



**Meeting:** Plan Commission  
**Meeting Date:** 01/21/13  
**Agenda Item:** #6-7

**Mission Statement**

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

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## PLAN COMMISSION STAFF REPORT

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**REPORT TO:** Burt R. McIntyre, President, and Plan Commission members

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

**AGENDA ITEM:** Public hearing and action regarding a proposed amendment to Section 50-529 Permitted Uses in the B-2 Highway Commercial Zoning District to exclude motorcycle dealers, motor vehicle dealers, motor vehicle rental and leasing businesses, motor vehicle repair shops and service centers, recreational vehicle dealers, repair shops and trailer dealers – utility, 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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### **RECOMMENDED ACTION**

Staff recommends the Plan Commission open the public hearing, invite comments from the public and then **motion to continue the public hearing on Feb. 18, 2013**, in order to allow time to notify the existing B-2 property holders of the proposed changes.

### **BACKGROUND**

The village has received numerous complaints about businesses offering vehicles for sale on their property. Staff is recommending 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.

### **Attachments**

- I** Sec. 50-529
- II** Draft Village of Howard Ordinance 2013-1

## 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))

# ORDINANCE NO. 2013-1

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 50-503 is hereby amended by deleting the following strikethrough wording as a conditional use in the Business (B-1) zone

(14) ~~Parking lots, garages and structures (nonaccessory).~~

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

- e. ~~Motorcycle dealers.~~
- f. ~~Motor vehicle dealers.~~
- g. ~~Motor vehicle rental and leasing businesses.~~
- h. ~~Motor vehicle repair shops and service centers.~~
- j. ~~Recreational vehicle dealers.~~
- k. ~~Repair shops, miscellaneous.~~
- m. ~~Trailer dealers, utility.~~

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

- h. Motorcycle dealers.
- i. Motor vehicle dealers.
- j. Motor vehicle rental and leasing businesses.
- k. Motor vehicle repair shops and service centers.
- l. Recreational vehicle dealers.
- m. Repair shops, miscellaneous.
- n. Trailer dealers, utility.
- m. Parking lots, garages and structures (nonaccessory).

**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 28th day of January, 2013.

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Burt McIntyre, Village President

ATTEST:

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Christopher A. Haltom/Village Clerk

DATE OF PUBLICATION: 02/01/2013