

CHAPTER 22
Zoning

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. Computer and computer supply stores.
- o. Confectioneries and ice cream stores.
- p. Convenience food stores.
- q. Delicatessens.
- r. Department stores.
- s. Discount stores.
- t. Drug stores.
- u. Electronic equipment sales, equipment and repair.
- v. Fish markets.
- w. Florists.
- x. Fruit stores.
- y. Furniture stores.
- z. Furriers and fur apparel.
- aa. Gift stores.
- bb. Grocery stores.
- cc. Hardware stores.
- dd. Hobby and craft shops.
- ee. Insurance sales offices.
- ff. Interior decorators.
- gg. Jewelry stores.

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- 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, except drive-in 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.

(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

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

(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. 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.
- e. Drive-in restaurants.
- f. Funeral homes provided all principal uses and structures are not less than twenty-five (25) feet from any lot line.
- g. Outdoor display of retail merchandise.
- 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 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. Solar energy collectors erected as an accessory structure.
- 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. Commercial adult and child care centers.
- 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.

(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.

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(6) **BUILDING HEIGHT.** No principal building or parts of a principal building shall exceed forty (40) feet in height. No accessory building shall exceed fifteen (15) feet in height.

(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.

(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.