



MEMO

PLANNING AND COMMUNITY DEVELOPMENT

To: Common Council
From: Joe Stephenson
Date: 01-04-2022
Re: Commercial Highway District - Update

The Commercial Highway District is a zoning district within the City of Kaukauna located primarily along major street and highways: Highway 41, Hyland Avenue, Crooks Avenue, Calumet Street, and County Road CE to name a few. The district is designed to be the most intensive commercial district in Kaukauna, allowing for many commercial uses.

A number of developments have expanded or tried to expand within the Commercial Highway District and have either needed to retool their development or ask for variances. The VIVE, Haen Meat, Filters Unlimited, and various multi-family residential developments have required variances or could not proceed with their projects due to the restrictive nature of what is supposed to be the most intensive commercial district. Height limits, density requirements, and use restrictions were sighted as various barriers. In order to make the district more flexible and allow for the development of high-end commercial districts, staff proposes the following:

- Increase the height restriction to 56' or four stories (which ever is less) Currently the height is capped at 45', increased height will allow for higher end developments and more architectural creativity to be used at the top of buildings.

- Increase the maximum density from 25% to 35%. 25% maximum density is extremely restrictive, many single-family homes have a higher density than 25%. Numerous businesses within the CHD district have expressed concerns about being able to expand their business.
- Include multi-family residential as a special exception. Multi-family residential buildings, dispersed throughout commercial corridors, creates a built-in market of patrons for businesses and allows for a more vibrant healthy corridor. Keeping this use as a special use would give the plan commission the ability to vet multi-family developments and allow only those that fit in the district to be approved.
- Specifically code, that medical uses, financial uses, and other “office based” industries are permitted by right within the CHD.
- Move agricultural uses from a permitted use to a special exception.

The updates outlined above will ensure that the Commercial Highway District thrives and allows for the highest and best uses of City land, while also giving Plan Commission increased discretion when reviewing site plans.

Plan Commission approved the ordinance and recommended the same to the Common Council on December 2nd, 2021.

Recommendation:

Approve Ordinance 1854-2022 an ordinance repealing and replacing section 17.22 Commercial Highway District.



ORDINANCE NO. 1854 - 2022

AN ORDINANCE REPEALING AND REPLACING SECTION 17.22 COMMERCIAL HIGHWAY DISTRICT, OF THE CITY OF KAUKAUNA ZONING CODE.

WHEREAS, the Common Council of the City of Kaukauna, having reviewed the recommendation of the City Plan Commission regarding the proposed change in zoning ordinance having scheduled a public hearing then to be decided by the Common Council; and

WHEREAS, a Class 2 Notice of Public Hearing regarding such proposed zoning ordinance change and, pursuant thereto, a public hearing having been held on the **4th day of January, 2022** at 7:00 p.m., and the Common Council having heard all interested parties or their agents and attorneys; and

WHEREAS, to promote the sustainable and orderly growth of the city and protect the city's tax ;

NOW, THEREFORE, the Common Council of the City of Kaukauna, Wisconsin, do ordain as follows:

Sec. 17.22. - CHD Commercial Highway District.

- (1) *Purpose.* This district is intended to provide highway-oriented uses for general commercial uses convenient to major streets. Many of these uses require large lot areas, do not readily relate to pedestrian circulation, require significant parking and loading areas and, ~~in general, operate independent of one another. require the use of the highway and other heavily travelled major street for commercial visibility or transportation.~~
- (2) *Permitted principal uses and structures.*
 - (a) See section 17.21(2).
 - (b) Drive-in banks and restaurants.
 - (c) Building equipment and supply establishments.
 - (d) Taverns, billiard parlors, and bowling alleys.
 - (e) Automobile, boat, construction equipment and farm implement sales, service, repair, and automobile filling stations.
 - (f) Wholesale and warehouse establishments.
 - (g) Mortuaries.
 - (h) Veterinary hospitals and dog kennels.
 - ~~(i) Gardens, orchards, and nurseries, including where an office or store is maintained on the premises.~~
 - ~~(j) Agricultural-related uses, such as feedmills and farm co-ops.~~
 - (i) Senior care or day nursery.
 - (j) Medical, health, or social services.
 - (k) Financial and professional services.

(l) Uses not explicitly enumerated in the 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.* Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.

- (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.
- (d) Residential Medical Facility.

(e) Uses permitted in Residential Multifamily Zoning (RMF). If RMF is the primary use of the site, all applicable standards and requirements from section 17.19 shall apply.

(f) Agricultural related uses.

(g) Gardens, orchards, and nurseries, including where an office or store is maintained on the premises.

- (5) *Dimensional requirements.* For all permissible principal uses and structures, the following apply:

- (a) *Minimum dimensions.*

- 1. Lot area: 15,000 square feet.
- 2. Lot width: 100 feet.
- 3. Front yard setback: twenty-five feet (25').
- 4. Side yards setback: ten feet each (10').
- 5. Rear yard setback: ten feet (10').

- (b) *Maximum dimensions.*

- 1. Lot coverage: 25-percent. Thirty five percent (35%). As a special exception, the Plan Commission may increase the lot coverage up to forty five percent (45%).
- 2. Height: 45 feet. Fifty-six feet (56') or four stories, whichever is less. As a special exception, the Plan Commission may increase the maximum height and stories up to eighty-four feet (84') or six stories, whichever is less.

- (c) *Required yards.* Any required yard adjacent to a residential district shall be subject to the landscaped buffer requirements of section 17.32(10). To eliminate hazards involved in unchanneled ingress and egress, a landscaped strip not less than five feet in depth if at the front and five feet in width if at the side shall be required along any lot line adjacent to a street. Except for accessways, such strip shall be continuous for the entire length of the lot line adjacent to the street.

- (6) *Permitted accessory signs.* For all permissible principal uses and structures, for each ten lineal feet of frontage on a public street, frontage being determined by the principal entrance to the premises, a maximum of one sign and 30 square feet of sign area. The sign area may be used in a lesser number of signs than 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 feet of any lot line.

- (7) *Off-street parking requirements.*

- (a) *Applicable parking requirements as specified in the CBD district.* See section 17.21(7).
- (b) *Wholesale and warehouse establishments.* One per 300 feet of floor space.

(c) *Light manufacturing.* One per employee on maximum shift.
(Code 2011, § 17.22)

Adopted by the Common Council of the City of Kaukauna, Wisconsin, on this 4th day of January
2022.

APPROVED:

Anthony J. Penterman, Mayor

ATTEST:

Sally A. Kenney, City Clerk