

CHAPTER 22
Zoning

22.37 B-5 Community Business District

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 #66-01)(Repealed & replaced #2020-14)

(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.
- y. Discount stores.

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- 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.
- bbb. Paint, glass, and wallpaper stores.
- ccc. Pet and pet supply stores.
- ddd. Photography 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.
- kkk. Restaurants, including drive-in restaurants.
- lll. Self-service laundry and dry-cleaning establishments.
- mmm. Shoe stores and leather goods stores.
- nnn. Sporting goods stores.

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- ooo. Supermarkets.
- ppp. Tailor or dressmaking shop.
- qqq. Taverns and cocktail lounges.
- rrr. Theaters.
- sss. Tobacco stores.
- ttt. Utility offices.
- uuu. Variety stores.
- vvv. Vegetable stores.
- www. Video tape sales and rental, subject to Section 22.20.

(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.
- 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.

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- 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.
- (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 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.

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- (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.