

CHAPTER 22
Zoning

22.15 Site Plan and Architectural Review

(Rep. & recr. #22-76) (Rep. & recr. #66-01)

(1) **PURPOSE.** (Am. #38-02) For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall use, erect, construct, alter, or enlarge any structure nor shall any substantial changes be made to any site improvements in any district except T-1, RS-1, RS-2, RS-3, RS-4, RD-1, RD-2, and single family or two-family dwellings or their accessory structures in an RM-1, RM-2 or RM-3 district, without first obtaining the approval of detailed site and architectural plans as set forth in this section. This section shall not apply to interior remodeling work that has no affect on the exterior design or appearance of such building or structure.

(2) **PLAN COMMISSION REVIEW.** The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, loading and unloading, highway access, traffic generation and circulation, drainage, sewerage and water systems, other utilities, utilization of landscaping and open space, and the proposed operation.

(3) **STANDARD OF REVIEW.** In determining whether to approve site and architectural plans for all new structures, uses and changes or additions to existing structures and uses, the Plan Commission shall consider the following:

- a. (Am. #11-16) Whether the design, height, or exterior appearance of the structure is architecturally and aesthetically compatible with its surroundings.
- b. Whether the design or exterior appearance of the structure is identical with those adjoining as to create excessive monotony or drabness.
- c. Whether any exposed facade of the structure is constructed or faced with a finished material which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.
- d. Whether the structure or use would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.
- e. Whether the structure and use would have a negative impact on the maintenance of safe and healthful conditions in the City.
- f. Whether the structure and use shall maintain existing topography, drainage patterns, and vegetative cover insofar as is practical. The Plan Commission may require that drainage easements be executed. Property owners shall comply with existing subdivision or development grading plans.
- g. Whether there shall be adequate provision for safe traffic circulation and safe driveway locations. In considering the location of driveways, the Commission shall consider those factors set forth in Section 6.13 of the Municipal Code.

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- h. Whether there shall be adequate provision for parking and loading areas.
- i. Whether lighting shall be installed in accordance with all applicable ordinances.
- j. Whether there shall be adequate provision for public services as approved by the Board of Public Works and Water Utility.
- k. Whether the structure and uses shall make appropriate use of open spaces and shall provide appropriate landscaping and planting screens.
- l. Appropriate erosion control measures as required by Chapter 32 of the City of Waukesha Municipal Code, and Chapter 21 of the Wisconsin Uniform Dwelling Code, and other applicable State laws and administrative rules shall be utilized in all new development.
- m. (Cr. #11-16) Structures must comply with all airport height regulations.

(4) SURETIES. The Plan Commission may impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule.

(5) TIME LIMITS. (Am. #27-09)

- a. All preliminary site plan approvals granted under the authority of this Section shall expire one year from the date of approval. All final site plan approvals granted under the authority of this Section shall expire two years from date of approval unless the Plan Commission determines that substantial work has commenced as evidenced by the securing of building permits and the commencement of construction.
- b. The Plan Commission may grant an extension to the time limit referenced in (a) above upon the showing of a good faith effort by the owner or developer to continue the development process for the improvements set forth in the site plan.

(6) APPEALS. (Ren. 27-09) Any person or persons aggrieved by any decisions of the Plan Commission pursuant to this section, may appeal the decision to the Circuit Court.

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22.24 RS-1 Single-Family Residential District

(Rep. & recr. #35-83) (Rep. & recr. #66-01)

(1) **PURPOSE.** To provide for single-family residential development at densities not to exceed 2.2 dwelling units per net acre.

(2) **PERMITTED PRINCIPAL USES.**

- a. Single-family dwellings.
- b. Community living arrangements which have a capacity for eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(i) of the Wisconsin Statutes.
- c. Foster family homes.
- d. Family day care homes.
- e. Essential services.

(3) **PERMITTED ACCESSORY USES.**

- a. Detached garages and carports, accessory to dwellings without an attached garage or carport.
- b. Gardening, tool, and storage sheds.
- c. Home occupations and professional home offices.
- d. Roof-mounted solar collectors provided that a registered engineer or registered architect shall certify that the structure is adequate to support the load.
- e. Earth station dish antennas located on the roof of the principal or accessory structure or in the rear yard. Where the earth station dish is roof-mounted, a registered engineer or registered architect shall certify that the structure is adequate to support the load.
- f. Solar energy collectors erected as an accessory structure.

(4) **CONDITIONAL USES.**

- a. Bed and breakfast establishments provided that:
 1. A site plan and plan of operation shall be submitted to the Plan Commission. The site plan shall include a parking plan.
 2. Traffic conditions in the neighborhood shall not be adversely impacted by access to the property, traffic generated by the use, or any other aspects of the proposal.
 3. Adequate off-street parking shall be provided as set forth in Section 22.53 of this ordinance.

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22.24 RS-1 Single-Family Residential District

4. All requirements set forth in Section 50.51(b) of the Wisconsin Statutes and Chapter HSS 197 of the Wisconsin Administrative Code shall be fully complied with. Necessary state permits and licenses shall have been secured.
 5. The owner of the bed and breakfast establishment shall reside in the establishment. No bedrooms shall be permitted to be located in an accessory structure.
 6. .
 7. Individual rentals shall not exceed three (3) weeks in length.
 8. Retail sales in a bed and breakfast establishment shall only be to guests.
 9. One exterior advertising sign, as approved by the Plan Commission, which shall not exceed four (4) square feet in area and is compatible with the unique character of the building, may be erected on the premises.
- b. Churches and other places of worship and Sunday school buildings. Plans must include a parking plan.
 - c. Community living arrangements which have a capacity of nine (9) or more persons.
 - d. Home Industries.
 - e.
 - f. Schools and colleges for academic instruction.
 - g.
 - h. (Am. #51-05) Utility substations, municipal wells, pumping stations, and towers.
 - i. Wireless communications facilities provided that they comply with the provisions of Section 22.21.
- (5) LOT AREA AND WIDTH. Lots shall be a minimum of twenty thousand (20,000) square feet in area and shall be not less than one hundred (100) feet in width. Corner lots shall be a minimum of one hundred ten (110) feet in width.
- (6) BUILDING HEIGHT AND AREA.
- a. (Am. #11-16) No principal building or part of a principal building shall exceed forty (40) feet in height. Accessory buildings shall be less than twenty (20) feet tall and shall not exceed the height of the principal structure.
 - b. The total minimum floor area of a principal building shall be one thousand six hundred (1,600) square feet.
 - c. The minimum first floor area of a bi-level or two-story dwelling shall be one thousand (1,000) square feet.

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22.24 RS-1 Single-Family Residential District

- d. A tri-level dwelling shall have a minimum living area of four hundred (400) square feet per level.
- e. Accessory structures in aggregate shall not exceed eight hundred seventy (870) square feet in area.

(7) SETBACK AND YARDS.

- a. There shall be a minimum street yard setback of thirty-five (35) feet from any street right-of-way.
- b. There shall be a side yard on each side of all buildings of not less than fifteen (15) feet in width.
- c. There shall be a rear yard of not less than fifty (50) feet.
- d. There shall be a minimum shoreyard setback of seventy-five (75) feet from the ordinary highwater mark of a navigable body of water.

(8) EROSION CONTROL. The uses and structures in the RS-1 District are subject to Chapter 32 of the City of Waukesha Municipal Code, Chapter 21 of the Wisconsin Uniform Dwelling Code, and any other applicable State laws and administrative rules.

(9) PLANNED UNIT DEVELOPMENTS. (Cr. #38-02) The restrictions on lot area, lot width, building height, setbacks, and yards may be reduced or increased if the property is part of a Planned Unit Development Overlay District in accordance with Section 22.52.

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22.25 RS-2 Single-Family Residential District

(Am. #1-87) (Rep. & recr. #66-01)

- (1) **PURPOSE.** To provide for single-family residential development at densities not to exceed 3.6 dwelling units per net acre.
- (2) **PERMITTED PRINCIPAL USES.**
 - a. Single-family dwellings.
 - b. Community living arrangements which have a capacity for eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(I) of the Wisconsin Statutes.
 - c. Foster family homes.
 - d. Family day care homes.
 - e. Essential services.
- (3) **PERMITTED ACCESSORY USES.**
 - a. Detached garages and carports, accessory to dwellings without an attached garage or carport.
 - b. Gardening, tool, and storage sheds.
 - c. Home occupations and professional home offices.
 - d. Roof-mounted solar collectors provided that a registered engineer or registered architect shall certify that the structure is adequate to support the load.
 - e. Earth station dish antennas located on the roof of the principal or accessory structure or in the rear yard. Where the earth station dish is roof-mounted, a registered engineer or registered architect shall certify that the structure is adequate to support the load.
 - f. Solar energy collectors erected as an accessory structure.
- (4) **CONDITIONAL USES.**
 - a. Bed and breakfast establishments as regulated in Section 22.24(4)(a).
 - b. Churches and other places of worship and Sunday school buildings. Plans must include a parking plan.
 - c. Community living arrangements which have a capacity of nine (9) or more persons.
 - d. Home Industries.
 - e. Schools and colleges for academic instruction.

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- g.
 - h. (Am. #51-05) Utility substations, municipal wells, pumping stations, and towers.
 - i. Wireless communications facilities provided that they comply with the provisions of Section 22.21.
- (5) LOT AREA AND WIDTH. Lots shall be a minimum of twelve thousand (12,000) square feet in area and shall be not less than ninety (90) feet in width. Corner lots shall be not less than one hundred (100) feet in width.
- (6) BUILDING HEIGHT AND AREA.
- a. (Am. #11-16) No principal building or part of a principal building shall exceed forty (40) feet in height. Accessory buildings shall be less than twenty (20) feet tall and shall not exceed the height of the principal structure.
 - b. The total minimum floor area of a principal building shall be one thousand three hundred (1,300) square feet.
 - c. The minimum first floor area of a bi-level or two-story dwelling shall be nine hundred (900) square feet.
 - d. A tri-level dwelling shall have a minimum living area of four hundred fifty (450) square feet per level.
 - e. Accessory structures in aggregate shall not exceed eight hundred seventy (870) square feet in area.
- (7) SETBACK AND YARDS.
- a. There shall be a minimum street yard setback of thirty-five (35) feet from any street right-of-way.
 - b. There shall be a side yard on each side of all buildings of not less than ten (10) feet in width.
 - c. There shall be a rear yard of not less than forty-five (45) feet.
 - d. There shall be a minimum setback of seventy-five (75) feet from the highwater mark of a navigable body of water.
- (8) EROSION CONTROL. The uses and structures in the RS-2 District are subject to Chapter 32 of the City of Waukesha Municipal Code, Chapter 21 of the Wisconsin Uniform Dwelling Code, and any other applicable State laws and administrative rules.
- (9) PLANNED UNIT DEVELOPMENTS. (Cr. #38-02) The restrictions on lot area, lot width, building height, setbacks, and yards may be reduced or increased if the property is part of a Planned Unit Development Overlay District in accordance with Section 22.52.

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22.26 RS-3 Single-Family Residential District

(Rep. & recr. #66-01)

(1) **PURPOSE.** To provide for single-family residential development at densities not to exceed 5.5 dwelling units per net acre.

(2) **PERMITTED PRINCIPAL USES.**

- a. Single-family dwellings.
- b. Community living arrangements which have a capacity for eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(i) of the Wisconsin Statutes.
- c. Foster family homes.
- d. Family day care homes.
- e. Essential services.

(3) **PERMITTED ACCESSORY USES.**

- a. Detached garages and carports, accessory to dwellings without an attached garage or carport.
- b. Gardening, tool, and storage sheds incidental to the residential use.
- c. Home occupations and professional home offices.
- d. Roof-mounted solar collectors provided that a registered engineer or registered architect shall certify that the structure is adequate to support the load.
- e. Earth station dish antennas located on the roof of the principal or accessory structure or in the rear yard. Where the earth station dish is roof-mounted, a registered engineer or registered architect shall certify that the structure is adequate to support the load.
- f. Solar energy collectors erected as an accessory structure.

(4) **CONDITIONAL USES.**

- a. Two-family dwellings located on a lot adjoining or within 100 feet of a less restricted district, or on a lot abutting a primary or secondary thoroughfare.
- b. Bed and breakfast establishments as regulated in Section 22.24(4)(a).
- c. Churches and other places of worship and Sunday school buildings. Plans must include a parking plan.
- d. Community living arrangements which have a capacity of nine (9) or more persons.
- e. Home Industries.
- f. Schools and colleges for academic instruction.

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- g.
 - h. (Am. #51-05) Utility substations, municipal wells, pumping stations, and towers.
 - i. Wireless communications facilities provided that they comply with the provisions of Section 22.21.
- (5) LOT AREA AND WIDTH. Lots shall be a minimum of eight thousand (8,000) square feet in area for single-family dwellings and nine thousand (9,000) square feet in area for two-family dwellings and shall be not less than sixty-five (65) feet in width. Corner lots shall be a minimum of seventy-five (75) feet in width.
- (6) BUILDING HEIGHT AND AREA. (Am. #61-02)
- a. (Am. #11-16) No principal building or part of a principal building shall exceed forty (40) feet in height. Accessory buildings shall be less than twenty (20) feet tall and shall not exceed the height of the principal structure.
 - b. The total minimum floor area of a single family dwelling shall be one thousand (1,000) square feet. The total minimum floor area for the first floor of a single family dwelling containing two or more stories shall not be less than eight hundred (800) square feet.
 - c. The total minimum floor area of a two-family dwelling shall be one thousand eight hundred (1,800) square feet. The total minimum floor area of each unit within a two-family dwelling shall not be less than nine hundred (900) square feet.
 - d. A tri-level dwelling shall have a minimum living area of three hundred fifty (350) square feet per level.
 - e. Accessory structures in aggregate shall not exceed eight hundred seventy (870) square feet in area.
- (7) SETBACK AND YARDS.
- a. There shall be a minimum street yard setback of twenty-five (25) feet from any street right-of-way.
 - b. There shall be a side yard on each side of all buildings of not less than ten (10) feet in width.
 - c. There shall be a rear yard of not less than forty (40) feet.
 - d. There shall be a minimum setback requirement of seventy-five (75) feet from the ordinary highwater mark of a navigable body of water.

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22.26 RS-3 Single-Family Residential District

- (8) EROSION CONTROL. The uses and structures in the RS-3 District are subject to Chapter 32 of the City of Waukesha Municipal Code, Chapter 21 of the Wisconsin Uniform Dwelling Code, and any other applicable State laws and administrative rules.
- (9) PLANNED UNIT DEVELOPMENTS. (Cr. #38-02) The restrictions on lot area, lot width, building height, setbacks, and yards may be reduced or increased if the property is part of a Planned Unit Development Overlay District in accordance with Section 22.52.

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22.27 RS-4 Mobile Home Park/Subdivision Residential District

(Rep. & recr. #66-01)

(1) **PURPOSE.** To provide for the location of mobile home parks and mobile home subdivisions in a residential setting that is compatible with adjacent land uses. Mobile homes and manufactured homes are declared herein to be residential structures and entitled to the same protection from incompatible uses as are afforded in other residential districts.

(2) **PERMITTED PRINCIPAL USES**

- a. Individual mobile homes on lots in a mobile home subdivision.
- b. Community living arrangements which have a capacity for eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(i) of the Wisconsin Statutes.
- c. Foster family homes.
- d. Family day care homes.
- e. Essential services.
- f. Mobile home parks provided that:
 1. The minimum mobile home park size shall be one (1) acres.
 2. No mobile home unit shall be located closer than ~~forty (40)~~ thirty (30) feet to a mobile home park exterior lot line.
 3. The minimum setback between a mobile home unit and a service road shall be twenty (20) feet.
 4. The minimum distance between mobile home units shall be fifteen (15) feet.
 5. All drives, service roads, parking areas, and walkways shall be surfaced with dust-free material. There shall be a minimum of two (2) parking spaces per mobile home unit.
 6. No mobile home sales office, or other business or mobile home use, shall be located on the mobile home park site. However, laundries, washrooms, recreation rooms, maintenance equipment storage, and a manager's office are permitted.
 7. Each mobile home park shall be completely enclosed, except for permitted entrances and exits, by either:
 - a. A temporary planting of fast-growing landscape material capable of reaching a height of ten (10) feet or more; or
 - b. A permanent evergreen planting, the individual trees to be of such a number and so arranged that within ten years they will have formed a dense screen. Such

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22.27 RS-4 Mobile Home Park/Subdivision Residential District

permanent planting shall be grown or maintained to a height of not less than ten (10) feet.

8. All mobile homes shall meet the construction standards of the MobileHome Construction and Safety Standard Act of 1974, 24CFR3280 et seq..

9. No mobile home lot shall be rented for a period of less than thirty (30) days.
- PERMITTED ACCESSORY USES**

Detached garages and carports.
Gardening, tool, and storage sheds.
Home occupations and professional home offices.
Roof-mounted solar collectors provided that a registered engineer or registered architect shall certify that the structure is adequate to support the load.
Earth station dish antennas located in the rear yard.

- f. Solar energy collectors erected as an accessory structure.
- g. (Am. #51-05) Utility substations, municipal wells, pumping stations, and towers.

LOT AREA AND WIDTH. Lots shall be a minimum of seven thousand two hundred (7,200) square feet in area and shall be not less than sixty (60) feet in width. Corner lots in a mobile home subdivision shall be not less than seventy (70) feet in width.

(5) BUILDING HEIGHT AND AREA.

(Am. #11-16) No principal building or part of a principal building shall exceed forty (40) feet in height. Accessory buildings shall twenty (20) feet tall and shall not exceed the height of the principal structure..

- b. No accessory structure shall exceed three hundred sixty (360) square feet in area.

(6) SETBACKS AND YARDS.

There shall be a minimum street yard setback of thirty-five (35) feet from any street right-of-way.

There shall be a side yard on each side of all buildings not less than six (6) feet in width.

There shall be a rear yard of not less than twenty-five (25) feet in depth.

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22.27 RS-4 Mobile Home Park/Subdivision Residential District

There shall be a minimum shoreyard setback of seventy-five (75) feet from the ordinary highwater mark of a navigable body of water.

(7)EROSION CONTROL. The uses and structures in the RS-4 District are subject to Chapter 32 of the City of Waukesha Municipal Code, Chapter 21 of the Wisconsin Uniform Dwelling Code, and any other applicable State laws and administrative rule.

(8)PLANNED UNIT DEVELOPMENTS. (Cr. #38-02) The restrictions on lot area, lot width, building height, setbacks, and yards may be reduced or increased if the property is part of a Planned Unit Development Overlay District in accordance with Section 22.52.

WAUKESHA MUNICIPAL CODE 10/07/16

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22.28 RD-1 Two-Family Residential District

(Rep. & recr. #2-87) (Rep. & recr. #66-01)

(1) **PURPOSE.** To provide for two-family residential development at densities not exceeding 5.8 dwelling units per net acre.

(2) **PERMITTED PRINCIPAL USES.**

- a. Two-family dwellings.
- b. Community living arrangements which have a capacity for eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(i) of the Wisconsin Statutes.
- c. Foster family homes.
- d. Family day care homes.
- e. Essential services.
- f. Zero lot line developments which meet the following conditions:
 1. Lots shall have a minimum area of seven thousand five hundred (7,500) square feet and shall not be less than fifty (50) feet in width with one dwelling unit per lot.
 2. There shall be a minimum setback of twenty-five (25) feet from the right-of-way of all public streets or from private drives. There shall be a side yard requirement on one side of a building of not less than twenty (20) feet. The dwelling unit shall be placed on one side of the property line with a zero (0) foot side yard. The minimum distance between buildings shall be twenty (20) feet. There shall be a rear yard of not less than forty (40) feet for all lots.
 3. Buildings constructed shall be of the party-wall dwelling type and shall not exceed two (2) detached dwelling units, or shall be single-family detached dwelling units constructed on alternating lot lines.
 4. Each dwelling unit shall have separate utility connections.

(3) **PERMITTED ACCESSORY USES.**

- a. Detached garages and carports.
- b. Gardening, tool, and storage sheds.
- c. Home occupations and professional home offices.
- d. Roof-mounted solar collectors provided that a registered engineer or registered architect shall certify that the structure is adequate to support the load.
- e. Earth station dish antennas located on the roof of the principal or accessory structure or in the rear yard. Where the earth station dish is roof-mounted, a registered engineer or registered architect shall certify that the structure is adequate to support the load.

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22.28 RD-1 Two-Family Residential District

(4) **CONDITIONAL USES.**

- a. Bed and breakfast establishments as regulated in Section 22.24(4)(a).
- b. Churches and other places of worship and Sunday school buildings.
- c. Community living arrangements which have a capacity of nine (9) or more persons.
- d. Home Industries.
- e. Schools and colleges for academic instruction.
- f. (Am. #51-05) Utility substations, municipal wells, pumping stations, and towers.
- g. Wireless communications facilities provided that comply with the provisions of Section 22.21.
 - 1.

(5) **LOT AREA AND WIDTH.** Lots shall be a minimum of fifteen thousand (15,000) square feet in area and shall not be less than one hundred (100) feet in width. Corner lots shall be a minimum of one hundred ten (110) feet in width.

(6) **BUILDING HEIGHT AND AREA.**

- a. (Am. #11-16) No principal building or part of a principal building shall exceed forty (40) feet in height. Accessory buildings shall be less than twenty (20) feet tall and shall not exceed the height of the principal structure.
- b. The total minimum floor area of a two-family structure shall be two thousand two hundred (2,200) square feet. The total minimum floor area of each unit within a two-family building shall not be less than one thousand one hundred (1,100) square feet.
- c. No detached accessory structure shall exceed one thousand one hundred fifty-two (1,152) square feet in area.

(7) **SETBACK AND YARDS.**

- a. There shall be a minimum street yard setback of twenty-five (25) feet from any street right-of-way.
- b. There shall be a side yard on each side of all buildings of not less than ten (10) feet in width.
- c. There shall be a rear yard of not less than forty (40) feet.
- d. There shall be a minimum shoreyard setback of seventy-five (75) feet from the ordinary highwater mark of a navigable body of water.

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22.28 RD-1 Two-Family Residential District

- (8) EROSION CONTROL. The uses and structures in the RD-1 District are subject to Chapter 32 of the City of Waukesha Municipal Code, Chapter 21 of the Wisconsin Uniform Dwelling Code, and any other applicable State laws and administrative rules.
- (9) PLANNED UNIT DEVELOPMENTS. (Cr. #38-02) The restrictions on lot area, lot width, building height, setbacks, and yards may be reduced or increased if the property is part of a Planned Unit Development Overlay District in accordance with Section 22.52.

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22.29 RD-2 Two-Family Residential District

(Rep. & recr. #66-01)

(1) **PURPOSE.** To provide for single-family and two-family residential development at densities not exceeding 9.7 dwelling units per net acre for two-family units; and 5.5 dwelling units per net acre for single-family dwellings.

(2) **PERMITTED PRINCIPAL USES.**

- a. Single-family dwellings.
- b. Two-family dwellings.
- c. Community living arrangements which have a capacity for eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(i) of the Wisconsin Statutes.
- d. Foster family homes.
- e. Family day care homes.
- f. Essential services.
- g. Zero lot line developments which meet the following conditions:
 1. Lots shall have a minimum area of four thousand five hundred (4,500) square feet and shall not be less than 30 feet in width with one dwelling unit per lot.
 2. There shall be a minimum setback of twenty-five (25) feet from the right-of-way of all public streets or from private drives. There shall be a side yard requirement on one side of a building of not less than fifteen (15) feet. The dwelling unit shall be placed on one side of the property line with a zero (0) foot side yard. The minimum distance between buildings shall be fifteen (15) feet. There shall be a rear yard of not less than forty (40) feet for all lots.
 3. Buildings constructed shall be of the party-wall dwelling type and shall not exceed two (2) detached dwelling units, or shall be single-family detached dwelling units constructed on alternating lot lines.
 4. Each dwelling unit shall have separate utility connections.

(3) **PERMITTED ACCESSORY USES.**

- a. Detached garages and carports.
- b. Gardening, tool, and storage sheds.
- c. Home occupations and professional home offices.
- d. Roof-mounted solar collectors provided that a registered engineer or registered architect shall certify that the structure is adequate to support the load.
- e. Earth station dish antennas located on the roof of the principal or accessory structure or in the rear yard. Where the earth station dish is roof-mounted, a

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22.29 RD-2 Two-Family Residential District

registered engineer or registered architect shall certify that the structure is adequate to support the load.

(4) **CONDITIONAL USES.**

- a. Bed and breakfast establishments as regulated in Section 22.24(4)(a).
- b. Churches and other places of worship and Sunday school buildings.
- c. Community living arrangements which have a capacity of nine (9) or more persons.
- d. Home Industries.
- e. Schools and colleges for academic instruction.
- f. (Am. #51-05) Utility substations, municipal wells, pumping stations, and towers.
- g. Wireless communications facilities provided that they comply with the provisions of Section 22.21.
 - 1.

(5) **LOT AREA AND WIDTH.** Lots shall be a minimum of eight thousand (8,000) square feet in area for single-family dwellings and nine thousand (9,000) square feet in area for two-family dwellings and shall not be less than seventy (70) feet in width. Corner lots shall be a minimum of eighty (80) feet in width.

(6) **BUILDING HEIGHT AND AREA.** (Am. #61-02)

- a. (Am. #11-16) No principal building or part of a principal building shall exceed forty (40) feet in height. Accessory buildings shall be less than twenty (20) feet tall and shall not exceed the height of the principal structure.
- b. The total minimum floor area of a single-family dwelling shall be one thousand (1,000) square feet. The total minimum floor area for the first floor of a single family building containing two or more stories shall not be less than eight hundred (800) square feet.
- c. The total minimum floor area of a two-family dwelling shall be one thousand eight hundred (1,800) square feet. The total minimum floor area of each unit within a two-family dwelling shall not be less than nine hundred (900) square feet.
- d. No detached accessory structure shall exceed one thousand one hundred fifty-two (1,152) square feet in area.

(7) **SETBACK AND YARDS**

- a. There shall be a minimum street yard setback of twenty-five (25) feet from any street right-of-way.

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- b. There shall be a side yard on each side of all buildings of not less than ten (10) feet in width.
 - c. There shall be a rear yard of not less than forty (40) feet.
 - d. There shall be a minimum shoreyard setback of seventy-five (75) feet from the ordinary highwater mark of a navigable body of water.
- (8) EROSION CONTROL. The uses and structures in the RD-2 District are subject to Chapter 32 of the City of Waukesha Municipal Code, Chapter 21 of the Wisconsin Uniform Dwelling Code, and any other applicable State laws and administrative rules.
- (9) PLANNED UNIT DEVELOPMENTS. (Cr. #38-02) The restrictions on lot area, lot width, building height, setbacks, and yards may be reduced or increased if the property is part of a Planned Unit Development Overlay District in accordance with Section 22.52.

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22.30 RM-1 Multi-Family Residential District

(Rep. & recr. #66-01)

(1) **PURPOSE.** To provide for multiple-family residential development at densities not to exceed 17.4 dwelling units per net acre for efficiency units; 14.5 dwelling units per net acre for one-bedroom units; 12.4 dwelling units per net acre for two-bedroom units; 10.9 dwelling units per acre for three bedroom or larger units; 9.7 dwelling units per net acre for two-family units; and 5.5 dwelling units per net acre for single-family dwellings.

(2) **PERMITTED PRINCIPAL USES.**

- a. Single-family dwellings.
- b. Two-family dwellings.
- c. Multiple-family dwellings, not to exceed four (4) dwelling units per structure.
- d. Community living arrangements which have a capacity for fifteen (15) or fewer persons, subject to the limitations set forth in Section 62.23(7)(i) of the Wisconsin Statutes.
- e. Foster family homes.
- f. Family day care homes.
- g. Essential services.
- h. Zero lot line developments which meet the following conditions:
 1. Lots shall have a minimum area of four thousand five hundred (4,500) square feet and shall not be less than thirty (30) feet in width with one dwelling unit per lot.
 2. There shall be a minimum setback of twenty-five (25) feet from the right-of-way of all public streets or from private drives. There shall be a side yard requirement on one side of a building of not less than fifteen (15) feet. The dwelling unit shall be placed on one side of the property line with a zero (0) foot side yard. The minimum distance between buildings shall be fifteen (15) feet. There shall be a rear yard of not less than forty (40) feet for all lots.
 3. Buildings constructed shall be of the party-wall dwelling type and may be constructed as townhouse development; or shall be single-family detached dwelling units constructed on alternating lot lines.
 4. Each dwelling unit shall have separate utility connections.

(3) **PERMITTED ACCESSORY USES.**

- a. Detached private garages and carports.
- b. Gardening, tool, and storage sheds.
- c. Home occupations and professional home offices.

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22.30 RM-1 Multi-Family Residential District

- d. Roof-mounted solar structures provided that a registered engineer or registered architect shall certify that the structure is adequate to support the load.
- e. Earth station dish antennas located on the roof of the principle structure or in the rear yard. Where the earth station dish is roof-mounted, a registered engineer or registered architect shall certify that the structure is adequate to support the load.

(4) CONDITIONAL USES.

- a. Bed and breakfast establishments as regulated in Section 22.24(4)(a).
- b. Churches and other places of worship and Sunday school buildings.
- c. Clubs, fraternities, and meeting places of a noncommercial nature provided that no structure shall be erected closer than twenty-five (25) feet to any lot line.
- d. Community living arrangements which have a capacity of sixteen (16) or more persons.
- e. Home Industries.
- f. Housing for the elderly projects not exceeding twenty-two (22) units per acre.
- g. Nursing homes provided that all principle structures are not closer than fifty (50) feet to a lot line, unless approved by the Plan Commission.
- h. Schools and colleges for academic instruction.
- i. (Am. #51-05) Utility substations, municipal wells, pumping stations, and towers.
- j. Wireless communications facilities provided that they comply with the provisions of Section 22.21.
 - 1.

(5) LOT AREA AND WIDTH.

- a. Lots shall be a minimum of eight thousand (8,000) square feet in area, and no dwelling unit shall have a lot area of less than the following:
 - 1. Single-family dwellings - eight thousand (8,000) square feet per dwelling unit.
 - 2. Two-family dwellings - four thousand five hundred (4,500) square feet per dwelling unit.
 - 3. Efficiency apartments - two thousand five hundred (2,500) square feet per dwelling unit.
 - 4. One-bedroom apartments - three thousand (3,000) square feet per dwelling unit.
 - 5. Two-bedroom apartments - three thousand five hundred (3,500) square feet per dwelling unit.
 - 6. Three-bedroom or larger apartments - four thousand (4,000) square feet per dwelling unit.

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22.30 RM-1 Multi-Family Residential District

- b. No lot shall be less than sixty-five (65) feet in width. Corner lots shall be not less than seventy-five (75) feet in width.

(6) BUILDING HEIGHT AND AREA.

- a. (Am. #11-16) No principal building or part of a principal building shall exceed forty (40) feet in height. Accessory buildings shall be less than twenty (20) feet tall and shall not exceed the height of the principal structure.
- b. The total minimum floor area of a principal single-family building shall be one thousand (1,000) square feet.
- c. The total minimum floor area of a principal two-family building shall be one thousand eight hundred (1,800) square feet per structure and nine hundred (900) square feet per dwelling unit.
- d. The total minimum floor area of a principal three or four-family building shall be as follows:
 - 1. Efficiency dwelling unit - three hundred (300) square feet per dwelling unit.
 - 2. One bedroom dwelling unit - five hundred (500) square feet per dwelling unit.
 - 3. Two-bedroom dwelling unit - seven hundred (700) square feet per dwelling unit.
 - 4. Three-bedroom apartment or larger -- add one hundred fifty (150) square feet of total floor area for each additional bedroom.

(7) SETBACK AND YARDS.

- a. There shall be a minimum street yard setback of twenty-five (25) feet from any street right-of-way.
- b. There shall be a side yard on each side of all buildings of not less than ten (10) feet in width.
- c. There shall be a rear yard of not less than forty-five (45) feet.
- d. There shall be a minimum shoreyard setback of seventy-five (75) feet from the ordinary highwater mark of a navigable body of water.

- (8) EROSION CONTROL.** The uses and structures in the RM-1 District are subject to Chapter 32 of the City of Waukesha Municipal Code, Chapter 21 of the Wisconsin Uniform Dwelling Code, and any other applicable State laws and administrative rules.

- (9) PLANS AND SPECIFICATIONS TO BE SUBMITTED TO THE PLAN COMMISSION.** (Am. #38-02) To encourage a multi-family residential environment that is compatible with the residential character of the City, building permits for

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22.30 RM-1 Multi-Family Residential District

permitted uses in the RM-1 District, except single-family and two-family dwellings, shall not be issued nor shall any substantial changes be made to any site improvements without review and approval of the Plan Commission in accordance with Section 22.15. Plan Commission review shall include consideration of such factors as open space utilization, ingress, egress, parking, landscaping, building plans and the general layout in relationship to the surrounding area.

- (10) PLANNED UNIT DEVELOPMENTS. (Cr. #38-02) The restrictions on lot area, lot width, building height, setbacks, and yards may be reduced or increased if the property is part of a Planned Unit Development Overlay District in accordance with Section 22.52.

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22.31 RM-2 Multi-Family Residential District

(Rep. & recr. #66-01)

(1) PURPOSE. (Am. #38-02) To provide for multi-family residential development at densities not exceeding 17.4 dwelling units per net acre for efficiency apartments; 14.5 dwelling units per net acre for one-bedroom apartments, 12.4 dwelling units per net acre for two-bedroom apartments, 10.9 dwelling units per net acre for three bedroom or larger apartments, 9.7 dwelling units per net acre for two-family units; and 5.5 dwelling units per net acre for single-family dwellings.

(2) PERMITTED PRINCIPAL USES. (Am. #38-02)

- a. Single-family dwellings.
- b. Two-family dwellings.
- c. Multi-family dwellings.
- d. Community living arrangements which have a capacity for fifteen (15) or fewer persons, subject to the limitations set forth in Section 62.23(7)(I) of the Wisconsin Statutes.
- e. Foster family homes.
- f. Family day care homes.
- g. Essential services.

(3) PERMITTED ACCESSORY USES.

- a. Detached garages and carports.
- b. Gardening, tool, and storage sheds.
- c. Home occupations and professional home offices.
- d. Roof-mounted solar collectors provided that a registered engineer or registered architect shall certify that the structure is adequate to support the load.
- e. Earth station dish antennas located on the roof of the principal or accessory structure or in the rear yard. Where the earth station dish is roof-mounted, a registered engineer or registered architect shall certify that the structure is adequate to support the load.

(4) CONDITIONAL USES.

- a. Churches and other places of worship and Sunday school buildings.
- b.
- c. Community living arrangements which have a capacity of sixteen (16) or more persons.
- d. Home Industries.

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- e. Housing for the elderly provided that the density of such housing shall not exceed twenty-two (22) units per acre and shall meet the minimum per unit building area specified below.
- f. Nursing homes provided that all principal structures are not closer than fifty (50) feet to a lot line, unless approved by the Plan Commission.
- g. Schools and colleges for academic instruction.
- h. (Am. #51-05) Utility substations, municipal wells, pumping stations, and towers.
- i. Wireless communications facilities as set forth and under conditions authorized in Section 22.21.

(5) LOT AREA AND WIDTH.

- a. (Am. #38-02) Lots shall be a minimum of eight thousand (8,000) square feet in area, and no dwelling unit shall have a lot area of less than the following:
 - 1. Single-family dwellings - eight thousand (8,000) square feet per dwelling unit.
 - 2. Two-family dwellings - four thousand five hundred (4,500) square feet per dwelling units.
 - 3. Efficiency apartments - two thousand five hundred (2,500) square feet per dwelling unit.
 - 4. One-bedroom apartments - three thousand (3,000) square feet per dwelling unit.
 - 5. Two-bedroom apartments - three thousand five hundred (3,500) square feet per dwelling unit.
 - 6. Three-bedroom or larger apartments - four thousand (4,000) square feet per dwelling unit.
- b. No lot shall be less than seventy (70) feet in width. Corner lots shall be not less than eighty (80) feet in width.

(6) BUILDING HEIGHT AND AREA. (Am. #38-02)

- a. (Am. #11-16) No principal building or part of a principal building shall exceed forty (40) feet in height. Accessory buildings shall be less than twenty (20) feet tall and shall not exceed the height of the principal structure.
- b. The total minimum floor area of a single-family building shall be one thousand (1,000) square feet. The total minimum floor area for the first floor of a single family building containing two or more stories shall not be less than eight hundred (800) square feet.

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- c. The total minimum floor area of a principal two-family building shall be one thousand eight hundred (1,800) square feet per structure and nine hundred (900) square feet per dwelling unit.
- d. The total minimum floor area of a multi-family building shall be as follows:
 - 1. Efficiency dwelling unit - three hundred (300) square feet per dwelling unit.
 - 2. One-bedroom dwelling unit - five hundred (500) square feet per dwelling unit.
 - 3. Two-bedroom dwelling unit - seven hundred (700) square feet per dwelling unit.
 - 4. Three-bedroom or larger -- add one hundred fifty (150) square feet of total floor area for each additional bedroom.

(7) SETBACK AND YARDS.

- a. There shall be a minimum street yard setback of twenty-five (25) feet from any street right-of-way.
- b. There shall be a side yard on each side of all buildings of not less than fifteen (15) feet in width.
- c. There shall be a rear yard of not less than forty-five (45) feet.
- d. There shall be a minimum shoreyard setback of seventy-five (75) feet from the ordinary highwater mark of a navigable body of water.

(8) EROSION CONTROL. The uses and structures in the RM-2 District are subject to Chapter 32 of the City of Waukesha Municipal Code, Chapter 21 of the Wisconsin Uniform Dwelling Code, and any other applicable State laws and administrative rules.

(9) PLANS AND SPECIFICATIONS TO BE SUBMITTED TO THE PLAN COMMISSION. (Am. #38-02) To encourage a multi-family residential environment that is compatible with the residential character of the City, building permits for permitted uses in the RM-2 District, except single-family and two-family dwellings, shall not be issued nor shall any substantial changes be made to any site improvements without review and approval of the Plan Commission in accordance with Section 22.15. Plan Commission review shall include consideration of such factors as open space utilization, ingress, egress, parking, landscaping, building plans and the general layout in relationship to the surrounding area.

(10) PLANNED UNIT DEVELOPMENTS. (Cr. #38-02) The restrictions on lot area, lot width, building height, setbacks, and yards may be reduced or increased if the

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22.31 RM-2 Multi-Family Residential District

property is part of a Planned Unit Development Overlay District in accordance with Section 22.52.

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22.32 RM-3 Multi-Family Residential District

(Rep. & recr. #66-01)

(1) **PURPOSE.** To provide for multi-family residential development at densities not exceeding 21.8 dwelling units per net acre for efficiency apartments; 17.4 dwelling units per net acre for one-bedroom apartments, and 14.5 dwelling units per net acre for two-bedroom apartments, and 12.4 dwelling units per net acre for three bedroom or larger apartments; 9.7 dwelling units per net acre for two-family units; and 5.5 dwelling units per net acre for single-family dwellings.

(2) **PERMITTED PRINCIPAL USES.**

- a. Single-family dwellings.
- b. Two-family dwellings.
- c. Multi-family dwellings.
- d. Community living arrangements which have a capacity for fifteen (15) or fewer persons, subject to the limitations set forth in Section 62.23(7)(i) of the Wisconsin Statutes.
- e. Foster family homes.
- f. Family day care homes.
- g. Essential services.

(3) **PERMITTED ACCESSORY USES.**

- a. Detached garages and carports.
- b. Gardening, tool, and storage sheds.
- c. Home occupations and professional home offices.
- d. Roof-mounted solar collectors provided that a registered engineer or registered architect shall certify that the structure is adequate to support the load.
- e. Earth station dish antennas located on the roof of the principal or accessory structure or in the rear yard. Where the earth station dish is roof-mounted, a registered engineer or registered architect shall certify that the structure is adequate to support the load.

(4) **CONDITIONAL USES.**

- a. Bed and breakfast establishments as regulated in Section 22.24(4)(a).
- b. Churches and other places of worship and Sunday school buildings.
- c. Meeting places of a noncommercial nature provided that no structure shall be erected closer than twenty-five (25) feet to any lot line.
- d. Community living arrangements which have a capacity of sixteen (16) or more persons.

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22.32 RM-3 Multi-Family Residential District

- e. Home Industries.
- f. Housing for the elderly provided that the density of such housing shall not exceed twenty-two (22) units per acre and shall meet the minimum per unit building area specified below.
- g. Nursing homes provided that all principal structures are not closer than fifty (50) feet to a lot line, unless approved by the Plan Commission.
- h. Rooming houses.
- i. Schools and colleges for academic instruction.
- j. (Am. #51-05) Utility substations, municipal wells, pumping stations, and towers.
- k. Wireless communications facilities as set forth and under conditions authorized in Section 22.21.

(5) LOT AREA AND WIDTH.

- a. Lots shall be a minimum of eight thousand (8,000) square feet in area, and no dwelling unit shall have a lot area of less than the following:
 - 1. Single-family dwellings - eight thousand (8,000) square feet per dwelling unit.
 - 2. Two-family dwellings - four thousand five hundred (4,500) square feet per dwelling unit.
 - 3. Efficiency apartments - two thousand (2,000) square feet per dwelling unit.
 - 4. One-bedroom apartments - two thousand five hundred (2,500) square feet per dwelling unit.
 - 5. Two-bedroom apartments - three thousand (3,000) square feet per dwelling unit.
 - 6. Three-bedroom or larger apartments - three thousand five hundred (3,500) square feet per dwelling unit.
- b. No lot shall be less than seventy (70) feet in width. Corner lots shall be not less than eighty (80) feet in width.

(6) BUILDING HEIGHT AND AREA.

- a. (Am. #11-16) No principal building or part of a principal building shall exceed forty (40) feet in height. Accessory buildings shall be less than twenty (20) feet tall and shall not exceed the height of the principal structure..
- b. The total minimum floor area of a principal single-family building shall be one thousand (1,000) square feet.

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- c. The total minimum floor area of a principal two-family building shall be one thousand eight hundred (1,800) square feet per structure and nine hundred (900) square feet per dwelling unit.
- d. The total minimum floor area of a multi-family building shall be as follows:
 - 1. Efficiency dwelling unit - three hundred (300) square feet per dwelling unit.
 - 2. One-bedroom dwelling unit - four hundred fifty (450) square feet per dwelling unit.
 - 3. Two-bedroom or larger dwelling unit - six hundred (600) square feet per dwelling unit.
 - 4. Three-bedroom or larger -- add one hundred (100) square feet of total floor area for each additional bedroom.

(7) SETBACK AND YARDS.

- a. There shall be a minimum street yard setback of twenty-five (25) feet from any street right-of-way.
- b. There shall be a side yard on each side of all buildings of not less than ten (10) feet in width.
- c. There shall be a rear yard of not less than forty-five (45) feet.
- d. There shall be a minimum shoreyard setback of seventy-five (75) feet from the ordinary highwater mark of a navigable body of water.

(8) EROSION CONTROL. The uses and structures in the RM-3 District are subject to Chapter 32 of the City of Waukesha Municipal Code, Chapter 21 of the Wisconsin Uniform Dwelling Code, and any other applicable State laws and administrative rules.

(9) PLANS AND SPECIFICATIONS TO BE SUBMITTED TO THE PLAN COMMISSION. (Am. #38-02) To encourage a multi-family residential environment that is compatible with the residential character of the City, building permits for permitted uses in the RM-3 District, except single-family and two-family dwellings, shall not be issued nor shall any substantial changes be made to any site improvements without review and approval of the Plan Commission in accordance with Section 22.15. Plan Commission review shall include consideration of such factors as open space utilization, ingress, egress, parking, landscaping, building plans and the general layout in relationship to the surrounding area.

(10) PLANNED UNIT DEVELOPMENTS. (Cr. #38-02) The restrictions on lot area, lot width, building height, setbacks, and yards may be reduced or increased if the

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22.32 RM-3 Multi-Family Residential District

property is part of a Planned Unit Development Overlay District in accordance with Section 22.52.

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22.33 B-1 Neighborhood Business District

(Rep. & recr. #66-01)

- (1) **PURPOSE.** To provide for individual or small groups of retail and customer service establishments serving primarily the convenience of a local neighborhood, and the character, appearance, and operation of which are compatible with the character of the surrounding area. No such district established after the effective date of this Ordinance shall be less than three acres in area.

- (2) **PERMITTED PRINCIPAL USES.**
 - a. Appliance stores.
 - b. Bakeries.
 - c. Banks, savings and loan associations, and other financial institutions, except for drive-in facilities.
 - d. Barber shops.
 - e. Beauty shops.
 - f. Book stores, magazine stores, and newsstands, subject to Section 22.20.
 - g. Business or professional offices which supply commodities or perform services primarily for residents of the neighborhood on a day-to-day basis.
 - h. Card shops.
 - i. Clinics.
 - j. Clothing stores
 - k. Commercial child care centers.
 - l. Confectioneries and ice cream stores.
 - m. Delicatessens.
 - n. Drug stores, not to exceed fifteen thousand (15,000) square feet in area.
 - o. Fish markets.
 - p. Florists.
 - q. Fruit stores.
 - r. Gift stores.
 - s. Garden supply stores.
 - t. Grocery stores, not to exceed forty thousand (40,000) square feet in area.
 - u. Hardware stores, not to exceed fifteen thousand (15,000) square feet in area.
 - v. Hobby and craft shops.
 - w. Furniture and Home Décor.
 - x. Insurance sales offices.
 - y. Meat markets.
 - z. Optical stores.
 - aa. Packaged beverage stores.

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22.33 B-1 Neighborhood Business District

- bb. Paint, glass, and wallpaper stores, not to exceed fifteen thousand (15,000) square feet in area.
 - cc. Photo shops.
 - dd. Postal substations, post office and postal services.
 - ee. Real estate sales offices.
 - ff. Restaurants, except drive-in restaurants.
 - gg. Self service laundry and dry-cleaning establishments, except drive-in facilities.
 - hh. Shoe repair.
 - ii. Sporting goods stores.
 - jj. Tailors.
 - kk. Tobacco stores.
 - ll. Variety Stores, not to exceed fifteen thousand (15,000) square feet in area.
 - mm. Vegetable stores.
 - nn. Video tape sales and rental, subject to Section 22.20.
- (3) PERMITTED ACCESSORY USES.
- a. Garages used for storage of vehicles used in conjunction with the operation of the business.
 - b. Off-street parking and loading areas.
 - c. Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.
 - d. Roof-mounted solar collectors provided that a registered engineer or registered architect shall certify that the structure is adequate to support the load.
 - e. Earth station dish antennas located on the roof of the principal or accessory structure or in the rear yard. Where the earth station dish is roof-mounted, a registered engineer or registered architect shall certify that the structure is adequate to support the load.
- (4) CONDITIONAL USES.
- a. Automobile service stations, provided that all gas pumps are set back a minimum of thirty-five (35) feet from the street right-of-way, and forty (40) feet from side and rear lot lines.
 - b. Temporary uses as set forth in Section 22.63.
 - c.
 - d. Wireless communications facilities as set forth and under conditions authorized in Section 22.21.
 - e. (Cr. #8-11) Residential dwelling units provided they are not located in the front fifty percent of the ground level and provided that there shall be a minimum floor

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22.33 B-1 Neighborhood Business District

area of three hundred (300) square feet for an efficiency apartment, four hundred fifty (450) square feet for a one-bedroom dwelling unit, six hundred (600) square feet for a two-bedroom dwelling unit, and seven hundred (700) square feet for a three-bedroom dwelling unit.

- f. (Cr. #11-16) Buildings exceeding forty (40) feet in height when adjacent to a residential district.
- (5) LOT AREA AND WIDTH.
- a. Neighborhood shopping centers shall contain a minimum area of one acre and shall be not less than two hundred (200) feet in width.
 - b. Individual business sites in the B-1 District shall provide sufficient area for the principal building and its accessory buildings, off-street parking and loading areas, and required yards.
 - c. There shall be a minimum shoreyard setback of seventy-five (75) feet from the ordinary highwater mark of a navigable body of water.
- (6) BUILDING HEIGHT AND AREA.
- a. (Am. #11-16) Subject to subsection (4) above, there shall be no maximum height for a principal building. Accessory buildings shall twenty (20) feet tall and shall not exceed the height of the principal structure.
 - b. No neighborhood business, except grocery stores, drug stores, hardware stores, and variety stores shall exceed three thousand (3,000) square feet in area.
- (7) SETBACK AND YARDS.
- a. There shall be a minimum street yard setback of twenty-five (25) feet from the right-of-way of all streets.
 - b. There shall be a side yard on each side of all buildings of not less than ten (10) feet.
 - c. There shall be a rear yard of not less than twenty-five (25) feet.
 - d. There shall be a minimum shoreyard setback of seventy-five (75) feet from the ordinary highwater mark of a navigable body of water.
- (8) EROSION CONTROL. The uses and structures in the B-1 District are subject to Chapter 32 of the City of Waukesha Municipal Code, Chapter 21 of the Wisconsin Uniform Dwelling Code, and any other applicable State laws and administrative rules.
- (9) PLANS AND SPECIFICATIONS TO BE SUBMITTED TO THE PLAN

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22.33 B-1 Neighborhood Business District

COMMISSION. (Am. #38-02) To encourage a business environment that is compatible with the residential character of the City, building permits for permitted uses in the B-1 District shall not be issued nor shall any substantial changes be made to any site improvements without review and approval of the Plan Commission in accordance with Section 22.15. Plan Commission review shall include consideration of such factors as open space utilization, ingress, egress, parking, landscaping, building plans and the general layout in relationship to the surrounding area.

- (10) **PLANNED UNIT DEVELOPMENTS.** (Cr. #38-02) The restrictions on lot area, lot width, building height, setbacks, and yards may be reduced or increased if the property is part of a Planned Unit Development Overlay District in accordance with Section 22.52.

CHAPTER 22**Zoning****22.34 B-2 Central Business District**

(Rep. & recr. #66-01)

(1) **PURPOSE.** To provide appropriate regulations to ensure the compatibility of the diverse uses typical of the downtown area without inhibiting the development of commercial, cultural, entertainment, and other urban activities which contribute to its role as the "heart" of the City.

(2) **PERMITTED PRINCIPAL USES.**

- a. Antique and collectors stores.
- b. Appliance stores.
- c. Art Galleries.
- d. Bakeries.
- e. Banks, savings and loan associations, and other financial institutions.
- f. Barber shops.
- g. Beauty shops.
- h. Book or stationery stores.
- i. Business offices.
- j. Camera and photographic supply stores.
- k. Catering services.
- l. Clinics.
- m. Clothing stores.
- n. Computer and computer supply stores.
- o. Confectioneries, soda fountains, and ice cream stores.
- p. Delicatessens.
- q. Department stores.
- r. Discount stores.
- s. Drug stores.
- t. Eating and drinking establishments, except drive-ins
- t.
- u. Fish markets.
- v. Florists.
- w. Fruit stores.
- x. Funeral homes provided all principal uses and structures are not less than twenty-five (25) feet from any lot line.
- y. Furniture stores.
- z. Furriers and fur apparel.
- aa. Gift stores.
- bb. Grocery stores.
- cc. Hardware stores.

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22.34 B-2 Central Business District

dd Hobby and craft shops.

ee. Hotels and motels.

ff. Indoor commercial recreation facility such as arcades, bowling alleys, clubs, dance halls, driving ranges, indoor firearm and archery ranges, gymnasiums, miniature golf facilities, pool and billiard halls and indoor skating rinks.

gg. Insurance sales offices.

hh Janitorial services.

ii. Jewelry stores.

jj. Law offices.

kk Martial arts studios.

ll. Meat markets.

mm. Music stores.

nn. Newspaper and magazine stores, subject to Section 22.20.

oo. Newspaper printing and publishing.

pp. Office supplies and business machine stores.

qq. Optical stores.

rr. Packaged beverage stores.

ss. Paint, glass, and wallpaper stores. qq. Parking lots and structures.

tt. Pet and pet supply stores.

uu. Physical fitness centers.

vv. Plumbing and heating supplies.

ww. Post office and postal services.

xx. Printing, including photocopying.

yy. Professional offices.

zz. Publishing houses.

aaa. Radio and television broadcast studios without transmitting or receiving towers.

bbb. Real estate sales offices.

ccc. Restaurants, except drive-in restaurants.

ddd. Self service laundry and dry-cleaning establishments.

ccc. Shoe stores and leather goods stores.

eee. Sporting goods stores.

fff. Tailor or dressmaking shops.

ggg. Tattoo parlors

hhh. Theaters and performance art but not adult entertainment

iii. Tobacco stores.

jjj. Travel agencies.

kkk. Variety stores.

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22.34 B-2 Central Business District

- III. Vegetable stores.
- mmm. Video tape sales and rental, subject to Section 22.20.
- nnn. .
- ooo.
- nnn. Temporary uses as set forth in Section 22.63

(3) PERMITTED ACCESSORY USES.

- a. Garages used for storage of vehicles used in conjunction with the operation of the business.
- b. Off-street parking and loading areas.
- c. Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.
- d. Roof-mounted solar collectors provided that a registered engineer or registered architect shall certify that the structure is adequate to support the load.
- e. Earth station dish antennas located on the roof of the principal or accessory structure or in the rear yard. Where the earth station dish is roof-mounted, a registered engineer or registered architect shall certify that the structure is adequate to support the load.
- f. Outdoor display of retail merchandise.
- g. Solar energy collectors erected as an accessory structure.

(4) CONDITIONAL USES.

- a. (Am. #8-11) Residential dwelling units provided they are not located in the front fifty percent of the ground level and provided that there shall be a minimum floor area of three hundred (300) square feet for an efficiency apartment, four hundred fifty (450) square feet for a one-bedroom dwelling unit, six hundred (600) square feet for a two-bedroom dwelling unit, and seven hundred (700) square feet for a three-bedroom dwelling unit.
- b. Church-operated meal programs, charitable institutions, and social service agencies, provided they do not occupy more than twenty-five (25) percent of any block face.
- c. Commercial adult and child care centers, provided they do not occupy more than twenty-five percent (25%) of any block face.
- d. Lodges and clubs, provided they do not occupy more than twenty-five percent (25%) of any block face.

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22.34 B-2 Central Business District

- e. (Am. #28-08) Public passenger transportation terminals, such as bus and rail depots, but not including airports, airstrips, heliports, helipads and landing fields. Any such use shall be located not less than one hundred (100) feet from any residential district boundary.

 - f. Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than fifty (50) feet from any lot line.
 - g. Wireless communications facilities as set forth and under conditions authorized in Section 22.21.
 - h. Uses similar to and reasonably related to principal permitted uses.
 - i. (Cr. #11-16) Buildings exceeding forty (40) feet in height when adjacent to a residential district.
- (5) LOT AREA AND WIDTH. Lots in the B-2 district shall have no required lot area or width, provided, however, all applicable setback and parking requirements must be met.
- (6) BUILDING HEIGHT. (Am. #11-16) Subject to subsection (4) above, there shall be no maximum height for a principal building. Accessory buildings shall be less than twenty (20) feet
- (7) SETBACK AND YARDS.
- a. There shall be a minimum street yard building setback of one (1) foot from the right-of-way of all streets.
 - b. Subject to Section 22.14 no minimum side or rear yard is required.
 - c. There shall be a minimum shoreyard setback of seventy-five (75) feet from the ordinary highwater mark of a navigable body of water.
- (8) EROSION CONTROL. The uses and structures in the B-2 District are subject to Chapter 32 of the City of Waukesha Municipal Code, Chapter 21 of the Wisconsin Uniform Dwelling Code, and any other applicable State laws and administrative rules.

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22.34 B-2 Central Business District

(9) PLANS AND SPECIFICATIONS TO BE SUBMITTED TO THE PLAN COMMISSION. (Am. #38-02) To encourage a business environment that is compatible with the residential character of the City, building permits for permitted uses in the B-2 District shall not be issued nor shall any substantial changes be made to any site improvements without review and approval of the Plan Commission in accordance with Section 22.15. Plan Commission review shall include consideration of such factors as open space utilization, ingress, egress, parking, landscaping, building plans and the general layout in relationship to the surrounding area.

(10) PLANNED UNIT DEVELOPMENTS. (Cr. #38-02) The restrictions on lot area, lot width, building height, setbacks, and yards may be reduced or increased if the property is part of a Planned Unit Development Overlay District in accordance with Section 22.52.

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22.35 B-3 General Business District

(Rep. & recr. #66-01)

(1) **PURPOSE.** To provide for the orderly and attractive grouping at appropriate locations of businesses offering a wider range of retail products and services than are provided in neighborhood business districts offering comparison shopping items. The character, appearance, and operation of a shopping center should be compatible with surrounding residential areas.

(2) **PERMITTED PRINCIPAL USES.**

- a. Antique and collectors stores.
- b. Appliance stores.
- c. Art galleries.
- d. Automotive sales, but not within 100 feet of a residential district.
- e. Bakeries.
- f. Banks, savings and loan associations, and other financial institutions.
- g. Barber shops.
- h. Beauty shops.
- i. Book or stationary stores.
- j. Business offices.
- k. Camera and photographic supply stores.
- l. Clinics.
- m. Clothing stores.
- n. Commercial adult and child care centers
- o. Commercial recreation facilities, such as arcades, bowling alleys, clubs, dance halls, driving ranges, firearm and archery ranges, gymnasiums, miniature golf facilities, pool and billiard halls, and skating rinks.
- p. Computer and computer supply stores.
- q. Confectioneries and ice cream stores.
- r. Convenience food stores.
- s. Delicatessens.
- t. Department stores.
- u. Discount stores.
- v. Drug stores.
- w. Electronic equipment sales, equipment and repair.
- x. Fish markets.
- y. Florists.
- z. Fruit stores.
- aa. Funeral homes
- bb. Furniture stores.

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- cc. Furriers and fur apparel.
- dd. Gift stores.
- ee. Grocery stores.
- ff. Hardware stores.
- gg. Hobby and craft shops.
- hh. Insurance sales offices.
- ii. Interior decorators.
- jj. Jewelry stores.
- hh. Lodges and clubs.
- ii. Mail services.
- jj. Martial arts studios.
- kk. Meat markets.
- ll. Music stores.
- mm. Newspaper and magazine stores, subject to Section 22.20.
- nn. Office supplies and business machine stores.
- oo. Optical stores.
- pp. Packaged beverage stores.
- qq. Paint, glass, and wallpaper stores.
- rr. Pet and pet supply stores.
- ss. Photography and art studios.
- tt. Physical fitness centers.
- uu. Plumbing and heating supplies.
- vv. Post offices and postal services.
- ww. Printing, including photocopying.
- xx. Professional offices.
- yy. Public utility offices.
- zz. Real estate sales offices.
- aaa. Restaurants.
- bbb. Self service laundry and dry-cleaning establishments.
- ccc. Shoe stores and leather goods stores.
- ddd. Sporting goods stores.
- eee. Supermarkets.
- fff. Tailor or dressmaking shop.
- ggg. Taverns and cocktail lounges.
- hhh. Theaters.
- iii. Tobacco stores.
- jjj. Variety stores.
- kkk. Vegetable stores.
- lll. Video tape sales and rental, subject to Section 22.20.

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22.35 B-3 General Business District

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(3) PERMITTED ACCESSORY USES.

- a. Garages used for storage of vehicles used in conjunction with the operation of the business.
- b. Off-street parking and loading areas.
- c. Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.
- d. Roof-mounted solar collectors provided that a registered engineer or registered architect shall certify that the structure is adequate to support the load.
- e. Earth station dish antennas located on the roof of the principal or accessory structure or in the rear yard. Where the earth station dish is roof-mounted, a registered engineer or registered architect shall certify that the structure is adequate to support the load.
- f. Outdoor display of retail merchandise.
- g. Solar energy collectors erected as an accessory structure.

(4) CONDITIONAL USES. (Am. #32-03)

- a. Alternative education programs or facilities as defined in Section 115.28(7)(e) of the Wisconsin Statutes.
- b. Automobile service stations and repair facilities, provided that all gas pumps and repair bays are set back a minimum of thirty-five (35) feet from the street right-of-way, and forty (40) feet from side and rear lot lines.
- c. Carwash facilities provided there is adequate queuing areas.
- d.
- e. Drive-in restaurants.
- f.
- g.
- h. (Am. #28-08) Public passenger transportation terminals, such as bus and rail depots, but not including airports, airstrips, heliports, helipads and landing fields. Any such use shall be located not less than one hundred (100) feet from any residential district boundary.
- i. (Am. #8-11) Residential dwelling units provided they are not located in the front fifty percent of the ground level and provided that there shall be a minimum floor area of three hundred (300) square feet for an efficiency apartment, four hundred fifty (450) square feet for a one-bedroom dwelling

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22.35 B-3 General Business District

unit, six hundred (600) square feet for a two-bedroom dwelling unit, and seven hundred (700) square feet for a three-bedroom dwelling unit.

- j.
- k. Temporary uses as set forth in Section 22.63.
- l. Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than fifty (50) feet from any lot line.
- m. Wireless communications facilities as set forth and under conditions authorized in Section 22.21.
- n. Uses similar to and reasonably related to permitted principal uses.
- o.
- p. (Cr. #16-13) Payday lenders provided that the payday lender is not located within 3000 feet of another payday lender and is not located within 500 feet of any residential district.
- q. (Cr. #11-16) Buildings exceeding forty (40) feet in height when adjacent to a residential district.

(5) LOT AREA AND WIDTH. Individual business sites in the B-3 District shall have no required lot area or width, provided, however, all applicable setback and parking requirements must be met.

(6) BUILDING HEIGHT. (Am. #11-16) Subject to subsection (4) above, there shall be no maximum height for a principal building. Accessory buildings shall be less than twenty (20) feet tall and shall not exceed the height of the principal structure.

(7) SETBACK AND YARDS.

- a. There shall be a minimum street yard setback of twenty-five (25) feet from the right-of-way of all streets.
- b. There shall be a side yard on each side of all buildings of not less than ten (10) feet.
- c. There shall be a rear yard of not less than twenty-five (25) feet.
- d. There shall be a minimum shoreyard setback of seventy-five (75) feet from the ordinary highwater mark of a navigable body of water.

(8) EROSION CONTROL. The uses and structures in the B-3 District are subject to Chapter 32 of the City of Waukesha Municipal Code, Chapter 21 of the Wisconsin Uniform Dwelling Code, and any other applicable State laws and administrative rules.

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22.35 B-3 General Business District

(9) PLANS AND SPECIFICATIONS TO BE SUBMITTED TO THE PLAN COMMISSION. (Am. #38-02) To encourage a business environment that is compatible with the residential character of the City, building permits for permitted uses in the B-3 District shall not be issued nor shall any substantial changes be made to any site improvements without review and approval of the Plan Commission in accordance with Section 22.15. Plan Commission review shall include consideration of such factors as open space utilization, ingress, egress, parking, landscaping, building plans and the general layout in relationship to the surrounding area.

(10) PLANNED UNIT DEVELOPMENTS. (Cr. #38-02) The restrictions on lot area, lot width, building height, setbacks, and yards may be reduced or increased if the property is part of a Planned Unit Development Overlay District in accordance with Section 22.52.

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22.36 B-4 Office and Professional Business District

(Rep. & recr. #66-01)

(1) **PURPOSE.** To provide for individual or small groups of buildings limited to office, professional, and special service uses where the office use would be compatible with other neighborhood uses and not exhibit the intense activity of other business districts.

(2) **PERMITTED PRINCIPAL USES.**

- a. Administrative and public service offices.
- b. Banks, savings and loan, and other financial institutions; including drive-in facilities.
- c. Barber shops and beauty shops.
- d. Interior decorators.
- e. Medical and dental clinics.
- f. Parking lots and structures.
- g. Professional offices of an architect, lawyer, accountant, doctor, dentist, engineer, optometrist, Christian Science practitioner, clergy, or other similarly recognized profession.
- h. Real estate and insurance sales offices.
- i. Studios for photography, painting, music, sculpture, dance, or other recognized fine art.
- j. Commercial adult and child care centers.
- k. Funeral homes

(3) **PERMITTED ACCESSORY USES.**

- a. Garages used for storage of vehicles used in conjunction with the operation of the business.
- b. Off-street parking and loading areas.
- c. Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.
- d. Roof-mounted solar collectors provided that a registered engineer or registered architect shall certify that the structure is adequate to support the load.
- e. Earth station dish antennas located on the roof of the principal or accessory structure or in the rear yard. Where the earth station dish is roof-mounted, a registered engineer or registered architect shall certify that the structure is adequate to support the load.
- f. Solar energy collectors erected as an accessory structure.

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22.36 B-4 Office and Professional Business District

(4) **CONDITIONAL USES.**

- a.
- b.
- c.
- d. (Am. #28-08) Public passenger transportation terminals, such as bus and rail depots, but not including airports, airstrips, heliports, helipads and landing fields. Any such use shall be located not less than one hundred (100) feet from any residential district boundary.
- e. Radio and television transmitting and receiving stations, and studios.
- f.
- g. Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than fifty (50) feet from any lot line.
- h. Wireless communications facilities as set forth and under conditions authorized in Section 22.21.
- i. (Cr. #8-11) Residential dwelling units provided they are not located in the front fifty percent of the ground level and provided that there shall be a minimum floor area of three hundred (300) square feet for an efficiency apartment, four hundred fifty (450) square feet for a one-bedroom dwelling unit, six hundred (600) square feet for a two-bedroom dwelling unit, and seven hundred (700) square feet for a three-bedroom dwelling unit.
- j. (Cr. #16-13) Payday lenders provided that the payday lender is not located within 3000 feet of another payday lender and is not located within 500 feet of any residential district.
- k. (Cr. #11-16) Buildings exceeding forty (40) feet in height when adjacent to a residential district.

(5) **LOT AREA AND WIDTH.** Lots shall have a minimum area of ten thousand (10,000) square feet and shall be not less than seventy-five (75) feet in width.

(6) **BUILDING HEIGHT.** (Am. #11-16) Subject to subsection (4) above, there shall be no maximum height for a principal building. Accessory buildings shall be less than twenty (20) feet tall and shall not exceed the height of the principal structure.

(7) **SETBACK AND YARDS.**

- a. There shall be a minimum street yard setback of twenty-five (25) feet from the right-of-way of all streets.

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22.36 B-4 Office and Professional Business District

- b. There shall be a side yard on each side of all buildings of not less than twenty-five (25) feet.
 - c. There shall be a rear yard of not less than twenty-five (25) feet.
 - d. There shall be a minimum shoreyard setback of seventy-five (75) feet from the ordinary highwater mark of a navigable body of water.
- (8) **EROSION CONTROL.** The uses and structures in the B-4 District are subject to Chapter 32 of the City of Waukesha Municipal Code, Chapter 21 of the Wisconsin Uniform Dwelling Code, and any other applicable State laws and administrative rules.
- (9) **PLANS AND SPECIFICATIONS TO BE SUBMITTED TO THE PLAN COMMISSION.** (Am. #38-02) To encourage a business environment that is compatible with the residential character of the City, building permits for permitted uses in the B-4 District shall not be issued nor shall any substantial changes be made to any site improvements without review and approval of the Plan Commission in accordance with Section 22.15. Plan Commission review shall include consideration of such factors as open space utilization, ingress, egress, parking, landscaping, building plans and the general layout in relationship to the surrounding area.
- (10) **PLANNED UNIT DEVELOPMENTS.** (Cr. #38-02) The restrictions on lot area, lot width, building height, setbacks, and yards may be reduced or increased if the property is part of a Planned Unit Development Overlay District in accordance with Section 22.52.

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22.37 B-5 Community Business District

(Rep. & recr. #66-01)

(1) **PURPOSE.** To provide for the orderly and attractive grouping at appropriate locations along principle highway routes and through highways of those businesses and customer services which are logically related and dependent upon highway traffic or which are specifically designated to serve the needs of such traffic.

(2) **PERMITTED PRINCIPAL USES.**

- a. Animal hospitals, veterinary services, and boarding of animals when boarding is not adjacent to residential districts.
- b. Antique and collectors stores.
- c. Appliance stores.
- d. (Am. #38-02) Automobile sales, service stations, and repair facilities, provided that all gas pumps and service bays are set back a minimum of fifty (50) feet from all lot lines.
- e. Marine sales, service, and repair, but not within one hundred (100) feet of a residential district.
- f. Automotive audio equipment and sun roof installation facilities.
- g. Bakeries.
- h. Banks, savings and loan, and other financial institutions; including drive-in facilities.
- i. Barber shops.
- j. Beauty shops.
- k. Book or stationary stores.
- l. Building supply stores excluding lumber yards.
- m. Business offices.
- n. Camera and photographic supply stores.
- o. Catering services.
- p. Clinics.
- q. Clothing stores.
- r. Commercial adult and child care centers.
- s. Commercial recreation facilities, such as arcades, bowling alleys, clubs, dance halls, driving ranges, firearms and archery ranges, gymnasiums, miniature golf facilities, pool and billiard halls and skating rinks.
- t. Computer and computer supply stores.
- u. Confectioneries and ice cream stores.
- v. Convenience food store.
- w. Delicatessens.
- x. Department stores.

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- y. Discount stores.
- z. Drug stores.
- aa. Electronic equipment sales, equipment and repair.
- bb. Equipment rental facilities.
- cc. Fish markets.
- dd. Florists.
- ee. Fruit stores.
- ff. Funeral homes
- gg. Furniture stores.
- hh. Furriers and fur apparel.
- ii. Garden centers.
- jj. Gift stores.
- kk. Grocery stores.
- ll. Hardware stores.
- mm. Hobby and craft shops.
- nn. Hotels and motels.
- oo. Indoor volleyball courts, sports facilities, and physical fitness centers.
- pp. Insurance sales offices.
- qq. Interior decorators.
- rr. Jewelry stores.
- ss. Lodges and clubs.
- tt. Mail services.
- uu. Martial arts studios.
- vv. Meat markets.
- ww. Music stores.
- xx. Newspaper and magazine stores, subject to Section 22.20.
- yy. Office supplies and business machine stores.
- zz. Optical stores.
- aaa. Packaged beverage stores.
- bbbPaint, glass, and wallpaper stores.
- cccPet and pet supply stores.
- dddPhotography and art studios.
- eee Physical fitness centers.
- fff Plumbing and heating supplies.
- ggg. Post offices and postal services.
- hhh. Printing, including photocopying.
- iii. Professional offices.
- jjj. Real estate sales offices.
- kkkRestaurants, including drive-in restaurants.

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22.37 B-5 Community Business District

lllSelf service laundry and dry-cleaning establishments.

mmmShoe stores and leather goods stores.

nnnSporting goods stores.

oooSupermarkets.

pppTailor or dressmaking shop.

qqqTaverns and cocktail lounges.

rrrTheaters.

sss. Tobacco stores.

tttt Utility offices.

uuu. Variety stores.

vvv Vegetable stores.

www Video tape sales and rental, subject to Section 22.20.

xxx. uuu.

vvv. .

www. .

(3) PERMITTED ACCESSORY USES.

- a. Accessory garages for storage of vehicles used in conjunction with the operation of the business or for occupants of the premises.
- b. Off street parking and loading areas.
- c. Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.
- d. Roof-mounted solar collectors provided that a registered engineer or registered architect shall certify that the structure is adequate to support the load.
- e. Earth station dish antennas located on the roof of the principle structure or in the rear yard. Where the earth station dish is roof-mounted, a registered engineer or registered architect shall certify that the structure is adequate to support the load.
- f. Outdoor display of retail merchandise
- g. Solar energy collectors erected as an accessory structure.

(4) CONDITIONAL USES.

- a. Alternative education programs or facilities as defined in Section 115.28(7)(e) of the Wisconsin Statutes.
- b. Carwash facilities provided there is adequate queuing areas.

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22.37 B-5 Community Business District

- c. Construction equipment and commercial vehicle sales and service.
- d. Construction services including general building contractors, carpentering, wood flooring, concrete services, masonry, stone work, tile setting, plastering services, roofing services, siding and gutter services, sheet metal services, and water well drilling services.
- e. Drive-in theaters provided that a planting screen at least twenty-five (25) feet wide is created along any side facing a residential district and provided no access is permitted within one hundred (1,000) feet of an arterial highway.
- f. Farm implement, sales and services.
- g. Fuel oil, bottled gas, LP gas and ice dealers.
- h. Lumber yards, millwork, saw mills, and planing mills.
- i. (Am. #28-08) Public passenger transportation terminals, such as bus and rail depots, but not including airports, airstrips, heliports, helipads and landing fields. Any such use shall be located not less than one hundred (100) feet from any residential district boundary.
- j. Radio and television transmitting towers, receiving towers, relay and microwave towers, and broadcast studios.
- k. Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than fifty (50) feet from any lot line.
- l. Wireless communications facilities as set forth and under conditions authorized in Section 22.21.
- m. Uses similar and reasonably related to principal permitted uses.
- n. (Cr. #8-11) Residential dwelling units provided they are not located in the front fifty percent of the ground level and provided that there shall be a minimum floor area of three hundred (300) square feet for an efficiency apartment, four hundred fifty (450) square feet for a one-bedroom dwelling unit, six hundred (600) square feet for a two-bedroom dwelling unit, and seven hundred (700) square feet for a three-bedroom dwelling unit.
- o. (Cr. #16-13) Payday lenders provided that the payday lender is not located within 3000 feet of another payday lender and is not located within 500 feet of any residential district.
- p. (Cr. #11-16) Buildings exceeding forty (40) feet in height when adjacent to a residential district.

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22.37 B-5 Community Business District

- (5) **LOT AREA AND WIDTH.** Lots shall have a minimum area of ten thousand (10,000) square feet and shall be not less than seventy-five (75) feet in width.
- (6) **BUILDING HEIGHT.** (Am. #11-16) Subject to subsection (4) above, there shall be no maximum height for a principal building. Accessory buildings shall twenty (20) feet tall and shall not exceed the height of the principal structure.
- (7) **SETBACK AND YARDS.**
- a. There shall be a minimum street yard setback of fifty (50) feet from the right-of-way of all streets.
 - b. There shall be a side yard on each side of all buildings of not less than ten (10) feet in width.
 - c. There shall be a rear yard of not less than twenty-five (25) feet.
 - d. There shall be a minimum shoreyard setback of seventy-five (75) feet from the ordinary highwater mark of a navigable body of water.
- (8) **EROSION CONTROL.** The uses and structures in the B-5 District are subject to Chapter 32 of the City of Waukesha Municipal Code, Chapter 21 of the Wisconsin Uniform Dwelling Code, and any other applicable State laws and administrative rules.
- (9) **PLANS AND SPECIFICATIONS TO BE SUBMITTED TO THE PLAN COMMISSION.** (Am. #38-02) To encourage a business environment that is compatible with the residential character of the City, building permits for permitted uses in the B-5 District shall not be issued nor shall any substantial changes be made to any site improvements without review and approval of the Plan Commission in accordance with Section 22.15. Plan Commission review shall include consideration of such factors as open space utilization, ingress, egress, parking, landscaping, building plans and the general layout in relationship to the surrounding area.
- (10) **PLANNED UNIT DEVELOPMENTS.** (Cr. #38-02) The restrictions on lot area, lot width, building height, setbacks, and yards may be reduced or increased if the property is part of a Planned Unit Development Overlay District in accordance with Section 22.52.

CHAPTER 22
Zoning

22.38 M-1 Light Manufacturing District

(Rep. & recr. #66-01)

(1) **PURPOSE.** To provide for manufacturing, industrial, and related uses of a limited nature and size, which on the basis of actual physical and operational characteristics would not be detrimental to the surrounding area or to the City as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors.

(2) **PERMITTED PRINCIPAL USES.**

a. Assembly, processing, manufacturing and/or storage of the following:

1. (Am. #16-11) Automotive customizing, auto body shops.
2. Automotive upholstery and automotive accessories.
3. Apparel and findings, and related products.
4. Automatic temperature controls.
5. Blank books, loose-leaf binders, and binding devices.
6. Books: publishing, printing, and binding.
7. Brooms and brushes.
8. Candy and confectionery products.
9. Cereal preparations.
10. Costume jewelry, buttons, and miscellaneous notions.
11. Curtains and draperies.
12. Dental equipment and supplies.
13. Dress and work gloves.
14. Electrical appliances.
15. Electronic devices.
16. Engineering, laboratory, scientific, and research instruments and related equipment.
17. Envelopes.
18. Fabrics, broad and narrow woven.
19. Felt goods.
20. Flavor extracts and flavor syrups.
21. Floor coverings limited to rugs and carpeting.
22. Footwear.
23. Fresh or frozen fruits, fruit juices, vegetables and specialties.
24. Glass.
25. Greeting cards.
26. Handbags and other personal leather goods.
27. Hats, caps, and millinery.
28. Household furniture and furnishings.

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22.38 M-1 Light Manufacturing District

29. Ice.
30. Ice cream and frozen desserts.
31. Jewelry.
32. Knit goods.
33. Lace goods.
34. Lamp shades.
35. Leather fabrication, not including tanning.
36. Luggage.
37. Macaroni, spaghetti, vermicelli, and noodles.
38. Manifold business forms.
39. Mechanical measuring and controlling instruments.
40. Mens', youths, and boys' furnishings, work clothing and allied garments.
41. Morticians' goods.
42. Musical instruments and parts.
43. (Am. #11-15) Beverages and their bottling.
44. Office furniture.
45. Ophthalmic goods.
46. Optical instruments and lenses.
47. Orthopedic, prosthetic, and surgical appliances and supplies.
48. Paper coating and glazing.
49. Partitions, shelving, lockers, and office and store fixtures.
50. Pens, pencils, and other office and artist materials.
51. Pharmaceutical processing.
52. Photoengraving instruments and apparatus.
53. Photographic equipment and supplies.
54. Pressed and molded pulp goods.
55. Raincoats and other waterproof outer garments.
56. Robes and dressing gowns.
57. Sanitary paper products.
58. Signs and other advertising display media.
59. Silverware and plated ware.
60. Surgical and medical instruments and apparatus.
61. Textiles, dyeing and finishing.
62. Tire cord and fabric.
63. Toys, amusement, sporting and athletic goods.
64. Umbrellas, parasols, and canes.
65. Venetian blinds and shades.
66. Wallpaper.
67. Watches, clocks, clockwork operated devices and parts.

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22.38 M-1 Light Manufacturing District

68. Women's, misses, juniors, girls, and infants furnishings, work and dress garments.

69. Yarns and threads.

- b. Adult Oriented Establishments.
- c. Animal hospitals, veterinary services, and boarding of animals when boarding is not adjacent to residential districts.
- d. Cleaning, dressing, and dyeing.
- e. Commercial bakeries.
- f. Commercial greenhouses.
- g. (Cr. #61-02) Construction services including general building contractors, carpentering, wood flooring, concrete services, masonry, stone work, tile setting, plastering services, roofing services, siding and gutter services, sheet metal services, and water well drilling services.
- h. Electrotyping and stereotyping.
- i. Food locker plants.
- j. Government structures, such as fire and police stations.
- k. Laboratories.
- l. Machine shops.
- m. Newspaper and magazine publishing and printing.
- n. Packaging and assembly of products made from fur.
- o. Pleating, decorative and novelty stitching and tucking for the trade.
- p. Printing and publishing.
- q. Rice milling.
- r. Self-service storage facilities; mini-warehouses.
- s. Typesetting.
- t. Warehousing.
- u. Wholesaling.
- v. Wool scouring, worsted combing, and towing to top.
- w.

(3) PERMITTED ACCESSORY USES.

- a. Garages used for storage of vehicles used in conjunction with the operation of the business.
- b. Off-street parking and loading areas.

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22.38 M-1 Light Manufacturing District

- c. Office, storage, power supply, and other uses normally auxiliary to the principal industrial operation.
- d. Roof-mounted solar collectors provided that a registered engineer or registered architect shall certify that the structure is adequate to support the load.
- e. Earth station dish antennas located on the roof of the principal or accessory structure or in the rear yard. Where the earth station dish is roof-mounted, a registered engineer or registered architect shall certify that the structure is adequate to support the load.
- f. Solar energy collectors erected as an accessory structure.

(4) **CONDITIONAL USES.**

- a. Automobile service stations provided that all gas pumps meet the setback requirements of the district and are located not closer than forty (40) feet to any side lot line.
- b. (Cr. #11-16) Buildings exceeding forty (40) feet in height when adjacent to a residential district.
- c. Commercial recreation facilities. (Cr. #17-14)
- d. Dimension hardwood flooring, veneer, and plywood manufacturing and processing.
- e. Freight yards, freight terminals, and transshipment depots.
- f. Lawn and garden equipment manufacturing and storage.
- g. Lumber yards, millwork, saw mills, and planing mills.
- h. Parks and playgrounds.
- i. Processing of feed for animals and fowl, and processing of animal health products.
- j. (Am. #28-08) Public passenger transportation terminals, such as bus and rail depots, but not including airports, airstrips, heliports, helipads and landing fields. Any such use shall be located not less than one hundred (100) feet from any residential district boundary.
- l. Recycling center and/or transfer station.
- m. Residential quarters for the owner or caretaker of an industrial operation.
- n. Resin and chemical compound blending.

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- o. Storage of animal feeds, fertilizer, seeds, and animal health products.
 - p. Transmitting towers, receiving towers, and relay and microwave towers without broadcast facilities or studios.
 - q. Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than fifty (50) feet from any lot line.
 - r. Wireless communications facilities as set forth and under conditions authorized in Section 22.21.
 - s. Uses similar to and reasonably related to principal permitted uses.
- (5) **LOT AREA AND WIDTH.** Lots shall provide sufficient area and width for the principal building and its accessory buildings, off-street parking and loading areas, and required yards.
- (6) **BUILDING HEIGHT.** (Am. #11-16) Subject to subsection (4q) above, there shall be no maximum height for a principal building. Accessory buildings shall be less than twenty (20) feet tall and shall not exceed the height of the principal structure.
- (7) **SETBACK AND YARDS**
- a. There shall be a minimum street yard setback of twenty-five (25) feet from the right-of-way of all streets.
 - b. There shall be a side yard on each side of all buildings of not less than ten (10) feet.
 - c. There shall be a rear yard of not less than twenty-five (25) feet.
 - d. There shall be a minimum shoreyard setback of seventy-five (75) feet from the ordinary highwater mark of a navigable body of water.
- (8) **EROSION CONTROL.** The uses and structures in the M-1 District are subject to Chapter 32 of the City of Waukesha Municipal Code, Chapter 21 of the Wisconsin Uniform Dwelling Code, and any other applicable State laws and administrative rules.
- (9) **PLANS AND SPECIFICATIONS TO BE SUBMITTED TO THE PLAN COMMISSION.** (Am. #38-02) To encourage a business environment that is compatible with the residential character of the City, building permits for permitted uses in the M-1 District shall not be issued nor shall any substantial changes be made to any site improvements without review and approval of the Plan Commission in accordance with Section 22.15. Plan Commission review shall include consideration

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of such factors as open space utilization, ingress, egress, parking, landscaping, building plans and the general layout in relationship to the surrounding area.

- (10) PLANNED UNIT DEVELOPMENTS. (Cr. #38-02) The restrictions on lot area, lot width, building height, setbacks, and yards may be reduced or increased if the property is part of a Planned Unit Development Overlay District in accordance with Section 22.52.

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22.39 M-2 General Manufacturing District

(Rep. & recr. #66-01)

(1) **PURPOSE.** To provide for manufacturing and industrial development of a more general and less restrictive nature than the M-1 Limited Manufacturing District in those areas where the relationship to surrounding land use would create fewer problems of compatibility. The M-2 District shall not abut directly upon residential districts.

(2) **PERMITTED PRINCIPAL USES.**

- a. Those uses permitted in the M-1 Limited Manufacturing District.
- b. Adult oriented establishments.
- c. Auto body shops, engine repair.
- d. Automobile, marine, and aircraft manufacturing.
- e. Automobile wrecking yard.
- f. Coating, engraving, and allied services.
- g. Construction and mining machinery; manufacturing and repair.
- h. Cutlery, hand tools, and general hardware manufacturing.
- i. Electric lighting and wiring equipment manufacturing.
- j. Electrical industrial apparatus manufacturing.
- k. Electrical transmission and distribution equipment manufacturing.
- l. Electrometallurgical products manufacturing.
- m. Engine and turbine manufacturing.
- n. Farm machinery and equipment manufacturing.
- o. Fine earthenware, table, and kitchen articles manufacturing.
- p. Glass and glass container manufacturing.
- q. Heating apparatus and plumbing fixtures manufacturing.
- r. Household appliance manufacturing.
- s. Inflammable gases and liquids storage, not to exceed fifty thousand (50,000) gallons.
- t. Metal container manufacturing.
- u. Metal products manufacturing, fabricating, and distribution.
- v. Motorcycle and bicycle manufacturing.
- w. Office, computing, and accounting machine manufacturing.
- x. Screw machine products, bolts, nuts, screws, rivets, and washer manufacturing.
- y. Signaling and fire control equipment manufacturing.
- z. Small arms ammunition manufacturing.
- aa. Wire products manufacturing.

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- bb. (Cr. #61-02) Construction services including general building contractors, carpentering, wood flooring, concrete services, masonry, stone work, tile setting, plastering services, roofing services, siding and gutter services, sheet metal services, and water well drilling services.

(3) PERMITTED ACCESSORY USES.

- a. Garages used for storage of vehicles used in conjunction with the operation of the business.
- b. Off-street parking and loading areas.
- c. Office, storage, power supply, and other uses normally auxiliary to the principal industrial operation.
- d. Roof-mounted solar collectors provided that a registered engineer or registered architect shall certify that the structure is adequate to support the load.
- e. Earth station dish antennas located on the roof of the principal or accessory structure or in the rear yard. Where the earth station dish is roof-mounted, a registered engineer or registered architect shall certify that the structure is adequate to support the load.

(4) CONDITIONAL USES.

- a. (Cr. #17-14) All conditional uses allowed in the M-1, Light Manufacturing Zoning District.
- b. Veterinary services, and boarding of animals.
.
- c. Central composting site and related operations, such as woodshaving or brush collection sites.
.
- d. Quarries and mineral extraction operations including washing, crushing, or other processing of non-metallic minerals; ready-mix concrete and asphalt plants; concrete building block and other similar products manufacture; and peat and soil removal, provided that:
 1. The application for the conditional use permit shall include an adequate description of the operation; a list of equipment, machinery, and structures to be used; a topographic map of the site showing existing contours with minimum vertical contour interval of five (5) feet, trees, proposed and existing and proposed excavations; and a restoration plan.

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2. The Plan Commission shall consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character, and land value of the locality and shall also consider the practicality of the proposed restoration of the site.
3. In order to ensure that the area comprising the mineral extraction operation be restored to a condition of usefulness and reasonable physical attractiveness, the owner or operator shall, prior to the issuance of a conditional use permit, submit to the Plan Commission a plan for such restoration containing the following:
 - a. An agreement with the City whereby the applicant agrees to restore the premises within a time satisfactory to the City.
 - b. A restoration plan showing the proposed contours after restoration, type of fill, depth of the restored topsoil, plantings and other special features of restoration, commencement and completion dates, and the method by which such restoration is to be accomplished.
 - c. A bond written by a licensed surety company, a certified check, or other financial guarantee satisfactory to the City attorney in an amount sufficient to secure the performance of the restoration agreement.
 - d. Such agreement and financial guarantee shall be in a form approved by the City Attorney.
4. In the event of the applicant, or subsequent owner, fails to fulfill the plan in accordance with 3. a.-d. above, the bond, check or other financial guarantee described in 3. d. above, shall be deemed forfeited for the purpose of enabling the City to perform the restoration.
5. At any stage during implementation of the restoration, the plan may be modified by mutual agreement between the City and the owner or the operator. Restoration shall proceed as soon as practicable and at the order and direction of the Plan Commission.
6. Where there is any backfilling, the material used or the method of fill shall not be such as to create a health hazard nor which would be objectionable because of odor, combustibility or unsightliness. The finished grade of the restored area or areas of proposed building, or paving construction, shall be of sufficient depth of earth to support plant growth.

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7. Within one year after the cessation of the mineral extraction, with the exception of fences all temporary structures, equipment, stock piles, rubble piles or heaps or other debris shall be removed or backfilled into the excavation so as to leave the premises in a neat and orderly condition.
 8. In any restoration procedure which takes place in sand or gravel pits or on other sites where the material is of a loose or friable nature, no slope shall be left which is steeper than a ratio of three horizontal feet to one vertical foot.
 9. The Plan Commission may periodically conduct an inspection of mineral extraction operations to ascertain whether or not the requirements of this section and any previously agreed upon conditions are met.
- n. Recycling center and/or transfer stations.
 - o. Sanitary landfills, disposal areas, and incinerators.
 - p. Sewage treatment plants, provided that no treatment facility is located closer than five hundred (500) feet to any dwelling, pursuant to Chapter NR 110 of the Wisconsin Administrative Code.
 - q. Solar energy collectors erected as an accessory structure.
 - r. Storage of animal feeds, fertilizer, seeds, and animal health products.
 - s. Transmitting towers, receiving towers, and relay and microwave towers without broadcast facilities or studios.
 - t. Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than fifty (50) feet from any lot line.
 - u. Wireless communications facilities as set forth and under conditions authorized in Section 22.21.
 - v. Uses similar to and reasonably related to permitted principal uses.
 - w. (Cr. #11-16) Buildings exceeding forty (40) feet in height when adjacent to a residential district.
- (5) LOT AREA AND WIDTH. Individual business sites in the M-2 District shall have no required lot area or width, provided, however, all applicable setback and parking requirements must be met.
- (6) BUILDING HEIGHT. (Am. #11-16) Subject to subsection (4) above, there shall be no maximum height for a principal building. Accessory buildings shall be less than twenty (20) feet tall and shall not exceed the height of the principal building.

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(7) SETBACK AND YARDS.

- a. There shall be a minimum street yard setback of twenty-five (25) feet from the right-of-way of all streets.
- b. There shall be a side yard on each side of all buildings of not less than ten (10) feet.
- c. There shall be a rear yard of not less than twenty-five (25) feet.
- d. There shall be a minimum shoreyard setback of seventy-five (75) feet from the ordinary highwater mark of a navigable body of water.

(8) EROSION CONTROL. The uses and structures in the M-2 District are subject to Chapter 32 of the City of Waukesha Municipal Code, Chapter 21 of the Wisconsin Uniform Dwelling Code, and any other applicable State laws and administrative rules.

(9) PLANS AND SPECIFICATIONS TO BE SUBMITTED TO THE PLAN COMMISSION. (Am. #38-02) To encourage a business environment that is compatible with the residential character of the City, building permits for permitted uses in the M-2 District shall not be issued nor shall any substantial changes be made to any site improvements without review and approval of the Plan Commission in accordance with Section 22.15. Plan Commission review shall include consideration of such factors as open space utilization, ingress, egress, parking, landscaping, building plans and the general layout in relationship to the surrounding area.

(10) PLANNED UNIT DEVELOPMENTS. (Cr. #38-02) The restrictions on lot area, lot width, building height, setbacks, and yards may be reduced or increased if the property is part of a Planned Unit Development Overlay District in accordance with Section 22.52.

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22.40 M-3 Limited Business and Industrial Park District

(Rep. & recr. #66-01)

- (1) **PURPOSE.** To provide for the development of an attractive and aesthetic grouping of limited light industrial uses, offices, corporate headquarters, and support facilities in a park-like setting. The district is further intended to promote properly arranged traffic and parking facilities, and to promote landscaping which will provide for an attractive setting, minimizing adverse effects upon the adjoining or surrounding areas.

- (2) **PERMITTED PRINCIPAL USES.** Office and light manufacturing facilities including:
 - a. Accounting, auditing, and bookkeeping services.
 - b. Adult and child day care centers, provided that such uses are necessitated by employees, customers and visitors to offices, business and plants in the district, and provided that such day care centers shall not be located closer than two hundred (200) feet from any through highway unless approved by the Plan Commission.
 - c. Animal hospitals, veterinary services, and boarding of animals when boarding is not adjacent to residential districts.
 - d. Architectural services.
 - e. Banks, savings and loan associations, and other financial institutions.
 - f. Chiropractor services.
 - g. Corporate headquarters, manufacturing offices, and sales and distribution centers.
 - h. Dental services.
 - i. Dry cleaning and dyeing establishments.
 - j. Engineering services.
 - k. Food, beverage, and milk processing and soft drink bottling plants.
 - l. General or clerical offices.
 - m. Health and recreational facilities.
 - n. Land surveying services.
 - o. Legal services.
 - p. Medical clinics.
 - q. Optometrists.
 - r. Osteopaths.
 - s. Physician and surgeon services.
 - t. Printing, lithographing, blueprinting, and photocopying establishments.
 - u. Professional offices.
 - v. Research offices and laboratories.

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- w Testing centers.
 - x Training schools for employment in the fields of industry or manufacturing.
 - y Urban planning services.
 - h.
 - z Warehousing.
 - i. Wholesalers and distributors.
- (3) PERMITTED ACCESSORY USES.
- a. Garages used for storage of vehicles used in conjunction with the operation of the business.
 - b. Off-street parking and loading areas.
 - c. Office, storage, power supply, and other uses normally auxiliary to the principal industrial operation.
 - d. Roof-mounted solar collectors provided that a registered engineer or registered architect shall certify that the structure is adequate to support the load.
 - e. Earth station dish antennas located on the roof of the principal or accessory structure or in the rear yard. Where the earth station dish is roof-mounted, a registered engineer or registered architect shall certify that the structure is adequate to support the load.
 - f. Solar energy collectors erected as an accessory structure.
- (4) CONDITIONAL USES.
- a. (Am. #28-08) Public passenger transportation terminals, such as bus and rail depots, but not including airports, airstrips, heliports, helipads and landing fields. Any such use shall be located not less than one hundred (100) feet from any residential district boundary.
 - b. Radio, television, and electronics assembly, not to be located within five hundred (500) feet of any residential district.
 - c. Transmitting towers, receiving towers, and relay and microwave towers without broadcast facilities or studios.
 - d. Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than fifty (50) feet from any lot line.
 - e. Wireless communications facilities as set forth and under conditions authorized in Section 22.21.

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22.40 M-3 Limited Business and Industrial Park District

- f. (Cr. #11-16) Buildings exceeding forty (40) feet in height when adjacent to a residential district.
 - g. Retail sales facility directly related to the principal use which promotes the principal use or activity.
- (5) LOT AREA. Lots shall have a minimum area of twenty thousand (20,000) square feet and shall be not less than ninety (90) feet in width.
- (6) LOT COVERAGE AND OPEN SPACE.
- a. Lot coverage by buildings, accessory structures, and surface parking and driveways shall occupy a maximum of seventy-five (75) percent of the lot area. Landscaped open space not covered by buildings, accessory structures, and surface parking and driveways shall occupy a minimum of twenty-five (25) percent of the lot area. The open space may include storm water retention/detention areas.
 - b. All operations and activities of all uses within this district shall be conducted wholly inside a building or buildings. Any outdoor storage areas shall occupy an area no larger than 10% of the area of the building and shall be screened from view by an approved solid wall, fence or hedge.
- (7) BUILDING HEIGHT. (Am. #11-16) Subject to subsection (4) above, there shall be no maximum height for a principal building. Accessory buildings shall be less than twenty (20) feet tall and shall not exceed the height of the principal structure.
- (8) SETBACK AND YARDS.
- a. There shall be a minimum street yard setback of forty (40) feet from the right-of-way of all streets.
 - b. There shall be a side yard on each side of all buildings of not less than ten (10) feet.
 - c. There shall be a rear yard of not less than twenty-five (25) feet.
 - d. There shall be a minimum shoreyard setback of seventy-five (75) feet from the ordinary highwater mark of a navigable body of water.
 - e. No building in the M-3 district shall be located closer than one hundred (100) feet from a residential district boundary unless a buffering plan has been prepared by the developer and approved by the Plan Commission.
- (9) EROSION CONTROL. The uses and structures in the M-3 District are subject to Chapter 32 of the City of Waukesha Municipal Code, Chapter 21 of the Wisconsin

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Uniform Dwelling Code, and any other applicable State laws and administrative rules.

- (10) **PLANS AND SPECIFICATIONS TO BE SUBMITTED TO THE PLAN COMMISSION.** (Am. #38-02) To encourage a business environment that is compatible with the residential character of the City, building permits for permitted uses in the M-3 District shall not be issued nor shall any substantial changes be made to any site improvements without review and approval of the Plan Commission in accordance with Section 22.15. Plan Commission review shall include consideration of such factors as open space utilization, ingress, egress, parking, landscaping, building plans and the general layout in relationship to the surrounding area.
- (11) **PLANNED UNIT DEVELOPMENTS.** (Cr. #38-02) The restrictions on lot area, lot width, building height, setbacks, and yards may be reduced or increased if the property is part of a Planned Unit Development Overlay District in accordance with Section 22.52.

CHAPTER 22

Zoning

22.42 I-1 Institutional District

(Rep. & recr. #66-01)

(1) **PURPOSE.** To eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public purpose is anticipated to be permanent.

(2) **PERMITTED PRINCIPAL USES.**

- a. Commercial adult and child care centers.
- b. Churches, synagogues, and other places of worship.
- c. Funeral homes.
- d. Hospitals, sanatoriums, nursing homes, clinics, and rehabilitation facilities.
- e. Libraries, community centers, museums, and public art galleries.
- f. Post office and postal substations.
- g. Public administrative offices, and public service buildings, including fire and police stations.
- h. Public or private schools, colleges, and universities.
- i. Public utility offices.
- j. Residential shelter facilities, facilities of charitable institutions and social service agencies.
- k. Cemeteries and crematories.
- l. Housing for the assisted elderly when facility is part of a continuing care facility, and community-based residential facilities (CBRF) as defined in Section 50.01(1)(g), Wisconsin Statutes, provided that the density shall not exceed 22 units per acre, and provided that there shall be a minimum living area of five hundred (500) square feet for a one-bedroom dwelling unit and a minimum living area of seven hundred fifty (750) square feet for a two-bedroom or larger dwelling unit.
- m. Parks and playgrounds.
- n. Penal and correctional institutions provided that the site area is not less than five (5) acres in area and does not abut upon a residential district.
- o. (Am. #28-08) Public passenger transportation terminals, such as bus and rail depots, but not including heliports or helipads except when associated with a hospital or medical clinic.
- p. Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than fifty (50) feet from any lot line unless approved by the Plan Commission.

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(3) PERMITTED ACCESSORY USES.

- a. Garages for storage of vehicles used in conjunction with the operation of a permitted use.
- b. Residential quarters for caretakers or clergy.
- c. Roof-mounted solar collectors provided that a registered engineer or registered architect shall certify that the structure is adequate to support the load.
- d. Earth station dish antennas located on the roof of the principal or accessory structure or in the rear yard. Where the earth station dish is roof-mounted, a registered engineer or registered architect shall certify that the structure is adequate to support the load.
- e. Service buildings and facilities normally accessory to the permitted use.
- f. Solar energy collectors erected as an accessory structure.

(4) CONDITIONAL USES.

- a. Airports, airstrips, and landing fields provided that the site is not less than twenty (20) acres in area.
- b. Central composting site and related operations, such as woods having or brush collection sites.
- c. Clubs, fraternities, and meeting places of a noncommercial nature.
- d. Transmitting towers, receiving towers, and relay and microwave towers, and broadcast studios.
- e. Wireless communications facilities as set forth and under conditions authorized in Section 22.21.
- f. (Cr. #11-16) Buildings exceeding forty (40) feet in height when adjacent to a residential district.

(5) LOT AREA AND WIDTH. Lots shall be a minimum of ten thousand (10,000) square feet in area and shall not be less than seventy-five (75) feet in width.

(6) BUILDING HEIGHT AND AREA.

- a. (Am. #11-16) Subject to subsection (4) above, there shall be no maximum height for a principal building. No accessory building shall exceed twenty (20) feet in height [unless approved by the Plan Commission](#).
- b. Residential uses permitted in the I-1 district shall comply with the building area requirements of the RS-3 Single-Family Residential District.

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22.42 I-1 Institutional District

(7) SETBACK AND YARDS.

- a. There shall be a minimum street yard setback of twenty-five (25) feet from any street right-of-way.
- b. There shall be a side yard on each side of all buildings not less than ten (10) feet in width.
- c. There shall be a rear yard of not less than forty (40) feet.
- d. There shall be a minimum shoreyard setback of seventy-five (75) feet from the ordinary highwater mark of a navigable body of water.

(8) EROSION CONTROL. The uses and structures in the I-1 District are subject to Chapter 32 of the City of Waukesha Municipal Code, Chapter 21 of the Wisconsin Uniform Dwelling Code, and any other applicable State laws and administrative rules.

(9) PLANS AND SPECIFICATIONS TO BE SUBMITTED TO THE PLAN COMMISSION. (Am. #38-02) To encourage a business environment that is compatible with the residential character of the City, building permits for permitted uses in the I-1 District shall not be issued nor shall any substantial changes be made to any site improvements without review and approval of the Plan Commission in accordance with Section 22.15. Plan Commission review shall include consideration of such factors as open space utilization, ingress, egress, parking, landscaping, building plans and the general layout in relationship to the surrounding area.

(10) PLANNED UNIT DEVELOPMENTS. (Cr. #38-02) The restrictions on lot area, lot width, building height, setbacks, and yards may be reduced or increased if the property is part of a Planned Unit Development Overlay District in accordance with Section 22.52.

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22.43 P-1 Park District

(Rep. & recr. #66-01)

(1) PURPOSE. To provide for areas where the open space and recreational needs, both public and private, of the citizens of the City of Waukesha can be met without undue disturbance of natural resources and adjacent uses.

(2) PERMITTED PRINCIPAL USES.

- a. Bathhouses.
- b. Boat mooring and rental.

- c. Botanical gardens and arboretums.
- d. Conservatories.
- e. Driving ranges.

- f. Exhibition halls.
- g. Fairgrounds.
- h. Golf courses without country club facilities.
- i. Gymnasiums.

- j. Hiking, biking, and nature trails.
- k. Historic monuments or sites.
- l. Ice boat facilities.
- m. Indoor ice skating rinks.
- n. Marinas.
- o. Music halls.

- p. Neighborhood tot lots.
- q. Outdoor skating rinks.
- r. Park and playgrounds.
- s. Picnicking areas.
- t. Play fields or athletic fields.
- u. Polo fields.

- v. Public art galleries.
- w. Riding academies.

- x. Sledding, skiing or tobogganing.
- y. Stadiums.
- z. Swimming beaches.
- aa. Swimming pools.
- bb. Tennis courts.

- cc. Zoological gardens provided that the use has a minimum parcel area of three (3) acres.

(3) PERMITTED ACCESSORY USES.

- a. Buildings accessory to the permitted use.
- b. Roof-mounted solar collectors provided that a registered engineer or registered architect shall certify that the structure is adequate to support the load.

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- c. Earth station dish antennas located on the roof of the principal or accessory structure or in the rear yard. Where the earth station dish is roof-mounted, a registered engineer or registered architect shall certify that the structure is adequate to support the load.
- d. Solar energy collectors erected as an accessory structure.

(4) CONDITIONAL USES.

- a. Outdoor archery ranges, campgrounds, and firearm ranges, except if adjacent to a residential district.
- b. Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than fifty (50) feet from any lot line.
- c. Wireless communications facilities as set forth and under conditions authorized in Section 22.21.
- d. (Cr. #11-16) Buildings exceeding forty (40) feet in height when adjacent to a residential district.

(5) BUILDING HEIGHT. (Am. #11-16) Subject to subsection (4) above, there shall be no maximum height for a principal building. No accessory building shall exceed twenty (20) feet in height unless approved by the Plan Commission.

(6) SETBACKS.

- a. No building or structure shall be erected, altered, or moved closer than forty (40) feet to a lot line.
- b. There shall be a minimum shoreyard setback of seventy-five (75) feet from the ordinary highwater mark of a navigable body of water.

- (7) EROSION CONTROL. The uses and structures in the P-1 District are subject to Chapter 32 of the City of Waukesha Municipal Code, Chapter 21 of the Wisconsin Uniform Dwelling Code, and any other applicable State laws and administrative rules.
- (8) PLANS AND SPECIFICATIONS TO BE SUBMITTED TO THE PLAN COMMISSION. (Am. #38-02) To encourage a business environment that is compatible with the residential character of the City, building permits for permitted uses in the P-1 District shall not be issued nor shall any substantial changes be made to any site improvements without review and approval of the Plan Commission in accordance with Section 22.15. Plan Commission review shall include consideration of such factors as open space utilization, ingress, egress, parking, landscaping, building plans and the general layout in relationship to the surrounding area.
- (9) PLANNED UNIT DEVELOPMENTS. (Cr. #38-02) The restrictions on lot area, lot width, building height, setbacks, and yards may be reduced or increased if the property is part of a Planned Unit Development Overlay District in accordance with Section 22.52.

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22.45 Overlay Districts

(Rep. & recr. #66-01)

The overlay districts provided for in §22.44, 22.46-22.52 shall provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more restrictive of the conflicting requirements shall apply.

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22.58 Accessory Use Regulations

(Rep. & recr. #66-01)

(1) GENERAL REGULATIONS.

- a. Accessory uses are permitted in the districts as specified in this Chapter. An accessory use building permit shall be required where specified in this Chapter. Accessory uses are permitted if there is an existing permitted principal structure or a permitted principal structure is under construction. The use and/or location requirements provided for in this Chapter may be modified for accessory uses as specifically provided herein.
- b. (Am. #38-02) Accessory uses and detached accessory structures shall be permitted in the rear yard only, not in a street yard or side yard, unless otherwise specified. Accessory structures shall not occupy more than twenty percent (20%) of the rear yard in all districts except the business and manufacturing districts where such uses and structures shall not occupy more than fifty percent (50%) of the rear yard area. When permitted in the side or front yard, accessory structures shall not occupy more than ten percent (10%) of the yard area.

(2) SPECIFIC REGULATIONS.

- a. Garages, garden and utility sheds, and gazebos are permitted upon the issuance of a building permit, provided that:
 1. (Am. #61-02) The nearest point of any accessory building shall be located no closer than five (5) feet from the permitted principal structure; shall be placed on a pad of concrete, asphalt, wood, or metal; shall be located so that the foundation is not closer than five (5) feet to a lot line; and shall not exceed the height restrictions specified in the applicable zoning district and shall not exceed the height of the principal structure. Any accessory building for motor vehicles shall be placed on a concrete floor or pad. Accessory buildings shall be set back at least five (5) feet from an alley, except if vehicular access to the lot is from the alley, accessory buildings shall be set back at least eight (8) feet from the alley.
 2. (Am. #61-02) No more than one accessory building shall be erected on a lot in any residential district when the principal dwelling has an attached garage. No more than two accessory buildings shall be erected on a lot in any residential district when there is no attached garage. When two accessory buildings are permitted, one structure shall not exceed seven hundred twenty (720) square feet in area when accessory to a single-family dwelling, and shall not exceed one thousand one hundred and fifty two (1152) square feet when accessory to a two-family or larger dwelling; and the second structure shall not exceed one hundred fifty (150) square feet in area. When only one accessory building is permitted, it shall not exceed one hundred fifty (150) square feet in area. The Plan Commission

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may, at its discretion, permit more than two accessory structures when it determines that more than two (2) such structures are necessary to the efficient development of the property and that sufficient, usable open space areas remain on the lot.

3. A gazebo connected to a deck which is attached to the permitted principal structure shall be located no closer than three (3) feet to a lot line, but not in the minimum side yard when located adjacent to the wall of a permitted principal structure, or within fifty (50) feet of the front lot line, except where adjacent to an alley or a street side lot line.
 4. (Cr. #15-14) The roofs of all accessory buildings shall be covered with asphalt shingles, wood or shake shingles, standing seam metal, aluminum or other metal, tile roofing, or slate roofing. Membrane structures are only permitted as a temporary use subject to Section 22.64 of the Zoning Ordinance. Any proposals to use membrane structures in excess of 30 days shall require Plan Commission approval.
 5. (Cr. #15-14) The exterior walls of accessory structures shall be covered by aluminum or metal panels, cement fiber, wood, wood clapboards, wood shakes, vinyl, steel or aluminum beveled siding, brick, stone or other masonry-type veneer materials or other similar materials. Membrane structures are only permitted as a temporary use subject to Section 22.64 of the Zoning Ordinance. Any proposals to use membrane structures in excess of 30 days shall require Plan Commission approval.
- b. Patios, constructed at or below yard grade, may be erected, without a building permit, adjacent to the permitted principal structure, and shall be located not closer than three (3) feet to a lot line.
 - c. Decks which are constructed twelve (12) inches or more above lot grade, and which are attached to or closer than ten (10) feet to a permitted principal structure, shall be located not closer to a side lot line than the required side yard requirements for the district in which they are located and shall require the issuance of a building permit. Decks may project a distance not to exceed ten (10) feet into any required rear yard. Freestanding decks or decks surrounding private swimming pools separated from the principal structure shall be located at least ten (10) feet from the permitted principal structure and shall be located not closer than three (3) feet to a lot line. All decks which are constructed less than twelve (12) inches above yard grade shall be located not closer than three (3) feet to a lot line.
 - d. Playhouses and children's swing sets are permitted without a building permit, provided that such uses shall be located no closer than three (3) feet from a lot line.
 - e. Central air conditioning compressors are permitted in the rear yard or the side yard without a building permit, provided that the compressor shall be located at least three (3) feet from a lot line. Where it is determined that it is impractical to

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- locate a central air conditioning compressor in the side or rear yard, the building inspector may permit placement in the street yard provided that the air conditioning compressor is screened from view.
- f. Accessory pet kennels may be placed in the rear yard of any residential district upon the issuance of a building permit provided that the kennel is located not closer than five (5) feet from a lot line; that the kennel is placed on a pad of concrete, asphalt, or coarse stone or gravel; that the kennel is enclosed by a fence not less than four (4) feet nor more than six (6) feet in height; and that no pet kennel shall exceed three hundred (300) square feet in area.
 - g. One (1) accessory compost bin, not to exceed six (6) feet in height is permitted without a building permit, provided that such use shall be located at least three (3) feet from a lot line.
 - h. Private swimming pools are permitted, upon the issuance of a building permit, provided that:
 1. (Rep. & Recr. #38-02) (Am. #58-03) Private swimming pools shall be walled or fenced by a detached wall or fence at least four (4) feet high and no closer to the perimeter walls of the pool than four (4) feet at any point. Such wall or fence must be constructed so as to prevent uncontrolled access by children from the street or adjacent properties. All fence openings or points of entry into the pool area enclosure shall be equipped with gates that have self-closing and self-latching devices placed at the top of the gate. (See Sec. 11.38 of this Code for other requirements regarding swimming pool locks.)
 2. (Rep. & Recr. #38-02) Properties containing private swimming pools are not subject to subsection 1. if the entire property upon which the swimming pool is located is enclosed by a detached wall or fence that fully complies with that subsection.
 3. (Rep. & Recr. #38-02) Properties containing private swimming pools are not subject to subsection 1. if the private swimming pool is an above-ground swimming pool with a deck, the bottom of said deck to be at least 48 inches above grade level and extended out perpendicular from the sides of the pool. Such deck shall have, on its outer edges, a fence at least thirty-two (32) inches in height above such deck level, and be of a type which will prevent uncontrolled access by children from the street or adjacent properties. Such fence and deck shall have a ladder at the opening of the fence, with a gate which is equipped with self-closing and self-latching devices placed at the top of the gate.
 4. (Am. #38-02) Swimming pools shall not be constructed directly under or over electric lines or within five (5) feet of underground lines or ten (10) feet of overhead lines. All electrical connections to a swimming pool shall comply with all local and state electrical codes.

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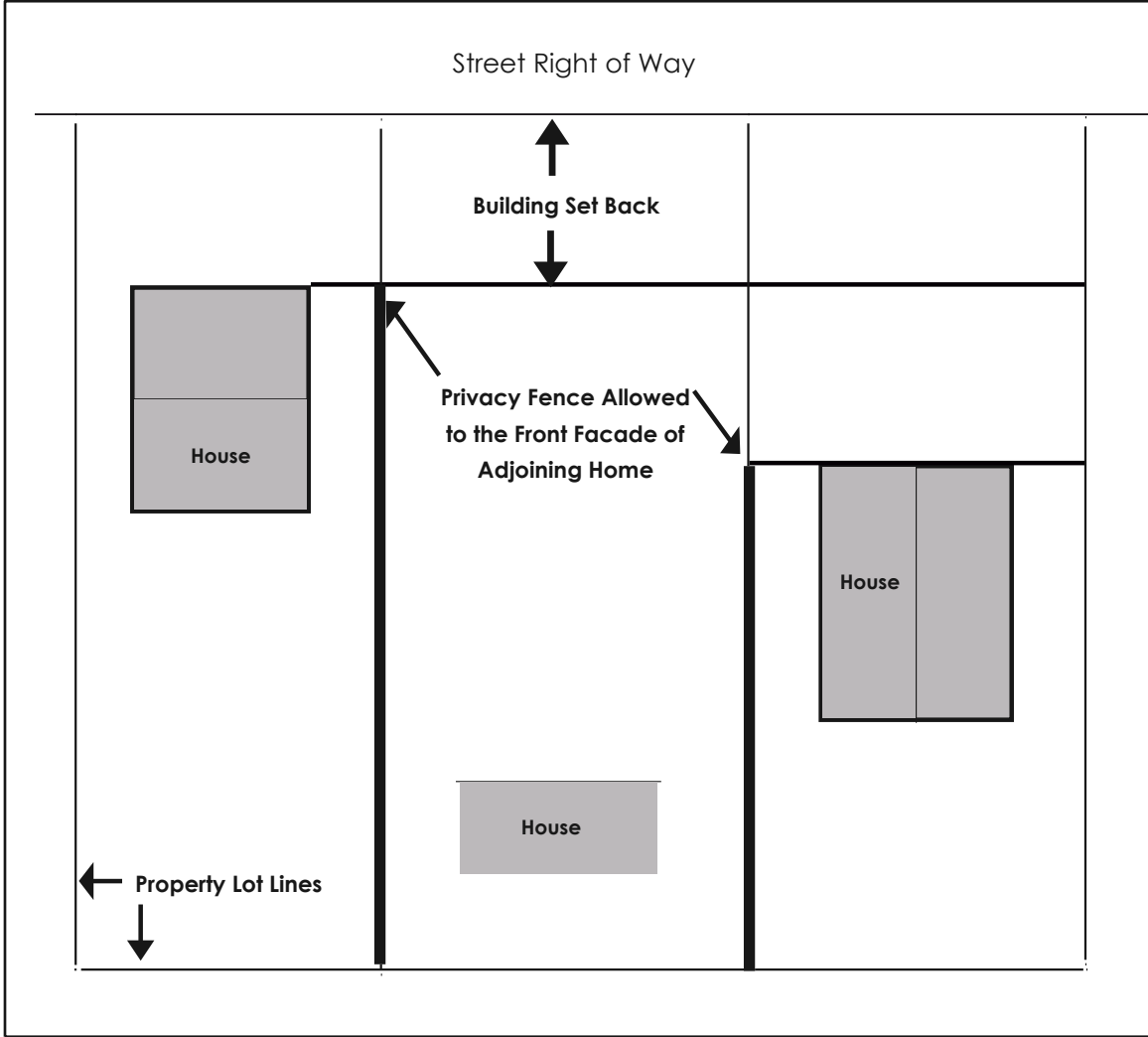
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5. No water drained from swimming pools shall be discharged onto adjacent properties without written consent of the owner, or into a municipal sanitary sewerage system, or directly into a navigable body of water;
 6. Equipment shall be provided for the disinfection of all pool water. No gaseous chlorination shall be permitted.
 7. Heating units, pumps, and filter equipment shall be adequately housed and muffled in such a manner as not to create a nuisance. Such equipment shall be located not closer than twenty (20) feet to a lot line.
 8. There shall be an unobstructed areaway around all pools of at least three (3) feet in width.
 9. No private swimming pool, including areaways surrounding the pool, shall be located closer than ten (10) feet to a lot line.
 10. Private swimming pools, together with other accessory structures regulated by this section shall not occupy more than fifty percent (50%) of the rear yard area.
- i. Rummage Sales may be conducted in any district provided that the rummage sale does not exceed four (4) consecutive days in length and is not conducted more often than three (3) times per year. Rummage sales do not require the issuance of a building permit.
- j. (Am. #6-17) Fences are a permitted accessory use in any district. All fences are subject to the following rules:
1. Barbed-wire fences and electric fences are permitted only in the T-1 Temporary district, and only for control of livestock.
 2. Fences are not subject to setback requirements, except for street-yard setbacks for Solid Fences in subsection (3) and street-yard requirements for open Security Fences in subsection (7), and may be located on lot lines.
 3. Solid Fences are permitted in residential zoning districts, subject to the following rules: They shall not exceed a height of 6 feet; they are permitted in side and rear yards; and they are not permitted in street yards, except that they may extend on or parallel to the lot line into the street yard, no farther than the line of the adjacent property's street yard. (See Illustration No. 4)

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Illustration No. 4



Plan view diagram illustrating allowed residential privacy fence locations between adjoining lots.

- 4. Ornamental Fences are permitted in street yards, side yards and rear yards in any zoning district, but shall not be erected in a street right-of-way, and shall not exceed a height of 4 feet.
- 5. All fences shall be constructed so that the finished side faces the adjacent property, and fence posts face away from the adjacent property.

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6. All fences shall comply with the traffic-visibility rules in Section 22.53.
7. Security Fences are permitted up to the property lines in all zoning districts except residential, shall not exceed 10 feet in height, and shall be Open Fences when located in the street yard. Security Fences may include up to four strands of barbed wire on the top of the fence provided that the barbed wire is at least 8 feet above grade, and the vertical supports for the barbed wire shall either extend vertically or slant inward away from the property line. All proposals for installation of Security Fences shall be submitted to the Plan Commission for review and approval before installation, and the Plan Commission shall have authority to require that Security Fences be in aesthetic harmony with surrounding properties.
8. “Solid Fence” is defined in §22.05(75). “Security Fence” is defined in §22.05(74). “Ornamental Fence” is defined in §22.05(73). “Open Fence” is defined in §22.05(72)..

(3) EARTH STATION DISH ANTENNAS.

- a. Ground mounted or building mounted dish antennas having a diameter of more than forty (40) inches are permitted as accessory uses provided that all the requirements of subparagraphs (b) through (i) are met.
- b. Earth station dish antennas shall be constructed and anchored in such a manner to withstand winds of not less than 80 miles per hour and such installations shall be constructed of noncombustible and corrosive resistant materials.
- c. Earth station dish antennas shall be filtered or shielded, or both, so as to prevent the emission or reflection of electromagnetic radiation that would cause any harmful interference with the radio and or television broadcasting or reception on adjacent properties. If harmful interference is caused subsequent to its installation, the owner of the dish antenna shall promptly take steps to eliminate the harmful interference in accordance with FCC regulations.
- d. Ground-mounted dish antennas shall meet the height requirements for accessory structures in the zoning district in which they are located. Building-mounted dish antennas shall not exceed the maximum height regulation of the zoning district in which they are located.
- e. Ground-mounted earth station dish antennas shall meet all setback and yard requirements for accessory structures in the district in which they are located and are permitted in the rear yard only in residential district, provided that they shall be no closer than five (5) feet to the principal structure and any rear lot line, nor occupy more than twenty percent (20%) of the rear yard area. Ground-mounted earth station dish antennas are permitted in the side and rear yards in commercial, industrial and public/institutional zoning districts provided that they shall be

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- closer than 5 feet to the principal structure, shall not occupy more than fifty percent (50%) of a side yard nor seventy-five (75%) of a rear yard area, and shall be no closer than three (3) feet to any side or rear lot line nor five (5) feet to any alley line. Building-mounted earth station dish antennas shall not exceed the setback and yard requirements of the zoning district in which it is located.
- f. Not more than one (1) earth station dish antenna shall be permitted on a lot or parcel in a residential zoning district.
 - g. The installation of an earth station dish antenna shall require a building permit. The property owner shall submit, to the Building Inspector, plans which indicate the appearance, proposed location and installation method of the dish antenna. Earth station dish antennas shall be located and screened to minimize their visual impact on surrounding properties. If the property owner in a residential zoning district proposes a building-mounted antenna location in which the antenna would be visible from the front lot line, that property owner must demonstrate that reception would not be possible from a less conspicuous location. The property owner in a residential zoning district who proposes a building-mounted antenna must also submit a plan for screening the antenna from surrounding properties whenever such screening can be accomplished in a manner that is appropriate to the architecture of the building. The Building Inspector shall refer to the Architectural Review Board any plans which do not clearly meet the requirements of this section.
 - h. All earth station dish antennas, and the construction and installation thereof, shall conform to applicable City Building Code and Electrical Code regulations and requirements. Prior to the issuance of a building permit for a building-mounted earth station dish antenna, the applicant shall submit a plan or document prepared by the registered professional engineer which certifies that the proposed dish antenna installation is structurally sound.
 - i. Any earth station dish antenna existing on November 21, 1984, which does not conform to these regulations, shall be brought into conformance within one (1) year of this date.
- (4) TELEVISION BROADCAST SATELLITE ANTENNAS.
- a. Antennas which are forty (40) inches or less in diameter or diagonal measurement designed to receive direct broadcast satellite service, including direct-to-home satellite services or receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services.
 - b. Television Broadcast Satellite Antennas shall be constructed and anchored in such a manner to withstand winds of not less than 80 miles per hour and such installations shall be constructed of non-combustible and corrosive-resistant materials. The express purpose of this requirement is to ensure the safety of Waukesha citizens by preventing Television Broadcast Satellite Antennas from

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- coming dislodged in high winds or from causing fires due to the use of combustible materials in their installation.
- c. In the event that building-mounted Television Broadcast Satellite Antennas shall exceed a height of twelve (12) feet above the building's roofline, such installations shall require a building permit. To obtain the building permit, the property owner shall submit to the building inspector plans which indicate the location and installation method of the building-mounted Television Broadcast Satellite Antenna. The express safety objective of this requirement is to ensure that high structures supporting an anchored object pose no risk of injury to Waukesha citizens or to adjoining property if the structures or the anchored object were to become dislodged and fall.
 - d. No Television Broadcast Satellite Antenna can be situated so as to interfere with traffic contrary to the provisions of Section 22.52(1) of the Waukesha Municipal Code
 - e. If a Building Department representative discovers a violation of subsections (b), (c), or (d) above, the Building Department may issue an Order to the property owner or tenant ordering that the Television Broadcast Satellite Antenna be removed and reinstalled in compliance with this section. If the Television Broadcast Satellite Antenna is not removed within the time stated in the Order, the Building Department may issue a forfeiture not to exceed thirty dollars (\$30).
 - f. Building-mounted and ground-mounted Television Broadcast Satellite Antennas shall meet all setback and yard requirements for accessory structures of the zoning district in which they are located unless doing so would: (1) unreasonably delay or prevent installation, maintenance or use; (2) unreasonably increase the cost of installation, maintenance or use; or (3) preclude reception of an acceptable quality signal.
 - g. Television Broadcast Satellite Antennas must be placed in rear yards in all districts unless doing so would: (1) unreasonably delay or prevent installation, maintenance or use; (2) unreasonably increase the cost of installation, maintenance or use; or (3) preclude reception of an acceptable quality signal.
 - h. The building department may require the property owner to screen the Television Broadcast Satellite Antenna from surrounding properties by painting the Antenna a color which matches its surrounding area and background, unless doing so would: (1) unreasonably delay or prevent installation, maintenance or use; (2) unreasonably increase the cost of installation, maintenance or use; or (3) preclude reception of an acceptable quality signal.
 - i. To ensure that the delineated safety objectives are met, property owners who plan to install a Television Broadcast Satellite Antenna must notify the Building Department of the installation. Such notification may be made by phone, fax, in person, or in writing. The notification must include information indicating the proposed location and installation method of the antenna.

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- j. Any person who violates subsections (f), (g), (h), and (i) above, may be subject to a forfeiture not to exceed \$15, provided that if a property owner or tenant violates subsections (f), (g), (h), or (i), no City department or agent may take any step which would: (1) prevent or unreasonably delay the antenna's installation, maintenance, or use; (2) unreasonably increase the cost of its installation, maintenance or use; or (3) preclude reception of an acceptable quality signal, unless such steps are necessary to enforce the safety restrictions in subsections (b), (c), or (d) of this section or to enforce any additional safety restrictions set forth in this Code or State statutes.
- k. Television Broadcast Satellite Antennas are not exempt from the restrictions set forth in section 28.05(3) of the Code.

(5) HOME OCCUPATIONS AND PROFESSIONAL HOME OFFICES.

- a. Home occupations and professional home offices are permitted accessory uses in any residential district, not requiring a conditional use permit, provided that:
 - 1. The use of the residential dwelling for the home occupation or professional home office shall be clearly incidental and subordinate to its residential use and shall not occupy more than twenty-five percent (25%) of the floor area of one floor.
 - 2. No home occupation or professional home office shall be located in or conducted in an accessory structure.
 - 3. No person other than members of the family residing on the premises shall be employed or engaged in such home occupation or professional home office.
 - 4. The home occupation and professional home office shall not increase the traffic volume in a residential neighborhood to a significant or substantial degree and any need for parking generated by the conduct of the home occupation or use shall be provided off the street and other than in the required street yard.
 - 5. No outdoor storage of equipment or product shall be permitted.
 - 6. No stock in trade shall be kept or sold except that made on the premises.
- b. Home occupations, which comply with the conditions set forth in (a)1.-6. above, may include, but are not limited to baby sitting, canning, crafts, desktop publishing and other computer services, dressmaking, laundering, millinery, piano teaching, telephone marketing, and word processing.
- c. Home occupations shall not include auto body or engine repair, fire-arm sales or repair, ammunition sales, barbering, beauty shops, construction trades, dance studios, firewood sales and processing, insurance agencies, pet sales and

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- grooming, photographic studios, real estate brokerages, or any other occupation inconsistent with the residential character of the neighborhood.
- d. (Cr. #21-06) Home occupations may be allowed provided no structural alterations or constructions involving features not customary in dwellings are required, and the entrance to the space devoted to such use shall be from within the dwelling. An unlighted sign of not over one square foot in area and attached flat against the building shall be permitted.

(6) HOME INDUSTRIES. Home Industries are conditional uses in any residential district, requiring review and public hearing by the Plan Commission, provided that:

- a. Home industries shall generally be limited by the standards for home occupations and professional home offices set forth in paragraph (5) above.
- b. The Plan Commission may, however, permit as home industries those uses that are prohibited by paragraph (5) above when they are deemed not to be disruptive to the neighborhood.
- c. Home industries may be permitted in an accessory building when it is deemed not to be disruptive to the neighborhood.
- d. Assembly and manufacturing of small-scale piece work may be permitted when it is deemed not to be disruptive to the neighborhood.
- e. Use of non-household appliances and tools may be permitted when it is deemed not to be disruptive to the neighborhood.
- f. The Plan Commission may limit the hours and days of operation of any activity to preserve the residential character of the neighborhood.
- g. (Cr. #21-06) Home industries may be allowed provided no structural alterations or constructions involving features not customary in dwellings are required, and the entrance to the space devoted to such use shall be from within the dwelling. An unlighted sign of not over one square foot in area and attached flat against the buildings shall be permitted.

CHAPTER 22

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22.63 Conditional Use Permit

(Rep. & recr. #66-01)

(1) **AUTHORITY.** The Plan Commission shall hear and decide applications for conditional uses or special exceptions to the terms of this chapter and may authorize the Building Inspector to issue a conditional use permit after its review and determination. The Plan Commission is designated the “City Zoning Board” for purposes of Wis.Stats. §62.23(7)(de).

(2) .

2APPLICATIONS FOR PERMITS. An application form for a conditional use permit shall be provided by the Community Development Department. Applications shall be made and filed with the Community Development Department and shall include the following information for review by the Plan Commission:

- a. Names and addresses of the applicant, owner of the site, architect, professional engineer, and contractor.
- b. Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; a parking plan and the zoning district within which the subject site is located.
- c. For flood land conditional use permits, the description shall also include information that is necessary for the Commission to determine whether the proposed development will impair flood flows, flood storage capacity, or cause danger to human or animal life. This additional information may include plans, certified by a registered professional engineer, registered architect, or land surveyor, showing elevations or contours of the ground; fill or storage elevations; first floor elevations of structures; size, location, and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets, water supply, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.
- d. Plat of survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations to City of Waukesha datum, uses, and sizes of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off street parking, loading areas and drive-ways; existing highway access restrictions; and existing and proposed street, side, and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures, the highwater mark of bodies of water, the boundaries of wetlands, and the location of the 100-year recurrence interval floodplain on or within forty (40) feet of the subject site.
- e. Additional information as may be required by the Plan Commission, Engineer, Building Inspector, or Plumbing Inspector for the purpose of assisting the Commission in its review of the application.

(3) PUBLICATION AND PUBLIC HEARING.

- a. Upon receipt of an application for a conditional use permit and payment of the required fee, a notice of public hearing on the application shall be published as a Class 2 notice pursuant to Wis. Stats., Chapter 985.
- b. Prior to the public hearing the Plan Commission shall notify all property owners within three hundred (300) feet of the property which is the subject of the application for a conditional use permit.
- c. A public hearing shall be held before the Plan Commission prior to its decision approve or deny an application for conditional use permit.

(4) NOTICE TO DNR. The Plan Commission shall transmit a copy of each application for a conservancy conditional use permit in the C-1 Conservancy District, and a copy of each application for a flood land conditional use permit, to the DNR at least ten (10) days prior to the public hearing. Final action on the application shall not be taken for 30 days or until the DNR has made its recommendation, whichever comes first. A copy of all shoreland conservancy conditional use decisions and all flood land conditional use decisions shall be transmitted to the DNR within ten (10) days following the decision.

(5) REVIEW OF A CONDITIONAL USE PERMIT APPLICATION. The Plan Commission shall consider all factors relevant to the issuance of the conditional use including but not limited to the following:

- a. The purpose, intent and specific conditions set forth in the particular zoning district in which the property is located and which authorizes the conditional use;
- b. The requirements of any other pertinent city ordinance, such as lot width and area, yards, height, parking, loading, traffic and highway access.
- c. Reasonable conditions necessary to protect adjacent properties, uses and structures and to protect the health, safety and welfare of the public. Conditions may address the following:
 1. Landscaping; existing topography, drainage and vegetative cover; planting screens.
 2. Architectural design;
 3. Type of Construction;
 4. Lighting;
 5. Fencing;
 - 6.. Operation control;
 7. Hours of Operation;
 8. Road access restrictions;
 9. Parking requirements; adequacy of existing and proposed parking areas and driveway locations.
 10. Traffic Movement and Control; existing and proposed traffic generation and circulation.
 11. Impact on water, sanitation, and utilities; adequacy of existing and proposed public services.
 12. Police and Fire Protection ~~concerns~~ concerns;
 13. Other reasonable conditions required by the specific proposed use.
 14. Any harmful, offensive or otherwise adverse impacts on the environment.
 15. Duration of the permit if granted.

16. Transfer of the permit if granted
17. Renewal of the permit if granted.
18. Compatibility of the use with other uses on adjacent properties.
19. Flood proofing.

(6) DETERMINATION.

- a. The Plan Commission may issue a conditional use permit with appropriate conditions, deny the permit with reasons, or require the submittal of a modified application. The decision must be supported by substantial evidence.
- b. All conditions imposed by the Plan Commission must be related to the purpose of the ordinance and shall be based on substantial evidence
- c. The Plan Commission shall grant a conditional use permit if the applicant meets or agrees to meet the requirements and conditions established by the City.
- d. "Substantial evidence" means facts and information directly pertaining to the requirements and conditions imposed such that a reasonable person would accept them in support of a conclusion. Personal preferences or speculation are not substantial evidence.
- e. The applicant must demonstrate by substantial evidence that the application and all requirements and conditions established by the city are or shall be satisfied.

(7) AMENDMENTS. All proposed changes, revisions or additions to the terms or conditions of an existing conditional use permit shall be submitted to the Plan Commission in accordance with the provisions of 22.63(2) and (3).

(8) REVOCATION OF CONDITIONAL USE PERMIT. Should a permit applicant, or the applicant's heirs or assigns, fail to comply with the conditions of the conditional use permit issued by the Plan Commission or should the use, or characteristics of the use be changed without prior approval by the Plan Commission, the Conditional Use Permit may be revoked. The process for revoking a permit shall follow the same procedures as those required for granting a conditional use permit as set forth in this Section.

(9) APPEAL. If the Plan Commission denies an application for a conditional use permit, the applicant may appeal the decision to the Circuit Court under the procedures contained in Wis.Stats. §62.23(7)(e)(10).

CHAPTER 22

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22.66 Fees

(Rep. & recr. #66-01)

Fees pertaining to petitions for zoning amendments, use permits, plan and plat approval, variances, appeals to the Board of Zoning Appeals, and other fees required under this chapter shall be established by the Community Development Department. The Department shall publish and maintain a fee schedule which shall be amended from time to time by the Department. All fees shall bear a reasonable relation to the actual cost of regulation and permitting.

WAUKESHA MUNICIPAL CODE 01/10/02

CHAPTER 22**Zoning****22.405 MM-1 Mixed-Use Manufacturing District**

(Cr. #12-17)

- (1) Creation and Purpose.** The MM-1 Mixed-Use Manufacturing District is hereby created. The purpose of the MM-1 district is to provide for a variety of light industrial and manufacturing uses, also incorporating retail, service, and commercial uses activity along high-traffic arterial corridors within, and adjoining the district. The MM-1 district may be used to serve as a transition between heavy industrial areas and other commercial or industrial districts.
- (2) Definitions.** Capitalized terms are as defined in Municipal Code §22.05.
- (3) Permitted Principal Uses.** Permitted Principal Uses in the MM-1 district are light industrial and manufacturing uses, which do not require large-scale buildings, do not generate heavy truck or rail traffic, and do not produce noise, vibration, smoke or odors in the surrounding area, along with retail and commercial uses that are either associated with the industrial and manufacturing uses or are not out of character with those uses. The following are Permitted Principal Uses in the MM-1 district:

 - (a)** The assembly, processing, manufacturing and storage of products including, or similar in character to and having an impact on the surrounding area similar to:

 - (i)** Furniture and household items.
 - (ii)** Apparel and textiles.
 - (iii)** Medical devices and equipment.
 - (iv)** Office supplies and printed items.
 - (v)** Electronic devices, small-scale machinery, and appliances.
 - (vi)** Food and beverage preparation and packaging.
 - (b)** Automotive customization, automotive accessories, auto body shops, and automobile service stations provided that all gas pumps meet the setback requirements for the district and are located not closer than 40 feet from any side lot line.
 - (c)** Warehousing and wholesaling.

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22.405 MM-1 Mixed-Use Manufacturing District

- (d) Construction services including but not limited to general building contractors, carpentry, flooring, concrete services, masonry, roofing services, siding and gutter services, sheet metal services, and water well drilling services.
 - (e) Business offices and financial institutions.
 - (f) Professional medical offices and clinics.
 - (g) Clubs, indoor sports facilities, recreation facilities, and fitness establishments.
 - (h) Restaurants and taverns.
 - (i) Retail commercial services included but not limited to grocery stores, hardware stores, variety stores, sporting goods stores, art galleries, and art studios.
 - (j) Personal services including but not limited to laundromats, hair salons and barber shops, informational and instructional services, tailors, and shoe repair shops.
 - (k) Commercial adult and child care centers.
 - (l) Government structures, such as fire and police stations.
- (4) Permitted Accessory Uses.**
- (a) Garages used for storage of vehicles used in conjunction with the operation of the business.
 - (b) Off-street parking and loading areas.
 - (c) Office, storage, power supply, and other uses normally auxiliary to the principal industrial operation.
 - (d) Roof-mounted solar collectors provided that a registered engineer or registered architect has certified that the structure is adequate to support the load.
 - (e) Outdoor display of retail merchandise, but no more than 10% of building square footage.
- (5) Conditional Uses.**

CHAPTER 22**Zoning****22.405 MM-1 Mixed-Use Manufacturing District**

- (a) Outdoor storage, provided it is screened from view by an appropriate wall, fence, or hedge.
- (b) Residential dwelling units provided they are limited to the upper stories and not located on the ground level, provided that there shall be a minimum floor area of 300 square feet for an efficiency apartment, 450 square feet for a one bedroom dwelling unit, 600 square feet for a two-bedroom dwelling unit, and 700 square feet for a three-bedroom dwelling unit.
- (c) Drive-in or drive-through facilities.
- (d) Uses similar to and reasonably related to principal permitted uses.
- (e) Hotels and motels **Nuisance Avoidance.**
 - (a) All operations and activities of all uses within this district shall be conducted wholly inside a building or buildings.
 - (b) All uses should be conducted in such a manner that they will not be detrimental to the surrounding area or to the City as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors.
- (6) **Lot Area and Width.** Lots shall provide sufficient area and width for the principal building and its accessory buildings, off-street parking and loading areas, and required yards.
- (7) **Building Height.** There shall be no maximum height for a principal building. Accessory buildings shall be less than 20 feet tall and shall not exceed the height of the principal structure.
- (8) **Setback and Yards.**
 - (a) There shall be a minimum street yard setback of 25 feet from the right-of-way of all streets.
 - (b) There shall be a side yard on each side of all buildings of not less than 10 feet.
 - (c) There shall be a rear yard of not less than 25 feet.
 - (d) There shall be a minimum shore yard setback of 75 feet from the ordinary highwater mark of a navigable body of water.

CHAPTER 22

Zoning

22.405 MM-1 Mixed-Use Manufacturing District

- (9) **Erosion Control.** The uses and structures in the MM-1 District are subject to Chapter 32 of the City of Waukesha Municipal Code, Chapter 21 of the Wisconsin Uniform Dwelling Code, and any other applicable State laws and administrative rules.
- (10) **Plans and Specifications to Be Submitted to the Plan Commission.** To encourage a business environment that is compatible with the residential character of the City, building permits for permitted uses in the MM-1 District shall not be issued, and no substantial changes shall be made to any site improvements without review and approval by the Plan Commission in accordance with Municipal Code §22.15. Plan Commission review shall include consideration of factors such as open space utilization, ingress, egress, parking, landscaping, building plans and the general layout in relationship to the surrounding area.

CHAPTER 22

Zoning

22.405 MM-1 Mixed-Use Manufacturing District

- (11) Planned Unit Developments.** The restrictions on lot area, lot width, building height, setbacks, and yards may be reduced or increased if the property is part of a Planned Unit Development Overlay District in accordance with Municipal Code §22.52.