

# ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

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## 3.15 B-3 CENTRAL BUSINESS DISTRICT

The primary purpose and characteristics of the B-3 Central Business District are intended to accommodate the retail, service, office and institutional uses characteristic of the Downtown Business District and the Uptown Shopping District.

### A. Permitted Uses.

1. Hotels and motels existing on the effective date of this Ordinance.
2. **Convenience Retail and Service Stores** as follows, all conducted wholly within an enclosed building, except as provided for herein:
  - a. Bakery, retail.
  - b. Barbershop.
  - c. Beauty and styling salon.
  - d. Bicycle sales, rental and repair shop.
  - e. Book and stationery shop, or newsstand. Adult bookstores, as defined, shall conform with this Ordinance.
  - f. Camera and photographic supply store, including drive-in film pickup/drop-off centers.
  - g. Candy and ice cream store.
  - h. Clothes and costume rental service.
  - i. Coffee shop.
  - j. Dressmaking, tailor or alteration shop.
  - k. Drugstore.
  - l. Florist shop.
  - m. Food store; grocery; meat, poultry and fish market; and delicatessen; including the use of controlled atmosphere smoke producing and processing equipment for retail and custom order purposes.
  - n. Gift shop.
  - o. Hobby shop.
  - p. Jewelry store.
  - q. Laundromat and dry cleaning establishment, including clothes or garment pickup/drop-off facilities.
  - r. Locksmith.
  - s. Office supply store.
  - t. Package beverage store.
  - u. Pet shop.
  - v. Photocopying center.
  - w. Record or tape store.
  - x. Repair, rental, and servicing of any article the sale of which is a permitted use in the B-3 District, except automobile body repair.
  - y. Restaurant, including drive-in and outdoor cafe restaurants and refreshment stands.
  - z. Secondhand Artifice Dealer.
  - aa. Shoe repair and combination shoe sales store.
  - bb. Tobacco and pipe shop.
  - cc. Travel bureau and transportation ticket office.
  - dd. Upholstering shop.
  - ee. Artisan studio.
3. **General Merchandise and Service Stores** as follows, all conducted wholly within an enclosed building:
  - a. Apparel store.
  - b. Business machine sales and service.
  - c. Catalog and mail order store.
  - d. Department store.

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- e. Drapery, curtain, and fabric store.
- f. Flea market.
- g. Furniture and home furnishing store.
- h. Furriers and fur shops.
- i. Household appliance store.
- j. Interior decorating and picture framing studio.
- k. Leather goods and luggage store.
- l. Musical instrument store.
- m. Opticians sales.
- n. Orthopedic and medical appliance store.
- o. Radio, television, stereophonic and other electronic appliance store.
- p. Shoe and boot store.
- q. Sporting goods and trophy store.
- r. Toy store.
- s. Variety store.

**4. Miscellaneous retail building, home improvement and gardening supply stores** and uses as follows, all conducted wholly within an enclosed building:

- a. Building supply store, not involving the manufacture, treatment, or processing of any product other than cutting or planing which is clearly incidental or essential to the retail business.
- b. Carpenter, electrical, plumbing, heating and air conditioning shop, showroom and storage area.
- c. Floor covering and carpet store.
- d. Garden supply store.
- e. Hardware store.
- f. Paint, glass and wallpaper store.
- g. Tool or equipment rental store.

**5. Miscellaneous Retail and Services Uses** as follows, all conducted wholly within an enclosed building, except as provided for herein:

- a. Adult day care centers.
- a.-1. Amusement and Recreation Enterprises.
- b. Bank and other financial institutions, including drive-thru facilities.
- c. Bowling alleys and roller skating rinks.
- d. Civic, social and fraternal clubs and lodges, and union halls, including for-profit and nonprofit establishments.
- e. Funeral home.
- f. Janitorial supply and service store.
- g. Medical clinics or laboratory, excluding hospitals.
- h. Monument and memorial sales and storage, not involving the manufacture, treatment, processing or cutting of any product other than that which is clearly incidental or essential to the retail business.
- i. Nursery and child care center.
- j. Offices; business, professional, governmental, civic, service, philanthropic, political and union.
- k. Physical fitness center and health club.
- l. Printing and publishing establishment, including newspaper establishments.
- m. Private business, dance, driving or martial arts school; or other similar private school.
- n. Radio and television station or studio.
- o. Recording and sound studio.
- p. Sign painting shop, limited to posters, banners, bumper stickers, truck and window and other nonelectrical advertising displays.
- q. Studio for art, dance, music or photography.
- r. Tavern and cocktail lounge, and combination restaurant or eatery, including outdoor serving areas.
- s. Taxidermist.
- t. Theater; indoor. Adult motion picture theaters and adult mini-motion picture theaters, as defined,

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shall conform with this Ordinance.

u. Wholesale or warehouse establishments, not involving the manufacture, treatment or processing of any product and only servicing permitted uses which are located within the B-3 District.

**6. Motor vehicle uses** as follows, provided that all storage which is adjacent to or across an alley from any residential district shall be within completely enclosed buildings or contained within accessory outdoor storage areas effectively screened from the residential district:

- a. Automobile accessory and parts store.
- b. Automobile sales and/or service establishment, excluding automobile body repair shops.
- c. Automobile and/or truck rental or leasing establishment.
- d. Commercial marina, including boat sales, service and storage, and rental or leasing of pier or dock space to boat owners and operators excluding any manufacturing or production process, and in conformance with applicable Federal, State and local regulations.
- e. Parking facilities, including structures and ramps.
- f. Recreation vehicle sales, service and storage establishments including boats and motorcycles.

**7. Institutional uses** as follows:

- a. Cultural institutions, including libraries, museums and art museums.
- b. Educational institutions, including public and private schools.
- c. Historic monuments.
- d. Parks and playgrounds, including buildings and grounds, and properly licensed concessions.
- e. Philanthropic and charitable institutions.
- f. Public administrative offices and public service buildings, including fire and police stations, community centers and public emergency shelters.
- g. Public transportation uses, including municipal bus and transportation terminals and municipal marina.
- h. Public and private utility offices.
- i. Railroad passenger terminal.
- j. Religious institutions, including churches, chapels, temples, synagogues, convents, seminaries, rectories, parsonages, parish houses and residential quarters for clergy. Such quarters are permitted to be located on the same lot with a religious institution.

**8. Outdoor advertising signs**, in conformance with Chapter 15 of the Code of General Ordinances.

## **B. Permitted Accessory Uses.**

1. Garages for the storage or loading of vehicles used in conjunction with the operation of a principal use.
2. Off-street parking and loading spaces and facilities, in conformance with **§6.0** of this Ordinance.
3. Utility sheds, power supply units, external building heating/cooling systems, and other uses normally auxiliary to the principal use.
4. Outdoor storage areas of a motor vehicle use, provided that when such areas are adjacent to or across an alley from a residential district, such areas shall be effectively screened as outlined in §3.12 D. of this Ordinance.
5. Public use service building or structure.
6. Outdoor Dining Areas located in public right-of-ways or major street setback areas, in conjunction with an adjacent bakery, candy and ice cream store, coffee shop, food store, grocery, delicatessen or restaurant in conformance with Section 5.046 of the Code of General Ordinances.
7. Exterior use of property to remove and replace vehicle tires. This subsection shall apply to only those businesses located within the area bounded by Sheridan Road on the East; 52<sup>nd</sup> Street on the North; 64<sup>th</sup> Street on the South; and, 39<sup>th</sup> Avenue on the West, which were existing and specifically engaged in the sale and service of vehicle tires as of January 1, 2005. This Section shall not apply to any such business subsequent to or following a change in ownership, management or change of location occurring after January 1, 2005.

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8. Permanent cosmetic makeup, only when performed in conjunction with a beauty salon or similar principal permitted use.

9. Artisan manufacturing conducted wholly within an enclosed building. Such production of items shall be an accessory use to an artisan studio and shall not cause, create or result in noxious odors, smoke, dust, or dirt, or cause objectionable sounds of an intermittent nature which become a nuisance to adjacent uses.

## **C. Conditional Uses.** (See §4.0 of this Ordinance for the conditional use review procedures).

1. Multiple-family residences above the first floor and in conformance with §3.12 A. of this Ordinance.

2. Hotels and motels constructed after the effective date of this Ordinance.

3. Community Living Arrangements, either (a) in conformance with §62.23 (7) (i), Wisconsin Statutes, or (b) not in conformance with §62.23 (7)(i) but all of the persons served are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA), and are living in the Community Living Arrangement because of their disability or handicap. In the latter circumstance, compliance with §62.23 (7)(i) is not required.

4. Automobile body shop.

5. Automobile or truck wash.

6. Convention center.

7. Aluminum Collection center.

8. Recycling Collection center.

9. Brewpub or winery, accessory to a restaurant, tavern, cocktail lounge or package beverage store, provided that no greater than thirty (30%) percent of the gross floor area is devoted to any manufacturing or processing, or storage of beverages produced on premises, provided that brewpubs produce no greater than two thousand (2,000) barrels of fermented malt beverages per year, or, that wineries produce no greater than twenty thousand (20,000) gallons of wine per year, in conformance with §125, Wisconsin Statutes, and Chapter 10 of the Code of General Ordinances.

10. Bed and Breakfast Establishments.

11. Utility substations and Communication, Radio/Television/Relay Co-locations and Antennas.

12. Rooming and boarding houses above first floor.

13. Storm water detention and retention basins.

14. Drive-thru facilities in conjunction with any permitted use, excluding alcohol beverage sales which may not be made therefrom.

15. Automobile fuel station or automobile fuel and service station, including combination convenience store.

16. **Unified Business Center.** A commercial development as defined in Section 12.0 of the Zoning Ordinance.

17. **Large Scale Commercial Development.** A commercial development as defined in Section 12.0 of the Zoning Ordinance.

18. Body-Piercing Establishments

19. Tattoo Establishments

20. Pawnbroker.

21. Secondhand Jewelry Dealer.

## **D. Lot Area and Width.**

1. There shall be no minimum lot area or width requirements except that:

a. For structures constructed prior to the effective date of this Ordinance, which contain multiple family residential uses above a first floor, a minimum of five hundred (500) square feet of lot area per dwelling unit shall be provided.

b. For new construction of multiple-family residential uses above a first floor; a two story building shall provide a minimum two thousand (2,000) square feet of lot area per dwelling unit; a three story building shall provide a minimum of one thousand (1,000) square feet of lot area per dwelling unit; and a four or more story building shall provide a minimum five hundred (500) square feet per dwelling unit.

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2. Lots used for a rooming and boarding house or a Community Living Arrangement shall provide a minimum of five hundred (500) square feet of lot area per bed.

**E. Building Height.** No building or structure, nor the enlargement of any building or structure, shall exceed one hundred (100') feet in height, except for communication, radio and television antennas which may be installed to a height in conformance with Section 2.04 A.3. of this Ordinance.

## **F. Yard Requirements.**

1. **Front Yard.** No front yard shall be required except that where the frontage, as defined, lies partly within the B-3 District and partly within a residential district, the residential district yard requirement on that street shall apply as the front yard requirement.

### **2. Side Yards.**

**a. Interior Side Yard.** No interior side yard shall be required, except that:

(1) Where a side lot line in the B-3 District abuts residential district, there shall be an interior side yard of not less than five (5') feet.

(2) Where land is used for multiple family residential uses above a first floor, the interior side yard requirement shall be:

(a) Two story building: ten (10') feet.

(b) Three story building: twelve (12') feet.

(c) Four or more story building: fourteen (14') feet to be increased two (2') feet for each story over four.

(d) Where a building has a masonry wall without any windows or openings on a side of the building, the interior side yard along that side of the building may be reduced to zero (0), except that when abutting a residential district there shall be an interior side yard of not less than five (5') feet.

(e) For buildings erected prior to November 1, 1963, there shall be an interior side yard of five (5') feet, except that where a building has a masonry wall without any windows or openings on a side of the building, and where a building does not abut a residential district, the interior side yard along that side of the building may be reduced to zero (0) feet.

(3) Where no interior side yard is required, but is voluntarily provided, the interior side yard shall be a minimum of five (5') feet.

(a) The interior side yard shall be a minimum of five (5') feet.

(b) **Street Side Yard.** No street side yard shall be required except that where a side lot line in the B-3 District fronts on a street and where a rear lot line in the B-3 District abuts or is across an alley from a residential district, the residential district yard requirement on that street shall apply as the street side yard requirement.

3. **Rear Yard.** A rear yard of not less than nine (9') feet is required, except that:

a. Where a rear lot line in the B-3 District abuts an alley, a rear yard equaling nine (9') feet from the center line of the alley is required.

b. Where a rear lot line in the B-3 District fronts on a street and where a side lot line in the B-3 District abuts or is across an alley from a residential district, the residential yard requirement on that street shall apply as the rear yard requirement.

c. Notwithstanding Subsection 3.b., where a rear lot line in the B-3 District fronts on a street and where a side lot line in the B-3 District abuts or is across an alley from a non-residential district, the rear yard may be reduced to zero (0) feet.

### **4. Accessory Buildings, Structures or Fences.**

a. No accessory building or structure shall be located in any required front or street side yard or in any rear yard which fronts on a street and will be located within twenty-five (25') feet of the public right-of-way.

The minimum building to property line setback for the side and rear yards shall be five (5') feet, unless constructed in accordance with the Commercial Building Code and utilized in conjunction with an approved commercial principal use of the property.

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b. No fence shall be constructed or reconstructed in any required front yard unless said fence is approved in conjunction with a Conditional Use Permit/Site Plan Review or a variance as granted by the Board of Zoning Appeals.

**5. Accessory Uses.** No yards shall be required for accessory uses where no building or structure is involved.