Sec. 13-1-55 - B-3 Central Business District.

(a) *Purpose and intent.* The B-3 Central Business District is intended to provide for the preservation of Cedarburg's historic downtown and the orderly appropriate regulations to ensure the compatibility of the diverse uses typical of the downtown area without inhibiting the potential for maximum development of commercial, cultural, entertainment, and other urban activities which contribute to its role as the heart of the city. This area contains a mix of retail sales shops, office, restaurants, cultural, entertainment, and residential uses.

(b) *General requirements.*

(1) Overall use and development shall be compatible with the city's community character, urban design, historic preservation principles and shall facilitate the objectives as expressed in the adopted Cedarburg Smart Growth Comprehensive Land Use Plan - 2015, and components thereof.

(2) A major portion of the B-3 District is also regulated by the City's Historic Preservation District (HPD), which is an "overlay" district created to protect historic buildings, sites, and districts that are listed on the National Register of Historic Places. The construction, repair, maintenance, alteration, demolition, design, remodeling, reconstruction, painting/colors, roofing type and colors, of all structures and all site improvements within the HPD area require approval and a certificate of appropriateness from the city's landmarks commission prior to performing any work on the site improvements or structures. The compilation of all uses (except those specifically listed as 'permitted') within and throughout all existing and new buildings and sites in the B-3 and HPD shall require review and recommendation by the Landmarks Commission to the Plan Commission and/or staff as applicable. Except as may be noted otherwise herein, any exceptions to the bulk, spatial, height, and accessory structure regulations applicable to/in the B-3 and HPD areas shall require review and recommendation by the Landmarks Commission to the Plan Commission.

(3) Buildings shall be designed to correspond in height, width, proportion, relationship to street, roof forms, composition, window and door patterns, materials and colors compatible with existing buildings in the downtown area.

(4) All buildings in the HPD portion of the B-3 District existing prior to October 28, 2013 are considered to be conforming structures relative to dimensional requirements to maintain the integrity of the Historic District. If such buildings are ever damaged or destroyed, they may be reconstructed exactly in their pre-damaged or pre-destroyed location and dimensional configuration.

(5) Single-family and two-family homes existing prior to October 28, 2013 are non-conforming uses and may be continued pursuant to section 13-1-140 titled non-conforming uses.

(c) *Permitted uses.* (Also see section 13-1-225.)

(1) Antique and collectors stores.

(2) Art stores, studios, galleries.

(3) Auto parts stores.

(4) Bagel shops, bakeries.

(5) Banks, credit unions, savings and loan associations, and other financial institutions (not including drive-in or drive-thru facilities).

(6) Barber shops and beauty shops.

(7) Bicycle sales, repair and rental.

(8) Bookstores.

(9) Boutiques.

(10) Business, professional, medical, and utility offices.

(11) Camera, photographic supply stores, and photographic studios.

(12) Catering services.

(13) Clinics (dental, medical, chiropractic).

(14) Clothing stores.

(15) Cocktail lounges, bars, and taverns.

(16) Coffee shops and espresso bars.

(17) Computer sales and services.

(18) Cultural centers.

(19) Delicatessen.

(20) Department stores.

(21) Electronics and appliance stores, and repair shops.

(22) Farmers markets, including farm products, food, crafts, and food vendors.

(23) Fish markets.

(24) Florists, yard and garden supplies, and service.

(25) Furniture sales.

(26) Furriers and fur apparel.

(27) Gift stores.

(28) Grocery stores.

(29) Hardware stores.

(30) Health clubs, athletic clubs, and gymnasiums.

(31) Hobby and craft stores.

(32) Ice cream parlors/soda fountain stores.

(33) Insurance offices.

(34) Interior decorators.

(35) Jewelry stores.

(36) Liquor stores.

(37) Lodges and clubs.

(38) Meat markets.

(39) Museums.

(40) Music stores.

(41) Newspaper and magazine stores.

(42) Office supplies and business machine stores

(43) Optical stores.

(44) Paint, glass, and wallpaper stores.

(45) Pet stores and pet grooming (with all operations indoors).

(46) Pharmacy (not including drive-thru service).

(47) Plumbing and heating supplies.

(48) Publishing houses.

(49) Real estate offices.

(50) Restaurants (without drive-thru facilities).

(51) Self-service laundries and dry cleaning establishments.

(52) Shoe and leather goods stores.

(53) Spas and fitness facilities.

(54) Specialty food and beverage product sales.

(55) Specialty retail shops for housewares, stationary, home décor, lighting products, and athletic and sporting goods.

(56) Tailor shops.

(57) Theaters.

(58) Tobacco shops.

(59) Used merchandise resale shops (excluding pawn shops).

(60) Variety stores.

(61) Residential use of single-family and two-family structures that existed prior to the adoption of this Ordinance.

(62) All-electric coffee roasting that does not vent directly to the outdoors.

(d) *Permitted accessory uses.*

(1) Residential quarters provided that such quarters are in the principal building, not on a ground-level floor, and the entrances and exits to such quarters are directed to the interior of the building. There shall be a minimum floor area of 420 square feet for an efficiency or one bedroom apartment and 550 square feet for a two bedroom apartment.

(2) Accessory buildings and uses customarily incidental to the above uses, including garages used in conjunction with the operation of the uses of the premise and dumpster storage facilities.

(3) Off-street parking and loading areas.

(4) Essential services as defined herein.

(5) Ground-mounted and building-mounted satellite dish antennas less than three feet in diameter.

(6) Outdoor dining and non-alcohol beverage service. (Note: Outdoor alcohol beverage services require a premises license approved by the common council).

(7)

Temporary placement of tables, chairs, benches, a-frame style signs (displayed only during the days/hours that the business they support is open for business and not to exceed eight square feet per sign face with the faces not more than two feet apart from each other at any point), seasonal entryway vestibules, and similar/related temporary accessories upon the sidewalk right of way, subject to full compliance with the following conditions and any additional conditions the city building inspector, planner, and/or plan commission believe are necessary to ensure the public safety, maintain the principal functional purpose of the sidewalk as a pedestrian throughway, and complement/preserve the character of the adjacent and surrounding buildings and the street front ambiance.

a. A minimum five-foot-deep clear pedestrian throughway shall be maintained throughout all frontages. If less than five feet clear presently exists due to the presence of fixed public assets (such as trees, trash cans, light posts, street signs, hydrants, utility boxes), and/or existing, permanently fixed building improvements (such as but not necessarily limited to attached stairs/steps/stoops/railings), and/or existing, legal nonconforming fixed private improvements (such as, for instance, but not necessarily limited to clock and awning support posts possibly), then the preexisting actual depth of clear pedestrian throughway shall be the required minimum. No new encroachments upon the minimum required clear pedestrian throughway shall be permitted.

b. A minimum three-foot-deep clear terrace shall be maintained between the back of curb and the minimum required clear pedestrian throughway throughout all frontages. Within this three-foot-deep terrace area, appropriately sized a-frame style signs that comply with section 15-5-14(d)(3)a.8. of the City Code may be permitted. If less than three feet clear terrace space presently exists due to the presence of fixed public assets (such as trees, trash cans, light posts, street signs, hydrants, utility boxes), and/or existing, permanently fixed building improvements (such as but not necessarily limited to attached stairs/steps/stoops/railings), and/or existing, legal nonconforming fixed private improvements (such as, for instance, but not necessarily limited to clock and awning support posts possibly), then the preexisting actual depth of clear terrace shall be the required minimum. No new encroachments, except for appropriately sized a-frame style signs, shall be permitted within the minimum required clear sidewalk terrace area.

c. Subject to full compliance with [subsections] a. and b. above, application for Temporary Washington Avenue Sidewalk Right-of-Way Encroachment Permit may/shall be made on forms provided by the city planning department. The following support materials shall be included with the application at the time of submittal:

    1. Purpose statement.
    2. Scaled and accurately dimensioned site plan.
    3. Detailed imagery as to colors, materials, size and type of encroachment.
    4. Detailed imagery of the setting/surroundings where the encroachment is proposed to be located.
    5. Operating plans, including the proposed dates, times, and nature of the encroachment/use of the encroachment.
    6. Any additional information the city staff deems necessary to aid in their evaluation of the request.

d.

All applications and supporting materials for properties that are located in the Historic Preservation Overlay Zoning District, excluding qualifying a-frame style signs, must be reviewed and approved by the landmarks commission prior to issuance of a permit to ensure that the compilation of all objects proposed to be placed on the sidewalk right-of-way complement/preserve the character of the adjacent and surrounding buildings and the street front ambiance.

e. Alcohol sales, service, and/or consumption is not permitted in areas approved for placement of temporary sidewalk right-of-way encroachment under this section.

f. Each permit shall have a maximum term of permission not to exceed six months, except in the case of a-frame style signs for which the term of permission may be indefinite. Shorter terms of permission may be established based upon the seasonal suitability and stated need for certain types of encroachments.

g. Adequate lighting shall be available within the immediate surroundings to ensure that all encroachment objects are sufficiently visible to pedestrians on the sidewalk at all times of the day.

h. A temporary use encroachment permit must be issued to/received by the applicant prior to placement of any sidewalk right-of-way encroachments. Prior to issuance of the permit, all applicants are required to have the following assurance documents on file with the city clerk: a fully executed City of Cedarburg Hold Harmless and Indemnity Agreement Form.

i. The city planner, building inspector, or plan commission may attach conditions of approval to any Temporary Washington Avenue Sidewalk Right-of-Way Encroachment Permit.

(e) *Conditional uses.* (Also see section 13-1-226.)

(1) Automobile service stations.

(2) Banks, savings and loan associations, credit unions, and other financial institutions with drive-in or drive-through facilities.

(3) Bed and breakfast establishments providing adequate off-street parking.

(4) Building supply stores.

(5) Bus depots, provided all principal structures and uses are not less than 100 feet from any residential district lot line.

(6) Fuel-fired coffee roasting that vents directly to the outdoors.

(7) Day care facilities.

(8) Feed mills, and feed and seed sales.

(9) Funeral homes, provided all principal structures and uses are not less than 12 feet from any lot line.

(10) Gun shops, subject to police department and plan commission review and approval.

(11) Hotels, subject to adequate off-street parking.

(12) Indoor and outdoor recreational and entertainment facilities.

(13) Microbreweries, soft drink production, and wineries.

(14) Night clubs and dance halls.

(15) Parking structures.

(16) Pharmacies with drive-thru facilities.

(17) Printing and reproduction services [not exceeding 3,000 square feet of gross floor area].

(18) Renewable energy systems (i.e. wind, solar, geothermal).

(19) Telecommunications installations.

(20) Tourist Rooming Houses.

(21) Vehicle detailing.

(22) Wool carding.

(23) Micro-Distilleries.

(f) *Dimensional requirements.* See Table 13-1-55.

(g) *Traffic, loading, parking, and access.* (See article D.)

(h) *Nonconforming uses, structures, and lots.* (See article G.)

(i) *Performance Standards.* (See article H.)

(j) *Signs.* (See title 15, chapter 5 of the Code of Ordinances.)

(k) *Site plan review.* (See article F.)

(l) *Architectural review.* (See article F.)

TABLE 13-1-55

B-3 CENTRAL BUSINESS DISTRICT

DIMENSIONAL REQUIREMENTS (See Note[a] for HPD Buildings)	
FLOOR AREA RATIOS	
Floor Area Ratio (FAR)	150%
Minimum Floor Area Per Use/Tenant/Business (sf)	300
LOT DIMENSIONAL REQUIREMENTS	
Minimum Lot Area (sq. ft.)	4,800
Minimum Lot Width at Setback Line (ft.)	40
Minimum Setback (ft.)	None [b]
Minimum Offset (side) (ft.)	0 or 5 [c]
Minimum Offset (rear) (ft.)	15 [e]
MINIMUM FLOOR AREA PER DWELLING UNIT	

Residential uses Non-Ground Level (sq. ft.)	Efficiency = 420 1 Bedroom=420 2 Bedroom=550
MAXIMUM BUILDING HEIGHT	
Principal Structure (ft.)	35
Accessory Structure (ft.)	25 [(d)]

[(a)] All buildings in the HPD portion of the B-3 District existing prior to October 28, 2013 can be considered to be conforming structures relative to dimensional requirements to maintain the integrity of the Historic District. If such buildings are ever damaged or destroyed, they may be reconstructed exactly in their pre-damaged or pre-destroyed location and dimensional configuration.

[(b)] Corner lots are subject to vision clearance requirements per Section 13-1-80.

[(c)] No minimum side yard offset shall be required; however, where a side yard offset is provided, it shall be not less than five feet. Detached accessory structures and decks shall be in accord with Section 13-1-101.

[(d)] Upon receipt of a favorable recommendation from the Landmarks Commission, the Plan Commission may waive or modify the maximum height limitation of a new or substantially modified accessory structure if it is located in a historic district or is a designated local landmark.

[(e)] Upon receipt of a favorable recommendation from the Landmarks Commission, the Plan Commission may, on a case-by-case basis, approve a pergola or similar structure to enclose an outdoor patio in the building setback area.

(Ord. No. 2013-23; Ord. No. 2014-04; Ord. No. 2014-05; Ord. No. 2014-17; Ord. No. 2017-02; Ord. No. 2025-19, § I(Exh. B), 3-31-25; Ord. No. 2025-22, § 1, 5-12-25; Ord. No. 2025-28, § 1, 8-25-25; Ord. No. 2026-04, § I, 1-26-26)