



**Meeting:** Village Board  
**Meeting Date:** 03/25/13  
**Agenda Item:** #5e

**Mission Statement**

Delivering quality services in a courteous, cost-effective and efficient manner.

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## VILLAGE BOARD STAFF REPORT

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**REPORT TO:** Burt R. McIntyre, President, and Village Board

**REPORT FROM:** Dave Wiese, Executive Director of Community Development

**AGENDA ITEM:** Review and take action on Ordinance 2013-01 regarding a proposed amendment to Section 50-529 Permitted Uses in the B-2 Highway Commercial Zoning District to exclude the sales, rental and leasing of motorcycles, motor vehicles, recreational vehicles and trailers, as well as motor vehicle repair shops and service centers, and require them to obtain a Conditional Use under 50-529 (2) Conditional Uses

**ACTION REQUESTED:** \_\_\_ Ordinance \_\_\_ Resolution  Motion \_\_\_ Receive/File

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### **PLAN COMMISSION RECOMMENDED**

The Plan Commission unanimously recommended approval of the the attached proposed Zoning Ordinance change.

### **BACKGROUND**

The village has received numerous complaints about businesses offering vehicles for sale on their property. Staff has recommended amending the ordinance governing permitted uses in the B-2 Highway Commercial District so that any outdoor vehicle sales within the zoning district will require a conditional use.

The Plan Commission unanimously approved and recommended the original proposed changes to the ordinance at its Feb. 18 meeting. The Village Board at its Feb. 25 meeting referred the item back to Plan Commission for further review due to concerns the proposed ordinance, as drafted, would not allow the sale of vehicles owned by business property owners. In order to address the board's concerns, staff modified the proposed ordinance to allow for the sale of fleet or business vehicles.

The Plan Commission unanimously approved and recommended the revised Ordinance 2013-01 on March 18, and it is back on the agenda for final approval by the board.

### **Attachments**

- I** Sec. 50-529
- II** Draft Village of Howard Ordinance 2013-1
- III** Letter from Mark Leistikow opposing the ordinance change
- IV** Letter and photos from Scott Williams supporting the ordinance change

## ATTACHMENT I

### Sec. 50-529. - Uses.

The following uses are allowed in the highway commercial (B-2) zoning district. All other uses not specifically listed are prohibited:

- (1) *Permitted uses.* The following uses are permitted in the highway commercial (B-2) zoning district:
  - a. All permitted uses allowed in the business (B-1) zoning district as specified in [section 50-502](#)
  - b. All conditional uses allowed in the business (B-1) zoning district as specified in [section 50-503](#) except planned developments in [section 50-503](#)(17) and outside business, servicing, processing, sales or storage in [section 50-529](#)(2)e.
  - c. Commercial publishing and printing establishments.
  - d. Hospitals.
  - e. Motorcycle dealers.
  - f. Motor vehicle dealers.
  - g. Motor vehicle rental and leasing businesses.
  - h. Motor vehicle repair shops and service centers.
  - i. Passenger transportation services.
  - j. Recreational vehicle dealers.
  - k. Repair shops, miscellaneous.
  - l. Rooming houses and boardinghouses.
  - m. Trailer dealers, utility.
  
- (2) *Conditional uses.* Subject to the regulations specified in division 9 of article II of this chapter, the following uses are permitted in the highway commercial (B-2) zoning district:
  - a. Courier, delivery and messenger services.
  - b. Farm machinery and equipment dealers.
  - c. Manufactured home dealers.
  - d. Miniwarehouses.
  - e. Planned developments.
  - e. Outside business, servicing, processing, sales or storage (any use or activity, other than off-street parking and loading, not conducted within completely enclosed buildings).
  - g. Trade schools.
  - h. Other manufacturing, distribution, assembling, processing, storage, and light industrial uses as determined by the village plan commission and village board to be compatible with or of the same general character as the uses permitted in subsection (1) of this section, permitted uses.

(Comp. Ords. 2000, § 17.11(3))

## ATTACHMENT II

### ORDINANCE NO. 2013-01

AN ORDINANCE AMENDING SECTION 50-503 OF THE ZONING ORDINANCE PERTAINING TO NON-ACCESSORY PARKING LOTS GARAGES AND STRUCTURES AS CONDITIONAL USE IN THE BUSINESS (B-1) ZONE AND SECTION 50-529 PERTAINING TO MOTORCYCLE DEALERS, MOTOR VEHICLE DEALERS, MOTOR VEHICLE RENTAL AND LEASING BUSINESSES, MOTOR VEHICLE REPAIR SHOPS AND SERVICE CENTERS, RECREATIONAL VEHICLE DEALERS, MISCELLANEOUS REPAIR SHOPS, UTILITY TRAILER DEALERS AND NON-ACCESSORY PARKING LOTS GARAGES AND STRUCTURES AS CONDITIONAL USES IN THE HIGHWAY COMMERCIAL (B-1) ZONING DISTRICT

**WHEREAS** the Village Clerk published a notice of public hearing regarding such proposed amendment to the Zoning Ordinance and a public hearing was held at the Village Hall on February 18, 2013, at 5:35 P.M., whereupon the Plan Commission heard all interested persons and/or their agents and attorneys; and

**WHEREAS** the Village Board of the Village of Howard has received a written recommendation and findings of the Village Plan Commission regarding such proposed amendment to the Zoning Ordinance;

**NOW THEREFORE** the Village Board of the Village of Howard, Brown County, Wisconsin, does hereby ordain that the Zoning Ordinance be amended as follows:

**SECTION 1** Section 50-529(1) is hereby amended by deleting the following strikethrough wording as permitted uses in the Highway Commercial (B-2) zone:

- a. All permitted uses allowed in the business (B-1) zoning district as specified in [section 50-502](#)
- b. All conditional uses allowed in the business (B-1) zoning district as specified in [section 50-503](#) except planned developments in [section 50-503](#)(17) and outside business, servicing, processing, sales or storage in [section 50-529](#)(2)e.
- c. Commercial publishing and printing establishments.
- d. Hospitals.
- e. ~~Motorcycle dealers.~~
- f. ~~Motor vehicle dealers.~~
- g. ~~Motor vehicle rental and leasing businesses.~~
- h. ~~Motor vehicle repair shops and service centers.~~
- i. Passenger transportation services.
- j. ~~Recreational vehicle dealers.~~
- k. ~~Repair shops, miscellaneous.~~
- l. Rooming houses and boardinghouses.
- m. ~~Trailer dealers, utility.~~

**SECTION 2** Section 50-529(2) is hereby amended by adding the following as permitted uses in the Highway Commercial (B-2) zone:

- a) All permitted uses allowed in the business (B-1) zoning district as specified in [section 50-502](#)
- b) All conditional uses allowed in the business (B-1) zoning district as specified in [section 50-503](#) except planned developments in [section 50-503](#)(17) and outside business, servicing, processing, sales or storage in [section 50-529](#)(2)e.
- c) Commercial publishing and printing establishments.
- d) Hospitals.
- e) Passenger transportation services.
- f) Rooming houses and boardinghouses.
- g) Sale of fleet or business-owned vehicles**

**SECTION 3** Section 50-529(2) is hereby amended by adding the following as conditional uses in the Highway Commercial B-2) zone:

- i) Motorcycle sales
- j) Motor vehicle sales.
- k) Motor vehicle rental and leasing businesses.
- l) Motor vehicle repair shops and service centers.
- m) Recreational vehicle sales.
- n) Repair shops, miscellaneous.
- o) Trailer sales, utility.

**SECTION 4** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5** This ordinance shall take effect upon its adoption and publication.

Approved and adopted this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Burt McIntyre, Village President

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Christopher A. Haltom/Village Clerk

DATE OF PUBLICATION:

Village of Howard Plan Commission  
via Fax 920 434 4643  
Attn: Burt McIntyre

Re: B--2 Highway Commercial change to Conditional Use

Dear Sir":

I have a copy of the staff report which recommends amending the ordinance so that outdoor car sales required Conditional Use permits.

I have no difficulty with this minor change, but the ordinance 2013-1 is a vast expansion from the staff recommendation. What prompted you to expand their suggested course of action, for merely outdoor sales?

We continue to be in the depths of a real estate "depression". not recession. Drive around and see the "for lease", " for sale" & tradesigns on all your major streets, not only Military.

When you see these signs the owners, your taxpayers, are hurting. I hope that you are mindful of what these signs indicate, i.e. that taxes, mortgage payments, insurance, and repairs must be made with no income coming in.

Should you not be doing all you can to assist the small businessman owner and startup businessman instead of putting another roadblock in the path business start ups.

of

Take it from one who has been in all phases of real estate for well over 50 years, to include Real Estate Rep for SOCO, commercial and industrial real estate sales (largest industrial sale in year 1975 in Wisconsin) subdivision etc etc I have seen it all) that the more regulations you impose on real estate development the more you discourage location in your city. If this is what you desire, then do as 2013-1 proposes

I hope this is not the case.

Yours,

*Mark E Leisticow*  
Mark E Leisticow  
Plan Comm Staff Report attached

February 12/2013

27856 Forester Dr, Bonita Springs, Fl 34134

# Scott Williams

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2454 Clear Brook Circle    Howard, Wisconsin 54313    920/455-0016

February 2, 2013

Howard Plan Commission  
Howard Village Board  
2456 Glendale Avenue  
Howard, Wisconsin 54313

Via email [pfevert@villageofhoward.com](mailto:pfevert@villageofhoward.com)

Dear Plan Commission and Village Board members:

As a homeowner and taxpayer, I applaud the village for taking steps to combat the problem of used automobile dumping. I urge you to support the village staff's proposed amendment to Section 50-529 regarding permitted uses in the B-2 Highway Commercial Zoning District. This proposal is scheduled for Plan Commission action Feb. 18 and Village Board consideration after that.

The issue of used automobile dumping is one that significantly affects the aesthetics and property values that once made Howard an attractive place to buy a home and raise a family. Make no mistake: This is not about legitimate used-car lots, nor is it about private citizens simply trying to sell a car. This is about B-2 property owners – commercial businesses that have nothing to do with automobile sales – turning their properties into dumping grounds for anyone who wants to bring a used vehicle into Howard and abandon it here with a "For Sale" sign. Such dumping creates an eyesore that makes Howard look like one big junkyard. And where property values are concerned, it is a virtual cancer.

Last summer, I noticed that the problem was getting worse and worse. Almost every day, I saw another used vehicle – and sometimes several at a time – abandoned on a commercial property along one of our heavily traveled roadways: Velp Avenue, Cardinal Lane, Lineville Road and many others. Please take a few minutes to look at the attached color photographs. Over a period of just a couple of weeks, I was able to document 15 different locations where property owners had thoughtlessly engaged in this reckless conduct – a sort of vandalism against their neighbors and the community at large.

I tried contacting one of these property owners directly. I politely asked him to be a good neighbor and remove a used car that had been dumped in his parking lot with a "For Sale" sign. He refused and became rude and combative, as if I had no right to interfere with his turning our neighborhood into a junkyard.

Village staff tells me that some of the properties I photographed already have zonings where used automobile dumping is prohibited. But many have B-2 zoning. And unless you take action, all such property owners will be free to continue harming the appearance, image and value of our community. Please close this loophole. Give your village staff the tools they need. And then direct staff to undertake a vigorous enforcement program to return Howard to the beautiful and prosperous community it once was – and can be again.

Thank you.

Sincerely,

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**Watering Hole Tavern  
2107 Velp Avenue**



**NEW Storage  
2545 Velp Avenue**



**Pool & Spa Warehouse  
2214 Velp Avenue**



**Barlament Crane Rentals  
1575 Lineville Road**



**Phase III Service Center  
1810 Velp Avenue**



**Bumper to Bumper Auto Parts**  
**2015 Velp Avenue**



**Bay Auto Parts**  
**1750 Velp Avenue**



**Old Dutch Foods**  
**1560 Cornell Road**



**J.R.'s Bar**  
**1673 Velp Avenue**



**Village Lanes Bowling**  
**3798 Velp Avenue**



**Pioneer Credit Union  
406 Cardinal Lane**



**Bayland Excavating  
1480 Cornell Road**



**Avenue Bar  
1745 Velp Avenue**



**Master Electric  
2213 Woodale Avenue**



**Jimmy John's Sandwiches  
430 Cardinal Lane**