

ORDINANCE No. 2009-06

**An Ordinance Amending Sec. 13-1-53 of
the City of Cedarburg Code of Ordinances Pertaining
to the B-1 Neighborhood Business District**

The Common Council of the City of Cedarburg, Wisconsin, hereby ordains as follows:

SECTION 1: Section 13-1-53 of the City of Cedarburg Municipal Code is hereby amended to read as follows:

SEC. 13-1-53 B-1 NEIGHBORHOOD BUSINESS DISTRICT.

- (a) **Purpose.** The B-1 Neighborhood District is ~~intended~~ established to provide for individual or small groups of retail and ~~customer~~ service establishments serving ~~primarily the convenience of a local neighborhood, and the character, appearance, and operation of which are compatible with the character of the surrounding area~~ the day-to-day needs of the general public located in areas near residential neighborhoods. The character, appearance and operation of such establishments shall be compatible with the surrounding area and consistent with the City of Cedarburg Smart Growth Comprehensive Lane Use Plan-2025 and components thereof. In general, establishments shall:
- (1) Be designed for “walkable” streets, while properly functioning for all traffic types.
 - (2) Enhance user friendliness and safety for pedestrians.
 - (3) Coordinate public streetscapes with private improvements.
 - (4) Improve the aesthetic qualities of the area.
- (b) **General Requirements.**
- (1) Buildings shall be designed in individual or small groupings and shall be designed and sized in a manner that is architecturally, aesthetically and operationally harmonious with the surrounding area with no individual building exceeding 20,000 square feet in size.
 - (2) All business, servicing or processing, except for off-street parking, approved outdoor eating/seating areas or loading, shall be conducted within completely enclosed buildings and shall not exceed the size in area that which is specified in the table below. Outside storage or displays are not permitted except as specifically approved by the Plan Commission.
 - (3) Site development shall be approved by the Plan Commission in accordance with Sections 13-1-225 and 13-1-226 of the City Code of Ordinances.
- (b) **Permitted Uses.** (Also see Section 13-1-225.)
- (1) ~~Retail stores and shops offering convenience goods and personal services.~~
 - (2) ~~Business, professional or public service offices not exceeding one thousand (1,000) square feet of primary floor area.~~

- (3) ~~Customer service establishments such as restaurants (not serving liquor), shoe repair, barber and beauty shops, studios, and similar uses, not exceeding one thousand (1,000) square feet of primary floor area.~~

(c) **Permitted Principal Uses**

- (1) Any of the following retail establishments selling primarily new merchandise to the general public:
- (a) Antique stores.
 - (b) Art studios and galleries.
 - (c) Bagel stores.
 - (d) Bakery for retail sales.
 - (e) Book or stationary stores.
 - (f) Candy/confectionary stores.
 - (g) Clothing or dry good stores.
 - (h) Coffee/espresso bars.
 - (i) Computer stores.
 - (j) Custard/ice cream stands and soda fountains.
 - (k) Delicatessens.
 - (l) Florist shops.
 - (m) Fruit and vegetable stores.
 - (n) Gift shops.
 - (o) Grocery stores (neighborhood style – see size limit in table below).
 - (p) Hobby shops.
 - (q) Jewelry stores.
 - (r) Liquor stores.
 - (s) Meat, fish or poultry stores.
 - (t) Museums.
 - (u) Music and radio stores.
 - (v) Optical stores.
 - (w) Pharmacies.
 - (x) Photo and film pickup stores.
 - (y) Resale and consignment stores.
 - (z) Shoe stores.
 - (aa) Sporting goods stores.
 - (bb) Variety stores.
- (2) Any of the following business, professional and public service offices:
- (a) Accounting offices.
 - (b) Architectural, engineering, or other similar professional offices.
 - (c) Legal service offices.
- (3) Any of the following customer service establishments:
- (a) Art, dance, or music teaching studios.
 - (b) Shoe repair stores.
 - (c) Travel agent offices.
- (4) Residential units, excluding store-front space and new principal residential structures.

~~(e)~~(d) **Permitted Accessory Uses.**

- ~~(1)~~ Garages for storage of vehicles used in conjunction with the operation of the business or for occupants of the premises.
- ~~(2)~~ Off-street parking areas.
- ~~(3)~~ Residential quarters for the owner, proprietor, commercial tenant, employer or caretaker located in the same building as the business.
- ~~(4)~~ Rental apartment on a non-ground level provided there shall be a minimum floor area of four hundred twenty (420) square feet for an efficiency or one (1) bedroom apartment and five hundred fifty (550) square feet for a two (2) bedroom apartment.
- ~~(5)~~ Essential services.
- ~~(6)~~ Ground-mounted and building-mounted earth station dish antennas.
- (1) Accessory buildings customarily incidental to the uses allowed herein including garages, storage shed and dumpster facilities.
- (2) Essential services.
- (3) Ground-mounted and building-mounted satellite dish antennas less than 3 feet in diameter.
- (4) Off-street parking and loading areas.

~~(d)~~(e) **Conditional Uses.** (Also see Section 13-1-226.)

- ~~(1)~~ Commercial child day care facilities
- ~~(2)~~ Medical Clinics
- ~~(3)~~ Outdoor soda water vending machines.
- ~~(4)~~ Printing and reproduction services [not exceeding one thousand two hundred (1,200) square feet in gross floor area].
- ~~(5)~~ Utilities
 - (1) Banks, savings and loans associations and other financial institutions.
 - (2) Beauty parlors and barber shops.
 - (3) Child day care facilities.
 - (4) Health care facilities including:
 - (a) Chiropractic office.
 - (b) Dental office.
 - (d) Health spa.
 - (e) Medical office.
 - (5) Public and/or private utilities, telecommunication installations, transmission and distribution lines, poles, and other accessories. [Note: when a utility proposes a main inter-City transmission facility, the utility shall give notice to the City of such intention and of the date of hearing before the Public Service Commission]. Public and/or private utility installations less than three (3) 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.
 - (6) Restaurants, not including "fast food" or those serving liquor.
 - (7) Satellite Dishes larger than 3ft diameter.

TABLE 13-1-53

B-1 NEIGHBORHOOD BUSINESS DISTRICT
Development Standards

TYPE OF STANDARD	STANDARD
MINIMUM OPEN SPACE AND FLOOR AREA RATIOS	
Open Space Ratio (OSR)	50% ^(a)
Floor Area Ratio (FAR)	50%
LOT DIMENSIONAL REQUIREMENTS	
Minimum Lot Area	8,400sf
Minimum Lot Width at Setback Line (ft.)	50
Minimum Setback (ft.)	5
Minimum Setback from Wetlands (ft.)	Principal Structure: 25 feet Accessory Structure: 5 feet
Minimum Offset (side) (ft.)	10
Minimum Offset (rear) (ft.)	25
Maximum Lot Coverage	50%
MAXIMUM USE AREA REQUIREMENT	
Permitted Uses by Right and Conditional Uses in the B-1 District.	5,000sf unless otherwise permitted to be larger by the Plan Commission.
MINIMUM LIVING AREA PER DWELLING UNIT	
Residential Units excluding store front spaces (sq. ft.)	Efficiency or 1 bedroom=420 2 bedroom=550
MAXIMUM BUILDING HEIGHT	
Principal Structure (ft.)	35
Accessory Structure (ft.)	20

^(a)No lot or parcel that was previously developed shall be deemed nonconforming due to the lack of compliance with the Open Space Ratio requirement.

Lots in the B-1 District shall provide sufficient area for the principal structures and accessory structures, off-street parking and loading while maintaining all required setbacks and offsets.

- (e) ~~**Zoning District Size.** The B-1 Neighborhood Business District shall be a minimum size of ten thousand (10,000) square feet.~~
- (f) ~~**Lot Area and Width.** (Also see Article E.) Lots in the B-1 Neighborhood Business District shall provide sufficient area for the principal structure and its accessory structures, off-street parking, and loading areas required by Article D, and all required yards. There is no required minimum lot width.~~

- ~~(g)~~ **Building Height and Area.** (Also see Article E.)
- ~~(1)~~ No principal building or parts of a principal building shall exceed two (2) stories or thirty five (35) feet in height, whichever is less. No accessory building shall exceed twenty (20) feet in height.
 - ~~(2)~~ No single business, service, or commercial tenant shall have a primary business floor area greater than one thousand five hundred (1,500) square feet.
 - ~~(3)~~ The sum total of the floor area of the principal building and all accessory buildings shall not exceed fifty percent (50%) of the lot area.
- ~~(h)~~ **Setback and Yards.** (Also see Section 13-1-27 and Article E.)
- ~~(1)~~ There shall be a minimum building setback of twenty five (25) feet from the right of way of all streets.
 - ~~(2)~~ No separation shall be required between business, service or commercial uses, except there shall be an opening of at least twenty (20) feet for each one hundred fifty (150) feet of commercial structure, and no principal structure shall be closer than ten (10) feet to a side lot line.
 - ~~(3)~~ There shall be a rear yard of not less than twenty five (25) feet.
- ~~(i)~~(f) **Traffic, Loading, Parking, and Access.** (See Article D.)
- ~~(j)~~(g) **Nonconforming Uses, Structures, and Lots.** (See Article G.)
- ~~(k)~~(h) **Performance Standards.** (See Article H.)
- ~~(l)~~(i) **Signs.** (See Title 15, Chapter 5 of the Municipal Code.)
- ~~(m)~~(j) **Site Plan Review.** (See Article F.)
- ~~(n)~~(k) **Architectural Review.** (See Article F.)

SECTION 2. This ordinance shall take effect upon publication as provided by law.

Passed and adopted this 11th day of May, 2009.

Gregory P. Myers, Mayor

Attest:

Constance K. McHugh, City Clerk

Approved as to form:

Kaye K. Vance, City Attorney