
Mayor Arata-Fratta
Introduced by

Planning
Prepared by

Plan Commission
Referred to

May 21, 2024 & June 18, 2024
Date

ORDINANCE 2024-O-16

AN ORDINANCE AMENDING CHAPTER 22 ZONING ORDINANCE TO AMEND ARTICLE III. RELATIVE TO PERMITTED AND CONDITIONAL USES IN THE BUSINESS HIGHWAY ZONING DISTRICT SECTION 22-310 RELATIVE TO PERMITTED USES, AND SECTION 22-311 RELATIVE CONDITIONAL USES

The Common Council of the City of Fitchburg, Dane County, Wisconsin ordains as follows:

Section 1. Pursuant to Wis. Stat. 66.0103, that amendments to Chapter 22 Zoning Ordinances of the Fitchburg General Code of Ordinances, as identified in Exhibit A herein, which have been available for public inspection not less than 2 weeks prior to being enacted, are hereby adopted by reference as is fully set forth herein.

Section 2. The City Clerk is directed to publish a copy of this enabling ordinance and to keep a copy on file in his/her office permanently and open for public inspection during regular office hours, Chapter 22 Zoning, with the amendments, as adopted hereby.

Section 3. Except as otherwise set forth herein, after approval by the Common Council, this Ordinance and Chapter 22 described herein, of the Fitchburg General Code of Ordinances as amended, hereby take effect on the day after publication.

Adopted this ____ day of _____, 2024.

Julia Arata-Fratta, Mayor

Tracy Oldenburg, City Clerk

Published:

EXHIBIT A

Sec. 22-310. Permitted uses.

For the B-H Highway Business District, permitted uses are as follows:

- (1) Ambulance service.
- (2) Animal hospital and kennel. (074-075)
- ~~(3) Car and truck wash. (754)~~
- (4-3) Gas station with convenience store (classes I, II and III); minor automobile repair service such as car wash, only when secondary to associated with a gas station. (554)
- (54) Diaper service, linen service, towel service, industrial laundry, carpet and upholstery cleaning. (721)
- ~~(65)~~ Car and truck sales and rental of vehicles (551, 552; 751).
- ~~(76)~~ Cabinet shop, plumbing shop, upholstery shop, electrical shop, etc. (76)
- ~~(87)~~ Farm machinery sales and service. (5083, 7699)
- (98) Food locker. (4222)
- ~~(109)~~ Building and lumber supplies and services. (52)
- ~~(1110)~~ Motel and hotel. (701)
- ~~(1211)~~ Printing and publishing. (27)
- ~~(1312)~~ Funeral homes. (726)
- ~~(1413)~~ Wholesale facilities and services. (50, 51)
- ~~(1514)~~ Municipal buildings and services. (91, 92)
- ~~(16) Gas sales associated with a convenience store.~~
- ~~(17) Adult entertainment establishments, as defined in section 62-19, Fitchburg Ordinances, provided there is a buffer of 1,320 feet, beginning from the property line of the adult entertainment establishment, between any other adult entertainment establishment, or any day care center that is licensed for eight or more children, any school, park, or place of worship.~~

Sec. 22-311. Conditional uses.

For the B-H Highway Business District, conditional uses are as follows:

- (1) Contractor's offices, shops and yards. (15, 16, 17)
- ~~(2) Truck terminal. (42)~~
- ~~(3) Bus or train or transit depot. (40, 41)~~
- (43) Transportation services. (47)
- ~~(5) Postal services. (43)~~
- ~~(6) Department and discount stores. (53)~~
- ~~(7) Light industrial uses (see I-G district, section 22-396 and 22-397(d)).~~
- ~~(8) Auto, truck and heavy equipment repair. (753)~~
- ~~(9) Auto supply. (553)~~
- ~~(10) Boat and recreational equipment. (555—557)~~
- ~~(11) Services to buildings. (734)~~
- ~~(12) Greenhouses, nurseries and landscaping sales and services. (018, 078)~~
- ~~(13) Amusement and recreation services. (79) and motion picture theatres (783), including retail sales of sporting goods practiced in association with the recreational services.~~
- ~~(14) Agricultural production. (01-02)~~
- ~~(15) Restaurants, all classes, drinking places. (58)~~
- ~~(16) Grocery stores. (541)~~
- ~~(17) Wireless communication facilities.~~
- ~~(18) Residence for a caretaker of an on-site business operation.~~
- (18) Adult entertainment establishments, as defined in section 62-19, Fitchburg Ordinances, provided there is a buffer of 1,320 feet, beginning from the property line of the adult entertainment establishment, between any other adult entertainment establishment, or any day care center that is licensed for eight or more children, any school, park, or place of worship.



MEMORANDUM

CITY OF FITCHBURG
PLANNING DEPARTMENT
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FITCHBURG, WI 53711
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TO: Mayor Arata-Fratta, City Council and Plan commission
FROM: Deanna Schmidt, City Planner/Zoning Administrator
DATE: May 23, 2024
SUBJECT: Amendment to the Business Highway (B-H) Zoning District

Staff recommends minor edits to the Business Highway zoning district. Those amendments aim to clarify permitted and conditional uses as we continue to align new development with our adopted neighborhood plans and comprehensive plan.

The changes include:

1. Clarifying gas station, and car and truck wash uses.
2. Aligning the motel and hotel permitted use with the appropriate SIC code.
3. Moving adult entertainment establishments to conditional use.
4. Clarifying truck terminal, bus, train and transit depot.

- TITLE II LAND USE AND DEVELOPMENT
Chapter 22 - ZONING
ARTICLE III. - BUSINESS DISTRICTS
DIVISION 4. B-H HIGHWAY BUSINESS DISTRICT

-DIVISION 4. B-H HIGHWAY BUSINESS DISTRICT

Sec. 22-309. Purpose.

Lands placed within these districts take the form of clustered or strip commercial areas, land extensive development patterns of retail, service, warehouse, light industrial uses, most of which are highway-oriented. While serving these functional purposes, these areas also serve as gateways to the Fitchburg community. Design review will seek to create as much attractiveness as is economically feasible and consistent with the functioning of the businesses.

(Ord. No. 2010-O-09, § 22.48, 10-12-2010)

Sec. 22-310. Permitted uses.

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- (2) Animal hospital and kennel. (074-075)
- ~~(3) Car and truck wash. (754)~~
- (4) Gas station with convenience store (classes I, II and III); minor automobile ~~repair service such as car wash, only when associated with~~ secondary to a gas station. (554)
- (5) Diaper service, linen service, towel service, industrial laundry, carpet and upholstery cleaning. (721)
- (6) Car and truck sales and rental of vehicles (551, 552; 751).
- (7) Cabinet shop, plumbing shop, upholstery shop, electrical shop, etc. (76)
- (8) Farm machinery sales and service. (5083, 7699)
- (9) Food locker. (4222)
- (10) Building and lumber supplies and services. (52)
- (11) Motel and hotel. (701)
- (12) Printing and publishing. (27)
- (13) Funeral homes. (726)
- (14) Wholesale facilities and services. (50, 51)
- (15) Municipal buildings and services. (91, 92)
- ~~(16) Gas sales associated with a convenience store.~~
- ~~(17) Adult entertainment establishments, as defined in section 62-19, Fitchburg Ordinances, provided there is a buffer of 1,220 feet, beginning from the property line of the adult entertainment establishment, between any other adult entertainment establishment, or any day care center that is licensed for eight or more children, any school, park, or place of worship.~~

Commented [ZJ1]: This is redundant due to #4 based on SIC.

(Ord. No. 2010-O-09, § 22.49, 10-12-2010)

Sec. 22-311. Conditional uses.

For the B-H Highway Business District, conditional uses are as follows:

- (1) Contractor's offices, shops and yards. (15, 16, 17)
- ~~(2) Truck terminal. (42)~~
- (3) Bus, ~~or train~~ or transit depot. (40, 41)
- (4) Transportation services. (47)
- (5) Postal services. (43)
- (6) Department and discount stores. (53)
- (7) Light industrial uses (see I-G district, section 22-396 and 22-397(d)).
- (8) Auto, truck and heavy equipment repair. (753)
- (9) Auto supply. (553)
- (10) Boat and recreational equipment. (555—557)
- (11) Services to buildings. (734)
- (12) Greenhouses, nurseries and landscaping sales and services. (018, 078)
- (13) Amusement and recreation services. (79) and motion picture theatres (783), including retail sales of sporting goods practiced in association with the recreational services.
- (14) Agricultural production. (01-02)
- (15) Restaurants, all classes, drinking places. (58)
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- (17) Wireless communication facilities.
- (18) Residence for a caretaker of an on-site business operation.
- (17) Adult entertainment establishments, as defined in section 62-19, Fitchburg Ordinances, provided there is a buffer of 1,320 feet, beginning from the property line of the adult entertainment establishment, between any other adult entertainment establishment, or any day care center that is licensed for eight or more children, any school, park, or place of worship.

(Ord. No. 2010-O-09, § 22.50, 10-12-2010)

Sec. 22-312. Dimensional standards.

Dimensional standards for the B-H Highway Business District set forth below shall be applied on a permitted use basis. These intensity and dimensional standards may be reduced by the plan commission in the course of design review upon findings that reductions will provide adequate site area and layout to accommodate the uses contemplated on the site and that negative impacts upon neighboring properties will be avoided. Where deemed appropriate by the plan commission, property owners may be required to obtain permanent, binding consents from abutting property owners with such consents running with the land.

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- (1) Minimum lot area: 8,000 square feet, one acre unsewered.
 - (2) Minimum lot width: 60 feet.
 - (3) Minimum front setback: 25 feet.
 - (4) Minimum side setback: ten feet.
 - (5) Side street setback: 20 feet.
 - (6) Rear setback: 20 feet.
 - (7) Maximum building height: The lesser of the 42 feet or three stories. Height over three stories or 42 feet is subject to conditional use approval.
 - (8) Minimum open space: 15 percent.

(Ord. No. 2010-O-09, § 22.51, 10-12-2010)

Secs. 22-313—22-342. Reserved.