

CHAPTER 22
Zoning

22.33 B-1 Neighborhood Business District

(Rep. & recr. #66-01)(Repealed and replaced #2020-14)

- (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 childcare 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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- 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. Wireless communications facilities as set forth and under conditions authorized in Section 22.21.
 - d. (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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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.

e. (Cr. #11-16) Buildings exceeding forty (40) feet in height when adjacent to a residential district.

e.f. Uses similar to and reasonably related to permitted principal uses.

(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 be less than 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.

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- (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-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.