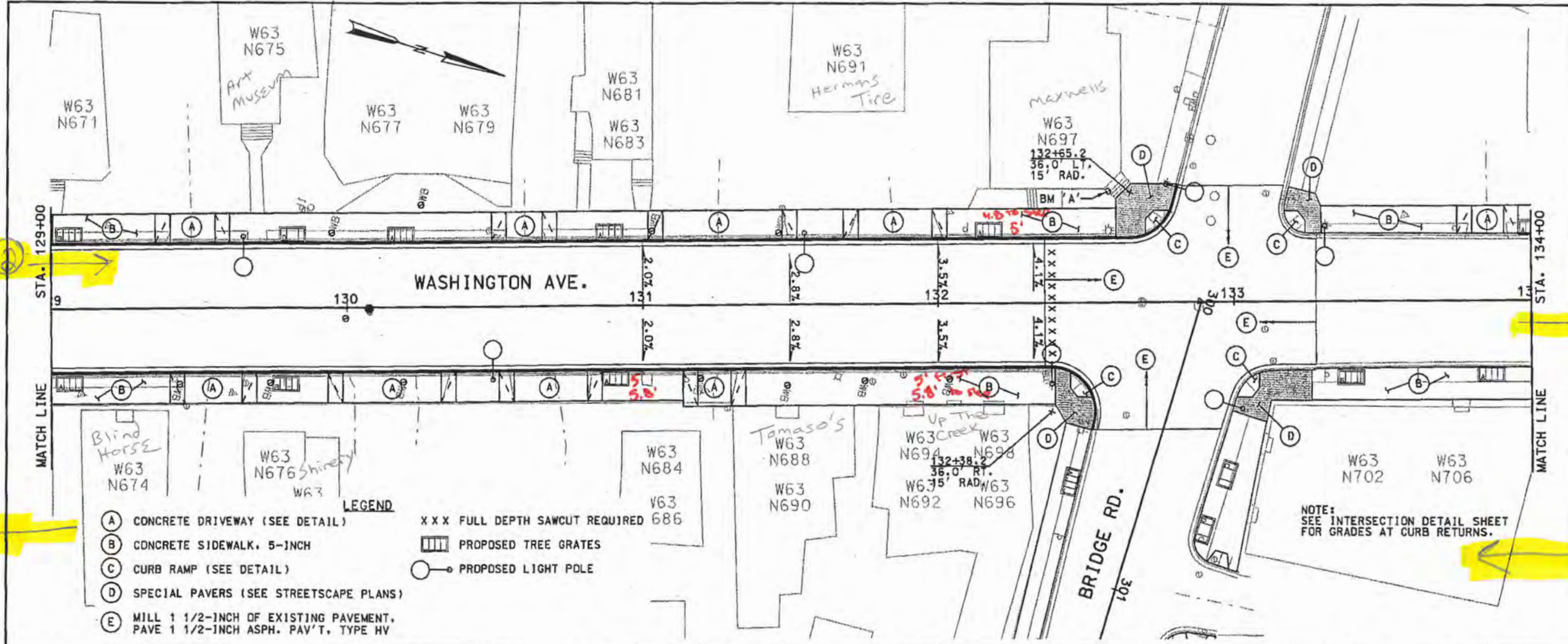
**HNTB** ARCHITECTS ENGINEERS PLANNERS  
 ONE PARK PLAZA, SUITE 500  
 11270 WEST PARK PLACE  
 MILWAUKEE, WISCONSIN 53224

**CITY OF CEDARBURG**

PROPOSED RECONSTRUCTION  
**WASHINGTON AVENUE**

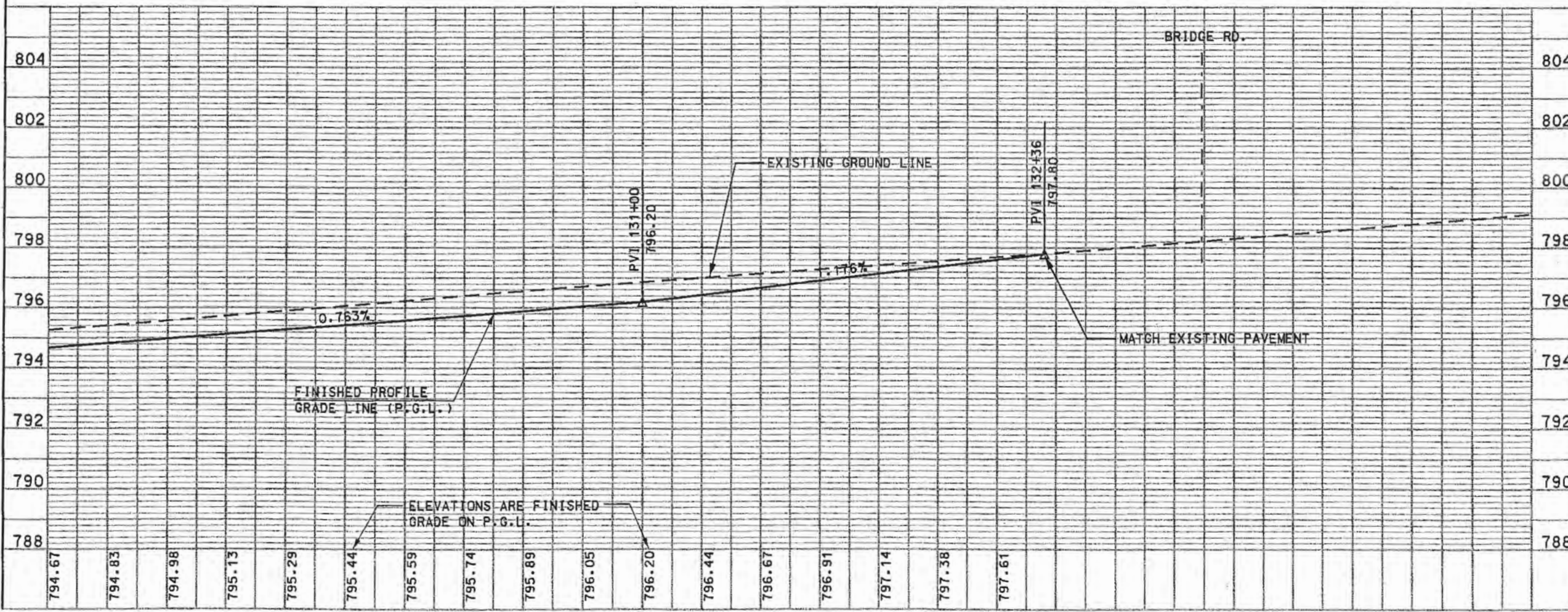
PAVING PLAN & PROFILE

DRAWN BY: PJB  
 CHECKED BY: RLW  
 DESIGNED BY: PJB



- LEGEND**
- (A) CONCRETE DRIVEWAY (SEE DETAIL)
  - (B) CONCRETE SIDEWALK, 5-1/2 INCH
  - (C) CURB RAMP (SEE DETAIL)
  - (D) SPECIAL PAVERS (SEE STREETSCAPE PLANS)
  - (E) MILL 1 1/2-INCH OF EXISTING PAVEMENT, PAVE 1 1/2-INCH ASPH. PAV'T, TYPE HV

- xxx FULL DEPTH SAWCUT REQUIRED
- [Symbol] PROPOSED TREE GRATES
- [Symbol] PROPOSED LIGHT POLE



ELEVATIONS ARE FINISHED GRADE ON P.G.L.

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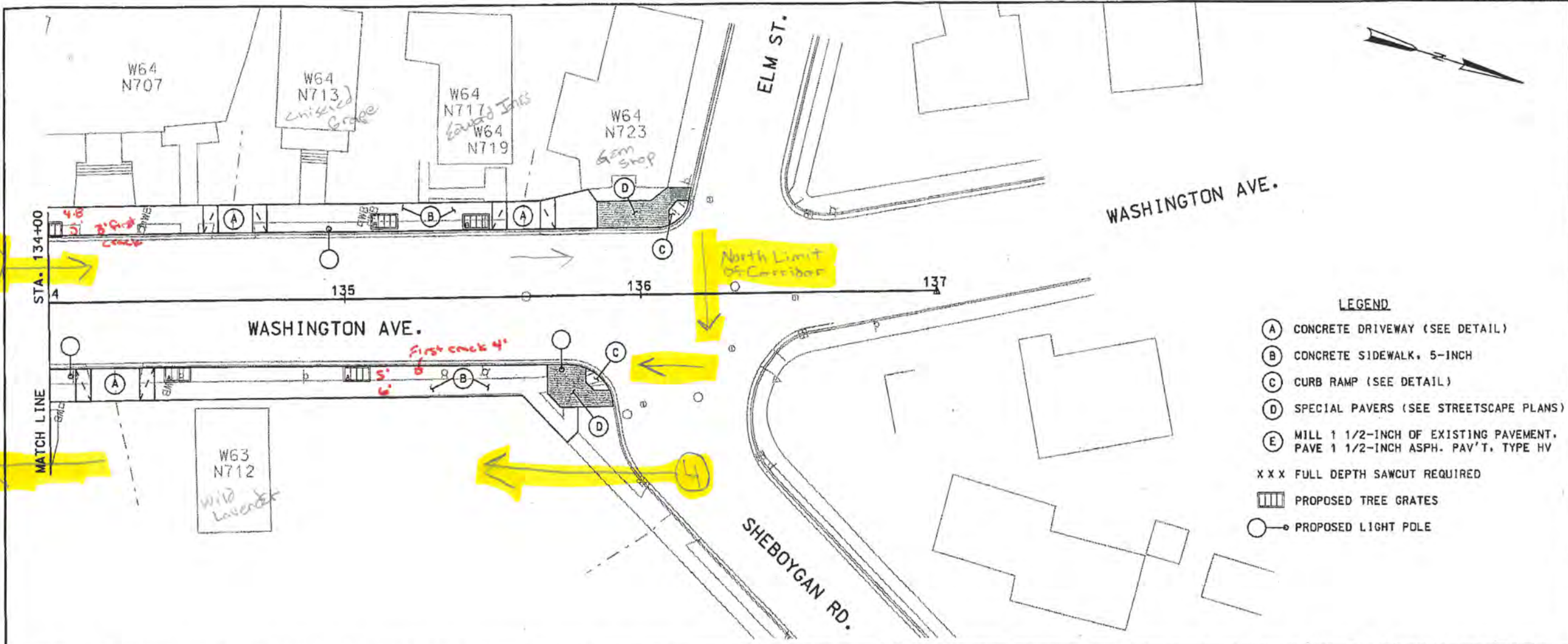
**CITY OF CEDARBURG**

**PROPOSED RECONSTRUCTION  
 WASHINGTON AVENUE**

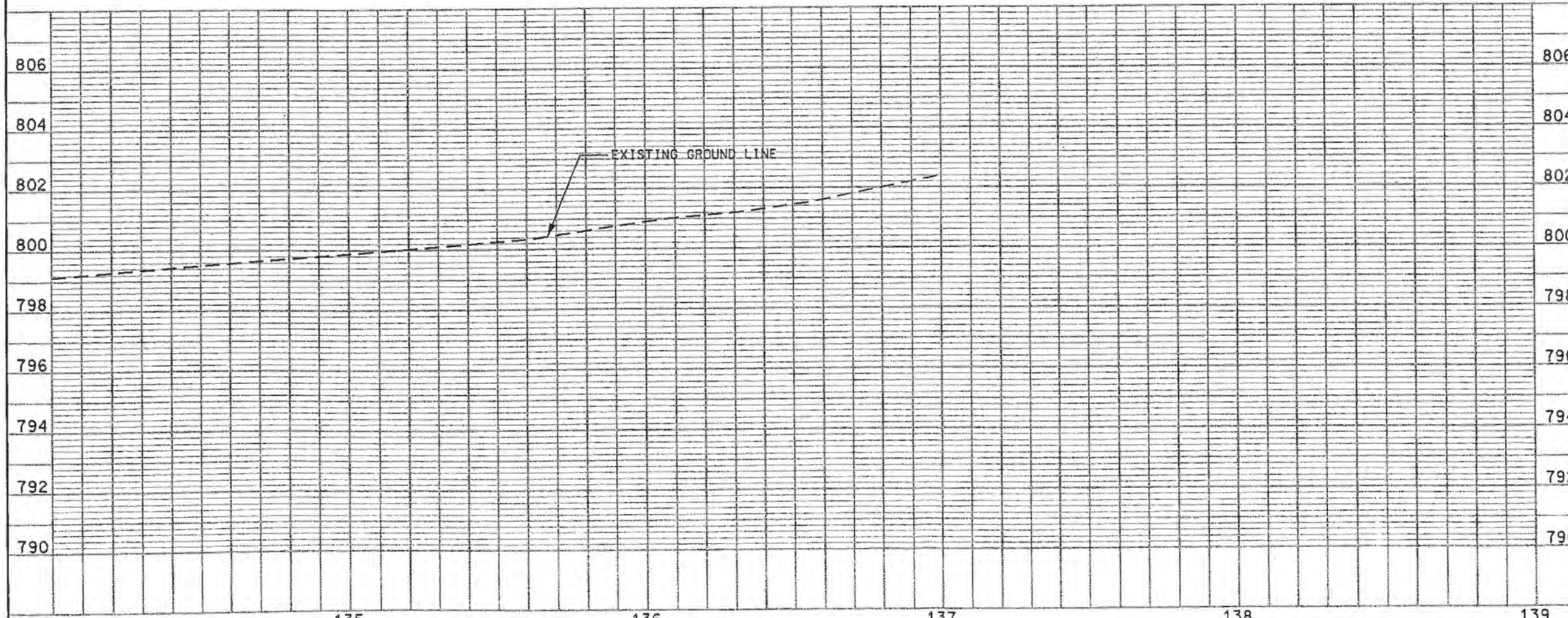
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DRAWN BY: PJB  
 CHECKED BY: RLW  
 DESIGNED BY: PJB

**SHEET NO. 58**



- LEGEND**
- (A) CONCRETE DRIVEWAY (SEE DETAIL)
  - (B) CONCRETE SIDEWALK, 5-INCH
  - (C) CURB RAMP (SEE DETAIL)
  - (D) SPECIAL PAVERS (SEE STREETSCAPE PLANS)
  - (E) MILL 1 1/2-INCH OF EXISTING PAVEMENT, PAVE 1 1/2-INCH ASPH. PAV'T, TYPE HV
  - XXX FULL DEPTH SAWCUT REQUIRED
  - [Hatched Box] PROPOSED TREE GRATES
  - (O) PROPOSED LIGHT POLE



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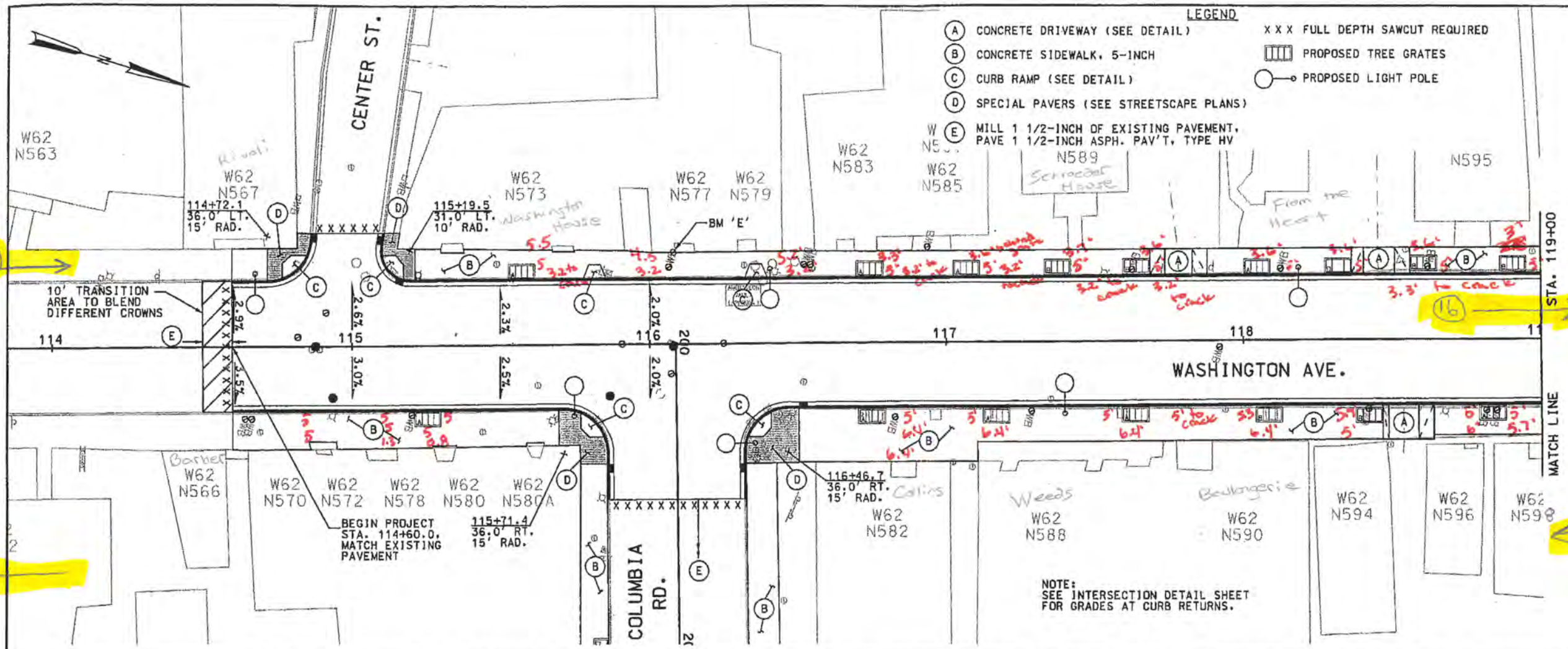
**CITY OF CEDARBURG**

PROPOSED RECONSTRUCTION  
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DRAWN BY: PJB  
 CHECKED BY: RLV  
 DESIGNED BY: PJB

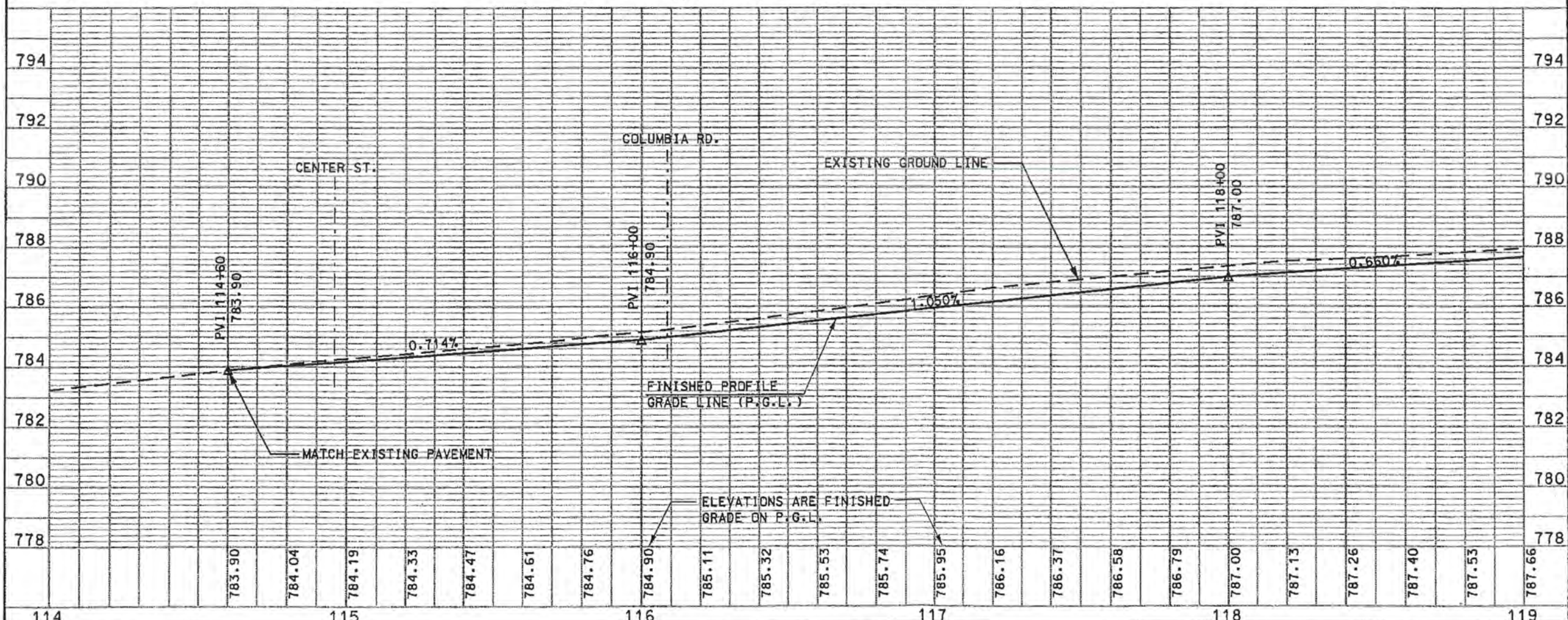
**SHEET NO. 59**





- LEGEND**
- (A) CONCRETE DRIVEWAY (SEE DETAIL)
  - (B) CONCRETE SIDEWALK, 5-INCH
  - (C) CURB RAMP (SEE DETAIL)
  - (D) SPECIAL PAVERS (SEE STREETScape PLANS)
  - (E) MILL 1 1/2-INCH OF EXISTING PAVEMENT, PAVE 1 1/2-INCH ASPH. PAY'T, TYPE HV
  - XXX FULL DEPTH SAWCUT REQUIRED
  - [Hatched Box] PROPOSED TREE GRATES
  - [Circle with dot] PROPOSED LIGHT POLE

QUANTITIES		
ITEM	UNIT	TOTAL
C.A.B.C.	TONS	8066
BREAKER RUN STONE	TONS	2096
ASPHALTIC MATERIAL FOR TACK COAT	GAL.	3678
ASPHALTIC MATERIAL FOR PLANT MIXES	TONS	226
ASPHALTIC CONCRETE PAVEMENT, TYPE HV	TONS	3759
H.E.S. CONCRETE DRIVEWAY, 7-INCH	S.Y.	1049
CONCRETE CURB AND GUTTER, 24-INCH	L.F.	3651
CONCRETE SIDEWALK, 5-INCH	S.F.	34289
WATER	M GAL	82
EROSION CONTROL, INLET PROTECTION	EACH	16
SAWING CONCRETE PAVEMENT, FULL DEPTH	L.F.	225



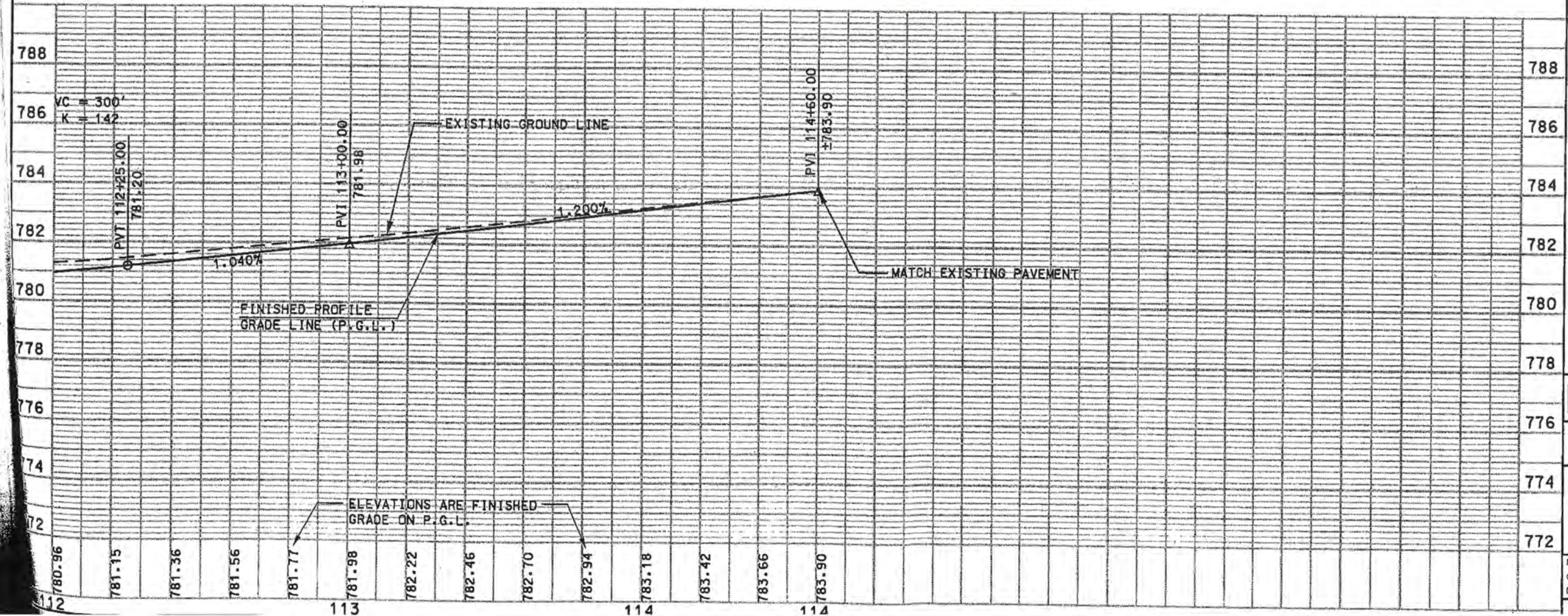
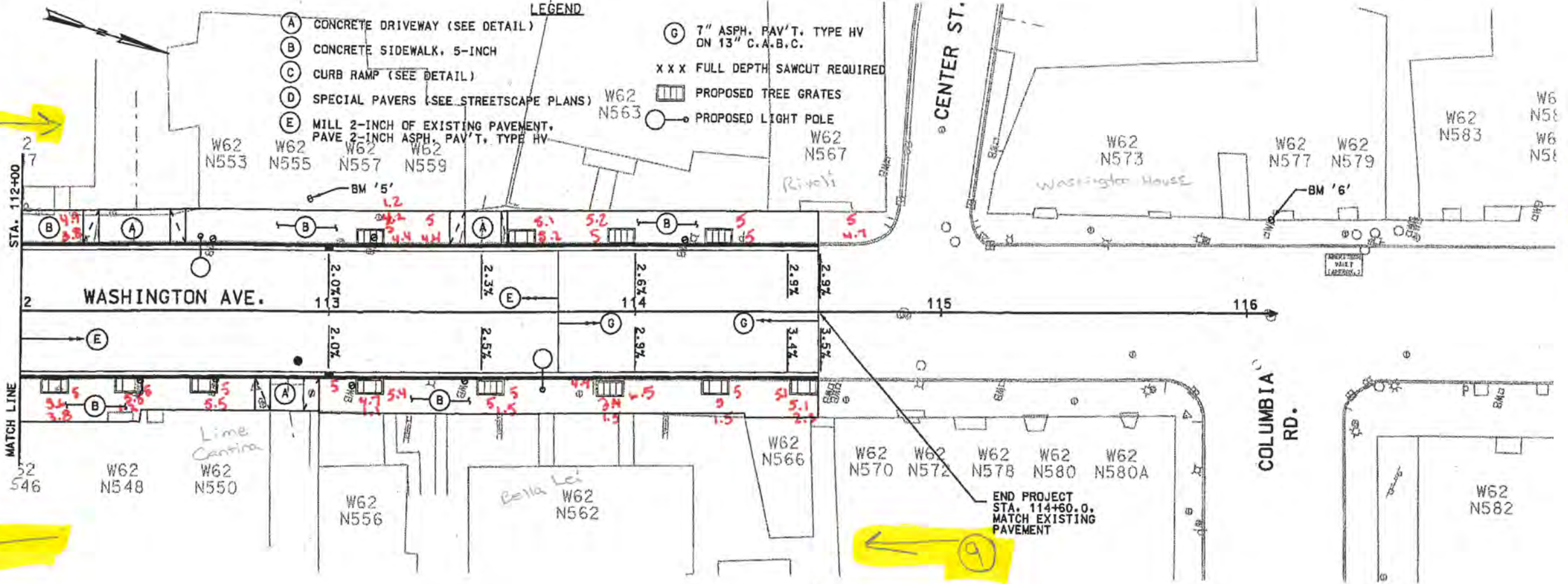
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**CITY OF CEDARBURG**

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 CHECKED BY: RLV  
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  - (C) CURB RAMP (SEE DETAIL)
  - (D) SPECIAL PAVERS (SEE STREETScape PLANS)
  - (E) MILL 2-INCH OF EXISTING PAVEMENT, PAVE 2-INCH ASPH. PAV'T, TYPE HV.
  - (G) 7" ASPH. PAV'T, TYPE HV ON 13" C.A.B.C.
  - XXX FULL DEPTH SAWCUT REQUIRED
  - [Hatched Box] PROPOSED TREE GRATES
  - (Circle with dot) PROPOSED LIGHT POLE



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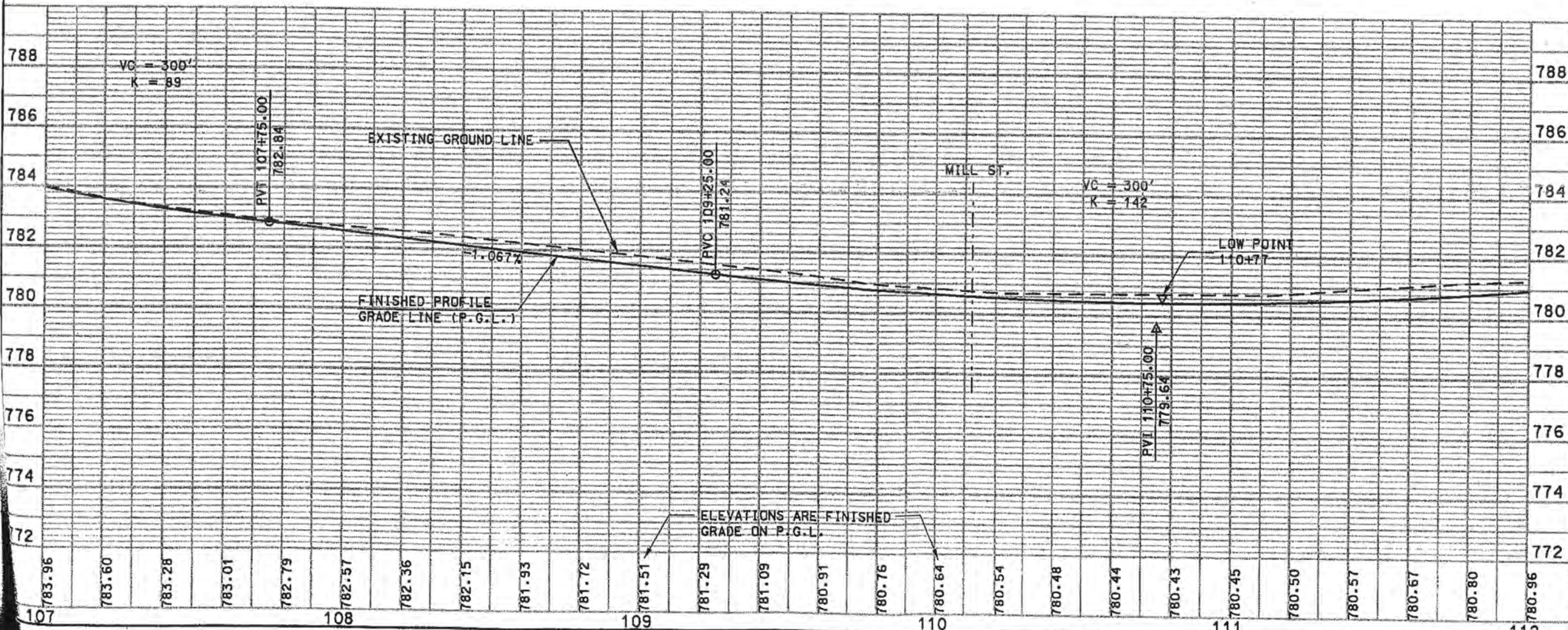
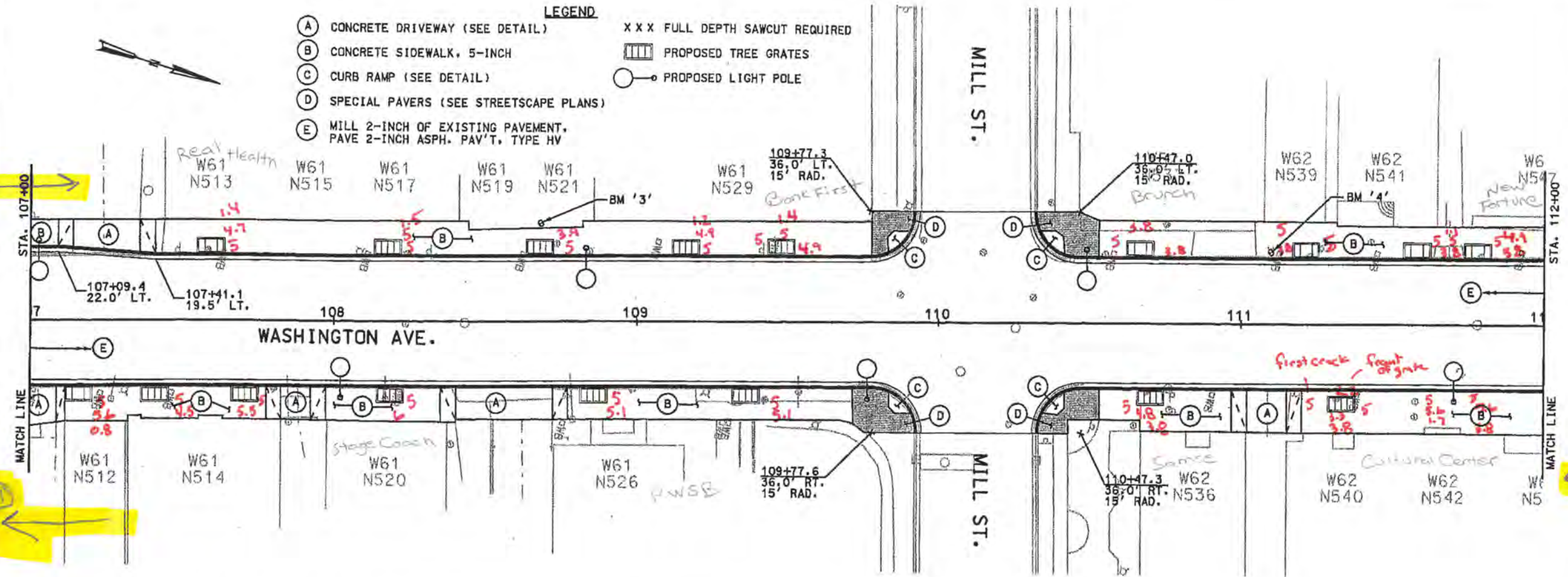
**CITY OF CEDARBURG**

**PROPOSED RECONSTRUCTION  
 WASHINGTON AVENUE**

**PAVING PLAN & PROFILE**

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 CHECKED BY: RLW  
 DESIGNED BY: PJB

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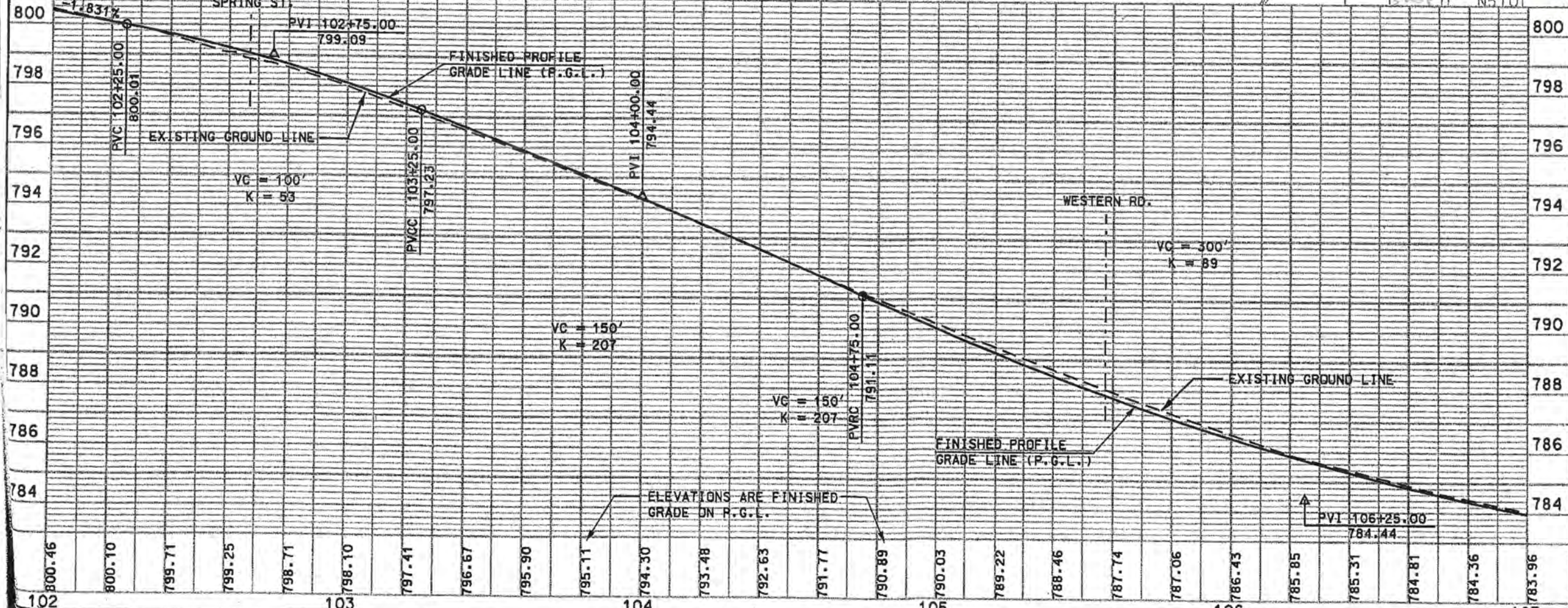
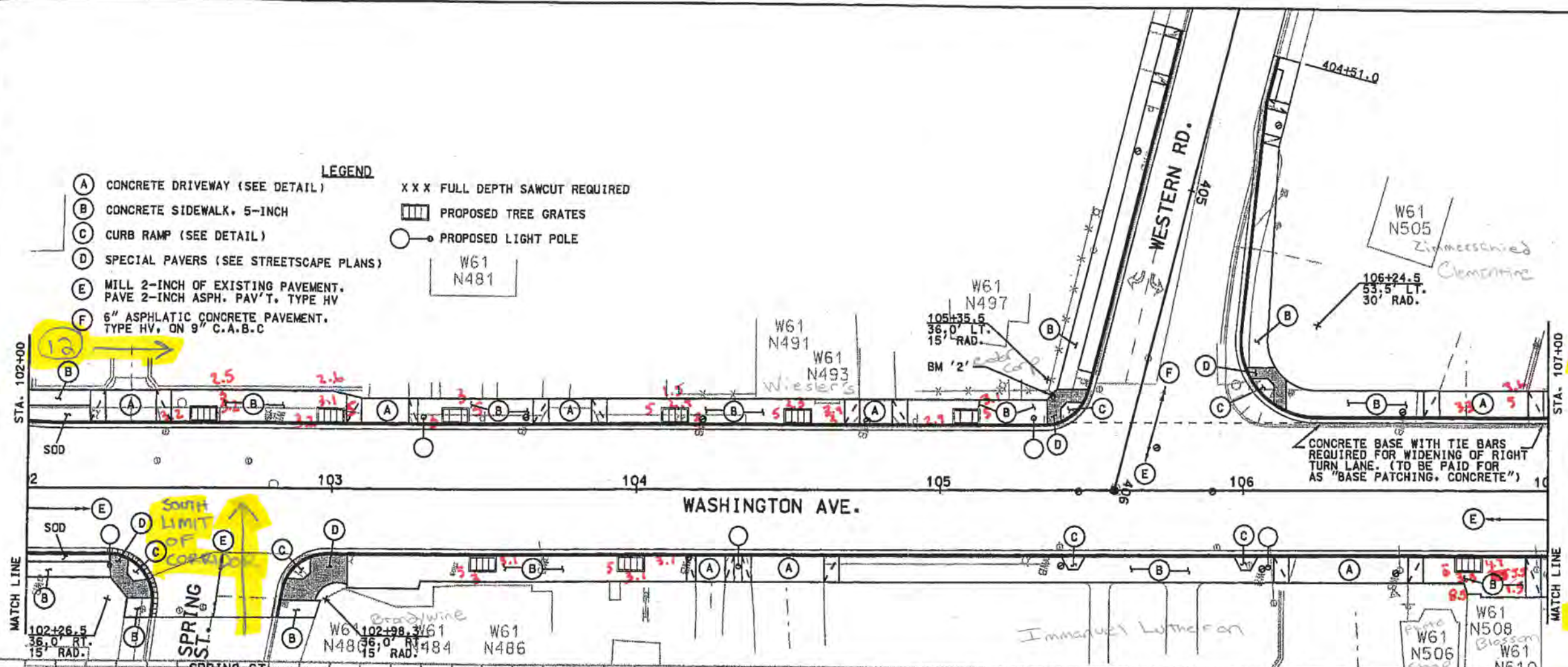
**CITY OF CEDARBURG**

**PROPOSED RECONSTRUCTION  
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  - (B) CONCRETE SIDEWALK, 5-INCH
  - (C) CURB RAMP (SEE DETAIL)
  - (D) SPECIAL PAVERS (SEE STREETSCAPE PLANS)
  - (E) MILL 2-INCH OF EXISTING PAVEMENT. PAVE 2-INCH ASPH. PAV'T. TYPE HV
  - (F) 6" ASPHALTIC CONCRETE PAVEMENT. TYPE HV, ON 9" C.A.B.C
  - XXX FULL DEPTH SAWCUT REQUIRED
  - ▭ PROPOSED TREE GRATES
  - PROPOSED LIGHT POLE
  - W61 N481



**HNTB** ARCHITECTS ENGINEERS PLANNERS  
 ONE PARK PLAZA, SUITE 500  
 11270 WEST PARK PLACE  
 MILWAUKEE, WISCONSIN 53224

**CITY OF CEDARBURG**

PROPOSED RECONSTRUCTION  
**WASHINGTON AVENUE**  
 PAVING PLAN & PROFILE

DRAWN BY: PJB  
 CHECKED BY: RLW  
 DESIGNED BY: PJB

### 5.2.1.8.2. Volume control measures

**Medians.** Medians are often used on major streets to eliminate left turns into local streets and cross traffic (Exhibit 5-18). Curb ramps or level cut-throughs must be provided wherever medians intersect crosswalks (see *Section 5.3.4.2.1.* for more information on median design). Medians are also used on local streets to narrow street widths resulting in slower speeds for motorists.

**Street closures.** Street closures block motor vehicle traffic entirely (Exhibit 5-19). While not as common as less severe treatments, they are occasionally used where cut-through traffic creates significant problems. Street closures are sometimes installed at mid-block. If street closures are used, channels that allow pedestrians and bicyclists to pass through should be provided. Typically, street closures are considered a last resort measure since their impact can be significant on circulating traffic and may simply relocate traffic problems to other streets.

**Partial street closures.** Partial street closures are generally placed at intersections and prohibit one direction of motor vehicle travel. Bicyclists are allowed to ride past in either direction or may be provided with a channel. The barrier may be supplemented with “Do Not Enter” regulatory signs.

**Diverters.** Diverters are diagonal barriers placed at intersections to force all motorists to turn right or left. Unlike street closures, motorists do not have to turn around. Partial diverters only block particular movements. They typically force motorists to turn right rather than go straight or turn left.

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## 5.3. Part II: Pedestrian Facility Design

The viability and safety of pedestrian travel depends not only on the design of pedestrian facilities but also on good roadway design. Pedestrian facilities are the physical infrastructure that allows for or promotes walking and forms of pedestrian movement (such as the use of wheelchairs and strollers) as a mode of travel. Pedestrian facilities include structures such as sidewalks, crosswalks and curb ramps. This section provides both legal requirements and recommended guidelines for the design of several different types of pedestrian facilities:

- Sidewalks
- Shoulders and rural cross-sections
- Curb ramps
- Pedestrian crossings
- Intersections—signals
- Pedestrian facilities on grade-separated crossings
- Grade-separated crosswalks
- Lighting
- Streetscapes and “context sensitive design/community sensitive design”
- Parking
- Meeting the pedestrian needs of public transportation users
- Trails
- Other techniques

### 5.3.1. SIDEWALKS

#### 5.3.1.1. The purpose of sidewalks and general considerations

Sidewalks are essential for creating an accessible, interconnected and visually appealing walking environment. Sidewalks can increase the social liveliness of a community by offering a place for neighbors to interact and for children to play. By encouraging walking, sidewalks promote fitness, exercise and the general health of a community. Perhaps most importantly, sidewalks increase the safety of pedestrian travel because they form a network physically separate from motorists. In areas without sidewalks, the risk of motorist-pedestrian conflicts increases substantially. A 1996 study found locations with no sidewalks are more than twice as likely to have motorist-pedestrian collisions as sites with sidewalks.

Sidewalks are especially important to persons with disabilities, who account for nearly one-fifth of the U.S. population. Walking and transit are often their only means of independent travel. Low-income households and households without motor vehicles often depend on a well-designed pedestrian travel system, of which sidewalks are a critical component. Sidewalks are important to older adults who may develop sensory or cognitive disabilities that interfere with their ability to drive safely. Currently, seniors age account for more than 13 percent of Wisconsin’s total population. Pedestrians, particularly those involved in crashes, are disproportionately seniors, children, and individuals with visual impairments.

Sidewalks should be placed on both sides of a street, particularly on transit and school bus routes, and near typical trip origins or destinations. Sidewalks on both sides of the street maintain the continuity of the walking system and can increase the level of pedestrian traffic. Alternatively, sidewalks on only one side of a street weaken overall system connectivity, threaten pedestrian safety, reduce mobility and impair accessibility. Where sidewalks are installed on only one side of the street, pedestrians are required to unnecessarily cross the street to meet their travel needs, particularly along transit and school bus routes. In limited circumstances, such as along cul de sacs, sidewalks on only one side of the street may be acceptable or temporarily appropriate. Where one side of a street is undeveloped, at minimum, there should be sidewalks on the developed side of the street. Sidewalks should be constructed on the undeveloped side of a street as soon as development begins.

### 5.3.1.2. Specific design parameters for sidewalk corridors

#### 5.3.1.2.1. Corridor widths

The sidewalk corridor, or what is referred to throughout Wisconsin State Statute as “the sidewalk,” is the distance from the edge of the roadway to the edge of the public right of way established for pedestrian use. The sidewalk corridor can typically be divided into four distinct parts:

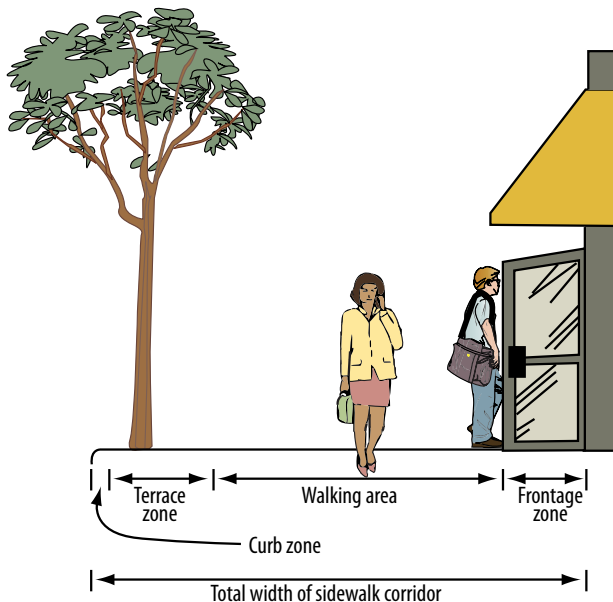


Exhibit 5-22: The four parts of a typical sidewalk corridor.

- Curb zone
- Terrace/furniture zone
- Walking area
- Frontage zone

Exhibit 5-22 illustrates a typical sidewalk corridor. A description and width standard for each part of the sidewalk corridor is discussed below.

**Curb zone.** A curb clearly uses vertical separation to distinguish the areas intended for motorist use from those intended for pedestrian use, and prevents drivers from driving onto the sidewalk corridor. The curb zone includes the curb, which facilitates roadway drainage and acts as a cue for visually impaired pedestrians. The curb zone is generally 6 inches wide.

**Terrace.** The terrace, which is often called the “furniture zone” in commercial areas and central business districts, is the area between the curb zone and the pedestrian walking area. The terrace increases pedestrian comfort and safety by providing separation between motorists and pedestrians, and can provide a snow storage area and splash protection distance between the walking area and the roadway. In residential areas, the terrace usually consists of a simple strip of lawn that may contain mailboxes, trees, and landscaping. In commercial areas and central business districts, the terrace is often paved. In these areas, the terrace takes on a greater significance by acting as an area for sidewalk furniture and other maintenance objects that would otherwise impede pedestrian travel.

Terraces provide space for numerous items, including curb ramps, streetlight poles, trash pick up, newspaper boxes, fire hydrants, bike racks, and traffic signs. The terrace should be clear at intersections in order to maintain maximum sight lines for both motorists and pedestrians. WisDOT recommends a typical terrace width of 4 to 6 feet. Four feet is the recommended width of the terrace if it includes planted trees and is used for snow storage. A 7-foot terrace will allow the curb ramp to rise to a level area just an inch above a 6-inch vertical curb. The terrace should slope away from the sidewalk toward the street. The standard slope of 4 percent is recommended. Greater slopes are permitted and often necessitated to account for grade differences between the sidewalk and the curb. In rare situations, a step

may be used to accommodate significant grade differences. In this case, there should be a flat one-foot distance between the step and the sidewalk.

**Walking area.** The walking area, also called the pedestrian zone, is the area of the sidewalk corridor designated for pedestrian travel. Straight and direct walking areas are preferred over weaving and meandering walking areas, as they are more efficient and convenient for pedestrians and easier to navigate by the visually impaired. The walking area should be free of all obstacles and obstructions (See *Section 5.3.1.2.7* for more information). The standard width for a typical walking area is five feet, while the standard width for a curbside walking area (a walking area immediately adjacent to the curb) is six feet. See *FDM Section 11-25-30* for more information. Central business districts should have a walking area next to a terrace with a minimum width of six feet to accommodate higher levels of pedestrian traffic. Walking areas shall have a minimum width of four feet to meet the ADAAG requirements for accessible routes. Walking areas with widths between four and five feet shall include passing areas of at least five feet by five feet every 200 feet or less. Clearance between objects should be 4 feet. This can be reduced to 3 feet for a length of 2 feet provided these narrowings are infrequent and a separated by at least 100 feet from each other.

**Frontage zone.** The frontage zone is the area between the walking area and the adjoining property line. In commercial areas and central business districts, the frontage zone allows pedestrians to avoid building fronts, walls and doorways that swing out into the zone. In residential areas, the frontage zone allows pedestrians to avoid trees and fences and allows municipalities additional maneuvering space when maintaining sidewalks. A minimum width of one foot for typical frontage zones and a slightly increased width for frontage zones in a central business district are recommended. Doors from adjacent businesses should not open directly to the walking area. The frontage zone may be eliminated if the walking area is adjacent to an open or landscaped space, such as a lawn. Even in this situation, a six-inch to 12-inch frontage zone will allow a municipality to work on the sidewalk without seeking permission from the adjacent property owner.

### 5.3.1.2.2. Cross slope

The cross slope of a walking area is the slope measured perpendicular to the pedestrian direction of travel. While cross slopes facilitate drainage, they may also create impediments to safe pedestrian travel. Wheelchair users exert considerably more energy when negotiating steep cross slopes. Additionally, steep cross slopes pull wheelchair users toward the roadway and increase the risk of tipping over. This is especially problematic where sidewalks traverse driveways. Walking areas shall have a maximum cross slope of 2 percent. At corners, walking areas shall have maximum slopes of 2 percent in both perpendicular travel directions. Because cross slopes of less than 2 percent create drainage problems, WisDOT recommends that walking areas have cross slopes of exactly 2 percent with very tight tolerances. In order to achieve this, the terrace slope or the curb height can be increased slightly.

### 5.3.1.2.3. Grade/running slope

The grade of a walking area, also called the running slope, is the gradient measured parallel to the pedestrian direction of travel. Walking areas with steep grades create problems for all pedestrians, especially during adverse weather conditions. Extreme grades drain pedestrian energy and the battery reserves of pedestrians using electric mobility devices. Pedestrians with mobility impairments avoid steep sidewalk grades if they know alternative routes. A few cities have developed and publicized routes showing sidewalk grades to help people identify safer routes.

In most cases, the maximum grade for sidewalks and other walkways shall be 5 percent. A sidewalk can have a grade between 5 percent and 8.3 percent if level landings are provided every 2.5 feet of vertical change. When matching the grade of an adjacent street, which is between 5 percent and 8.3 percent, level landings are still recommended. When the grade of the adjacent street exceeds 8.3 percent, the adjacent sidewalk shall match roadway grade. In these locations, flat landings/rest strips can be provided at regular intervals. When the running grade of the sidewalk exceeds 5 percent and also exceeds the grade of the adjacent roadway, rest intervals are required for every 2.5 feet of vertical change. When designing sidewalks on hilly streets, certain trade-offs may be inevitable. To establish a level landing area behind a curb ramp, the sidewalk's

grade may need to exceed the prescribed thresholds for a short distance. Whenever these trade-offs are necessary and deviations from standards are taken, clear documentation of those actions—and the reasons for them—is strongly recommended.

#### 5.3.1.2.4. Surface material

The surface treatment of the walking area has a significant impact on the facility's overall accessibility, safety and comfort level. In accordance with ADAAG, the walking area surface shall be stable, firm and slip resistant. The surface should also be smooth and continuous. Surfaces should be uniform in color and texture to aid pedestrians with visual impairments.

Portland cement concrete and asphaltic concrete pavement are the preferred surface treatments for the walking area. Portland cement concrete is typically used in urban areas and provides a smooth, long-lasting, and durable finish that is easy to grade and repair. A broom finish in the concrete can increase its slip-resistance, an important consideration under ADAAG. Asphaltic concrete has a shorter life expectancy but may be appropriate in less traveled areas such as rural areas or in park settings. Occasionally, crushed aggregate is used as a surface treatment for less traveled walkways, but may require a higher level of maintenance to preserve accessibility. Walking areas constructed with crushed aggregate that do not stay firm during the thaw cycle or remain very wet are a questionable surface type and may not meet federal accessibility requirements for all seasons.



Exhibit 5-23: Combining a concrete walking area with brick edging can create a stable and attractive sidewalk corridor.

Bricks, cobblestone and pavers should not be used as surface treatments for the walking area. Undesirable characteristics of these surface treatments include:

- ▶ Higher installation and maintenance costs
- ▶ Frequent buckling, which may be especially problematic in freeze-thaw cycles
- ▶ Irregular surfaces that create tripping hazards for pedestrians, especially seniors or pedestrians using assistive devices.
- ▶ Uncomfortable surfaces that are problematic and often jarring for wheelchair users with spinal injuries
- ▶ Greater difficulty in detecting truncated domes for pedestrians with visual impairments

If bricks, cobblestone or pavers are used as a surface treatment for walking areas, they should be installed in such a way as to avoid settling or eventual dislodging of the materials.

As a somewhat better alternative to traditional bricks and pavers, designers may consider imprint molds in colored concrete to create the visual appearance of bricks and pavers. This technique has the advantages of traditional materials without many of the maintenance disadvantages associated with bricks and pavers. These techniques are not completely without problems. Many of the imprints, especially those in concrete, may still cause unacceptable levels of jarring to wheelchair users. Colors may fade and it may be difficult to replicate the original pattern and color following sidewalk repairs and utility cuts.

As a recommended alternative, designers may consider a concrete main walking area combined with brick edging (Exhibit 5-23). The brick edging can hold street furniture, lights, trees, poles, and other streetscape amenities. For example, in a central business district, a 14-foot sidewalk width might include a 6-foot concrete sidewalk with a total of 8 feet decorative brick edging treatments for the terrace and frontage zones.

#### 5.3.1.2.5. Driveways and sidewalks

Motorist access across a sidewalk not only degrades the quality of the pedestrian environment, it also increases the potential for motorist-motorist and motorist-pedestrian conflicts. When providing access to adjacent property, the number of motorist access points across the pedestrian path should be minimized.

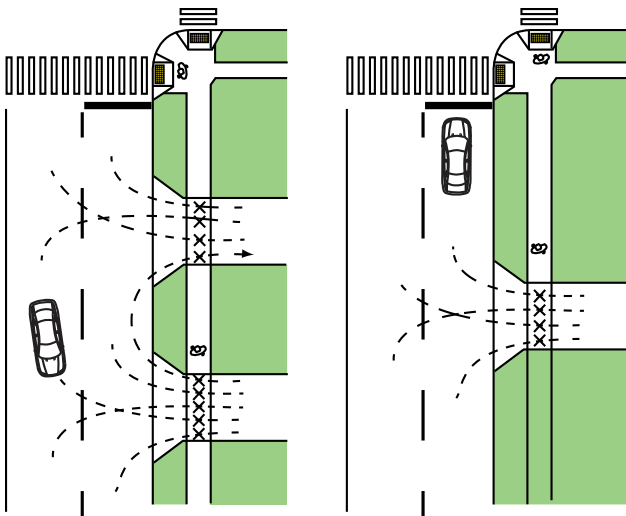


Exhibit 5-24: Limiting motorist access across a sidewalk reduces points where conflicts can occur between motorists and pedestrians.



Exhibit 5-25: Side flares and cross slopes can be problematic for some pedestrians. In this example, an easement is provided for pedestrians to maneuver around the flare.

Commercial driveways generally have higher motorist volumes than other driveway types and have the greatest potential for conflicts between motorists and pedestrians. Multiple-unit apartment and condominium buildings can have motorist volumes that approach those of commercial driveways. The number of high-volume driveways and their proximity to each other has a direct effect on the quality of the pedestrian environment. Limiting and consolidating multiple or undifferentiated driveways reduces the number of conflict points (Exhibit 5-24). Managing motorists' access can also redirect motorists to intersections with appropriate control devices. AASHTO's *Policy on Geometric Design of Highways and Streets* and the WisDOT *Access Manual/ TRB Access Management Manual* provide further information on the benefits of access management.

Residential driveways to individual homes pose less potential conflict to pedestrians than high-volume driveways because of lower use rates. On residential driveways, there should be enough driveway length beyond the public right of way to prevent parked vehicles from blocking sidewalks.

Wherever a driveway crosses a pedestrian walking area, the driveway must conform in width, cross slope, and grade to the design requirements for walking areas to meet ADA requirements. The ADA requires that a relatively flat travel surface be provided for people who use wheelchairs, strollers or other mobility devices. If local driveway requirements conflict with ADA requirements, ADA requirements are to take precedence.

WisDOT does not recommend unramped curb returns for driveways. Side flares and cross slopes at driveway aprons may cause a drive wheel, caster or leg tip to lose contact with the surface causing the pedestrian to fall (Exhibit 5-25). Cross slopes in new construction shall not exceed 2 percent.

There are four basic driveway designs that meet ADA accessibility requirements. Each design maintains a level, or nearly level, surface by either maintaining a four-foot minimum path width or providing a four-foot area adjacent to the main walk without exceeding a 2 percent cross slope. In reconstruction work at some locations, WisDOT recommends increasing the driveway slope in the driveway apron to allow for an adjacent level five-foot walking area. Designers should consult the standards of local agencies concerning driveway apron slopes. Exhibit 5-26 illustrates the four acceptable driveway designs and an example of a driveway design that is not acceptable.

Option A, which is the recommended driveway design, utilizes a wide terrace to greatly improve the safety of the driveway access area for both pedestrians and motorists. The driveway slope and the driveway apron are fully placed in the terrace to allow the adjacent walking area to be continuous and level. Wide terraces allow more turning area for entering and exiting motorists. The terrace immediately adjacent to a driveway should be free of trees, tall landscaping and other obstructions that could limit the sight distances of pedestrians and motorists.

Option B narrows the walking area at the point where the walking area intersects the driveway. This allows additional space for the driveway slope. In Option B, the narrowed walking area shall maintain a minimum width of four feet.

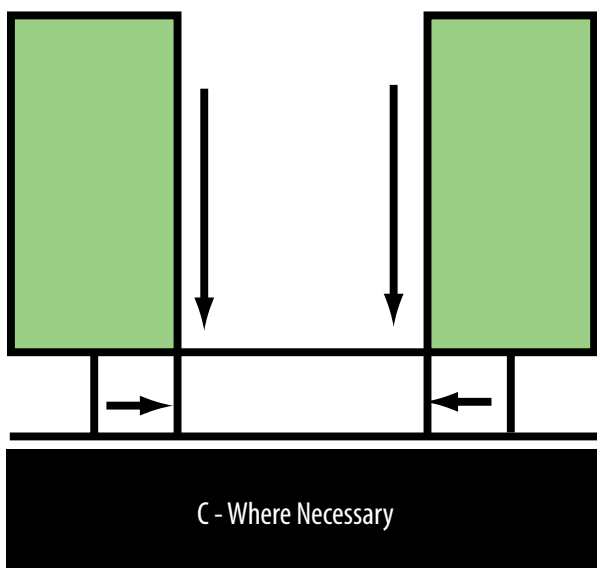
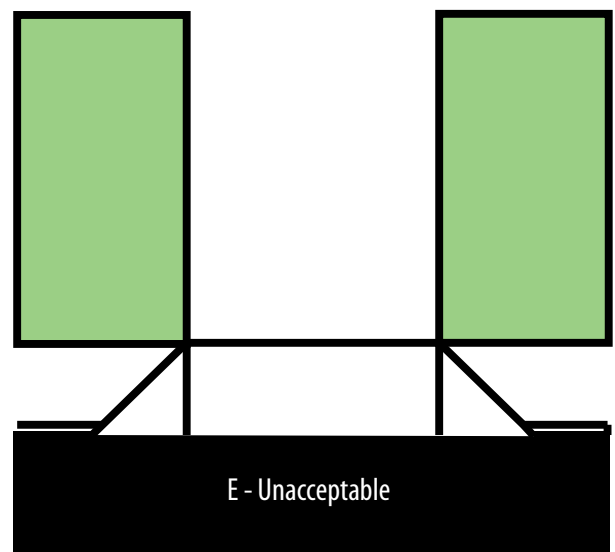
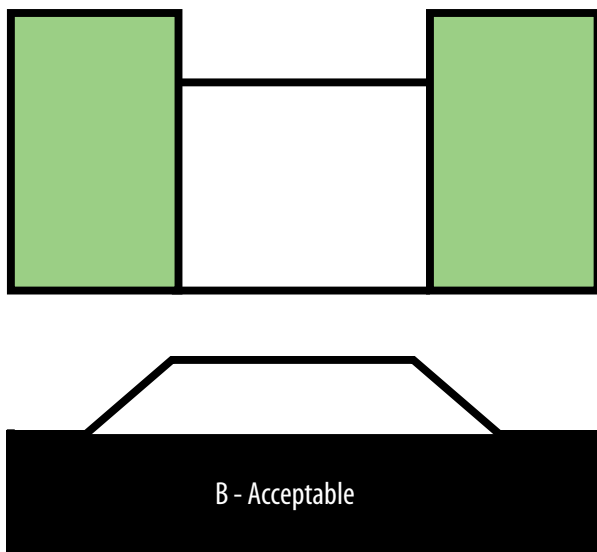
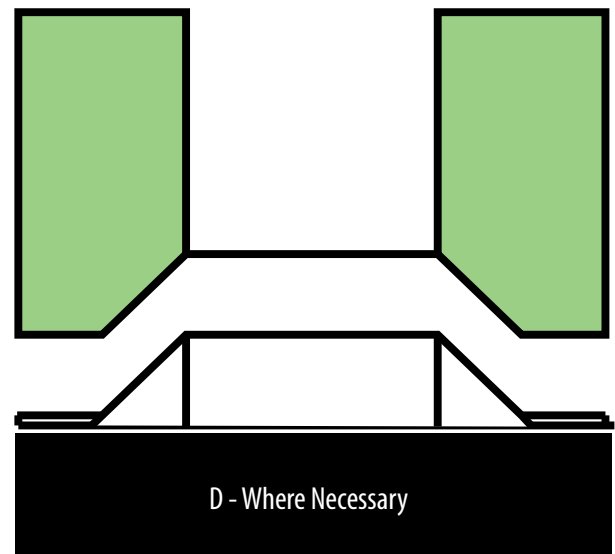
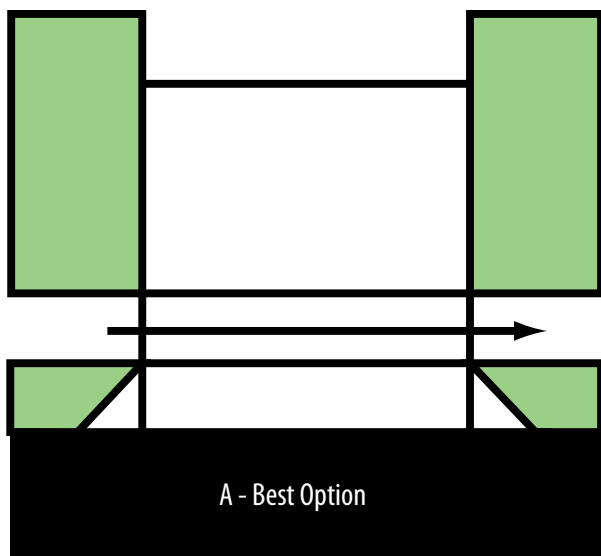


Exhibit 5-26: Driveways that cross the pedestrian walking area have a range of configurations, from the best design to unacceptable design.

Option C, also referred to as the parallel ramped driveway crossing, may be considered in areas where the sidewalk corridor is too narrow for either Option A or Option B. Where the distance from the edge of the sidewalk to the face of the curb is insufficient to provide a cross slope of 2 percent, Option C uses an appropriately designed ramp on either side of the driveway. This lowers the walking area to near street-grade at the driveway crossing. The driveway slope is located behind the walking area. This driveway design may encourage higher vehicular turning speeds, may cause pedestrians with mobility impairments

additional difficulties, and may cause pedestrians with visual impairments to mistake the driveway crossing for a curb ramp. Because of these potential problems, Option C should only be used if other, safer options are not technically feasible and should be limited to low-volume residential driveways.

Option D, the jogged driveway crossing, wraps the walking area around the driveway slope with the use of two triangular tapers. Public agencies may need to purchase or obtain an easement from the adjacent property to provide the additional space required for Option D. This driveway design can be difficult for pedestrians with visual impairments to follow and may be impractical at some sites due to physical constraints. This option should be used in limited circumstances when other, safer options are not technically possible.

Option E is never acceptable because it requires the pedestrian to traverse the cross slopes of the driveway.

Wherever a parking garage exit driveway crosses a walking area, motorists need sufficient sight distance to see pedestrians. Exiting drivers should be reminded that they must yield to pedestrians at these locations. “Stop” or “Yield” signs can be supplemented with mirrors, electronic animated eyes, displays, audible signals or flashing lights. These signs and signals should be directed to gain the attention of motorists rather than pedestrians. Using audible or visible signals that require pedestrians to yield to motorists at driveways is confusing and inappropriate.

Driveways with high motorist volumes are often designed as intersections with curb returns, curb ramps and marked crosswalks. Unless high-volume private-access driveways are signalized, WisDOT recommends the standard driveway treatments described above to clearly indicate the pedestrian right-of-way. If an intersection-type design is used at a driveway, designers should apply guidelines for intersection design discussed in *Section 5.2.1.4*.

#### 5.3.1.2.6. Side slopes and vertical drops

Steep side slopes or vertical drops adjacent to a walking area can create an uncomfortable and potentially unsafe situation for pedestrians. There are two ways to mitigate this situation – horizontal separation or a barrier, such as a railing or fence.



*Exhibit 5-27: Providing fencing along a walking path with a steep side slope of 1:1 or greater is strongly recommended.*

Typically, 4:1 grades sloping downward do not require wider shoulders or railings. Wherever there is at least five feet of gradual horizontal separation (6:1 side slope) between the walking area and a steep side slope, no additional treatment is required. The inability to meet either of these provisions may require a railing or fence.

A railing or fence is **required** when the sidewalk is adjacent to a vertical drop of more than one foot, the grade exceeds 2:1, and there is limited horizontal separation (less than five feet) between the walkway and the drop-off (Exhibit 5-27). When deciding on an appropriate treatment for other steep side slope conditions, designers should consider the following conditions:

- ▶ What is located at the bottom of the steep side slope or vertical drop?
- ▶ Is the drop-off vertical or sloped?
- ▶ How far down is the steep slope or vertical drop?
- ▶ Can a shoulder with modestly steep grades (2:1 to 3:1) be provided for a relatively minor drop (less than five feet)? It should be noted that a one- or two-foot shoulder in addition to a sloping downward grade of at least 3:1 is preferred to a five-foot shoulder next to an otherwise very steep slope.
- ▶ How steep is the slope of the down slope?

If the bottom of the drop is water or a hard surface, railings are recommended. A grassy landing at the bottom of a steep side slope is less problematic. Typically, 4:1 grades sloping downward do not require flat shoulders or railings. However, a six-inch shoulder is still recommended even if it increases the down slope a slight amount.

Retaining walls have steep vertical drops. A barrier is necessary if pedestrians, bicycles or children are likely to be within five feet of the top of the wall. A barrier must be installed at the top of any wall that is over one-foot tall, if the top of the wall is adjacent to a sidewalk, trail, parking lot or stairway landing. Walls located farther from human or vehicular activity may be higher before a barrier is considered necessary. In any case, a barrier must be provided if it is determined to be necessary, regardless of the wall's height. The barrier on top of a wall could be a fence, beam guard or railing. The selection, location and installation details of a proposed barrier should be coordinated with the structural designer. The aesthetics of any barrier, especially in urban areas where the wall and barrier are located adjacent to private property, may also be considered.

### 5.3.1.2.7. Obstructions and other pedestrian obstacles

To maximize pedestrian accessibility, the walking area should be clear of all potential obstructions. The following subsection describes common obstructions and pedestrian obstacles, and discusses solutions to these obstacles.

**Changes in level.** Abrupt vertical rises between adjacent surfaces within the walking area are changes in level. There are many causes of changes in level, such as tree roots pushing up under the walking area or frost heaving and settling the walking surface. Changes in level can create tripping hazards for pedestrians, especially pedestrians with visual or mobility impairments. According to ADAAG standards, changes in level between  $\frac{1}{4}$  and  $\frac{1}{2}$  inch should be beveled, with a maximum slope of 50 percent (Exhibit 5-28). Changes in level above  $\frac{1}{2}$  inch should be patched or restored to a maximum grade of 8.3 percent and should conform to ADA ramp guidelines (See Chapter 4, Section 405 of ADAAG).



Exhibit 5-28: Changes in level can create tripping hazards. Any changes in level between  $\frac{1}{4}$  and  $\frac{1}{2}$  inch should be beveled.

Sidewalk displacement is common in Wisconsin due to frost heaves and tree roots. Although reducing changes in level are recommended when displacement reaches  $\frac{1}{2}$  inch, it is not expected that the entire stock of a community's sidewalk system be in compliance. It is more likely for municipalities, as a common and acceptable practice, to follow an annual maintenance program that will bring sub-areas of a community into compliance. Each area is brought up to standard with permanent repairs on a rotational basis. Consideration may be given to stricter standards or more frequent reviews for areas with heavy pedestrian traffic such as areas around busy downtowns, stadiums and venues. Eventually, the maintenance program will return to the initial neighborhood and the cycle will repeat itself. A maintenance program cycle does not relieve a community from responding to hazardous tripping conditions and making temporary repairs to sidewalks in other parts of the community.

**Protruding objects.** Objects that extend into the walking area, terrace or frontage zones are especially unsafe for pedestrians with visual impairments. Objects that are protruding between the heights of 27 inches and 80 inches from a wall or a post shall not protrude horizontally more than four inches if they can be approached from the side, and not more than 12 inches if they can only be approached from the front. If an object is mounted between two posts or poles that are separated by more than 12 inches, the lowest edge of the object shall have a maximum height of 80 inches. Common objects in the pedestrian right of way to position properly

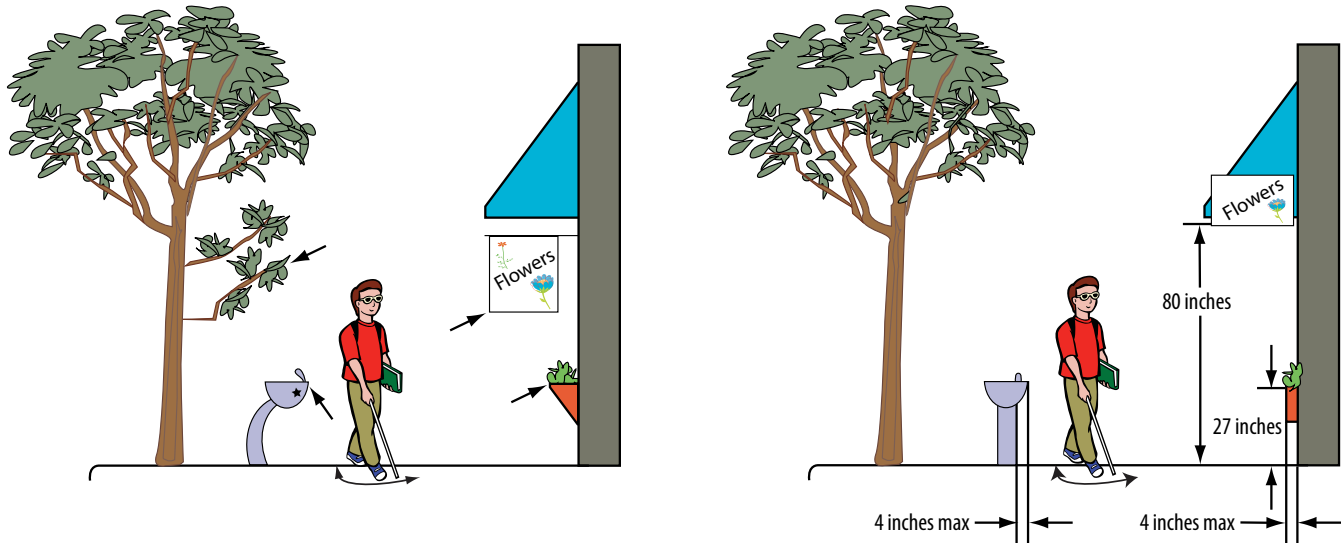


Exhibit 5-29: Objects protruding into the terrace and frontage zone may create problems for pedestrians with vision impairments and are subject to placement restrictions.

include transit stop signs, drinking fountains, business signs, railroad crossing gate apparatus and counterweights. Exhibit 5-29 shows protruding object conflicts and placement distances for objects.

**Ground-level obstacles.** Offsets, gaps or openings in drainage grates, tree grates, manhole covers, hatches, valves, vaults and other utility coverings, particularly those with parallel bars can all fall into this category. These obstacles can catch parts of wheelchairs, strollers, walkers, shoes, and canes, causing pedestrians to fall. Valve boxes, pull boxes, vault covers, sanitary clean-out covers, manhole covers, water curb boxes and other access features are often needed for operation and maintenance reasons.

Often ground level utility features are located in the sidewalk. They may be associated with changes in slope or “warps” to accommodate them in the sidewalk and may promote premature cracking or failure of the sidewalk. The best solution is to not locate any of these features in the walking area. If maintenance features must extend into the walking area, they must be installed flush and level with the surrounding surface (Exhibit 5-30). A four-foot wide walking area still must be provided, absent of any obstacles. The same requirements for changes in level discussed above apply to these objects.



Exhibit 5-30: Where maintenance features are located in the walking area of a sidewalk or path, they must be flush and level.



Exhibit 5-31: The curb box protrudes into the walking area after frost heaving, creating a tripping hazard.



Exhibit 5-32: Maintenance features can instead be encircled by a frost sleeve to prevent frost heaving.



Exhibit 5-33: Tree grates that extend into the walking area are subject to design standards.

Frost heaving is a typical reason that maintenance features become pedestrian obstacles and tripping hazards. The tops of the features rise with the sidewalk but do not always drop back down into their appropriate position when the sidewalks recess in the spring. The use of frost sleeves has been a successful method of solving the problem of frost heaving. Exhibit 5-31 depicts a curb box in the walking area that was lifted from frost heaving, while Exhibit 5-32 shows an appropriately flush curb box contained within a frost sleeve.

Grates in the walking area shall be designed so that openings do not allow the passage of a ½-inch sphere. Elongated openings shall be orientated so that the long dimension is perpendicular to the dominant direction of travel. Exhibit 5-33 provides an example of a well-designed grate.

**Overhead objects.** Guy wires and utility tie-downs should not be located in or across the walking area at heights below eight feet. Guy wires located parallel to the walking area should be covered with a yellow or other highly visible plastic guard. Clearance to overhead objects (signs, tree limbs, etc.) must be at least seven feet.

**Stairs.** For the construction of new sidewalk routes, avoid constructing only stairs or steps for primary access, since they are difficult or impossible to negotiate by pedestrians with mobility impairments. Where stairs currently exist, an alternate accessible route that does not deviate greatly from the principal route, should be constructed whenever possible. Providing access where there are existing stairs can be accomplished, in part, by including the problem sites in the “transition plan.” Steps may be provided in addition to an accessible route for any project. Steps or stairs shall follow current ADAAG requirements (See Chapter 5, Section 504 of ADAAG). Local building codes may also regulate stair construction in detail.

In order to provide an accessible route in complex situations, a feasibility study can be conducted to analyze all of the components required in construction. Flexible design and reasons for a less-than-ideal accessible route should always be documented. In unique cases where it is infeasible to provide an accessible route, stairs are preferred to an overall lack of access. Documentation should be provided for justification.

On properties with little or no setback from the sidewalk, there are cases with existing stairs that extend out into the walking area. In these cases,



Exhibit 5-34: Where buildings abut the sidewalk and have existing stairs for entrance, a 4-foot walking area should be maintained.

the stairs should not be allowed to extend further into a four-foot wide walking area (Exhibit 5-34).

**Street furniture.** As noted above, obstructions such as street furniture, trees, newspaper boxes, and utility poles should be placed together in the terrace in a spot that does not restrict the sight lines of either motorists or pedestrians. Improperly placed objects can create obstacles for pedestrians with visual impairments or those using strollers, walkers, wheelchairs or other mobility devices. All street furniture should be placed outside of the walking area and should contrast in color with the walking area to increase their visibility. Additionally, street furniture should not be placed too close to on-street parking. Two feet is the recommended distance for street furniture to be placed away from the curb. Street furniture, such as benches, telephone poles, or streetlights, can be placed at the end of a row of parking rather than in the middle of parking spaces.

#### 5.3.1.2.8. Street trees and planting strips

Street trees are an excellent buffer between the roadway and walking area. Street trees are aesthetically pleasing, offer shade to pedestrians, and may contribute to traffic calming. When deciding where to locate trees, avoid:

- Obstructing the view between an approaching motorist and pedestrians or motorists attempting to cross or enter the street
- Interfering with overhead utilities, roadside furniture, and opening car doors
- Allowing tree canopies to hang below a vertical height of seven feet
- Planting trees with large trunks and tree root systems that spread out near the surface of the ground

**Tree selection.** A landscape architect or arborist can identify preferred tree types for the local climate and terrain. Appropriate tree selection can reduce tree maintenance and increase longevity. The appropriate type of tree should have root patterns that are not likely to eventually cause the sidewalk to heave and shift vertically or damage the foundations of nearby structures.

**Tree grates.** When planting street trees within an urban sidewalk corridor, the trees and their grates should be placed outside of the walking area. A minimum of four feet should be provided for the pedestrian walking area. Tree grates can vary in size depending on the type of tree and the width of the sidewalk corridor. Tree grates should be a minimum of four feet by four feet, or have at least 16 square feet of open area. Where the terrace is narrow, a rectangular grate can be used. Tree grates adjacent to the walking area must not interfere with the accessibility needs of all potential users. Tree grates should have drainage gaps that are flush with the sidewalk pavement and narrow enough to prevent high-heeled shoes, strollers, wheelchairs, canes, and other mobility devices from becoming lodged in them. See the previous subsection on ground-level obstacles for additional guidance on the design of tree grates.

**Plantings.** In addition to street trees, terrace plantings can enhance the comfort level of people walking along a sidewalk. Plantings offer pedestrians an increased sense of security, while also protecting them from roadside spray from rain or snow. Terrace plantings can also act to direct pedestrians to appropriate crosswalk locations. Most trees and plants are inappropriate for median plantings. Local microclimate, soil conditions, the width of the median, the amount of automobile exhaust, and visibility codes all dictate proper terrace plantings.

Regardless of where the planting is, it is imperative to consider visibility through plantings. A tall tree near a driveway will provide more visibility for motorists to see oncoming wheelchair users and pedestrians than a continuous row of bushes or tall prairie plantings. Some localities have jurisdiction over sight triangles through plantings on private property and will take the necessary action to maintain good sight lines. Low growing, well-maintained plantings are encouraged. They should be no higher than two feet and should not encroach on the walking area or the roadway to maintain good visibility for both pedestrians and motorists.

Designers should consult *FDM Section 11-20-1* to determine the clear recovery area policies before making a final recommendation of buffer width and buffer tree locations.

### 5.3.1.2.9. Streetscape

The streetscape is an aesthetic consideration of roadway design that involves the visual appeal of the street's entire public right of way. It is an important network in the urban fabric that assists in defining a sense of place. Streetscapes are important environments for pedestrians as well as automobiles. A well designed sidewalk corridor can have a positive effect on the overall streetscape. For example, properly placed street trees in the terrace can enhance the streetscape by providing color contrast, vertical height and an edge. Street furniture and sufficient motorist/pedestrian separation can make a right of way appear more inviting and comfortable. Appropriately placed public art can enhance a streetscape. Building facades provide the visual texture to frame the street. When designing the sidewalk corridor, designers should be mindful of the sidewalk corridor's impact on the overall streetscape. See *Section 5.4.* for more information on community sensitive design.

The design and elements of a good streetscape create distinction from the approaching environment. For pedestrians, the distinction is important because it signals to motorists that a speed reduction is required. Light spacing decreases, visual cues increase, and the land use changes. The combined effect indicates to motorists that they are entering a new environment.

### 5.3.1.2.10. Lighting for sidewalks

Both street lighting and pedestrian-level lighting can improve the visibility, safety, and security of the sidewalk corridor. See *Section 5.3.7.* in this chapter for more detailed information on lighting the sidewalk corridor.

## 5.3.2. WALKWAYS ON SHOULDERS AND RURAL CROSS-SECTION HIGHWAYS

Like sidewalks in urban areas, sidewalks in rural areas must be adequately separated from vehicular travel lanes. Often, rural areas lack sidewalks. Where sidewalks do not exist, pedestrians use shoulders as walkways. However, Wisconsin State Statute *340.01(54)* and *340.01(58)* does not define roadway shoulders as legal sidewalks

or pedestrian facilities. Even though roadway shoulders are not legal pedestrian facilities and cannot legally be designated as pedestrian access routes, the occasional pedestrian that uses a shoulder as a walkway benefits from a wide paved shoulder. Because some pedestrians may not prefer to walk on gravel, pedestrians prefer a paved shoulder to a gravel shoulder. Gravel shoulders and combinations of paved and gravel shoulders still benefit the occasional pedestrian. Laws and statutes may prohibit pedestrians from certain roadways such as Interstates. In these circumstances, pedestrian needs should not be a consideration in determining shoulder widths.

In places where pedestrians are commonly using the shoulders, a separate walking facility is needed. Attempting to solve the problem through shoulder widening and paving may be an inappropriate response. A separate walkway may be a better way to resolve the issue, especially in transitional areas where residential and commercial development create a demand for pedestrian facilities.

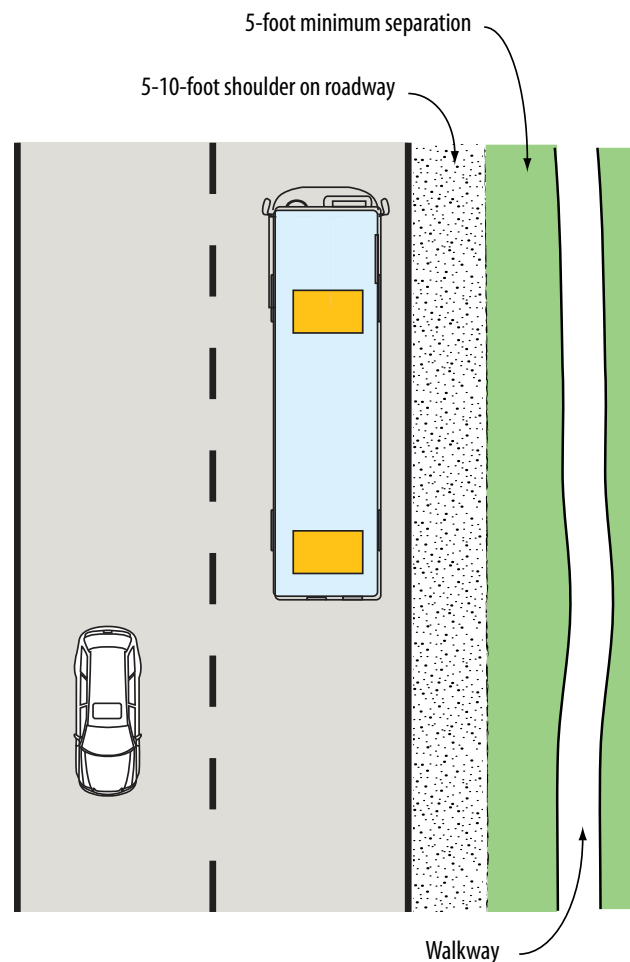


Exhibit 5-35: Walkways may be needed alongside rural roads where full sidewalks are not yet feasible.

# PLANNERS REPORT

To: City of Cedarburg Plan Commission

By: Mary Censky

Date Prepared: June 2, 2025

## General Information:

Agenda Item: **8.C.**

Property Owner/Applicant:

City Initiated

Item Description:

Status report/update from Staff, and possible recommendation to the Common Council.

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## Discussion:

On May 12<sup>th</sup>, 2025, the Common Council held a public hearing and deliberated on the Plan Commissions recommendation from April 7, 2025 to amend [Section 13-1-82\(c\) of the Zoning Code](#) changing the City's minimum parking stall size requirement from 180 sq. ft., to 162 sq. ft. laid out in 9'w x 18'd configuration, and to give the Plan Commission authority to waive or modify this new standard in cases where they have determined that the unique circumstances of a particular site suggest that stalls may be safely and effectively provided under alternative size or configuration arrangements.

The draft Ordinance #2025-21 (see copy attached) containing the proposed changes was presented but not approved. The Council agreed that flexibility should be given to the Plan Commission to waive or modify the minimum required stall size and configuration standard where it has been determined that the unique circumstances of a particular site suggest that stalls may be safely and effectively offered under alternative size or configuration arrangements, but they want the minimum stall size design standard to remain at 180 sq. ft. and specify that it be configured as 10'w x 18'd.

## Recommendation:

If the Plan Commission desires to add any further information or make another recommendation to the Common Council in this matter, now is the time to do so. The revised Ordinance #2025-21 (see copy attached) is slated for consideration/possible approval by the Common Council on Monday June 9<sup>th</sup>, 2025.

**ORIGINAL DRAFT ORDINANCE NO. 2025-21 for May 12, 2025, Common Council**

**An Ordinance to amend Section 13-1-82(c) regarding  
Parking stalls in the City of Cedarburg**

The Common Council of the City of Cedarburg, Wisconsin, does ordain as follows:

SECTION 1. Section 13-1-82(c) of the Code of Ordinances of the City of Cedarburg is hereby repealed and recreated as follows:

(c) *Size*. Size of each parking space shall be not less than 162 square feet, laid out in 9' wide by 18' deep configuration, exclusive of the space required for ingress and egress. Refer to Subsection (g) below for stall sizes related to parking spaces for use by physically handicapped persons. This minimum required stall size and configuration standard may be waived or modified by the Plan Commission where it has been determined that the unique circumstances of a particular site suggest that stalls may be safely and effectively offered under alternative size or configuration arrangements.

SECTION 2. Severability. If any provision of this ordinance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of this ordinance.

SECTION 3. Effective Date: This ordinance shall take effect and be in force from and after its passage and publication as provided by law.

Passed and adopted this 12<sup>th</sup> day of May, 2025.

\_\_\_\_\_  
Patricia Thome, Mayor

Attest:

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

Approved as to form:

\_\_\_\_\_  
Michael P. Herbrand, City Attorney

**REVISED DRAFT ORDINANCE NO. 2025-21 for June 9, 2025, Common Council**

**An Ordinance to amend Section 13-1-82(c) regarding  
Parking stalls in the City of Cedarburg**

The Common Council of the City of Cedarburg, Wisconsin, does ordain as follows:

SECTION 1. Section 13-1-82(c) of the Code of Ordinances of the City of Cedarburg is hereby repealed and recreated as follows:

(c) *Size*. Size of each parking space shall be not less than ~~162-180~~ square feet, laid out in ~~910~~' wide by 18' deep configuration, exclusive of the space required for ingress and egress. Refer to Subsection (g) below for stall sizes related to parking spaces for use by physically handicapped persons. This minimum required stall size and configuration standard may be waived or modified by the Plan Commission where it has been determined that the unique circumstances of a particular site suggest that stalls may be safely and effectively offered under alternative size or configuration arrangements.

SECTION 2. Severability. If any provision of this ordinance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of this ordinance.

SECTION 3. Effective Date: This ordinance shall take effect and be in force from and after its passage and publication as provided by law.

Passed and adopted this ~~12<sup>th</sup>~~-9<sup>th</sup> day of ~~May~~June, 2025.

\_\_\_\_\_  
Patricia Thome, Mayor

Attest:

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

Approved as to form:

\_\_\_\_\_  
Michael P. Herbrand, City Attorney