

ORDINANCE 1826

ORDINANCE AMENDING CERTAIN PERMITTED, ACCESSORY, AND SPECIAL EXCEPTION USES IN RSF – RESIDENTIAL SINGLE FAMILY DISTRICT; RTF – RESIDENTIAL TWO FAMILY DISTRICT; RMF – RESIDENTIAL MULTIFAMILY DISTRICT; CCD – COMMERCIAL CORE DISTRICT; CBD – CENTRAL BUSINESS DISTRICT; CHD – COMMERCIAL HIGHWAY DISTRICT; AND IPD – INDUSTRIAL PARK DISTRICT.

WHEREAS, to protect and preserve future land use in the City of Kaukauna's various zoning districts, the Common Council amends Section(s): 17.16(3); 17.18(3); 17.19(3); 17.20(2); 17.20(3); 17.20(4); 17.21(2); 17.21(3); 17.21(4); 17.22(4); and 17.26(3) to remove certain special exception uses enumerated below; and

WHEREAS, the matter was referred to, acted upon, and recommended for approval by the City Plan Commission on December 3, 2021; and

WHEREAS, after due notice as required by law, a public hearing was held before the Common Council on February 2, 2021, at 7:00 p.m.

NOW, THEREFORE, the Common Council of the City of Kaukauna do ordain that Section(s) 17.16(3); 17.18(3); 17.19(3); 17.20(4); 17.21(4); 17.22(4); and 17.26(3) of the Kaukauna Municipal Code shall be stricken and shall be replaced with the following:

17.16 – RSF Residential Single-Family District

3. Special exception uses and structures.

- (a) Day nurseries.
- (b) Convalescent homes, children's homes, or nursing homes.
- (c) Public utility installations.
- (d) Cemeteries.
- (e) Gardens, nurseries, and orchards, provided that no office or store is provided on the premises.
- (f) Community living arrangements/group homes, subject to Wis. Stats §62.23(7)(i).

17.18 – RTF Residential Two-Family District

3. Special exception uses and structures.

- (a) Day nurseries.
- (b) Convalescent homes, children's homes, or nursing homes.

- (c) Public utility installations.
 - (d) Cemeteries.
 - (e) Gardens, nurseries, and orchards, provided that no office or store is provided on the premises.
 - (f) Community living arrangements/group homes, subject to Wis. Stats §62.23(7)(i).
 - (g) Cluster subdivisions per section 17.37.
 - (h) PUD Planned Unit Development per section 17.36.
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17.19 – RMF Residential Multifamily District

3. Special exception uses and structures.

- (a) Day nurseries.
 - (b) Convalescent homes, children's homes, or nursing homes.
 - (c) Public utility installations.
 - (d) Cemeteries.
 - (e) Gardens, nurseries, and orchards, provided that no office or store is provided on the premises.
 - (f) Community living arrangements/group homes, subject to Wis. Stats §62.23(7)(i).
 - (g) Cluster subdivisions per section 17.37.
 - (h) PUD Planned Unit Development per section 17.36.
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17.20 – CCD Commercial Core District

2. Permitted principal uses and structures.

- (a) Retail outlets for sale of food home furnishings, appliances, and wearing apparel, including repair strictly incidental to sales, office equipment, hardware, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry, art, camera or photographic supplies, including camera repair, alcoholic beverages for off-premises consumption, sporting goods, hobby and pet shops, delicatessen, bake shop (but not wholesale bakery), musical instruments, florist and gift shops, and similar products.
- (b) Service establishments such as barber and beauty shops, shoe repair, restaurants, except drive-in restaurants, interior decorator, photographic studios, dance or music studio, tailor or dressmaker, laundry or dry cleaner, radio or television repair, and similar uses.
- (c) Banks and other financial institutions, employment offices, business offices, professional offices, and similar establishments.
- (d) Dwellings above or behind other principal uses so as to not interrupt business frontage.
- (e) 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 which do not involve operations or structures not in keeping with the character of the district; provided, however, that garbage and trash shall be kept in closed containers and that such containers shall not be visible from portions of the premises customarily open to pedestrian or automobile circulation or parking.

(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.

(i) 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.

(ii) 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.

(iii) 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) Clubs and organizations.

(b) Printing and publishing establishments.

(c) Commercial recreation facilities in completely enclosed buildings, including theaters, arcades, and amusement centers.

(d) Hotels.

(e) Taverns.

(f) Bowling Alleys.

(g) Automobile sales and service.

(h) Automobile filling stations.

(i) Mortuaries.

17.21 – CBD Central Business District

2. Permitted principal uses and structures.

- (a) See section 17.20(C).
- (b) Clubs and organizations.
- (c) Printing and publishing establishments.
- (d) Commercial recreation facilities in completely enclosed buildings, including theatres, 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.

(i) 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.

(ii) 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.

(iii) 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.

17.22 – CHD Commercial Highway District

4. Special exception uses and structures.

- (a) Public utility installations.
- (b) Light manufacturing uses, including packaging bottling, storage, and laboratory uses, provided all activities are conducted in completely enclosed buildings.
- (c) Commercial recreational uses, such as golf and archery ranges, rinks, and the like.

17.26 – IPD Industrial Park District

3. Special exception uses and structures

(None).

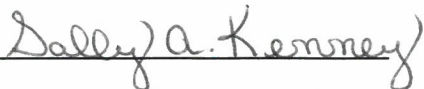
This ordinance shall be in full force and effect from and after its adoption and publication.

APPROVED: _____



Anthony J. Penterman, Mayor

ATTEST: _____



Sally A. Kenney, City Clerk

Adopted: 03/02/2021

Published: 03/10/2021

