

CITY OF CEDARBURG
PLAN COMMISSION
April 07, 2025

A regular meeting of the City of Cedarburg Plan Commission was held on Monday, April 07, 2025, at Cedarburg City Hall, W63N645 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, Adam Voltz, Sig Strautmanis, Jack Arnett, Sherry Bublitz

Excused-Jon Scholz

Also Present - City Planner Mary Censky, City Administrator Mikko Hilvo, Administrative Assistant Theresa Hanaman, Michael and Cindi Purnell, Pat Hawley from raSmith, Town of Cedarburg Plan Commission and Cedarburg Town Supervisor, Danny and Jeanie Crawford, Lauren and James Heaberlin, Ken Gaschk.

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 Arnett, moved to approve the minutes from March 3, 2025, and March 18, 2025. The motion carried unanimously. Commissioner Scholz excused.

COMMENTS AND SUGGESTIONS FROM CITIZENS – None

PRESENTATION AND DISCUSSION

A REPORT WAS GIVEN BY RASMITH REGARDING THEIR TECHNICAL MEMORANDUM AND RELATED SUPPORTING DATA COMPRISING THE CEDARBURG TRAFFIC & ACCESS PLANNING STUDY JOINTLY COMMISSIONED BY THE CITY AND TOWN OF CEDARBURG FOR THE WIS 60/HORNS CORNERS ROAD TO KEUP ROAD, WASHINGTON AVENUE/WIS 60 TO BRIDGE ROAD, AND SHEBOYGAN ROAD (COUNTY I)/WIS 60 TO WASHINGTON AVENUE AREAS. A REVIEW AND DISCUSSION REGARDING THE REPORT FOLLOWED.

As a part of the City's current effort toward updating the Comprehensive Plan Smart Growth Land Use Plan-2025, it was determined early on that the City should gather independent, expert, analysis and reporting on housing, school district needs, and traffic/transportation implications, to help

inform of its eventual land use and development decisions.

The Technical Memorandum and related supporting data (Appendices B, C, and E) comprise the Cedarburg Traffic & Access Planning Study jointly commissioned by the City and Town of Cedarburg for the WIS 60/Horns Corners Road to Keup Road, Washington Avenue/WIS 60 to Bridge Road, and Sheboygan Road (County I)/WIS 60 to Washington Avenue areas. This item was presented by Pat Hawley from raSmith.

Public Comment

Anne Lewandowski-Town of Cedarburg Plan Commission - Plans to get a closer look at the study to see what effects it has on the 25-year development plan of the Town.

Larry Lechner-Town of Cedarburg Supervisor - Spoke with the Sheriff Department and Cedarburg Police Department regarding Highway 60 and Highway I traffic. The major problem is speed and running through the red light and having a roundabout may help slow traffic down.

Terry King – W63N762 Sheboygan Road – Terry has traffic concerns and questioned why the City didn't extend the traffic study past Bridge Rd.

Shellie Olson – W66 N389 Kennedy Ave. – Questioned a portion of the traffic study where it states traffic will remain on Hwy 60, east to west, and not enter Cedarburg from Washington Ave.

Beth Maresh -W62 N787 Sheboygan Road – Asked if the Wirth property was developed with apartments, what route would be expected for them to take. It's very difficult to turn left or right from Sheboygan and Washington.

Rick Busch - 1546 Fox Hollow Lane – Asked for clarification regarding SGA 11 and the proposed 400 homes.

Commissioner Bublitz inquired whether the Department of Transportation (DOT) plans to convert Highway 60 to four lanes due to future development or if it is already scheduled to be four lanes. Pat Hawley from raSmith confirmed that the Wisconsin DOT has not indicated any plans to expand Highway 60 to four lanes at this time. However, the Sewer PAC plan, which extends to 2050, includes a proposal for a four-lane highway east of Five Corners.

Commissioner Voltz asked if there would be four lanes between Five Corners and Sheboygan, and whether the expansion would extend east to Grafton.

This item was scheduled for presentation and discussion only. No action was taken.

PUBLIC HEARING

APPLICANT/PROPERTY OWNER LAUREN & JAMES HEABERLIN, D/B/A LITTLE RED HOUSE LLC, REQUESTS CONDITIONAL USE PERMIT (CUP) APPROVAL TO TRANSFER THE EXISTING TOURIST ROOMING HOUSE USE PERMIT AT THIS SITE/BUILDING INTO THEIR NAMES AS THE NEW BUSINESS AND PROPERTY OWNERS. THIS B-3 CENTRAL BUSINESS DISTRICT W/ HPD HISTORIC PRESERVATION DISTRICT OVERLAY ZONED PROPERTY IS LOCATED AT N50 W6208 WESTERN ROAD.

The motion was made by Commissioner Bublitz, seconded by Council Member Fitzpatrick, to open the Public Hearing at 8:10 p.m. The motion carried unanimously. Commissioner Scholz excused.

Planner Censky reported: The applicants have recently purchased this property. There is an existing conditional use permit, approved on June 3, 2024, for use of this property for a tourist rooming house with no minimum length of rental period specified. The current permittee and the new property owners wish to have this existing CUP transferred and amended to reflect the new owners as permittees.

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

- 1) Applicant to receive an Occupancy Permit and Room Tax Permit from the City prior to the start of rentals at this location.
- 2) Applicant commits to payment of their quarterly room tax payments to the City Treasurer required pursuant to City of Cedarburg Ordinance #94-39 Room Tax.

Public Comment:

There being no one wishing to speak, the motion was made by Commissioner Strautmanis, seconded by Commissioner Voltz, to close the Public Hearing at 8:12 p.m. Motion carried on a roll call vote with Commissioners Arnett, Voltz, Strautmanis, Bublitz, Council Member Fitzpatrick, and Mayor Thome voting aye. Commissioner Scholz was excused.

Action:

The motion was made by Commissioner Arnett, seconded by Council Member Fitzpatrick, to approve the request to transfer the existing tourist rooming house conditional use permit (CUP) at N50 W6208 Western Road into the names of Lauren & James Heaberlin as the new business and property owners to include the Planner recommended conditions. The motion carried unanimously. Commissioner Scholz was excused.

APPLICANT/PROPERTY OWNER JEANIE CRAWFORD, D/B/A BIRD HOUSE RENTALS LLC, REQUESTS CONDITIONAL USE PERMIT APPROVAL TO UTILIZE APPROXIMATELY 2,800 SQ. FT. OF SPACE WITHIN THE EXISTING BUILDING LOCATED AT W61 N397 WASHINGTON AVENUE AND N39 W6181-6191 JACKSON STREET FOR LEASABLE 'FLEX SOCIAL EVENT SPACE, GATHERING LEASABLE SPACE', 'PHYSICAL THERAPIST OFFICE/SERVICE', AND 'FULLY ENCLOSED, INDOOR, INDIVIDUAL AND GROUP FITNESS' USES, AMONG OTHER USES THAT ARE PERMITTED OF RIGHT IN THE B-1 NEIGHBORHOOD BUSINESS ZONING DISTRICT.

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

Planner Censky reported: The applicant requests CUP approval to incorporate recently ‘finished’ space into the mix of uses/spaces already in use in this building.

Parking

Currently, there are two residential rental dwellings in this building. These comprise approximately 2,980 sq. ft. of floor area. The code required parking to support this part of the total use compilation in this building is 3 parking stalls. Residential units, excluding storefront space and new principal residential structures, are permitted uses in the B-1 Neighborhood Business District.

Currently, there are three individual business tenant spaces in this building. Using the City’s general business/professional office parking standard of 1 stall per 200 square feet of gross floor area, plus one space per employee for the work shift with the largest number of employees, it would be reasonable to plan for ~7 stalls required for tenant space #2A., and ~12 stalls required for tenant space #2B. Business tenant space #1 is currently used as a physical therapist office. Applying for the medical, dental, and similar professional health service offices parking standard of 5 stalls per doctor, plus one parking space per employee for the work shift with the largest number of employees, it would be reasonable to plan for ~11 stalls for tenant space #1.

The applicant’s site plan suggests they are currently providing the above requirement for 33 parking stalls to serve existing uses/leasable spaces onsite, meeting the City Code standard 180 sq. ft. per parking stall and using appropriate circulation aisle widths. None of the existing stalls are striped.

The proposed new uses ‘leasable flex social event space, gathering leasable space’ and ‘fully enclosed, indoor, individual and group fitness’ trigger another parking requirement. Using the standard Code for places of public assembly, ~90 additional stalls would be required (i.e., 1 stall per person capacity in the assembly space). The Code does say that on-street parking stalls can be counted toward this total if they are within 250 feet of the site. The applicant has identified ~19 such street stalls that could support the extra parking requirement, and they have shown a plan using an easement from the neighboring property to the west, that could bring their total onsite stalls to 53. A Plan Commission waiver, pursuant to [Section 13-1-83 of the Code – Adjustments to Required Parking](#) could potentially be approved as to the required number of parking stalls to support this new use/space.

If the Plan Commission is inclined toward an approval in this matter, Planner Censky recommends the following conditions be attached:

- 1) Plan Commission approves a reduction in the required number of parking stalls from 123 required, to 72 (or slightly fewer depending upon landscaping requirements) as proposed based on the findings made pursuant to Section 13-1-83 of the City Code.
- 2) All parking and drive areas shall be paved prior to the issuance of an occupancy permit for the new public assembly and indoor fitness space (i.e., tenant space #4).
- 3) Hours for use of tenant space #4 shall be set at ___ a.m. to ___ p.m. on the following days and ___ a.m. to ___ p.m. on the following days.

- 4) Applicant shall, prior to use or occupancy of Tenant Space #4, pave and stripe all parking stalls and drive aisles on site. They shall also paint the one-direction circulation arrows on the pavement as shown in the site plan attached
- 5) A suitable and detailed plan for dumpster enclosure shall be presented to staff for review and approval prior to installation. The enclosure must be completed prior to start of use or occupancy in Tenant Space #4 of the building.
- 6) An exterior lighting plan to provide at least minimal security level lighting (i.e., +/- .2 footcandles) on the ground in the parking and circulation areas must be prepared and submitted by the applicant for staff review and approval. Such lighting shall be installed at the site prior to the start of use or occupancy in Tenant Space #4 of the building.
- 7) Applicant to provide, for staff review and approval, an interior parking area landscaping plan consistent with Section 13-1-82 of the Code, such landscaping to be completed within 6 months of use or occupancy in Tenant Space #4.
- 8) Recording of fully signed Conditional Use Permit and related Land Covenant documents memorializing the approved plans and conditions of approval as to the 'leasable flex social event space, gathering leasable space, physical therapist office/service', and 'fully enclosed, indoor, individual and group fitness' uses on this site.

Public Comment:

Lisa Lamb, W65 N3687 Westlawn Avenue - Has concerns about the water runoff and paving issues at this site.

Heather Vetter, W61 N383 Washington Avenue - Has concerns about the water runoff onto her driveway. Heather is also concerned about the noise disturbance at night from wedding parties, including traffic and lighting.

Mike Fagan, W61 N375 Washington Avenue - Mike is concerned about traffic and noise.

Teri Fagan, W61 N375 Washington Avenue- Teri has issues with the parking lines and the pavement conditions and would like to see this repaved for safety reasons. The noise resonates down Washington Ave as she explained when it was a door company.

Sampson Parsons – W57 N511 Hilbert Avenue - Commented that the large puddles on the street are from bad grading and is a city problem, not the property owner.

There being no others wishing to speak, the motion was made by Council Member Fitzpatrick, seconded by Commissioner Voltz, to close the Public Hearing at 9:27 p.m. Motion carried on a roll call vote with Commissioners Arnett, Voltz, Strautmanis, Bublitz, Council Member Fitzpatrick, and Mayor Thome voting aye. Commissioner Scholz excused.

Action:

The motion was made by Mayor Thome, seconded by Commissioner Strautmanis, to approve the Conditional Use Permit (CUP) approval for ~2,800 sq. ft. of recently 'finished' space within the existing building to be used for leasable flex social event space, gathering leasable space', physical therapist office/service', and 'fully enclosed, indoor, individual and group fitness' uses and to include the following conditions. The motion carried unanimously. Commissioner Scholz was excused.

- 1) Plan Commission approves a reduction in the required number of on-site + within 250 feet of parking stall from 132 required to 53 stalls.
- 2) Plan Commission requires that all parking and drive areas shall be paved, striped, and the one-directional circulation arrows on the pavement as shown in the site plan shall be painted

- not later than October 31st, 2027.
- 3) Hours for use of tenant space #4 (as flex/social/gathering/therapy/fitness use) shall be set at Friday through Saturday from 8:00 am to 10:00 pm and Sunday through Thursday 8:00 am to 9:00 pm.
 - 4) A suitable and detailed plan for a dumpster enclosure shall be presented to the staff for review and approval prior to installation. The enclosure must be completed prior to the start of use or occupancy in Tenant Space #4 of the building.
 - 5) Sufficient lighting shall be maintained in the outdoor parking/circulation drive and pedestrian areas as necessary to ensure the public safety. The applicant shall provide, for staff review and approval, an interior parking area landscaping plan consistent with Section 13-1-82 of the Code, such landscaping to be completed not later than October 31st, 2027.
 - 6) Recording of fully signed Conditional Use Permit and related Land Covenant documents memorializing the approved plans and conditions of approval as to the 'leasable flex social event space, gathering leasable space, physical therapist office/service', and 'fully enclosed, indoor, individual and group fitness' uses on this site.
 - 7) Applicant shall consult with the City Building Inspector and the City Engineer/Director of Public Works as to an appropriately sized gutter along the entire length of the south roof edge on the south building, to collect and suitably dispense with the roof runoff, thereby preventing this water from landing or flowing onto the neighbor's property located directly south of this site. This gutter shall be fully installed and approved as to compliance with the Building Inspector and City Engineer specifications, prior to use/occupancy of the new flex-space. This gutter/downspout/outflow shall be permanently maintained in operating condition.

REGULAR BUSINESS AND POSSIBLE ACTION THEREON

APPLICANT/PROPERTY OWNERS MIKE AND CINDI PURNELL (A/K/A BURG 653 LLC), REQUEST ARCHITECTURAL PLAN REVIEW AND APPROVAL FOR NEW CONSTRUCTION OF A SINGLE-FAMILY DWELLING WITH AN ATTACHED GARAGE ON THEIR VACANT RESIDENTIAL INFILL LOT LOCATED AT N70 W6222 BRIDGE ROAD. THIS 0.17-ACRE PROPERTY IS ZONED RS-6 SINGLE-FAMILY/TWO-FAMILY RESIDENTIAL.

Planner Censky reported: The applicant offers the plans for the Plan Commission's review and possible approval as an infill project. Section 13-1-22 of the City Code provides that an infill lot (i.e., a single vacant lot located in a predominately built-up area, which is bounded on two or more sides by existing development) requires architectural review and approval of buildings by the plan commission, before a building permit can be acquired and the building constructed in accordance with the approved plans and an occupancy permit issued. Once an occupancy permit is issued, the status of the lot shall change to non-infill and any additions or modifications thereafter are processed under normal procedures.

The Plan Commission will recall that this site was recently cleared of former buildings in

preparation for a residential infill use.

The plans have been previewed by the architect representatives of the Plan Commission. Multiple review meetings and conversations with the applicant helped them meld their original design to this iteration. The modifications had a great deal to do with dovetailing to the character of existing homes in the immediate surrounding area, and respecting the overall character of architecture throughout the Columbia Historic District, which this site is located in. The applicants plan includes retention/repair of the existing stone retaining wall at the front of the lot, a feature/quality that is common throughout the Columbia Historic District.

While the Plan Commission does not review the spatial compliance of the building on this Rs-6 Single Family/Two Family zoned site, Planner Censky noted that it does appear that the proposed building will be able to comply with the basic spatial and bulk restrictions of the Rs-6 zoning district, such as setbacks (by averaging), floor area ratio, lot coverage, building height, and minimum home size.

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

- 1) Any repair or restoration of the existing retaining wall at the front/Bridge Roadside of this property shall be subject to prior review and approval of plans/intentions by the City Engineer prior to the start of work.
- 2) Review and approval by the City Engineer/Director of Public Works, Cedarburg Light & Water, and/or Building Inspector as to the final top of foundation wall elevation for the residence, and location and manner of connections to the municipal services such as, but not necessarily limited to sanitary sewer, water, and electricity, prior to issuance of a building permit or early start footings and foundation permit.

Action:

The motion was made by Council Member Fitzpatrick, seconded by Commissioner Voltz, to approve the architectural plan review and approval for construction of a new single-family residence on an infill lot located at N70 W6222 Bridge Road, subject to the Planner's recommended conditions. The motion carried unanimously. Commissioner Scholz was excused.

REVIEW, DISCUSSION, AND POSSIBLE ACTION/RECOMMENDATION TO THE COMMON COUNCIL TO AMEND TITLE 13, CHAPTER 1, SECTION 13-1-54 (B)&(D), 13-1-55(E), AND 13-1-59(B)&(D) OF THE ZONING CODE, LISTING THE USE "ALL-ELECTRIC COFFEE ROASTING THAT DOES NOT VENT DIRECTLY TO THE OUTDOORS" AS A PERMITTED USE, AND LIMITING "FUEL FIRED COFFEE ROASTING THAT VENTS DIRECTLY TO THE OUTDOORS" AS A CONDITIONAL USE IN THE B-2 COMMUNITY BUSINESS, B-3 CENTRAL BUSINESS, AND M-1 LIMITED MANUFACTURING DISTRICTS. THIS MATTER IS CITY INITIATED.

Planner Censky reported that coffee Roasting is currently listed as a conditional use in the B-2 Community Business District and the B-3 Central Business District. It is listed as a permitted use in the M-1 Limited manufacturing District.

Historically/traditionally, coffee roasting has been done using fuel fired roasting methods. Fuel fired roasting must be vented directly outdoors. Fuel fired roasting has a somewhat higher propensity to emit an acrid odor in the emission because beans can, more easily, be roasted too long or at too high a temperature. All-electric roasters have a lesser tendency to over roast or roast at too high of temperatures. Many new all-electric roasters do not vent to the outdoors at all.

The question was recently asked: should all-electric coffee roasting that does not vent to the outdoors still be required to go through the conditional use process.

If the Plan Commission supports the idea of adding “All-electric coffee roasting that does not vent to the outdoors” as a permitted use in the B-2, B-3, and M-1 districts (see draft language changes below), a favorable recommendation to the Common Council would be an appropriate action at this time.

Sec. 13-1-54 B-2 Community Business District.

- (a) *Purpose.* The B-2 Community Business District is intended to provide for the orderly and attractive grouping at appropriate locations of retail stores, shops, offices, and service establishments serving the daily needs of the surrounding local community area. The size and location of such districts shall be based upon evidence of justifiable community need, of adequate customer potential, of satisfactory relationship to the traffic circulation system, and other related facilities, and of potential contribution to the economic welfare of the community.
- (b) *Permitted uses.* (Also see section 13-1-225.) Any of the following retail and customer service establishments:
 - (1) Appliance store.
 - (2) Antique and collectors stores.
 - (3) Art shop.
 - (4) Auto parts stores.
 - (5) Bagel stores.
 - (6) Bakeries, not including the manufacture of bakery products.
 - (7) Banks, savings and loan associations, and other financial institutions (not including drive-in or drive-through facilities).
 - (8) Barber shops.
 - (9) Beauty shops.
 - (10) Bookstores.
 - (11) Business and professional,
 - (12) Camera and photographic supply stores and studios.
 - (13) Clothing store.
 - (14) Coffee/espresso bars.
 - (15) Confectioneries.
 - (16) Delicatessens.

- (17) Department stores.
- (18) Drug stores.
- (19) Fireplace stores.
- (20) Fish markets.
- (21) Florists.
- (22) Fruit and vegetable market.
- (23) Furniture stores.
- (24) Furriers and fur apparel.
- (25) Gift stores.
- (26) Grocery stores.
- (27) Hardware stores.
- (28) Health care facilities including dental clinics, medical clinics, chiropractic clinics, licensed massage therapy.
- (29) Hobby and craft stores.
- (30) Ice cream store.
- (31) Interior decorator.
- (32) Janitorial supplies.
- (33) Jewelry stores.
- (34) Liquor stores.
- (35) Meat markets.
- (36) Music and radio stores.
- (36) Newspaper and magazine stores.
- (37) Newsstands.
- (38) Office supplies and business machine stores.
- (39) Optical stores (not including the manufacturing of lenses).
- (40) Packaged beverage stores.
- (41) Paint, glass, and wallpaper stores.
- (42) Pharmacy (not including drive-thru).
- (43) Photographer.
- (44) Plumbing and heating supplies.
- (45) Self-service laundries and dry-cleaning establishments.
- (46) Shoe stores and leather goods stores.
- (47) Shopping centers.
- (48) Soda fountain stores.
- (49) Sporting goods stores.
- (50) Stationery stores.
- (51) Supermarkets.
- (52) Tobacco stores.
- (53) TV and small appliance repair shops.
- (54) Variety stores.

(55) All-Electric Coffee Roasting that does not vent directly to the outdoors.

(c) *Accessory uses.*

- (1) Accessory buildings and uses customarily incidental to the above uses including, but not limited to, garages and dumpster storage facilities.
- (2) Essential services.
- (3) Ground-mounted and building-mounted earth station dish antennas.
- (4) Off-street parking areas and loading areas.
- (5) Rental apartment on a non-ground level provided 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.
- (6) Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.

(d) *Conditional uses.* (Also see section 13-1-226.)

(1) a. Adult establishments provided that either of the following two conditions is met:

1. The person applying for the conditional use grant demonstrates that the building where the use shall occur is not located within 500 feet of any residential dwelling, rooming unit, hospital, church, school, or stores frequented by persons under the age of 18 years, whether such structures are located in this City or in a contiguous town or municipality. The 500 feet distance shall be measured via a straight line from the nearest corners of such building to any portion of the parcel of land containing a residential dwelling, rooming unit, hospital, church, school, or store frequented by persons under the age of 18 years.
2. The person applying for the conditional use permit files with the zoning administrator a petition favoring the proposed use signed by a minimum of 51 persons representing a minimum of 51 percent of the adult persons owning or occupying property within a radius of 500 feet of the location of the proposed establishment. The petitioner shall attempt to contact all eligible locations within the 500-foot radius and shall submit with the petition a list of all addresses at which no contact was made and, as far as practicable, a list of all persons refusing to sign the petition. In the event that the 500-foot radius is not sufficiently populated to provide a minimum of 100 adult persons owning or occupying property, the radius shall be increased in increments of 100 feet until there shall be an area large enough to contain 100 property owners and occupants. The petition circulated shall state the specified activities and/or specified anatomical area intended to be displayed and the conditional use permit sought. The 500-foot radius and 100-foot increments shall be measured as set forth above.

- b. One year after the date on which the conditional use permit is granted, and every year on that date thereafter, the person granted the conditional use permit shall show the zoning administrator that either of the above conditions is met in order for the conditional use permit to be continued for the following year.

- c. The applicant shall provide the names and addresses of the owners and occupants of all property within 100 feet of the proposed establishment, measured as set forth above. Except where a petition signed by 51 persons is filed with the zoning administrator, in case of protest signed by the owners or occupants of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, the grant of a conditional use permit shall require a vote of three-fourths of the members of the plan commission.
- (2) Animal hospitals, pet daycare facilities and kennels, provided all principal structures and uses are not less than 100 feet from a residential use if kennels are provided.
- (3) Automobile service, repair, and washing.
- (4) Bars, cocktail lounges and taverns.
- (5) Bowling alleys.
- (6) Bus depots provided all principal structures and uses are not less than 100 feet from any residential district lot line.
- (7) Clubs.
- (8) Commercial child day care facilities.
- (9) Fuel-fired coffee roasting that vents directly to the outdoors. (Coffee roasting uses existing on January 1, 2005 shall be classified as conforming conditional uses. However, a change in ownership of such premise shall require the new owner to obtain a conditional use permit.
- (10) Construction services including building contractors, carpentering, wood flooring, concrete services, masonry, stonework, tile setting, plastering services, roofing, sheet metal services, and water well drilling services.
- (11) Dance halls.
- (12) Drive-in or drive-through banks, savings and loan associations, and other financial institutions.
- (13) Factory outlet stores.
- (14) Gasoline service stations, provided that all service islands and pumps shall meet setback requirements.
- (15) Gun shops
- (16) Health clubs.
- (17) Indoor or outdoor recreational and entertainment facilities.
- (18) Limited manufacturing of products listed in section 13-1-59(b)(1) where all operations are conducted wholly within buildings with no outdoor operations or storage of materials or equipment. and provided noise, smoke, dust, dirt and odors are not detrimental to nearby retail, commercial, service, or residential uses. Such limited manufacturing use(s) shall be incidental to the principal use of a building for retail or commercial use and shall not occupy more than 20 percent of the total floor area of a building.
- (19) Motels and motor hotels.
- (20) New and used automobile dealerships, including all activities incidental to the operation of a dealership.

- (21) Outdoor soda water venting machines.
- (22) Printing and reproduction services [not exceeding 3,000 square feet in gross floor area].
- (23) Restaurants.
- (24) Theaters.
- (25) Truck and trailer rentals.
- (26) Pharmacies with drive-through facilities.
- (27) Public and/or private utilities, telecommunication installations, and other accessories.
[Note: When a utility proposes a main inter-city transmission facility, the utility shall give notice to the city of such intention and of the date of hearing before the public service commission.] Public and/or private utility installations less than three feet in height shall be subject only to City of Cedarburg staff approval and may be allowed subject to staff-imposed conditions regarding, among other things, effective screening from public view with all season vegetation.
- (28) Wholesaling establishments.
- (29) Micro-Distilleries.
- (30) Micro-Breweries.

Sec. 13-1-55 B-3 Central Business District.

- (a) *Purpose and intent.* The B-3 Central Business District is intended to provide for the preservation of Cedarburg's historic downtown and the orderly appropriate regulations to ensure the compatibility of the diverse uses typical of the downtown area without inhibiting the potential for maximum development of commercial, cultural, entertainment, and other urban activities which contribute to its role as the heart of the city. This area contains a mix of retail sales shops, office, restaurants, cultural, entertainment, and residential uses.
- (b) *General requirements.*
 - (1) Overall development shall be compatible with the city's community character, urban design, historic preservation principles and shall facilitate the objectives as expressed in the adopted Cedarburg Smart Growth Comprehensive Land Use Plan - 2015, and components thereof.
 - (2) A major portion of the B-3 District is also regulated by the City's Historic Preservation District (HPD). This is an "overlay" district created to protect historic buildings and sites that are listed on the National Register of Historic Places. The design, remodeling, reconstruction, painting, and site improvements within the HPD area require approval and a certificate of appropriateness by both the city's landmarks commission and plan commission.
 - (3) Buildings shall be designed to correspond in height, width, proportion, relationship to street, roof forms, composition, window and door patterns, materials and colors compatible with existing buildings in the downtown area.
 - (4) All buildings in the HPD portion of the B-3 District existing prior to October 28, 2013 are considered to be conforming structures relative to dimensional requirements to maintain the integrity of the Historic District. If such buildings are ever damaged or

destroyed, they may be reconstructed exactly in their pre-damaged or pre-destroyed location and dimensional configuration.

- (5) Single-family and two-family homes existing prior to October 28, 2013 are non-conforming uses and may be continued pursuant to section 13-1-140 titled non-conforming uses.

(c) *Permitted uses.* (Also see section 13-1-225.)

- (1) Antique and collector's stores.
- (2) Art stores, studios, galleries.
- (3) Auto parts stores.
- (4) Bagel shops, bakeries.
- (5) Banks, credit unions, savings and loan associations, and other financial institutions (not including drive-in or drive-thru facilities).
- (6) Barber shops and beauty shops.
- (7) Bicycle sales, repair and rental.
- (8) Bookstores.
- (9) Boutiques.
- (10) Business, professional, medical, and utility offices.
- (11) Camera, photographic supply stores, and photographic studios.
- (12) Catering services.
- (13) Clinics (dental, medical, chiropractic).
- (14) Clothing stores.
- (15) Cocktail lounges, bars, and taverns.
- (16) Coffee shops and espresso bars.
- (17) Computer sales and services.
- (18) Cultural centers.
- (19) Delicatessen.
- (20) Department stores.
- (21) Electronics and appliance stores, and repair shops.
- (22) Farmers markets, including farm products, food, crafts, and food vendors.
- (23) Fish markets.
- (24) Florists, yard and garden supplies, and service.
- (25) Furniture sales.
- (26) Furriers and fur apparel.
- (27) Gift stores.
- (28) Grocery stores.
- (29) Hardware stores.
- (30) Health clubs, athletic clubs, and gymnasiums.
- (31) Hobby and craft stores.
- (32) Ice cream parlors/soda fountain stores.
- (33) Insurance offices.

- (34) Interior decorators.
- (35) Jewelry stores.
- (36) Liquor stores.
- (37) Lodges and clubs.
- (38) Meat markets.
- (39) Museums.
- (40) Music stores.
- (41) Newspaper and magazine stores.
- (42) Office supplies and business machine stores
- (43) Optical stores.
- (44) Paint, glass, and wallpaper stores.
- (45) Pet stores and pet grooming (with all operations indoors).
- (46) Pharmacy (not including drive-thru service).
- (47) Plumbing and heating supplies.
- (48) Publishing houses.
- (49) Real estate offices.
- (50) Restaurants (without drive-thru facilities).
- (51) Self-service laundries and dry-cleaning establishments.
- (52) Shoe and leather goods stores.
- (53) Spas and fitness facilities.
- (54) Specialty food and beverage product sales.
- (55) Specialty retail shops for housewares, stationery, home décor, lighting products, and athletic and sporting goods.
- (56) Tailor shops.
- (57) Theaters.
- (58) Tobacco shops.
- (59) Used merchandise resale shops (excluding pawn shops).
- (60) Variety stores.
- (61) Residential use of single-family and two-family structures that existed prior to the adoption of this Ordinance.

(62) All-Electric Coffee Roasting that does not vent directly to the outdoors.

(d) *Permitted accessory uses.*

- (1) 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.
- (2) Accessory buildings and uses customarily incidental to the above uses, including garages used in conjunction with the operation of the uses of the premise and dumpster storage facilities.
- (3) Off-street parking and loading areas.

- (4) Essential services as defined herein.
- (5) Ground-mounted and building-mounted satellite dish antennas less than three feet in diameter.
- (6) Outdoor dining and non-alcohol beverage service. (Note: Outdoor alcohol beverage services require a premises license approved by the common council).
- (e) *Conditional uses.* (Also see section 13-1-226.)
 - (1) Automobile service stations.
 - (2) Banks, savings and loan associations, credit unions, and other financial institutions with drive-in or drive-through facilities.
 - (3) Bed and breakfast establishments providing adequate off-street parking.
 - (4) Building supply stores.
 - (5) Bus depots, provided all principal structures and uses are not less than 100 feet from any residential district lot line.
 - (6) Fuel-fired Coffee roasting that vents directly to the outdoors.
 - (7) Day care facilities.
 - (8) Feed mills, and feed and seed sales.
 - (9) Funeral homes, provided all principal structures and uses are not less than 12 feet from any lot line.
 - (10) Gun shops, subject to police department and plan commission review and approval.
 - (11) Hotels, subject to adequate off-street parking.
 - (12) Indoor and outdoor recreational and entertainment facilities.
 - (13) Microbreweries, soft drink production, and wineries.
 - (14) Night clubs and dance halls.
 - (15) Parking structures.
 - (16) Pharmacies with drive-thru facilities.
 - (17) Printing and reproduction services [not exceeding 3,000 square feet of gross floor area].
 - (18) Renewable energy systems (i.e. wind, solar, geothermal).
 - (19) Telecommunications installations.
 - (20) Tourist Rooming Houses.
 - (21) Vehicle detailing.
 - (22) Wool carding.
 - (23) Micro-Distilleries.

Sec. 13-1-59 M-1 Limited Manufacturing District.

- (a) *Purpose.* The M-1 Limited Manufacturing District is intended to provide for manufacturing, industrial, and related uses of a limited nature and size in situations where such uses are not located in basic industrial groupings and where the relative proximity to other uses requires more restrictive regulation.
- (b) *Permitted uses.* (Also see section 13-1-225.)

- (1) Processing, manufacturing, and/or storage of the following:
- a. Apparel findings and related products.
 - b. Automatic temperature controls.
 - c. Baked goods and bakery products.
 - d. Belts.
 - e. Blank books, loose-leaf binders, and devices.
 - f. Books: publishing, printing, and binding.
 - g. Boot and shoe cut stock and findings.
 - h. Bottling and canning soft drinks and carbonated waters.
 - i. Brooms and brushes.
 - j. Candy and other confectionery products.
 - k. Canvas products.
 - l. Cereal preparations.
 - m. Cigars and cigarettes.
 - n. All-electric coffee roasting that does not vent directly to the outdoors, and coffee products.
 - o. Costume jewelry, costume novelties, buttons, and miscellaneous notions.
 - p. Curtains and draperies.
 - q. Dental equipment and supplies.
 - r. Dress and work gloves.
 - s. Electrotyping and stereotyping.
 - t. Engineering, laboratory, scientific and research instruments and associated equipment.
 - u. Envelopes.
 - v. Fabrics, broad and narrow woven.
 - w. Flavor extracts and flavoring syrups.
 - x. Flour and other grain mill products.
 - y. Footwear.
 - z. Fresh or frozen fruits, fruit juices, vegetables, and specialties.
 - aa. Greeting cards.
 - bb. Hats, caps, and millinery.
 - cc. Household furniture and furnishings.
 - dd. Ice.
 - ee. Jewelers' findings and materials.
 - ff. Jewelry and precious metals.
 - gg. Lamp shades.
 - hh. Luggage.
 - ii. Manifold business forms.
 - jj. Mechanical measuring and controlling instruments.
 - kk. Men's, youths', and boys' furnishings, work clothing, and allied garments.

- ll. Morticians' goods.
- mm. Motion picture production.
- nn. Musical instruments and parts.
- oo. Newspapers: publishing and printing.
- pp. Office furniture.
- qq. Ophthalmic goods.
- rr. Optical instruments and lenses.
- ss. Orthopedic, prosthetic, and surgical appliances and supplies.
- tt. Paperboard containers and boxes.
- uu. Partitions, shelving, lockers, and office and store fixtures.
- vv. Pens, pencils, and other office and artists' materials.
- ww. Periodicals: publishing and printing.
- xx. Photoengraving.
- yy. Photographic equipment and supplies.
- zz. Pleating, decorative, and novelty stitching and tucking for the trade.
- aaa. Printing, commercial.
- bbb. Raincoats and other waterproof outer garments.
- ccc. Robes and dressing gowns.
- ddd. Sanitary paper products.
- eee. Self-service storage facilities (mini-warehouses).
- fff. Signs and advertising displays.
- ggg. Silverware and plated ware.
- hhh. Surgical and medical instruments and apparatus.
- iii. Tobacco and snuff.
- jjj. Tobacco stemming and redrying.
- kkk. Toys, amusement, sporting, and athletic goods.
- lll. Typesetting.
- mmm. Umbrellas, parasols, and canes.
- nnn. Venetian blinds and shades.
- ooo. Watches, clocks, clockwork-operated devices, and parts.
- ppp. Welding and machine shops.
- qqq. Wine, brandy, and brandy spirits.
- rrr. Women's, misses, juniors', girls', and infants' furnishings, work and dress clothing, and allied garments.
- sss. Warehouses.

(c) *Permitted accessory uses.*

- (1) Garages for storage of vehicles used in conjunction with the operation of an industry.
- (2) Off-street parking and loading areas.
- (3) Office, storage, power supply, and other uses normally auxiliary to the industrial operations.

- (4) Ground-mounted and building-mounted earth station dish antennas.
- (5) Retail sales and services of products integral with and incidental to a service or manufacturing business limited to 20 percent of the floor area of the principal building.
- (d) *Conditional uses.* (Also see section 13-1-226.)
 - (1) Athletic clubs.
 - (2) Experimental, testing, and research laboratories.
 - (3) Gasoline service stations, automobile and truck servicing and repair, automobile and truck rental services, and automobile and truck washing.
 - (4) Gymnasiums.
 - (5) Health resorts.
 - (6) Heliports and bus depots provided all principal structures and uses are not less than 100 feet from any residential district boundary.
 - (7) Locker plants provided that no meat packing and processing shall be conducted.
 - (8) Manufacturing and processing of dimension hardwood and flooring, veneer, and plywood.
 - (9) Millwork, lumber yards, sawmills, and planing mills.
 - (10) Office uses unrelated to principal industrial operations.
 - (11) Processing and manufacturing of feeds prepared for animals and fowl, wholesale, and/or retail warehousing of animal feeds, fertilizer, seeds, garden and lawn supplies, animal health products, and lawn equipment, provided that all operations are conducted within an enclosed building.
 - (12) Retail stores and services related to principal industrial operations.
 - (13) Transmitting towers, receiving towers, relay and microwave towers without broadcast facilities or studios.
 - (14) Utilities.
 - (15) Day care facility.
 - (16) Fuel-fired coffee roasting that vents directly to the outdoors.

Action:

The motion was made by Commissioner Bublitz and seconded by Council Member Fitzpatrick to recommend to the Common Council to amend Title 13, Chapter 1, Section 13-1-54 (b)&(d), 13-1-55(e), and 13-1-59(b)&(d) of the Zoning Code, listing the use “All-Electric Coffee Roasting that does not vent directly to the outdoors” as a permitted use, and limiting “Fuel Fired Coffee Roasting that vents directly to the outdoors” as a conditional use in the B-2 Community Business, B-3 Central Business, and M-1 Limited Manufacturing districts. The motion carried unanimously. Commissioner Scholz was excused.

REVIEW, DISCUSSION, AND POSSIBLE ACTION/RECOMMENDATION TO THE COMMON COUNCIL OF THE “FIRST AMENDMENT TO CITY OF CEDARBURG HIGHWAY 60 BUSINESS PARK DECLARATION OF RESTRICTIONS AND COVENANTS” TO THE COMMON COUNCIL. THIS AMENDMENT PROVIDES THAT MOBILE SERVICE SUPPORT STRUCTURES ARE NOT SUBJECT TO THE HEIGHT LIMITATIONS SET FORTH IN SECTION 3. B(III). THIS MATTER IS CITY

INITIATED.

Planner Censky reported, based on Wisconsin Statutes, a municipality may not disapprove mobile service support structure application based solely on the height of the structure. It is not entirely clear that this statutory prohibition also crosses over and applies where private property restrictions and covenants are concerned.

Anticipating that a mobile service support structure will come up for consideration in the City's Hwy 60 Business Park in the future, and considering that the Hwy. 60 Business Park Declaration of Restrictions and Covenants currently limit the height of all improvements, buildings and structures to 45' above grade, she explained that the City is taking this proactive step to clarify that mobile service support structures are not intended to be included in this height restriction.

A copy of the existing restriction and covenants, along with "The First Amendment to City of Cedarburg Highway 60 Business Park Declaration of Restrictions and Covenants" as prepared by the City Attorney, were attached for review and consideration.

If the Plan Commission supports this amendment as presented, a favorable recommendation to the Common Council would be an appropriate action at this time.

Action:

The motion was made by Commissioner Arnett and seconded by Commissioner Bublitz to recommend to the Common Council to approve the "First Amendment to City of Cedarburg Highway 60 Business Park Declaration of Restrictions and Covenants" as presented. The motion carried unanimously. Commissioner Scholz was excused.

REVIEW, DISCUSSION, AND POSSIBLE ACTION/RECOMMENDATION TO THE COMMON COUNCIL TO AMEND TITLE 13, CHAPTER 1, ARTICLE D, SECTION 13-1-82(C) OF THE ZONING CODE, REDUCING THE MINIMUM REQUIRED SIZE FOR A PARKING STALL FROM 180 SQ. FT. (I.E., 10' X 18' TYPICAL), TO 162 SQ. FT. (I.E., 9' X 18" TYPICAL), EXCLUDING THOSE STALLS REQUIRED TO BE PROVIDED FOR PHYSICALLY DISABLED PERSONS. THIS MATTER IS CITY INITIATED.

Planner Censky presented her report on this matter as follows: The City's current parking stall size requirement is 180 sq. ft. This generally gets laid out as 10' wide x 18' foot deep stalls. It is not uncommon in communities around the State and beyond to use 162 sq. ft. as the minimum required stall size and to specify that the stalls are to be laid out in 9' wide x 18' deep configuration.

This smaller stall size is being proposed more often lately in site plans submitted for Plan Commission review and approval. The Plan Commission has expressed an interest in approving this smaller stall size, but the Code does not presently allow for any waiver or modification to the 180 sq. ft. requirement, short of petitioning for a variance from the Board of Appeals.

As presented below, Section 13-1-82(c) of the Code would be modified to change the City's minimum stall size requirement from 180 sq. ft. to 162 sq. ft. laid out in 9'w x 18'd configuration.

If the Plan Commission supports this change (see draft language changes below), a favorable recommendation to the Common Council would be an appropriate action at this time.

Sec. 13-1-82 Parking requirements.

In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:

- (a) *Permit required.* All parking areas which are constructed, resurfaced, reconstructed, expanded, or extended subsequent to the adoption of this chapter shall obtain a parking lot permit after review of the proposed parking site plan by the city plan commission, in accordance with article F of this ordinance.
- (b) *Access.* Adequate access to a public street shall be provided for each parking space, and driveways shall be at least ten feet wide for one and two family dwellings and a minimum of 24 feet wide for all other areas.
- (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.
- (d) *Exceptions.* Off-street parking, subject to the following exceptions, is permitted in all yards of all districts, but shall not be closer than 25 feet to the right-of-way of streets in a residential district when abutting a residential district. No truck, trailer, wagon, vehicular equipment, or similar vehicles of a commercial nature [exceeding 30 feet in length] may be parked regularly in any yard, except where permitted as a use in an industrial or business district, and in no event may sales or storage activities be conducted from such vehicles, trailers, or wagons.
- (e) *On-lot location.* Location of off-street parking shall be on the same lot as the principal use or not over 400 feet from the principal use.
- (f) *Parking lot surfacing and landscaping improvement standards.*
 - (1) *Purpose.* The requirements in this Subsection are intended to recognize both the function and visual importance of parking areas and the public benefits resulting from well-designed and landscaped parking areas, which include an enhanced visual appearance, minimizing stormwater runoff, moderating the microclimate and reducing nuisances such as noise and glare.
 - (2) *Affected parking areas.* These improvement standards shall be applicable to the following:
 - a. New parking lots for four or more vehicles in all zoning districts except single-family and two-family districts.
 - b. Existing parking lots, including those located in the B-3 Central Business Districts, which are proposed to be increased in area by four or more vehicle

spaces shall be subject to these requirements for the expansion area, and for the prior existing area.

- c. Existing parking lots for four or more vehicles serving an existing building proposed for improvements exceeding 50 percent of its value, or buildings undergoing additions that will increase their floor area by more than 50 percent.
 - d. Unpaved existing parking lots for four or more vehicles which are proposed for paving, in all zoning districts except single-family and two-family districts.
 - e. New parking lots serving residential uses in the B-3 Central Business District.
 - f. Exclusions. These requirements shall not apply to the resurfacing of existing paved parking lots or to parking areas for existing buildings in the B-3 zoning district proposed in connection with additions to the buildings of less than 50 percent of the building's floor area, provided parking area expansion is less than four parking spaces.
- (3) *Landscaping.* All off-street parking areas described in this subsection, except parking areas in the CEG Community Exhibition District, which are built or redesigned and rebuilt subsequent to August 13, 1990, shall be provided with accessory landscape areas as provided in these specific requirements:
- a. Perimeter and interior lot line greenbelts. A perimeter greenbelt of at least five feet in width shall be installed along the street frontage and along all interior lot lines. Perimeter edges should be landscaped with a combination of plant material and earth berming whenever possible. Perimeter greenbelt landscaping may be omitted alongside lot lines which have shared driveways with adjacent lots. The omitted area is limited to that portion from the street to the required minimum building setback line or as necessary to accommodate access cuts.
 - b. Additional interior greenspace. The interior of parking lots shall be provided with landscape areas consisting of at least four percent of the total surface parking area, plus one tree for each ten spaces shall be installed. Existing trees may be used to comply with this requirement.
 - c. Location. Interior landscape plantings may be located in protected areas such as along walkways, in center islands, in end islands, or between parking stalls. Rows of parking spaces shall be broken by a landscape island at the rate of one island for each linear row of 12 parking spaces for single row configurations, or for each 24 parking spaces in double row configurations. Perimeter edge screening and berming should be limited in height to allow a line of sight to the building and not obstruct sight distance at entry drives.
 - d. Landscape materials. Landscape materials may include shrubs, hardy flowering trees and/or decorative evergreen and deciduous trees. New trees

shall have a minimum caliper of two inches to two and one-half inches for canopy trees. The area around trees and planting beds shall be planted with shrubs or ground cover and covered with mulch, bark or appropriate landscape stones.

- e. Landscape requirements for parking areas in the CEG Community Exhibition District shall be determined on a case-by-case basis by the plan commission at the time of site plan approval.
- (4) *Surfacing, curbing, storm sewers.* Parking areas subject to these requirements shall be surfaced with bituminous or Portland cement concrete pavement or concrete pavers in accordance with the City of Cedarburg standards and specifications. Concrete curbing shall be installed as a border along all pavement edges, except for parking areas in the CEG Community Exhibition District, and shall conform to city standards. Concrete curbing requirements in the CEG Community Exhibition District shall be determined by the plan commission on a case-by-case basis at the time of site plan approval. As an option, wheel stops may be installed instead of curbing along peripheral edges if curbs are not required for stormwater control. Parking areas shall be graded and storm sewers may be installed, as required by the city engineer, to manage storm water runoff. Pavement marking shall be provided to delineate each parking space.
- (5) *Procedures.*
- a. Prior to commencing construction, a parking lot building permit shall be obtained from the building inspector for a fee in accordance with article K of the Zoning Code. Prior to obtaining a parking lot building permit, a parking lot site plan shall be approved.
 - b. The parking lot site plan shall be prepared in accord with adopted site plan guidelines and shall include proposed landscaping features, indicating the location, size and species of proposed landscaping, and shall also show existing trees and landscaping to be retained. The parking lot site plan requirements under this section may be incorporated into a master site plan for initial approval of a project.
 - c. If the total parking lot includes more than ten spaces, the parking lot site plan shall be approved by the plan commission. If ten spaces or less, approval shall be by city staff.
- (g) *Parking spaces for use by physically handicapped persons.* All open off-street parking areas providing more than 25 parking spaces, except for parking areas restricted to use by employees only, shall provide parking spaces use by motor vehicles which transport physically disabled persons, in accordance with the following minimum standards:
- (1) One parking space shall be provided in parking areas containing 26 to 49 spaces.
 - (2) Two percent of the total number of spaces shall be provided in parking areas containing 50 to 1,000 spaces.
 - (3) In addition to the number of spaces required in this section, one percent of each

1,000 spaces over the first 1,000 spaces shall be provided for physically disabled parking.

- (4) The minimum dimensions for all parking spaces provided for use by physically disabled persons shall be 12 feet by 18 feet.
- (5) Parking spaces provided for the use of physically disabled persons shall be located as close as possible to an entrance which allows such persons to enter and leave the parking area without assistance.
- (6) All parking spaces provided for the use of physically disabled persons shall be marked with a sign which includes the international symbol for barrier free environments and a statement informing the public that the parking space is reserved for use by physically disabled persons. Such signs shall comply with the requirements of Wis. Stats. §§ 346.50, 346.503, and 346.505.

Action:

The motion was made by Commissioner Bublitz and seconded by Commissioner Voltz to recommend to the Common Council to amend Title 13, Chapter 1, Article D, Section 13-1-82(c) of the Zoning Code, reducing the minimum required size for a parking stall from 180 sq. ft. (i.e., 10' x 18" required), excluding those stalls required to be provided for physically disabled persons and adding that "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. The motion carried unanimously. Commissioner Scholz was excused.

REVIEW, DISCUSSION, AND POSSIBLE ACTION/RECOMMENDATION TO THE COMMON COUNCIL TO AMEND TITLE 13, CHAPTER 1, SECTION 13-1-60 OF THE ZONING CODE, ADDING THE USE "MANUFACTURING, ASSEMBLY, PRODUCTION AND PACKAGING OF PET CARE AND PET ACCESSORY PRODUCTS, EXCLUDING PET FOOD" IN THE M-2 GENERAL MANUFACTURING DISTRICT. THIS MATTER IS CITY INITIATED.

Planner Censky presented her report on this matter as follows: The City is home to at least one company engaged in "Manufacturing, Assembly, Production, and Packaging of Pet Care and Pet Accessory Products, Excluding Pet Food". They are located in the M-2 General Manufacturing Zoning District where they've been operating for many years.

The existing list of permitted and conditional uses in the [M-2 General Manufacturing District](#) doesn't include this use.

The staff has initiated this request to proactively prepare for the possibility that an existing pet products business would want to relocate or expand into or on one of our M-2 General Manufacturing zoned properties, or a new pet products business would want to locate here.

If the Plan Commission supports the addition of this use as permitted in the M-2 General Manufacturing District (see draft language changes below), a favorable recommendation to the

Common Council would be an appropriate action at this time.

Sec. 13-1-60 M-2 General Manufacturing District.

- (a) *Purpose.* The M-2 General Manufacturing District is intended to provide for manufacturing and industrial development of a more general and less restrictive nature than in the M-1 Limited Manufacturing District in those areas where the relationship to surrounding land use would create fewer problems of compatibility and would not necessitate as stringent regulatory controls. Such districts should not normally abut directly upon residential districts.
- (b) *Permitted uses.* (Also see section 13-1-225.)
 - (1) Those industrial uses permitted in the M-1 Limited Manufacturing District as either "Permitted" or "Conditional" uses.
 - (2) Processing, manufacturing, and/or storage of the following:
 - a. Aircraft and parts.
 - b. Brick and structural clay tile.
 - c. Clay refractories.
 - d. Coating, engraving, and allied services.
 - e. Communication equipment.
 - f. Concrete and concrete products not including the manufacturing of cement.
 - g. Construction, mining, and materials handling machinery and equipment.
 - h. Cutlery, hand tools, and general hardware.
 - i. Electric lighting and wiring equipment.
 - j. Electrical industrial apparatus.
 - k. Electrical transmission and distribution equipment.
 - l. Electrometallurgical products.
 - m. Electronic components and accessories.
 - n. Engines and turbines.
 - o. Farm machinery and equipment.
 - p. Fine earthenware, table, and kitchen articles.
 - q. Flat glass.
 - r. Fluid milk, cream, and milk beverages.
 - s. Glass containers.
 - t. Heating apparatus and plumbing fixtures.
 - u. Household appliances.
 - v. Metal cans.
 - w. Metal products, fabricated structural.
 - x. Millwork, lumber yards, sawmills, planing mills; and retail sales of building materials.
 - y. Motor vehicles and motor vehicle equipment.
 - z. Motorcycles, bicycles, and parts.

- aa. Office, computing, and accounting machines.
 - bb. Paving mixtures and blocks.
 - cc. Plastic injection molding.
 - dd. Porcelain electrical supplies.
 - ee. Radio and television receiving sets.
 - ff. Screw machine products and bolts, nuts, screws, rivets, and washers.
 - gg. Service industry machines.
 - hh. Ship and boat building and repairing.
 - ii. Signaling and fire control equipment.
 - jj. Stone and stone products, cut.
 - kk. Wire products, fabricated.
 - ll. Warehouses.
 - mm. Manufacturing, Assembly, Production, and Packaging of Pet Care and Pet Accessory Products, Excluding Pet Food.
- (c) *Permitted accessory uses.*
- (1) Garages for storage of vehicles used in conjunction with the operation of an industry.
 - (2) Off-street parking and loading areas.
 - (3) Offices, storage, power supply, and other uses normally auxiliary to the principal industrial operations.
 - (4) Ground-mounted and building-mounted earth station dish antennas.
 - (5) Retail sales and service of products integral with and incidental to a service or manufacturing business limited to 20 percent of the floor area of the principal building.
- (d) *Conditional uses.* (Also see section 13-1-226.)
- (1) Bottling of alcoholic beverages.
 - (2) Construction and prefabrication of wood buildings and structural members and construction of wooden containers.
 - (3) Experimental, testing, and research laboratories.
 - (4) Locker plants provided that no meat packing and processing shall be conducted.
 - (5) Millwork, lumber yards, saw mills, and planing mills.
 - (6) Outside storage and outside manufacturing areas, provided that such uses shall be surrounded by a solid fence not less than six feet nor more than eight feet in height unless otherwise approved by the Plan Commission, or an evergreen planting screen not less than six feet tall at the time of planting completely preventing a view from any other property or public right-of-way and shall be at least 300 feet from a residential district.
 - (7) Processing of hardwood dimension and flooring, veneer, and plywood.
 - (8) Processing of ice cream.
 - (9) Public passenger transportation terminals such as heliports and bus depots, except airports, airstrips, and landing fields, provided all principal structures and uses are not less than 100 feet from any residential district boundary.

- (10) Transmitting towers, receiving towers, relay, and microwave towers without broadcast facilities or studios.
- (11) Utilities, provided all principal structures and uses are not less than 50 feet from any residential district lot line.
- (12) Wood pressing.
- (13) New and used automobile sales.
- (14) Auction facilities.
- (15) Veterinary Clinics.
- (16) Day care facility.
- (17) Landscape Contracting.
- (18) Hotels and restaurants provided that the real property subject to the use fronts on an arterial street.

Action:

The motion was made by Commissioner Arnett and seconded by Commissioner Bublitz to recommend to the Common Council to add the use “Manufacturing Assembly, Production and Packaging of Pet Care and Pet Accessory Products, excluding Pet Food” as a permitted use in the B-2 Commercial District. The motion carried unanimously. Commissioner Scholz was excused.

COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS

Commissioner Bublitz expressed her appreciation for Planner Censky.

MAYOR’S ANNOUNCEMENTS

Mayor Thome reminded Commissioner the next Plan Commission meeting is next week Monday, April 14, 2025 at 6:00 p.m.

ADJOURNMENT

A motion was made by Commissioner Arnett, seconded by Commissioner Bublitz, to adjourn the meeting at 9:50 p.m. The motion carried unanimously. Commissioner Scholz excused.

Theresa Hanaman
Administrative Assistant