

IN THE NAME AND BY THE AUTHORITY OF THE TOWN OF CEDARBURG, WISCONSIN

**ORDINANCE NO. 2022-1**

**An Ordinance to Amend Chapter 320 Zoning of the Town of Cedarburg Zoning Code, Ozaukee County, Wisconsin.**

**WHEREAS,** The Town of Cedarburg is a body corporate and politic; and  
**WHEREAS,** the Plan Commission of the Town of Cedarburg, by a majority vote of the entire Commission, has recommended the Town Board adopt the following amendments to Chapter 320 of the Town Code of Ordinances regarding warehousing and wholesaling, outside storage, trade and contractor's offices, and self-storage; and  
**WHEREAS,** all notices required by Town Code and State Statutes have been published and a public hearing was held before the Town Board of Supervisors on March 2, 2022;  
**WHEREAS,** the Town Board has determined that such amendments will promote the public health, safety, welfare and comfort of the general public and the Town, and has directed that the Zoning Ordinances of the Town of Cedarburg be amended accordingly; and,

**NOW, THEREFORE, BE IT ORDAINED** by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, that Chapter 320 Zoning, of the Town of Cedarburg Code of Ordinances is hereby amended to read as follows:

**(The text modified with a strikethrough shall be deleted).**  
**(The text modified with an underline shall be added).**

**§ 320-21. B-3 Business District.**

A. Statement of purpose. The B-3 Business District is intended to provide for commercial or light manufacturing activities of a general retail and wholesale nature, so long as they are not offensive to the surrounding area by virtue of dust, noise, smoke, traffic, physical appearance or other similar facts, generally within the purview of light manufacturing, as determined by the Plan Commission of the Town of Cedarburg. If the business is located within the Five Corners Master Plan area, the building construction and materials shall be consistent with the Five Corners Master Plan. Applicable new developments and/or new structures shall comply with the design standards as set forth in § 320-10J of this Zoning chapter.

B. Principal uses: professional offices, retail shops and stores.

C. Conditional uses:

(1) Business offices, general merchandising establishments, general wholesaling establishments, automotive body repair, cleaning, commercial greenhouses, community service facilities, distributors, farm machinery sales and service, food locker plants, general warehousing or warehousing in connection with any principal permitted use, laboratories, laundry, pressing and dyeing establishments, trade and contractor's offices, ~~and yards,~~ printing and publishing, storage and sale of machinery and equipment, studios, tool and die design and production, transportation terminals, upholstery, woodworking shops not requiring outside dust collection equipment, ~~and day care, or any other use that is in~~ substantial conformity with the expressed intention of this district may be made a conditional

use when recommended by the Plan Commission of the Town of Cedarburg and approved by the Town Board.

(2) See also §§ 320-56, 320-57, 320-59, 320-60 and 320-106.

### **§ 320-22. M-1 Industrial District.**

#### **A. Principal uses.**

- (1) Automotive body repairs.
- (2) Upholstery.
- (3) Cleaning.
- (4) Pressing and dyeing establishments.
- (5) Commercial bakeries.
- (6) Commercial greenhouses.
- (7) Distributors.
- (8) Farm machinery.
- (9) Food locker plants.
- (10) Laboratories.
- (11) Machine shops.
- (12) Manufacture and bottling of nonalcoholic beverages.
- (13) Painting.
- (14) Printing.
- (15) Publishing.
- (16) Sale of machinery and equipment.
- (17) Professional offices.
- (18) Trade and contractor's offices not less than 5,000 square building feet per office.
- (19) Warehousing and wholesaling not less than 5,000 square feet building per business.
- (20) Manufacture, fabrication, packing, packaging and assembly of products from:
  - (a) Furs.
  - (b) Glass.
  - (c) Leather.
  - (d) Metals.
  - (e) Paper.
  - (f) Plaster.
  - (g) Plastics.
  - (h) Textiles.
  - (i) Wood.
- (21) Manufacture, fabrication, processing, packaging and packing and assembly of:
  - (a) Confections.
  - (b) Cosmetics.
  - (c) Electrical appliances.
  - (d) Electronic devices.
  - (e) Food, except cabbage, fish and fish products, meat and meat products and peeling.
  - (f) Instruments.
  - (g) Jewelry.
  - (h) Pharmaceuticals.
  - (i) Tobacco.
  - (j) Toiletries.

#### **(22) Wholesaling.**

B. Conditional uses: see §§ 320-56, 320-57, 320-60, 320-106 and 320-107.

[Amended 1-7-2009 by Ord. No. 2009-2; 5-6-2009 by Ord. No. 2009-9]

### **§ 320-23. M-2 Planned Industrial and Mixed-Use District.**

A. Statement of purpose. The M-2 Planned Industrial and Mixed-Use District is intended to provide for the continuation of the Town of Cedarburg's traditional single use Planned Industrial District, while including additional single and mixed uses. This possible mixture of uses is intended to implement the Town Comprehensive Plan: 2035, as well as the Five Corners Master Plan, which specifies the creation of a vibrant and pedestrian-friendly "town center," featuring a mixture of uses. Projects will result in orderly and attractive development at appropriate locations, including but not limited to existing commercial activities of general retail and wholesale, office, and service facilities serving a larger community area, as well as new single or mixed-use activities in and around the Five Corners Master Plan area and Five Corners Business District, as identified in the Comprehensive Plan. Mixed-use developments will contain at least a combination of two of the following general types of development: commercial, single-family homes and or multifamily condominium residential, industrial, institutional and/or public. Any new development, redevelopment or infill taking place in the M-2 district shall be consistent with the Five Corners Master Plan. Applicable new developments and/or new structures shall comply with the design standards as set forth in § 320-10J of this Zoning chapter.

(1) Principal uses: professional offices, trade and contractor's offices not less than 5,000 square building feet per office, storage and sale of machinery equipment, single-family homes and multifamily condominium residential, and commercial retail. Any single structure greater than 30,000 square feet shall be subject to the conditional use permit process.

(2) Conditional uses:

(a) ~~All M-1 Industrial District principal uses~~ Automotive body repairs, upholstery, cleaning, pressing and dyeing establishments, commercial bakeries, commercial greenhouses, distributors, farm machinery, food locker plants, laboratories, machine shops, manufacture and bottling of nonalcoholic beverages, painting, printing, publishing, warehousing not less than 5,000 square feet building per business and wholesaling; wholesaling self-storage facility; manufacture, fabrication, packing, packaging and assembly of products from: furs, glass, leather, metals, paper, plaster, plastics, textile, wood; manufacture, fabrication, processing, packaging and packing and assembly of: confections, cosmetics, electrical appliances, electrical devices, food (except cabbage, fish and fish products, meat and meat products and pea vining); instruments, jewelry, pharmaceuticals, tobacco, toiletries); as well as conditional uses unique to this district which include freight yards, freight terminals and transshipment depots, breweries and crematories, existing nonmetallic mining operations, and indoor recreational and indoor athletic facility.

(b) Existing residences shall comply with all the provisions of the R-3 Residential District.

(c) See §§ 320-56, 320-57, 320-58, 320-60, 320-61, 320-106 and 320-107.

### **§ 320-60. Industrial and agricultural uses.**

~~F. Outside storage and~~ Manufacturing areas in the M-2 Industrial District. Wrecking, junk, demolition and scrap yards shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public right-of-way and shall be at least 600 feet from residential and public and private park districts.

### **§ 320-137. Definitions and word usage.**

#### **BUSINESS OFFICES**

Office work other than that classified as a professional office being of a nonretail and nonwarehouse nature and performed in a nonresidential district.

#### **WAREHOUSING**

The use of a building to store or keep in reserve raw materials, finished merchandise, or goods, before sale, distribution or shipment to retailers, wholesalers, or contractors or to industrial,

commercial, agricultural, institutional or professional businesses. Warehousing includes order processing, packing and shipping of such materials, finished merchandise or goods, but excludes storage or self-storage buildings or spaces therein offered for rent, lease or sale used primarily for the storage of household or business goods or wares.

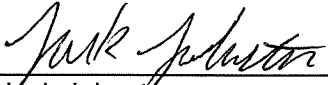
**WHOLESALE**


A business use or place of business primarily engaged in selling merchandising to retailers; to industrial, commercial, institutional, or professional offices, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**(The above text modified with a strikethrough shall be deleted).  
(The above text modified with an underline shall be added).**

This ordinance shall be in full force and effect upon its passage and posting as provided by law.

**PASSED AND ADOPTED** by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, this 2<sup>nd</sup> day of March, 2022.

  
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Jack Johnston  
Assistant Administrator/Clerk

  
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David M. Salvaggio  
Town Chairman