

ORDINANCE NO. 2006-24

An Ordinance Amending B-2 Community Business District Pertaining to Permitted Uses and Conditional Uses

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

SECTION 1. Section 13-1-54 (B-2 Community Business District) of the Zoning Code of the City of Cedarburg is hereby amended as follows:

“SEC. 13-1-54 B-2 COMMUNITY BUSINESS DISTRICT.

(a) **Permitted Uses.** (Also see Section 13-1-225.) ~~The following uses provided that they shall be retail establishments selling and storing merchandise:~~ 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) Cocktail lounges.~~
- (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) New automobile sales, including all activities incidental to the operation of a new car dealership.~~
- (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 fixtures and heating supplies.
- ~~(45) Restaurants (not including drive in or drive through facilities).~~
- (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) Bowling alleys.~~
- (b) **Permitted Accessory Uses.**
 - ~~(1) Garages for storage of vehicles used in conjunction with the operation of the business.~~
 - (1) Accessory buildings and uses customarily incidental to the above uses including, but not limited to, garages and dumpster storage facilities.
 - ~~(4)~~ (2) Essential services.
 - (3) Ground-mounted and building-mounted earth station dish antennas.
 - ~~(2)~~ (4) Off-street parking areas and loading areas.
 - ~~(6)~~ (5) 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)~~ (6) Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.
- (c) **Conditional Uses.** (Also see Section 13-1-226.)

- (1) a. Adult establishments provided that either of the following two (2) conditions ~~are~~ is met:
 1. The person applying for the conditional use grant demonstrates that the building where the use shall occur is not located within five hundred (500) feet of any residential dwelling, rooming unit, hospital, church, school, or stores frequented by persons under the age of eighteen (18) years, whether such structures are located in this City or in a contiguous town or municipality. The five hundred (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 eighteen (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 fifty-one (51) persons representing a minimum of fifty-one percent (51%) of the adult persons owning or occupying property within a radius of five hundred (500) feet of the location of the proposed establishment. The petitioner shall attempt to contact all eligible locations within the five hundred (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 five hundred (500) foot radius is not sufficiently populated to provide a minimum of one hundred (100) adult persons owning or occupying property, the radius shall be increased in increments of one hundred (100) feet until there shall be an area large enough to contain one hundred (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 five hundred (500) foot radius and one hundred (100) foot increments shall be measured as set forth above.
- b. One (1) 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 one hundred (100) feet of the proposed establishment, measured as set forth above. Except where a petition signed by fifty-one (51) persons is filed with the Zoning Administrator, in case of protest signed by the owners or occupants of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, the grant of a

conditional use permit shall require a vote of three-fourths (3/4) 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 one hundred (100) feet from ~~any~~ a residential use if ~~outside animal housing is provided~~ kennels are provided.
- ~~(3) Appliance sales~~
- (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 one hundred (100) feet from any residential district lot line.
- ~~(7) Business offices.~~
- (7) Clubs.
- (8) Commercial child day care facilities.
- (9) Coffee roasting. (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) Drive in or drive through restaurants serving food or beverages for consumption outside the structure.~~
- (13) Factory outlet stores.
- ~~(14) Furniture sales.~~
- (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 twenty (20) percent of the total floor area of a building.
- ~~(19) Medical clinics.~~
- (20) Motels and motor hotels.
- (21) New and used automobile dealerships, including all activities incidental to the operation of a dealership.
- (22) Outdoor soda water venting machines.
- (23) Printing and reproduction services [not exceeding three thousand (3,000) square feet in gross floor area].

- ~~(25) Radio and television stores.~~
- (25) Restaurants.
- (26) Theaters.
- (27) Truck and trailer rentals.
- ~~(28) Utilities.~~
- (28) Pharmacies with drive-through facilities.
- (29) 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 (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.
- ~~(30) Indoor playrooms accessory to drive in or drive through restaurants.~~
- (30) Wholesaling establishments.
- ~~(31) Pet daycare facilities.”~~

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

Passed and adopted this 31st day of July 2006.

Gregory P. Myers, Mayor

Countersigned:

Sandra M. Ingram, City Clerk

Approved as to form:

Kaye K. Vance, City Attorney