

LEGISLATIVE COMMITTEE

City of Kaukauna
Council Chambers
Municipal Services Building
144 W. Second Street, Kaukauna



Monday, June 05, 2023 at 6:20 PM

AGENDA

In-Person and Remote Teleconference via ZOOM

1. Correspondence.
2. Discussion Topics.
 - a. Ordinance Repealing and Replacing Section 17.21 CBD Central Business District.
3. Adjourn.

NOTICES

Notice is hereby given that a majority of the City Council will be present at the meeting of the Legislative Committee scheduled for Monday, June 5, 2023 at 6:20 P.M. to gather information about a subject over which they have decision making responsibility.

IF REQUESTED THREE (3) DAYS PRIOR TO THE MEETING, A SIGN LANGUAGE INTERPRETER WILL BE MADE AVAILABLE AT NO CHARGE.

Join Zoom Meeting

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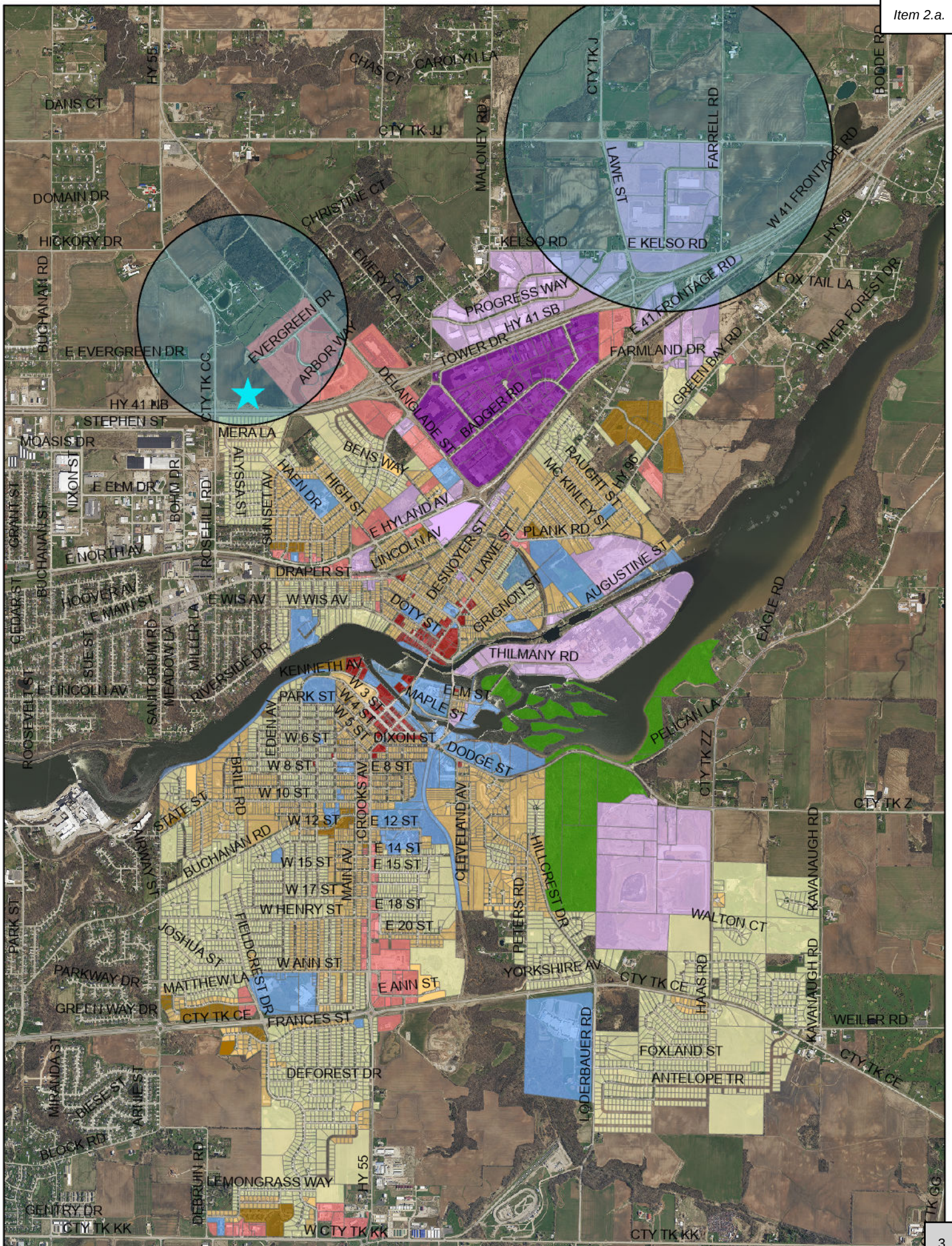
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MEMO

PLANNING AND COMMUNITY DEVELOPMENT

To: Common Council
From: Joe Stephenson – Director of Planning and Community Development
Date: June 7th 2023
Re: Business District – Ordinance - Repeal and Replace

Staff is proposing removing Central Business District and replacing it with Business District. Central Business District is currently not in use on any property, nor does it appear on our official City zoning map. The new district would be a hybrid of industrial and commercial uses but disallows many of the harsher uses in existing industrial district. Uses like mini-storage and chemical manufacturers, among others, would not be allowed within the new district.

As the City looks to expand northward and along Highway 41 (represented as blue circles on the attached map), We need to be cognizant of the need for industrial land but also the need to ensure that the value of adjacent uses is not affected by industrial growth. No existing land within the City is intended for this district, rather annexations adjacent to our industrial parks and commercial centers may benefit from the flexibility of this new zone. The Central Land Company, looking to build two large facilities adjacent to Commerce Crossing (starred on attached map) will be requesting to rezone to Business District. No other rezones are planned at this time.

Recommendation:

Approval of the proposed ordinance, repealing and replacing section 17.21 Central Business District with Section 17.21 Business District.

**CITY OF KAUKAUNA
ORDINANCE 1882-2023**

**ORDINANCE REPEALING AND RECREATING SECTION 17.21 BD BUSINESS
DISTRICT**

WHEREAS, there are no properties in the current Central Business District (CBD);
and

WHEREAS, this new district is meant to be a transitional district between industrial
and commercial uses; and

WHEREAS, in order to zone properties that are being annexed into The City of
Kaukauna, transitioning the commercial uses of Commerce Crossings to industrial as it moves
further west towards the Village of Little Chute's existing industrial uses;

NOW THEREFORE, be it ordained by the Common Council of the City of
Kaukauna, in the State of Wisconsin, as follows:

SECTION 1: **AMENDMENT** “17.21 CBD Central Business District” of the
City of Kaukauna Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

17.21 CBD Central Business District

1. *Purpose.* This district is established to provide for a centrally located readily accessible area which offers a wide range of retail, service, and governmental uses. The central business district should also provide convenient parking and safe, convenient pedestrian circulation.
2. *Permitted principal uses and structures.*
 - a. See section 17.20(2).
 - b. Clubs and organizations.
 - c. Printing and publishing establishments.
 - d. Commercial recreation facilities in completely enclosed buildings, including theaters, arcades, and amusement centers.
 - e. Hotels.
 - f. High density multifamily dwellings (minimum of 24 units) not exceeding five stories or 75 feet in height.
3. *Permitted accessory uses and structures.*
 - a. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
 - b. Craft production, or small-scale on-site production and/or assembly of arts, crafts, foods, beverages or other type of product involving the use of small-

scale equipment and/or hand tools. This use shall be an accessory use to a retail/eating/drinking/tasting component that occupies a minimum of 10 percent of usable space. The retail/eating/drinking/tasting component shall front the street at sidewalk level and shall remain open to the public. All production, processing and distribution activities shall occur within an enclosed building. Craft production includes, but is not limited to ceramic art, glass art, candle-making, custom jewelry manufacture, bakeries, confectionaries, butchers, coffee roasting establishments, food production.

- c. Craft beverage production, including, but not limited to alcoholic beverages such as beer, wine, cider and intoxicating liquor.
 - (1) Craft brewers shall meet the Wisconsin State Statute §§125.29 criteria for brewers and shall not manufacturing a total of more than 10,000 barrels of fermented malt beverages in a calendar year. Appropriate licensing shall be held to permit on-site tastings and retail purchase of fermented malt beverages.
 - (2) Craft vintners (includes wine and cider production) shall meet the Wisconsin State Statute §§125.53 criteria for winery permits. Appropriate licensing shall be held to permit on-site retail operations under a State-issued winery permit.
 - (3) Craft distillers (producing intoxicating liquor) shall meet the Wisconsin State Statute §§125.52 criteria for manufacturers' and rectifiers' permits. Appropriate licensing shall be held to permit on-site retail operations under a State-issued winery permit.

4. *Special exception uses and structures.*

- a. Drive-in banks and restaurants.
- b. Taverns.
- c. Bowling alleys.
- d. Automobile sales and service.
- e. Automobile filling stations.
- f. Building equipment and supply establishments.
- g. Mortuaries.
- h. Veterinary hospitals.

5. *Dimensional requirements.* There are no minimum lot area or width requirements and no maximum height requirements. Any lot adjacent to a residential district without an intervening street shall have a yard at least 25 feet in width if at the side and 25 feet in depth if at the front or rear. Any required yard adjacent to a residential district shall be subject to the landscaped buffer requirements of section 17.32(10).

6. *Permitted accessory signs.*

- a. *Flat signs.* For each principal structure, flat signs limited in aggregate area to 20 percent of the wall area fronting on a street or public way (total wall area, including the window area). Flat signs are permitted, provided that:
 - (1) Flat signs may not project more than 18 inches beyond the primary surface of the building.
 - (2) Flat signs may be luminous or illuminated by any acceptable method,

but no blinking, flashing, or alternating lighting shall be permitted. All lighting and electrical elements, such as wires, conduit, junction boxes, transformers, ballasts, switches, and panel boxes shall be concealed from public view.

- (3) Flat signs shall not be permitted on side walls, unless fronting on a street or public way, and no sign shall be painted directly on the surface of a building.
 - (4) Flat signs shall be located in signable area of the building facade. If a sign is placed between windows, the height of the sign may not exceed more than two-thirds the height of the space.
 - (5) In buildings containing two or more businesses, the signable area may also include an area adjacent to the entrance to be used for a business directory. This sign shall not exceed seven square feet in total area. In addition, in buildings that contain two or more businesses, the owner may divide the signable area for the building occupants. In buildings where the facade is divided by architectural details, each business may be allowed a signable area.
- b. *Projecting signs.* Projecting signs are permitted, provided that:
- (1) One projecting sign shall be permitted per street front.
 - (2) Size of the sign shall not to exceed 20 square feet.
 - (3) Projecting signs may be displayed only if a building facade is 20 feet or more in width, unless the sign consists solely of a symbol.
 - (4) Signs shall project no more than five feet from the face of a building.
 - (5) Distance from a projecting sign to a side property line shall not be less than three feet.
 - (6) Projecting signs shall maintain a minimum vertical distance between the bottom of the sign and the grade of the right-of-way line of nine feet.
 - (7) Projection shall be at 90 degrees to the building face.
 - (8) Both sides of the sign shall be finished.
 - (9) Signs should be a simple, geometric shape, such as a square, rectangle, circle, hexagon, etc., or may be a cutout symbolic or representational shape related to the nature of the business.
 - (10) For one-story structures, projecting signs may extend to the juncture of roof and wall.
- c. *Awnings.* Flameproofed, fabric awnings shall be permitted. The only items of information allowed on an awning shall be the name of the business, graphics/logo, and the street number and the combined area of such signs in excess of 15 square feet must be counted as part of the total area allowed that building for its exterior sign.
- d. *Window signs.* No window sign shall occupy more than 30 percent of the total area of the window in which the sign is, except that the name, monogram, logo, address, and telephone number of the person or firm occupying the premises as well as a description of products or services offered may be permanently affixed upon a window. The surface area of such signs is not to

be included in the overall computation of allowable signage. The provisions of this subsection shall not restrict the reasonable application upon the glass surface of a door or window of lettering or decals giving the address, hours of business, entrance or exit information, professional or security affiliations or memberships, credit cards which are accepted or other similar information, nor shall the surface area of such lettering or decals be included in the overall computation of allowable window signs.

- e. *Detached signs.* For every 100 feet of lot frontage, one detached sign limited to 100 square feet in area on each side (limit of two sides and 200 square feet) and 25 feet in height; provided, however, that the building is set back at least 35 feet from the street curb.
- f. *Nonpermanent signs.* Nonpermanent signs shall be restricted in use to the display of special limited time promotions, sales, or events and shall not be used for the sole purpose of serving as an identification sign. Such signs shall be limited in use on any premises to a period not to exceed 14 consecutive days at a time and not more frequently than four times per calendar year with a minimum of 30 days lapsed between each period of use. A sign permit shall be obtained prior to each time a sign is placed on a premises. The maximum size of such signs shall be 20 square feet on each face, back to back.
- g. *Roof street signs.* Roof street signs shall be displayed within the selected signable area. The gross area permitted for the sign may not be more than 40 percent of the signable area. If the sign is enclosed by a box or outline, the total area of the sign, including the background, is counted as the gross area. If the sign consists of individual letters, only the area of the letters is counted as the gross area. In case of multiple occupancy, the signable area may be divided among the occupants.

7. *Off-street parking requirements.*

- a. *Dwelling units.* 1 1/2 spaces per dwelling unit shall be required.
- b. *Hotels.* One parking space per sleeping room shall be required for hotels.

(Code 2011, § 17.21)

AFTER AMENDMENT

17.21 ~~CBD-Central~~BD Business District

1. *Purpose.* This district is established to provide for a ~~centrally located~~ readily accessible area ~~which offers a wide range of retail, service, and governmental uses~~ for business activities to occur. The central ~~business~~ district should also provide convenient parking and safe ~~traffic~~, ~~convenient pedestrian~~ circulation for all manner of vehicles.
2. *Permitted principal uses and structures.*
 - a. Drive in banks and restaurants.
 - b. Building equipment and supply establishments.
 - c. Automobile, boat, construction equipment, and farm implement sales and automobile filling stations.

- d. Whole and warehouse establishments.
 - e. Veterinary hospitals.
 - f. Senior Daycare or Nursery
 - g. ~~Clubs and organizations.~~ Printing and publishing establishments.
 - h. Commercial recreation facilities ~~in completely enclosed buildings,~~ including theaters, arcades, and amusement centers.
 - i. Hotels.
 - j. ~~High density multifamily dwellings (minimum of 24 units) not exceeding five stories or 75 feet in height.~~ Financial and professional services.
 - k. Medical, health, or social services.
 - l. Light manufacturing uses, including bottling, packaging, laboratories, and uses of similar nature.
 - m. Manufacturing uses, including production, cleaning, testing, and the distribution of materials and goods, except wrecking yards, fertilizers, chemical manufacturers, cement manufacturers, explosive storage, mini storage, smelting manufacturers, tanneries, and slaughterhouses. All manufacturing uses are subject to the provisions of 17.38.
 - n. Transportation Terminals.
 - o. Uses not explicitly enumerate in this section as permitted uses but determined by the Community Development Director to be closely related or similar to other uses permitted within this section.
3. *Permitted accessory uses and structures.*
- a. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
 - b. ~~Craft production, or small-scale on-site production and/or assembly of arts, crafts, foods, beverages or other type of product involving the use of small-scale equipment and/or hand tools. This use shall be an accessory use to a retail/eating/drinking/tasting component that occupies a minimum of 10 percent of usable space. The retail/eating/drinking/tasting component shall front the street at sidewalk level and shall remain open to the public. All production, processing and distribution activities shall occur within an enclosed building. Craft production includes, but is not limited to ceramic art, glass art, candle-making, custom jewelry manufacture, bakeries, confectionaries, butchers, coffee roasting establishments, food production.~~ Outside storage of equipment and materials shall be located behind the principal structure's building setback line and screened from view of any public street or residential district boundary by a fence, wall shrubs, or combination. The screen shall be a minimum of six (6) feet tall and provide 75 percent opacity. All outside areas shall be clean and orderly.
 - c. ~~Craft beverage production, including, but not limited to alcoholic beverages such as beer, wine, cider and intoxicating liquor. Craft brewers shall meet the Wisconsin State Statute §§125.29 criteria for brewers and shall not manufacturing a total of more than 10,000 barrels of fermented malt beverages in a calendar year. Appropriate licensing shall be held to permit on-site tastings and retail purchase of fermented malt beverages.~~

~~Craft vintners (includes wine and cider production) shall meet the Wisconsin State Statute §§125.53 criteria for winery permits. Appropriate licensing shall be held to permit on-site retail operations under a State-issued winery permit. Craft distillers (producing intoxicating liquor) shall meet the Wisconsin State Statute §§125.52 criteria for manufacturers' and rectifiers' permits. Appropriate licensing shall be held to permit on-site retail operations under a State-issued winery permit.~~

4. *Special exception uses and structures.*

- a. ~~Drive-in banks and restaurants.~~ Uses permitted within the Residential Multi-family Zoning District (RMF).
- b. ~~Taverns.~~ Public utility installations.
- c. ~~Bowling alleys.~~
- d. ~~Automobile sales and service.~~
- e. ~~Automobile filling stations.~~
- f. ~~Building equipment and supply establishments.~~
- g. ~~Mortuaries.~~
- h. ~~Veterinary hospitals.~~

5. *Dimensional requirements.* ~~There are no minimum lot area or width requirements and no maximum height requirements. Any lot adjacent to a residential district without an intervening street shall have a yard at least 25 feet in width if at the side and 25 feet in depth if at the front or rear. Any required yard adjacent to a residential district shall be subject to the landscaped buffer requirements of section 17.32(10).~~

- a. Minimum dimensions:
 - (1) Lot Area: 15,000 square feet.
 - (2) Lot Width: 75 feet.
 - (3) Front yard setback: twenty-five (25) feet.
 - (4) Side yard setback: ten (10) feet.
 - (5) Rear yard setback: ten (10) feet.
- b. *Permitted accessory signs.* For all permissible principal uses and structures, for each ten (10) lineal feet of frontage on a public street; frontage being determined by the principal entrance to the premises, a maximum of one (1) sign and thirty (30) square feet of sign area. The sign area may be used in a lesser number of signs permitted, but the maximum number of signs shall not be exceeded even though the total area permitted is not used. No sign shall be erected within five (5) feet of any lot line.
- c. ~~*Flat signs.* For each principal structure, flat signs limited in aggregate area to 20 percent of the wall area fronting on a street or public way (total wall area, including the window area). Flat signs are permitted, provided that:~~
 - ~~(1) Flat signs may not project more than 18 inches beyond the primary surface of the building.~~
 - ~~(2) Flat signs may be luminous or illuminated by any acceptable method, but no blinking, flashing, or alternating lighting shall be permitted. All lighting and electrical elements, such as wires, conduit, junction boxes, transformers, ballasts, switches, and panel boxes shall be concealed from public view.~~

- (3) ~~Flat signs shall not be permitted on side walls, unless fronting on a street or public way, and no sign shall be painted directly on the surface of a building.~~
- (4) ~~Flat signs shall be located in signable area of the building facade. If a sign is placed between windows, the height of the sign may not exceed more than two-thirds the height of the space.~~
- (5) ~~In buildings containing two or more businesses, the signable area may also include an area adjacent to the entrance to be used for a business directory. This sign shall not exceed seven square feet in total area. In addition, in buildings that contain two or more businesses, the owner may divide the signable area for the building occupants. In buildings where the facade is divided by architectural details, each business may be allowed a signable area.~~
- d. ~~Projecting signs.~~ Projecting signs are permitted, provided that:
 - (1) ~~One projecting sign shall be permitted per street front.~~
 - (2) ~~Size of the sign shall not to exceed 20 square feet.~~
 - (3) ~~Projecting signs may be displayed only if a building facade is 20 feet or more in width, unless the sign consists solely of a symbol.~~
 - (4) ~~Signs shall project no more than five feet from the face of a building.~~
 - (5) ~~Distance from a projecting sign to a side property line shall not be less than three feet.~~
 - (6) ~~Projecting signs shall maintain a minimum vertical distance between the bottom of the sign and the grade of the right-of-way line of nine feet.~~
 - (7) ~~Projection shall be at 90 degrees to the building face.~~
 - (8) ~~Both sides of the sign shall be finished.~~
 - (9) ~~Signs should be a simple, geometric shape, such as a square, rectangle, circle, hexagon, etc., or may be a cutout symbolic or representational shape related to the nature of the business.~~
 - (10) ~~For one-story structures, projecting signs may extend to the juncture of roof and wall.~~
- e. ~~Awnings.~~ Flameproofed, fabric awnings shall be permitted. The only items of information allowed on an awning shall be the name of the business, graphics/logo, and the street number and the combined area of such signs in excess of 15 square feet must be counted as part of the total area allowed that building for its exterior sign.
- f. ~~Window signs.~~ No window sign shall occupy more than 30 percent of the total area of the window in which the sign is, except that the name, monogram, logo, address, and telephone number of the person or firm occupying the premises as well as a description of products or services offered may be permanently affixed upon a window. The surface area of such signs is not to be included in the overall computation of allowable signage. The provisions of this subsection shall not restrict the reasonable application upon the glass surface of a door or window of lettering or decals giving the address, hours of

~~business, entrance or exit information, professional or security affiliations or memberships, credit cards which are accepted or other similar information, nor shall the surface area of such lettering or decals be included in the overall computation of allowable window signs.~~

- ~~g. *Detached signs.* For every 100 feet of lot frontage, one detached sign limited to 100 square feet in area on each side (limit of two sides and 200 square feet) and 25 feet in height; provided, however, that the building is set back at least 35 feet from the street curb.~~
- ~~h. *Nonpermanent signs.* Nonpermanent signs shall be restricted in use to the display of special limited time promotions, sales, or events and shall not be used for the sole purpose of serving as an identification sign. Such signs shall be limited in use on any premises to a period not to exceed 14 consecutive days at a time and not more frequently than four times per calendar year with a minimum of 30 days lapsed between each period of use. A sign permit shall be obtained prior to each time a sign is placed on a premises. The maximum size of such signs shall be 20 square feet on each face, back to back.~~
- ~~i. *Roof street signs.* Roof street signs shall be displayed within the selected signable area. The gross area permitted for the sign may not be more than 40 percent of the signable area. If the sign is enclosed by a box or outline, the total area of the sign, including the background, is counted as the gross area. If the sign consists of individual letters, only the area of the letters is counted as the gross area. In case of multiple occupancy, the signable area may be divided among the occupants.~~

6. *Off-street parking requirements.*

- a. *Dwelling units.* 1 1/2 spaces per dwelling unit shall be required.
- b. *Hotels.* One parking space per sleeping room shall be required for hotels.
- c. *Manufacturing or light manufacturing. One parking space per employee on maximum shift.*
- d. *Other uses.* Sufficient off-street parking such that no public street shall be used for parking.
- e. *Applicable parking requirements as specified in the Commercial Highway District (CHD). See Section 17.22(7).*

(Code 2011, § 17.21)

PASSED AND ADOPTED BY THE CITY OF KAUKAUNA COMMON COUNCIL

Presiding Officer

Attest

Anthony J. Penterman, Mayor, City of
Kaukauna

Sally Kenney, Clerk, City of
Kaukauna