



**TWO
RIVERS**
WISCONSIN

PLAN COMMISSION

April 8, 2024 at 5:30 PM

Council Chambers - City Hall, 3rd Floor
1717 E. Park Street, Two Rivers, WI 54241

AGENDA

1. CALL TO ORDER

2. ROLL CALL

Commission Members: Greg Buckley, Rick Inman, Kay Koach, Kristin Lee, Matt Heckenlaible, Eric Pangburn, Adam Wachowski

3. ACTION ITEMS

- A. Review of Extraterritorial Certified Survey Map completed by Brad Buechel, Licensed Surveyor, Parcel 018-002-010-000.00, address 3220 10th Stret.
- B. Review request to rezone D and D Woodcrafters, from I-2 to B-1, located at 2004/2006 – 14th Street, submitted by applicant and owner Dale Eslinger.
- C. Review and possible action on Zoning Ordinance Amendment related to zoning districts containing self-storage as a conditional use.
- D. Overview of TID 12 Proposed Project Plan and Boundary Amendment

4. ADJOURNMENT

Please note, upon reasonable notice, efforts will be made to accommodate the needs to disabled individuals through appropriate aids and services. For additional information or to request this service, please contact the Office of the City Manager by calling 793-5532.

It is possible that members of and possibly a quorum of governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no other action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.



LAND DEVELOPMENT APPLICATION

APPLICANT Brad Buechel- Meridian Surveying LLC, Agent TELEPHONE 920-993-0881

MAILING ADDRESS 2020 Madison St. New Holstein WI 53061
 (Street) (City) (State) (Zip)

PROPERTY OWNER Peter & Bruce Wisner TELEPHONE 920-794-4972

MAILING ADDRESS 3220 10th St Two Rivers WI 54241
 (Street) (City) (State) (Zip)

REQUEST FOR:

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Conditional Use |
| <input type="checkbox"/> Site/Architectural Plan Approval | <input type="checkbox"/> Annexation Request |
| <input checked="" type="checkbox"/> Subdivision Plat or CSM Review | <input type="checkbox"/> Variance/Board of Appeals |
| <input type="checkbox"/> Zoning District Change | <input type="checkbox"/> Other |

STATUS OF APPLICANT: Owner Agent Buyer Other

PROJECT LOCATION 3220 10th St. TYPE OF STRUCTURE _____

PRESENT ZONING RR REQUESTED ZONING RR

PROPOSED LAND USE Residential

PARCEL # 018-002-010-000.00 ACREAGE 3.937

LEGAL DESCRIPTION Proposed 2 Lot CSM of existing 1 Lot CSM

NOTE: Attach a one-page written description of your proposal or request.

The undersigned certifies that he/she has familiarized himself/herself with the state and local codes and procedures pertaining to this application. The undersigned further hereby certifies that the information contained in this application is true and correct.

Signed *Brad Buechel* Date 2/26/24
 (Property Owner) *Agent*

Fee Required

- \$ 350 Comprehensive Plan Amendment
- \$ t/b/d Site/Architectural Plan Approval (Listed in Sec 1-2-1)
- \$ t/b/d CSM Review (\$10 lot/\$30 min)
- Subdivision Plat (fee to be determined)
- \$ 350 Zoning District Change
- \$ 350 Conditional Use
- \$ t/b/d Annexation Request (State Processing Fees Apply)
- \$ 350 Variance/Board of Appeals
- \$ t/b/d Other

Schedule

- Application Submittal Date _____
- Date Fee(s) Paid _____
- Plan(s) Submittal Date _____
- Plan Comm Appearance _____

\$ _____ TOTAL FEE PAID APPLICATION, PLANS & FEE RECEIVED BY _____



**TWO
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WISCONSIN

COMMUNITY DEVELOPMENT

1717 E. Park Street
P.O. BOX 87
Two Rivers, WI 54241-0087



PLAN COMMISSION

Action: Extraterritorial Certified Survey Review
Location: Town of Two Rivers
Date: April 8, 2024

1. Background

On June 13, 2005 a review of an Extraterritorial Certified Survey (CSM) was acted upon by the City of Two Rivers for a 3.97 acre parcel in the Town of Two Rivers. This CSM was approved. The 2005 CSM is included in this packet for reference.

In March 2024 a new CSM was prepared by Brad Buechel of Meridian Surveying, LLC, on behalf of Bruce Wisner and submitted. This CSM is proposing to subdivide the existing parcel located west of the dead end of 10th Street west of Columbus Street, in the Town of Two Rivers.

Recommended Action:

Under the extraterritorial review authority granted to the City of Two Rivers, staff does not recommend the approval of this Extraterritorial CSM. The review of the CSM is under the authority of the City Engineer's office and the following memo outlines the basis of this recommendation.



www.two-rivers.org

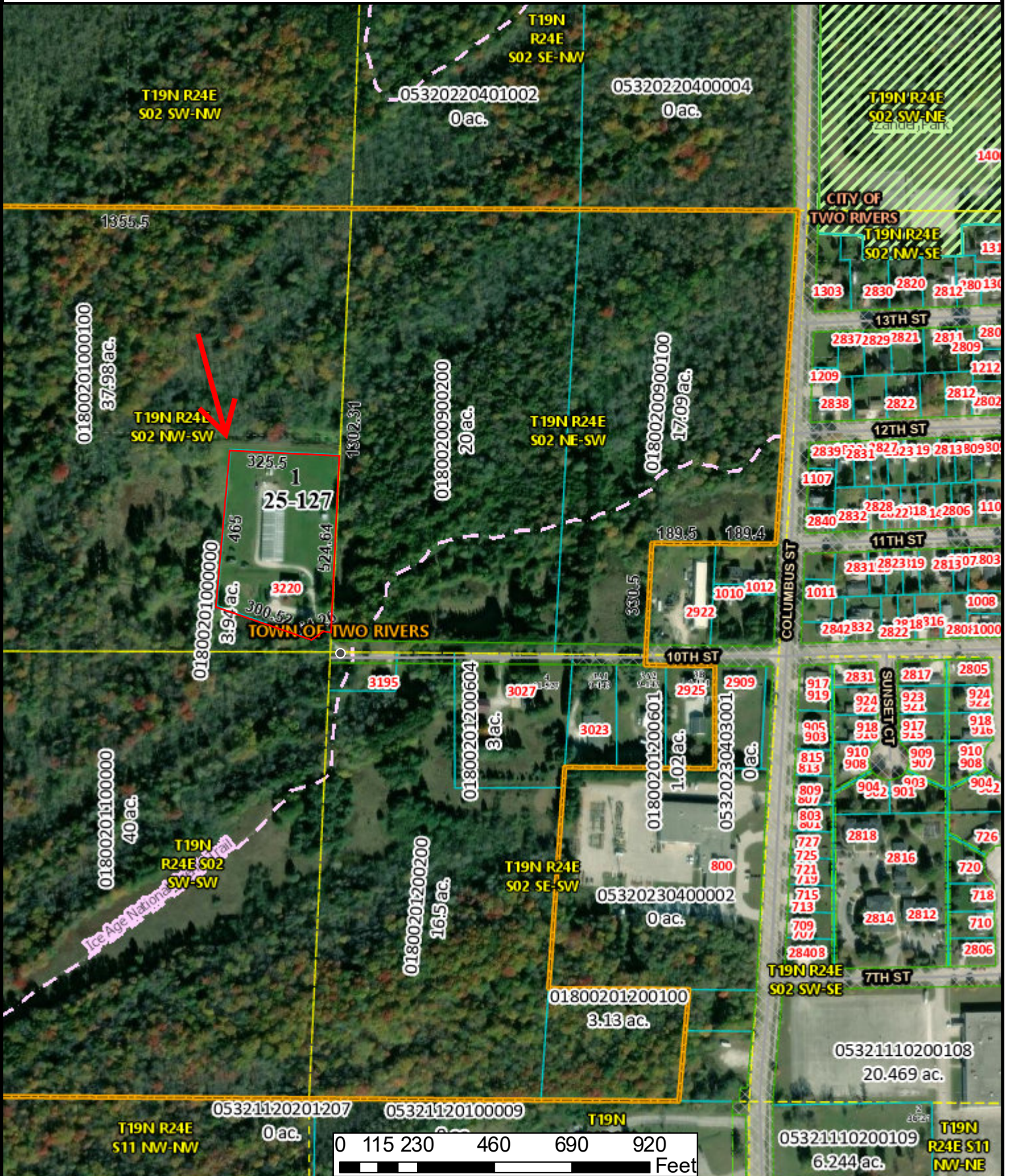


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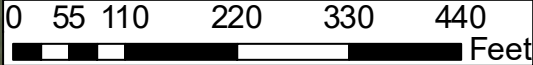


920.793.5512

Manitowoc County Parcel Viewer



Manitowoc County Parcel Viewer

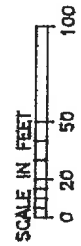
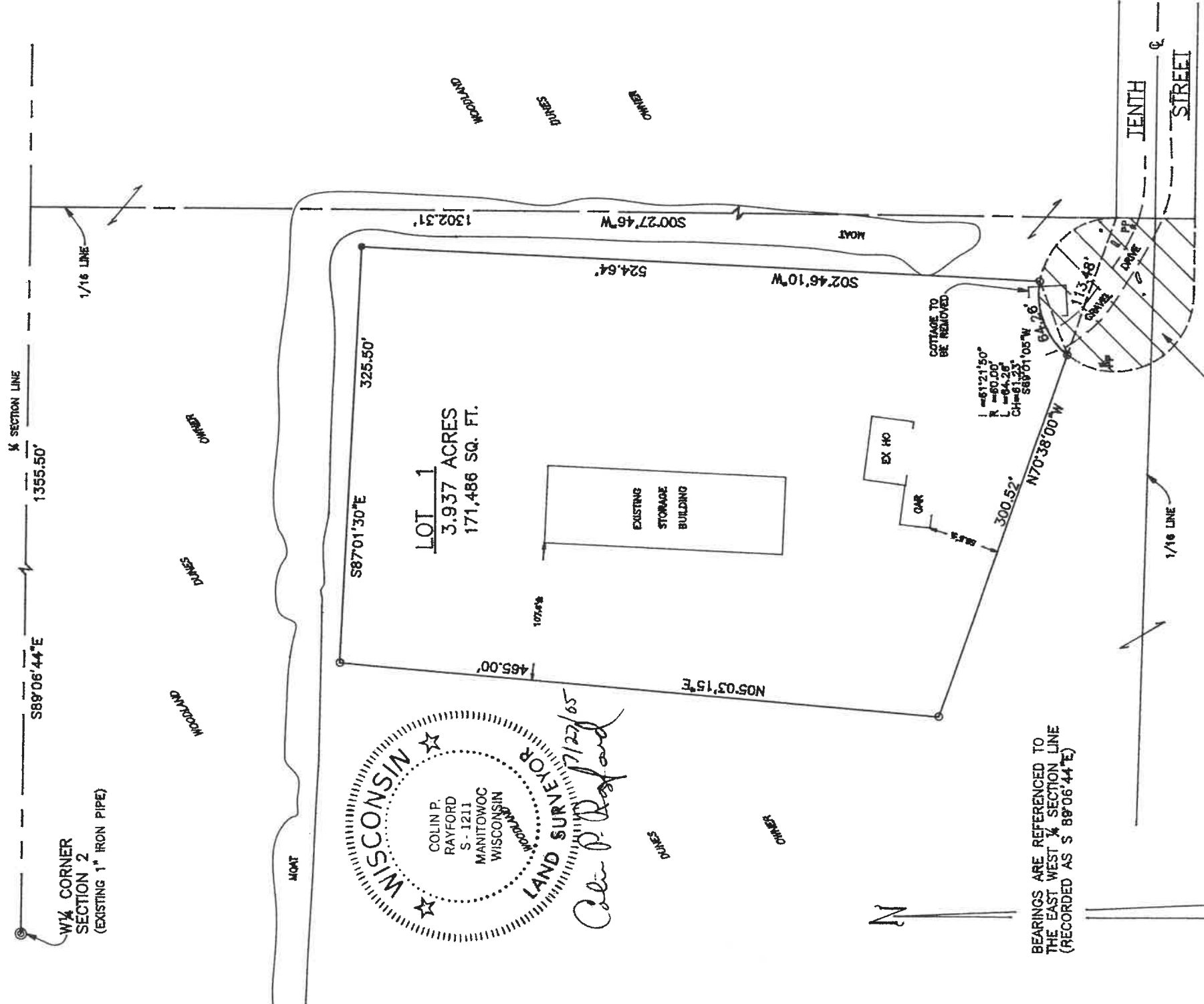


Author: Public
Date Printed: 3/14/2024



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CERTIFIED SURVEY MAP LOCATED IN THE NW 1/4 OF THE SW 1/4 OF SECTION 2,
T.19 N., R.24 E., TOWN OF TWO RIVERS, MANITOWOC COUNTY, WISCONSIN



**CERTIFIED SURVEY MAP LOCATED IN THE NW ¼ OF THE SW ¼ OF SECTION 2,
T.19 N., R.24 E., TOWN OF TWO RIVERS, MANITOWOC COUNTY, WISCONSIN**

SURVEYORS CERTIFICATE:

I, Colin P. Rayford, Registered Land Surveyor, do hereby certify that I have surveyed and mapped the following described tract of land.

A tract of land located in the NW ¼ of the SW ¼, of Section 2, T.19 N., R.24 E., Town of Two Rivers, Manitowoc County, Wisconsin, described as follows.

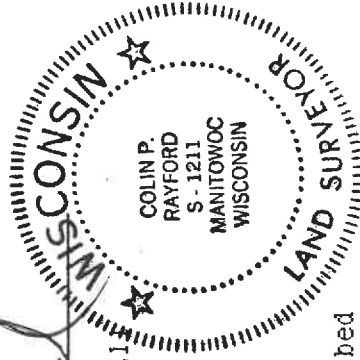
Commencing at the West ¼ of said Section 2; thence S 89°06'44"E along the North Line of said SW ¼ a distance of 1355.50 feet to the NE Corner of said NW ¼ of the SW ¼; thence S 0°27'46"W along the East Line of said NW ¼ of the SW ¼ a distance of 1302.31 feet to the North Line of 10TH Street; thence N 70°38'00"W a distance of 113.48 feet to the Northwesterly side of a proposed 60' radius cul-de-sac, the Point of Real Beginning; thence continue N 70°38'00"W a distance of 300.52 feet; thence N 5°03'15"E a distance of 465.00 feet; thence S 87°01'30"E a distance of 325.50 feet; thence S 2°46'10"W a distance of 524.64 feet; thence Westerly and Southwesterly along the arc a 60.00 foot radius cul-de-sac a distance of 64.26 feet (chord of S 69°01'05"W 61.23') to The Point of Real Beginning

Said Tract contains 3.937 acres or 171,486 square feet of land.

I further certify that the map shown on sheet 1 of 2 is a true representation of said survey and correctly shows the exterior boundaries and correct measurements thereof, also that I have complied with the requirements of Chapter 236.34 of the Wisconsin Statutes, Section 12.07 of the Subdivision Regulations for Manitowoc County and the Subdivision Regulations for the City of Two Rivers.

Dated July 27, 2005

Colin P. Rayford
Colin P. Rayford
Registered Land Surveyor No. 121



OWNERS CERTIFICATE:

As Owners, we hereby certify that we caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map.

Woodland Dunes Nature Center, Inc., Owner

Dated Aug 1 2005

James G. Knickelbine
James G. Knickelbine, Executive Director

**THIS SURVEY MAP HAS BEEN REVIEWED
AND APPROVED BY THE CITY OF TWO RIVERS**

DATE 08-01-2005
SIGNED: *[Signature]*



**TWO
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WISCONSIN

PUBLIC WORKS
Engineering Division
1717 E. Park Street
P.O. BOX 87
Two Rivers, WI 54241-0087



Memorandum

Department of Public Works

Date: April 8, 2024

To: Plan Commission

From: Matthew Heckenlaible, PE – Public Works Director / City Engineer

Re: Bruce Wisner CSM – Review Comments
3220 10th Street
018-002-010-000.00

A Certified Survey Map (CSM) was prepared by Brad Buechel of Meridian Surveying, LLC, on behalf of Bruce Wisner and submitted to the Zoning Administrator around March 14, 2024.

This CSM is proposing to subdivide the existing parcel located west of the dead end of 10th Street west of Columbus Street, in the Town of Two Rivers. Per State Statute 236.02(5), since this CSM is within three (3) miles of the City of Two Rivers corporate limits, the city has Extraterritorial Jurisdiction review authority. State Statute 236.10 and 62.23 allows the city to review the CSM for compliance with the city's ordinances.

State Statute 236.13(1) summarized states that the approval of the 'survey' shall be conditioned upon compliance with (b) any municipal ordinance that is in effect when the subdivider submits the 'survey'.

In July of 2005, the property in question was created via a CSM and showed that a future 60' radius cul-de-sac was being reserved for public street purposes and would be dedicated for a street purposed at the request of any governmental jurisdiction requesting such dedication at no cost towards the governmental jurisdiction.

Per Manitowoc County's GIS system, the cul-de-sac in question has not been dedicated and as such the 2005 CSM created a landlocked parcel that did not have access to a public road or right-of-way. The parent parcel, owned by Woodland Dunes, encompasses this 3.937 acre parcel created in 2005. If the cul-de-sac right-of-way were dedicated, then this parcel would no longer be landlocked and would be compliant with City ordinances.

The proposed March 2024 CSM is proposing to split the 2005 CSM and in turn create two (2) landlocked parcels, which is not compliant with city ordinances.



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Engineering Division
1717 E. Park Street
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It appears that the present property owner and surveyor knew of these landlocked parcel issues, and in January 2024, submitted an application to the Manitowoc County Planning and Park Commission for a variance of needing these parcels to have ‘frontage’. The County at their January 22, 2024, meeting, acted upon and approved the variance request on a CSM that had yet to be submitted for review action by the City of Two Rivers.

It should be noted that on the face of the CSM, that the field work date is February 5, 2024, which is after the Manitowoc County meeting. It should also be noted that the CSM submitted to the City is not signed or sealed by the surveyor.

Manitowoc County Chapter 8 – General Zoning and Land Use Regulations

Section 8.07 Definitions.

“Frontage” means that part of a property that abuts a street or highway or that lies between the front of a building and a street or highway.

Section 8.13 Rural Residential (RR).

(2) Principal Uses. The following uses are allowed in the RR district:

(a) Single-family residences.

NOTE: “Shed” is not a approved “principal sue”.

Section 8.23 Site Restrictions.

(2) A lot must have a minimum of 100 feet of frontage abutting upon a public street or an approved private street.

Section 8.27 Accessory Structures.

(1) An accessory structure is not permitted unless a principal structure exists on the same zoning lot or unless a zoning permit for a principal structure is issued at the same time that the accessory structure permit is issued.

The following items are in violation of City of Two Rivers Municipal Code.

Chapter 12-1 Subdivision and Platting Ordinance

Section 12-1-3. Standards and procedures for land divisions requiring certified survey.





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Engineering Division
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B. Access and Frontage. All lots shall front on a public road for a distance of at least 60 feet and shall have vehicular access thereto. Access or frontage by means of easement is not acceptable.

Section 12-1-5. Design Standards.

B.(15) Every lot shall front on a street.

Chapter 10-1 Zoning Code

Section 10-1-10. Lot required; one main building per lot.

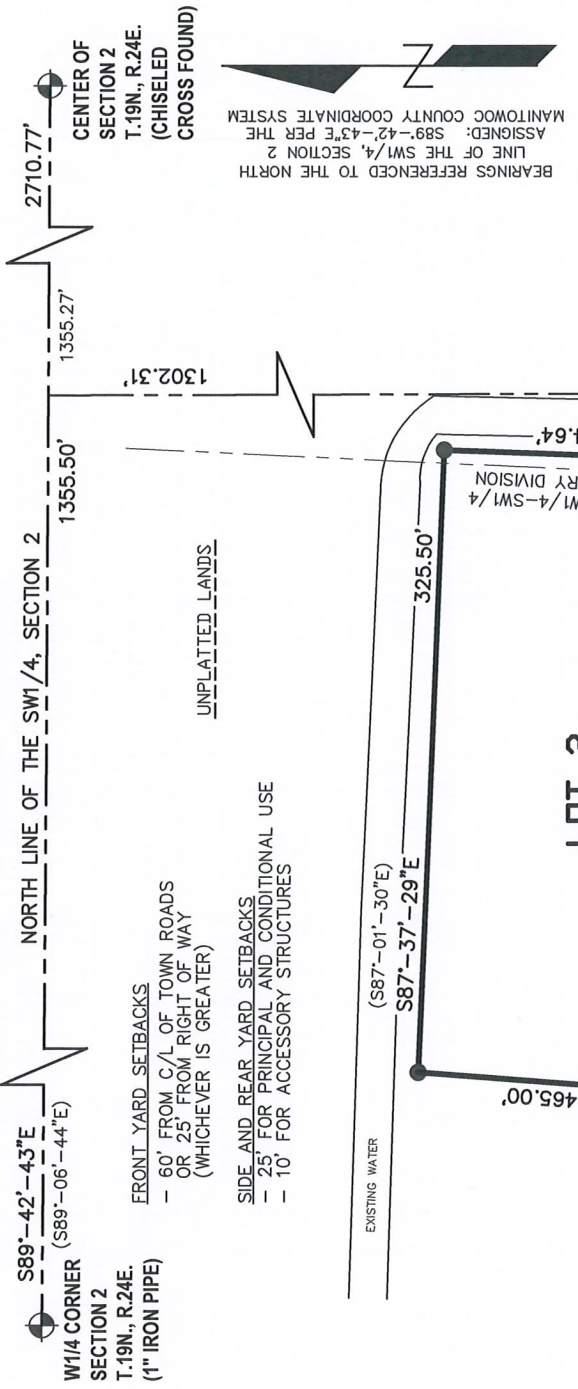
Every building hereafter erected, converted, enlarged or structurally altered shall be on a lot, and there shall be only one principal building on a lot except in certain districts. Such districts included planned unit developments, planned development districts and in business, industrial and institutional districts where the plan commission may approve more than one principal building on a lot.

I cannot support the approval of the Wisner CSM that was submitted to the City of Two Rivers for extraterritorial review on March 14, 2024, by surveyor Brad Buechel.



CERTIFIED SURVEY MAP

ALL OF LOT 1 OF C.S.M. VOL. 25 PG. 127
 DOC. NO. 992611; BEING PART OF THE
 NW1/4 OF THE SW1/4 OF SECTION 2,
 T.19N., R.24E., TOWN OF TWO RIVERS,
 MANITOWOC COUNTY, WISCONSIN

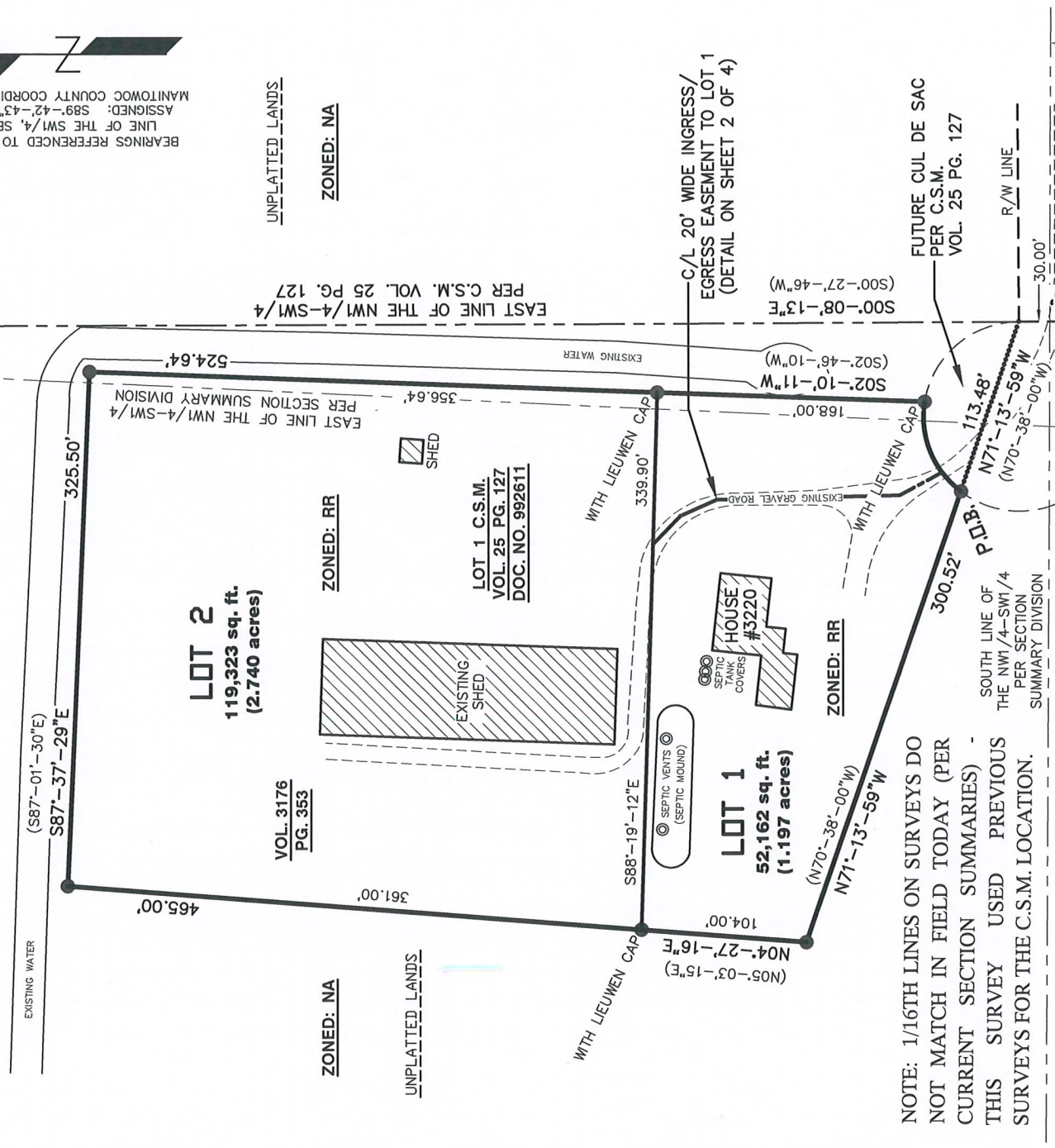


W1/4 CORNER (S89°-06'-44"E)
 SECTION 2
 T.19N., R.24E.
 (1" IRON PIPE)

FRONT YARD SETBACKS
 - 60' FROM C/L OF TOWN ROADS
 OR 25' FROM RIGHT OF WAY
 (WHICHEVER IS GREATER)

SIDE AND REAR YARD SETBACKS
 - 25' FOR PRINCIPAL AND CONDITIONAL USE
 - 10' FOR ACCESSORY STRUCTURES

UNPLATTED LANDS



LOT 1
 52,162 sq. ft.
 (1.197 acres)
 VOL. 3176
 PG. 353
 ZONED: RR

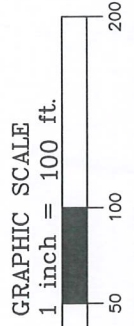
LOT 2
 119,323 sq. ft.
 (2.740 acres)
 ZONED: RR

UNPLATTED LANDS

NOTE: 1/16TH LINES ON SURVEYS DO NOT MATCH IN FIELD TODAY (PER CURRENT SECTION SUMMARIES) - THIS SURVEY USED PREVIOUS SURVEYS FOR THE C.S.M. LOCATION.

LEGEND

- = 1" IRON PIPE FOUND
- ⊕ = MANITOWOC CO. PLSS COR.
- () = RECORDED INFORMATION



SURVEYED FOR:
 BRUCE WISNER
 3220 10TH ST.
 TWO RIVERS, WI 54241

PARCEL NUMBER:
 018-002-010-000.00

MERIDIAN SURVEYING, LLC

2020 Madison Street
 New Holstein, WI 53061
 Office: 920-993-0881
 Fax: 920-273-6037

DRAWN BY: BUB	FIELD WORK DATE: 02-05-24
CHECKED BY: BB	FIELD BOOK: NOTES
JOB NO.: 15090	SHEET 1 OF 4

CERTIFIED SURVEY MAP

ALL OF LOT 1 OF C.S.M. VOL. 25 PG. 127
 DOC. NO. 992611; BEING PART OF THE
 NW1/4 OF THE SW1/4 OF SECTION 2,
 T.19N., R.24E., TOWN OF TWO RIVERS,
 MANITOWOC COUNTY, WISCONSIN

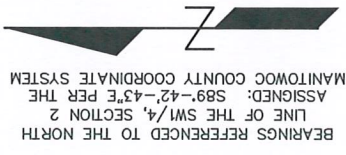
FRONT YARD SETBACKS

- 60' FROM C/L OF TOWN ROADS
 OR 25' FROM RIGHT OF WAY
 (WHICHEVER IS GREATER)

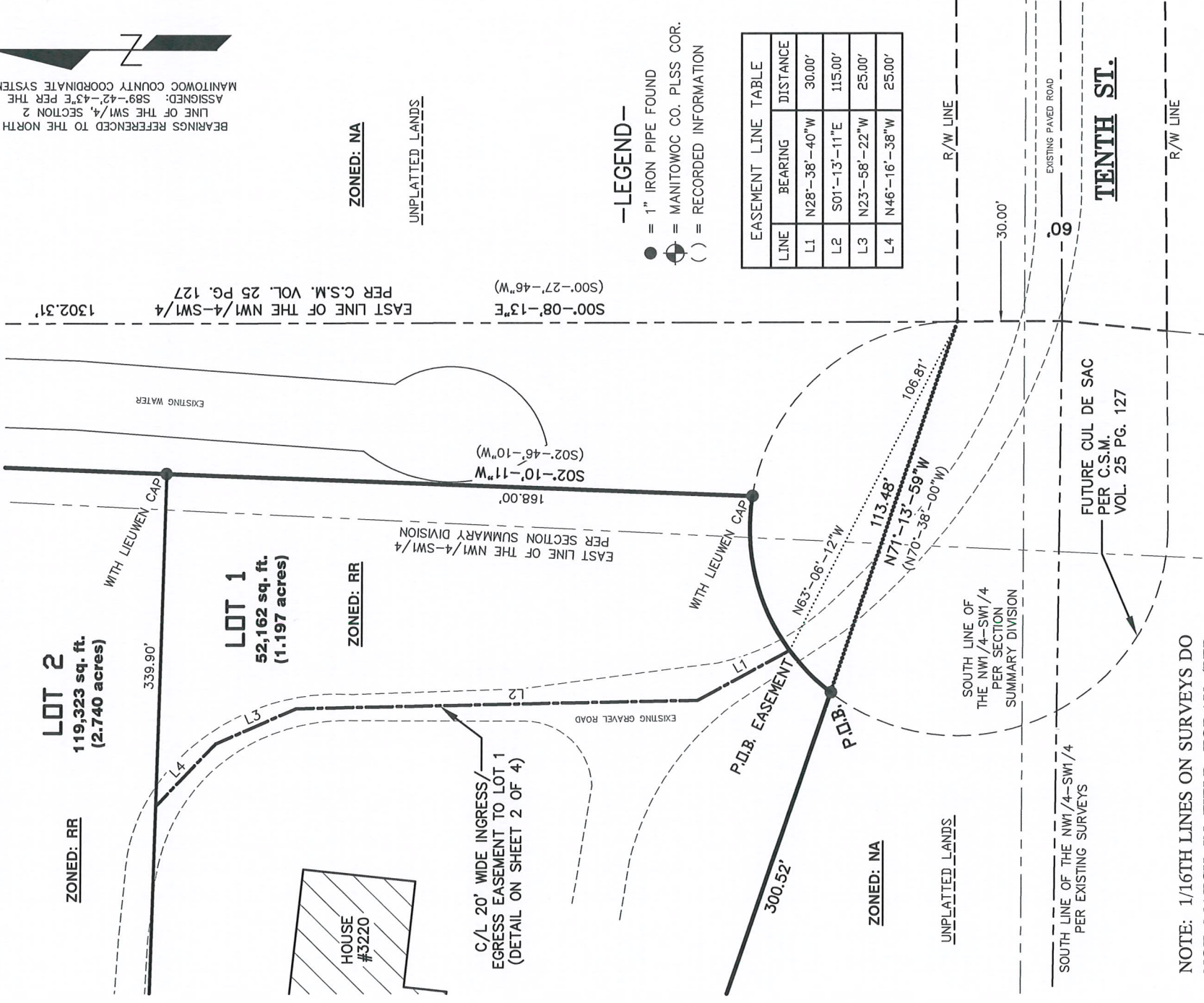
SIDE AND REAR YARD SETBACKS

- 25' FOR PRINCIPAL AND CONDITIONAL USE
- 10' FOR ACCESSORY STRUCTURES

2024 Extraterritorial CSM



BEARINGS REFERENCED TO THE NORTH
 LINE OF THE SW1/4 SECTION 2
 ASSIGNED: S89°-42'-43"E PER THE
 MANITOWOC COUNTY COORDINATE SYSTEM



ZONED: **NA**

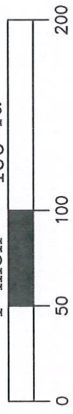
UNPLATTED LANDS

-LEGEND-

- = 1" IRON PIPE FOUND
- ⊕ = MANITOWOC CO. PLSS COR.
- () = RECORDED INFORMATION

EASEMENT LINE TABLE		
LINE	BEARING	DISTANCE
L1	N28°-38'-40"W	30.00'
L2	S01°-13'-11"E	115.00'
L3	N23°-58'-22"W	25.00'
L4	N46°-16'-38"W	25.00'

GRAPHIC SCALE
 1 inch = 100 ft.



NOTE: 1/16TH LINES ON SURVEYS DO
 NOT MATCH IN FIELD TODAY (PER
 CURRENT SECTION SUMMARIES) -
 THIS SURVEY USED PREVIOUS
 SURVEYS FOR THE C.S.M. LOCATION.

SURVEYED FOR:
 BRUCE WISNER
 3220 10TH ST.
 TWO RIVERS, WI 54241

PARCEL NUMBER:
 018-002-010-000.00

MERIDIAN
SURVEYING, LLC
 2020 Madison Street
 New Holstein, WI 53061

Office: 920-993-0881
 Fax: 920-273-6037

DRAWN BY: BJB	FIELD WORK DATE: 02-05-24
CHECKED BY: BB	FIELD BOOK: NOTES
JOB NO.: 15090	SHEET 2 OF 4

CERTIFIED SURVEY MAP

ALL OF LOT 1 OF C.S.M. VOL. 25 PG. 127
DOC. NO. 992611; BEING PART OF THE
NW1/4 OF THE SW1/4 OF SECTION 2,
T.19N., R.24E., TOWN OF TWO RIVERS,
MANITOWOC COUNTY, WISCONSIN

Sheet 4 of 4

OWNER'S CERTIFICATE:

As owner(s), I (we) hereby certify that I (we) caused the land described on this map to be surveyed, divided, and mapped as represented on this map. I (we) also certify that this map is required by S. 236.34 to be submitted to the following for approval or objection: Manitowoc County Planning and Parks Commission.

Dated this _____ day of _____, 2024.

Peter J. Wisner

**STATE OF WISCONSIN)
MANITOWOC COUNTY) SS**

Personally came before me this _____ day of _____, 2024, the above named owner(s) to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, Manitowoc County, Wisconsin

My Commission Expires _____

CITY PLANNING COMMISSION CERTIFICATE

By virtue of its extraterritorial rights, this Certified Survey Map has been reviewed and approved by the City of Two Rivers.

Dated this _____ day of _____, 2024.

Adam Taylor, Zoning Administrator

Dated this _____ day of _____, 2024.

Wisconsin Professional Land Surveyor S-2613
Bradley A. Buechel

CERTIFIED SURVEY MAP

ALL OF LOT 1 OF C.S.M. VOL. 25 PG. 127
DOC. NO. 992611; BEING PART OF THE
NW1/4 OF THE SW1/4 OF SECTION 2,
T.19N., R.24E., TOWN OF TWO RIVERS,
MANITOWOC COUNTY, WISCONSIN

Sheet 3 of 4

SURVEYOR'S CERTIFICATE:

I, Bradley A. Buechel, Wisconsin Professional Land Surveyor of Meridian Surveying LLC, certify that I have surveyed, divided, and mapped under the direction of Bruce Wisner, all of Lot One (1) of Certified Survey Map as recorded in Volume 25 of Certified Survey Maps on Page 127 as Document Number 992611 of Manitowoc County Records; being part of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section Two (2), Township Nineteen (19) North, Range Twenty-Four (24) East, Town of Two Rivers, Manitowoc County, Wisconsin containing 171,485 square feet (3.937 acres) of land.

Together with a twenty (20) feet wide ingress/egress easement to Lot One (1) being ten (10) feet each side of and parallel to the following described centerline: commencing at the west quarter corner of said Section 2; thence S89°-42'-43"E along the north line of the SW1/4 of said Section 2, a distance of 1355.50 feet to the east line of the NW1/4 of said SW1/4; thence S00°-08'-13"E along said east line, a distance of 1302.31 feet to the north right of way line of Tenth Street; thence N63°-06'-12"W 106.81 feet to the northwesterly side of a future road and the point of beginning; thence N28°-38'-40"W 30.00 feet; thence S01°-13'-11"E 115.00 feet; thence N23°-58'-22"W 25.00 feet; thence N46°-16'-38"W 25.00 feet to the north line of Lot 1 and the point of termination; being subject to any and all easements and restrictions of record. The side lot lines of said easement are to be shortened or elongated to terminate at said northwesterly side of a future and said north line of Lot 1.

That such is a correct representation of all exterior boundaries of the land surveyed.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and Section 12.07 of the Manitowoc County Subdivision Regulations in surveying, dividing, and mapping the same.

Dated this _____ day of _____, 2024.

Wisconsin Professional Land Surveyor S-2613
Bradley A. Buechel



LAND DEVELOPMENT APPLICATION

APPLICANT DALE ESUNGER TELEPHONE 920-973-4204

MAILING ADDRESS 2004 14TH ST THORNHILLS WI 54228
(Street) (City) (State) (Zip)

PROPERTY OWNER LAMB PROPERTIES TELEPHONE 920-973-4204

MAILING ADDRESS 717 WASHINGTON ST. MISHICOS WI 54228
(Street) (City) (State) (Zip)

REQUEST FOR:

- Comprehensive Plan Amendment
- Conditional Use
- Site/Architectural Plan Approval
- Annexation Request
- Subdivision Plat or CSM Review
- Variance/Board of Appeals
- Zoning District Change
- Other

STATUS OF APPLICANT: Owner Agent Buyer Other

PROJECT LOCATION 2004 + 2006 14TH ST TYPE OF STRUCTURE _____

PRESENT ZONING I-1 REQUESTED ZONING B-1

PROPOSED LAND USE _____

PARCEL # 053-310-002-112-06 ACREAGE _____

LEGAL DESCRIPTION _____

NOTE: Attach a one-page written description of your proposal or request.

The undersigned certifies that he/she has familiarized himself/herself with the state and local codes and procedures pertaining to this application. The undersigned further hereby certifies that the information contained in this application is true and correct.

Signed  Date 3/10/24
(Property Owner)

Fee Required

- \$ 350 Comprehensive Plan Amendment
- \$ t/b/d Site/Architectural Plan Approval (Listed in Sec 1-2-1)
- \$ t/b/d CSM Review (\$10 lot/\$30 min)
- Subdivision Plat (fee to be determined)
- \$ 350 Zoning District Change
- \$ 350 Conditional Use
- \$ t/b/d Annexation Request (State Processing Fees Apply)
- \$ 350 Variance/Board of Appeals
- \$ t/b/d Other

Schedule

- Application Submittal Date 3/11/24
- Date Fee(s) Paid _____
- Plan(s) Submittal Date _____
- Plan Comm Appearance _____

\$ 700 TOTAL FEE PAID APPLICATION, PLANS & FEE RECEIVED BY _____



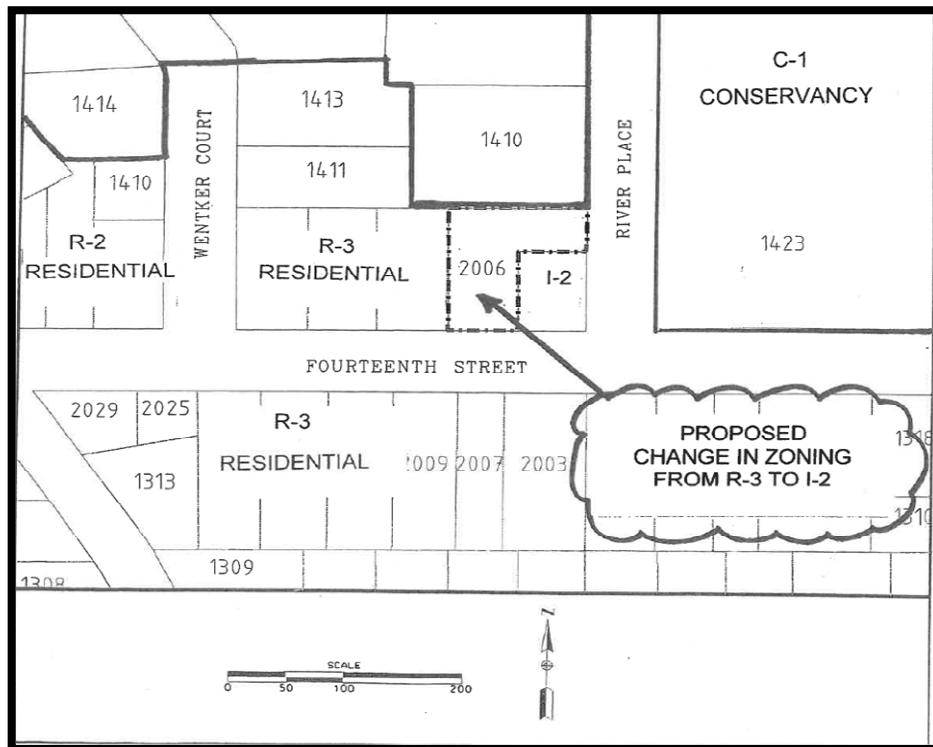
PLAN COMMISSION

Action: Rezoning Request from Industrial District to Business District
Location: 2004 14th Street
Current Zoning: Industrial (I-2)
Date: April 8, 2024

The owner of this property is requesting a rezoning of this property from Industrial (I-2) to Business (B-1) to allow for a building on the property to be rented for a commercial use. The use of cabinet making is a conditional use under the B-1 zoning district. The commercial rental is not permitted under the current zoning of the Industrial zoning. (I-2)

Background

This owner in 2017 requested a re-zoning of this same property from Residential (R-3) to Industrial as the owner operates a cabinet building business. Industrial zoning is in keeping with that type of business. That zoning is also in keeping with the industrial zoning to east and to the north.





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COMMUNITY DEVELOPMENT

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Two Rivers, WI 54241-0087



Recommended Action:

The re-zoning request is to facilitate the same use with the addition of a rental use at this property. At the time of application, the owner has indicated the proposed tenant would operate a tattoo parlor. This is also a conditional use.

The Conditional Use application for applicant and any sequent tenant any subsequent tenant of the applicant will be acted upon after the actions are taken regarding the zoning request for 2006 14th Street to be re-zoned from Industrial to Business (B-1).

The City's Comprehensive Plan Update indicates that this location within the City is planned for Commercial and Service Business therefore staff recommends a rezoning.



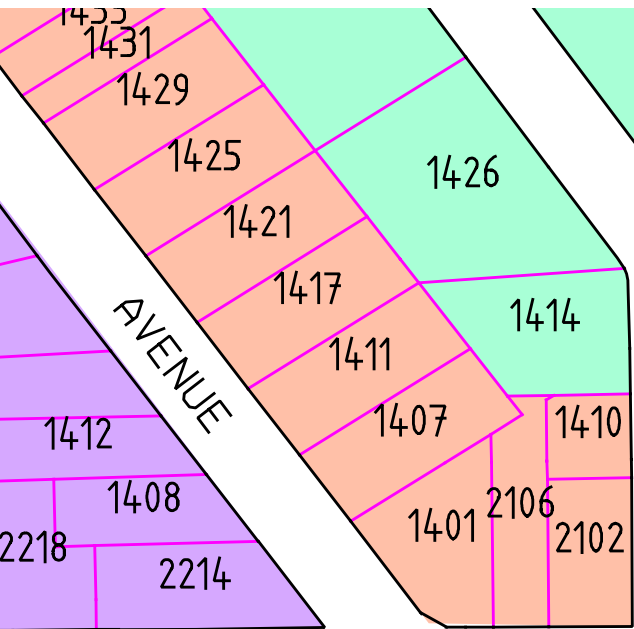
www.two-rivers.org



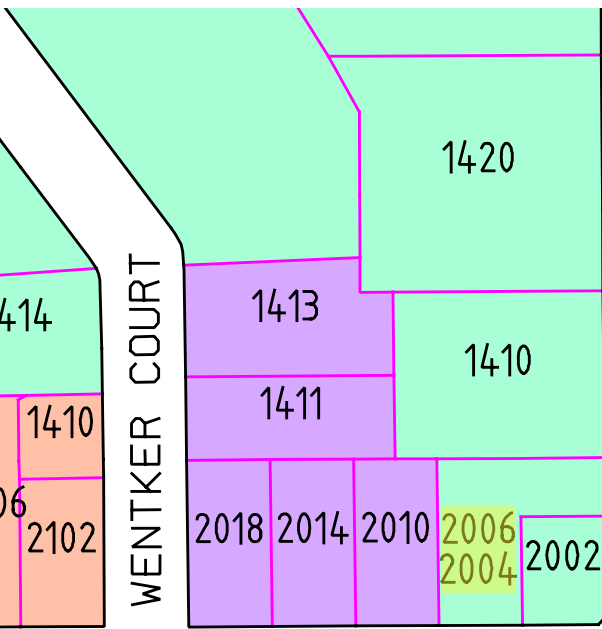
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920.793.5512

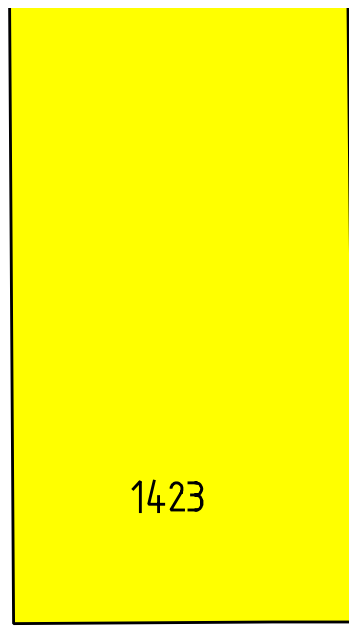


URTEENTH



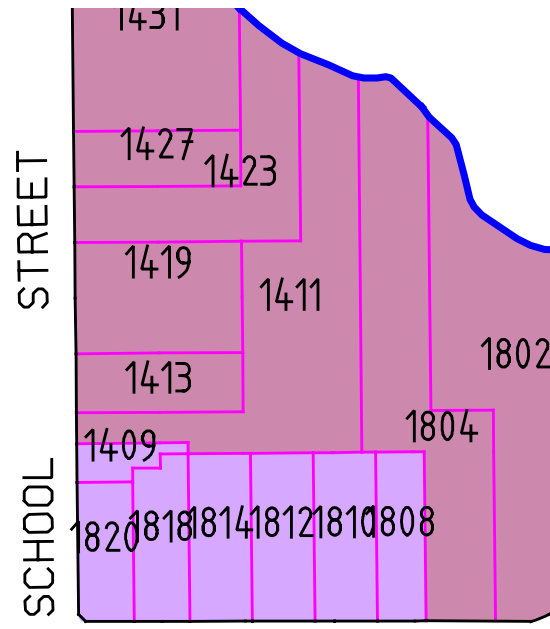
WENTKER COURT

STREET



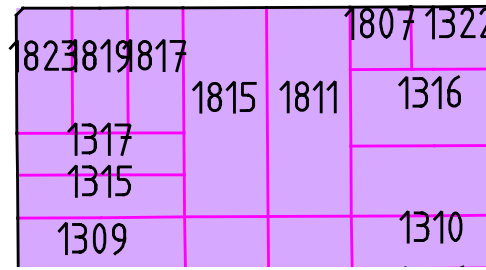
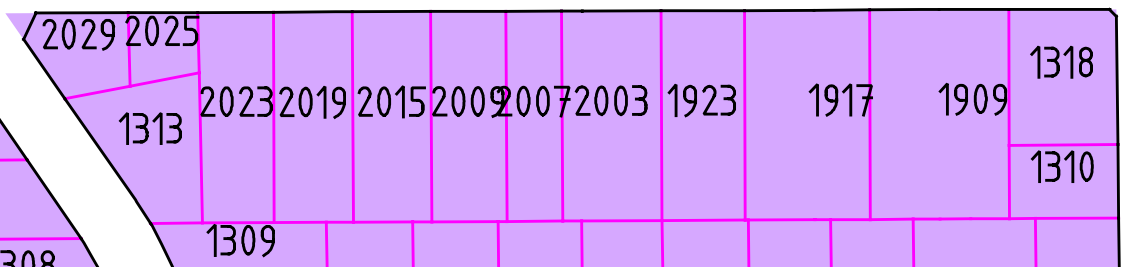
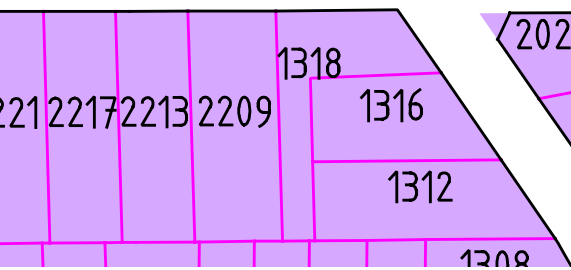
RIVER PLACE

1423



SCHOOL STREET

FOURTEENTH STREET



Proposed Main Street and Waterfront Corridor Overlay (MSWO) District

Insert Section # of Ordinance

A. Purpose: The purpose of this section is to assist in the implementation of the City of Two Rivers Updated Comprehensive Plan and the Harbor Master Plan, and to encourage high quality redevelopment and revitalization of lands located within the Main Street and Waterfront Corridor Overlay (MSWO) district as established on the City's official zoning map per this Section xxx.

B. Applicability: The provisions of this section shall provide additional development and redevelopment regulations for properties located within the Main Street and Waterfront Corridor overlay district boundary and supersede other development and standards contained where applicable. The land use regulations and zoning regulations of Chapter 10.1, Site and Architectural plan approval requirements of Section 11-1-11, shall apply to properties located within the MSWO boundary, unless otherwise regulated by the provisions of this section. Furthermore:

1. Unless otherwise provided in this section, the provisions of the MSWO shall apply to all newly constructed buildings and building additions that expand the gross floor area of an existing building.
2. The provisions of the MSWO shall not apply to legally, pre-existing uses and occupants in place -as of the date this ordinance – insert date was adopted, which may continue in them under the terms of underlying zoning district regulations as provided in the zoning ordinance.

C. Land Use Regulations: The following regulations establish land uses allowed within the MSWO district:

1. All uses permitted by right of the underlying zoning district.
2. Conditional Use regulations. Unless specified herein, all uses allowed in underlying zoning districts applicable to any specific property within the MSWO shall comply with the procedures for all conditional uses outlined in Section 10-1-12 and the regulations per this MSWO Section.
3. The establishment of a use identified in Section C. (4) Prohibited Uses shall be prohibited in the MSWO. The MSWO supersedes any conditional use status in the underlying zoning district.
4. Prohibited uses: The following uses shall be prohibited within the MSWO:
 - a. Self - storage facilities.

- b. Outdoor storage.
- c. Parking lot as a principal use, excluding municipal parking.
- d. Sexually oriented land uses.
- c. Outdoor maintenance service without screening.

D. Building Design Standards: The following design standards apply within the MSWO in addition to site and architectural design standards established in Section 11-1-11:

The following building design standards are the minimum standards for new buildings and building additions within the MSWO boundary. Unless otherwise provided herein, all development and redevelopment proposed within the MSWO shall meet these standards. These standards apply to all new construction and to building additions to the extent practicable.

1. Primary building materials shall consist of high-quality, long-lasting materials such as brick, stone, stained or finished decorative concrete block, wood, or fiber cement materials. At least fifty percent (50%) of the surface area of building facades facing public streets or customer circulation areas, excluding window openings and customer entrance doorways, shall consist of the above building materials.
2. Accent materials may consist of any materials listed above in (1.) above as acceptable primary materials, as well as glass, decorative metal finishes, decorative composite materials, stucco or acceptable stucco-like products, and similar products that are deemed acceptable by the Plan Commission.
3. Pitched roofs and eaves shall be finished in a traditional manner, with asphalt shingles, other decorative shingles, or standing seam metal roof materials, and eaves and soffits of typical materials and dimensions. Integrated metal roof and soffit systems that contain features such as excessively high fascia profiles shall not be allowed. Alternative designs and materials may be considered on a case-by-case basis, by the Plan Commission.
4. Flat roofs shall be finished with a decorative cornice along street facades. Parapets, or other means of effectively screening rooftop mechanical equipment from the street is necessary.
5. Transparent glass where possible within the MSWO, is recommended to provide visual access.
 - a. For most commercial and institutional uses, the minimum area of transparent glass shall be fifty percent (50%).
 - b. For clinics, medical or dental offices, or other uses where customer privacy is necessary, the minimum area of transparent glass shall be thirty percent (30%).

c. For buildings with residential units on the ground level, the minimum area of transparent glass shall be thirty percent (30%).

d. Alternative architectural solutions that continue the rhythm of windows established on the building may be included in lieu of up to fifty percent (50%) of the transparent glass requirement, if deemed acceptable by the Plan Commission.

6. Refuse collection areas shall be located toward the rear of the site to the extent practical and be enclosed with a six-foot high enclosure constructed of decorative materials that are similar to or compatible with the materials used on the principal structure on the site. When attached to or located within the principal building, they shall be designed to appear to be an integrated component of the building.

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