

Sec. 42-91. - B-1 Restricted Business District.

- (a) *Purpose.* This district is intended to provide for development at appropriate locations of primarily commercial uses including neighborhood retail, individual services, and offices of a limited scale and limited generation of traffic that is capable of being reasonably compatible with surrounding neighborhood development.
- (b) *Use regulations.*
- (1) *Permitted uses.* The following land uses, and similar uses subject to the review and approval of the village plan commission, are permitted:
- a. *Personal or professional service:* Land uses whose primary function is the provision of services directly to an individual on a walk-in or on-appointment basis and other professional offices entirely within an enclosed building with a footprint smaller than 5,000 square feet. Examples of such land uses include, but are not limited to, insurance services, realty offices, financial services, photography studios, medical offices, clinics and counseling services, veterinary clinics, day care facilities, barber shops and salons, nail salons, tattoo parlors, and professional offices for architects, engineers, attorneys, software developers and similar.
 - b. *Indoor sales and service:* Land uses which conduct retail sales and rental of merchandise and equipment entirely within an enclosed building with a footprint smaller than 5,000 square feet. This includes general merchandise stores, clothing stores, drug stores, grocery stores, furniture stores, hardware stores, sporting goods stores, bookstores, antique stores, gift shops, bakeries, laundromats and dry cleaners. Limited outdoor display of merchandise may be permitted per section 42-30(i)(2).
 - c. *Residential uses accessory to a permitted business use.*
 - d. *Garages for storage of vehicles used in conjunction with accessory to the operation of the business.* Any outside storage in this district, even on a temporary basis, must be enclosed within a six-foot high fence built to serve as a vision screen is subject to the requirements of section 42-30(i)(1).
 - e. *Senior housing.* The term "senior housing" refers to a dwelling unit designed and constructed to be occupied by senior persons. A senior person is a person who is 55 years of age or older on the date such person intends to occupy the premises, or one's spouse who is a senior person as defined herein. Guests are allowed to stay no more than 30 days in any calendar year. Senior housing is subject to the following requirements:
 1. Building plans, site plans, landscaping plans and plan of operation shall be submitted for approval per section 42-30. Prior to the public hearing being held, the petitioner shall review the proposal with the plan commission. Such facilities shall be located in close proximity to retail shopping including grocery stores, pharmacy, banking and restaurants or transportation services such as municipal bus, taxi, van/bus shuttle service, etc., shall be available on site or along the street directly abutting the lot.
 2. The primary entrance shall be located on an arterial or collector street with sidewalks. Such facilities shall be served by municipal sewer. Municipal water, if available, shall be used to serve the facilities. If a private well or water system will be utilized, a municipal size/capacity water

supply system is required to meet the needs of the facility pursuant to the state plumbing code.

3. No such use shall be permitted on a lot less than two acres in area.
4. A minimum of 30 percent of the site's area shall be retained as green space. There shall be at least one area of continuous green space that provides for outside walking area and sitting area with a minimum width of 20 feet and a minimum size of 10,000 square feet.
5. Offsets and setbacks shall conform to the minimum dimensions required in the zoning district in which it is located with a minimum offset of 20 feet. The building height maximum is 35 feet.
6. Minimum living areas shall apply as follows: 650 square feet for a one bedroom unit, 850 square feet for a two bedroom unit or greater. Efficiency units shall not be permitted. Laundry facilities shall be provided on each floor of the building. A common use room is required for the residents.
7. Underground or aboveground garage parking shall be provided for at least two-thirds of the units. A minimum parking ratio of 1.05 parking spaces per unit shall be provided.
8. Density shall be no more than 20 units per acre.
9. The 55 year age restriction shall not apply to one unit that is occupied by the owner, manager or operator of the building with one or more family members of such owner, manager or operator, if any of such persons that are regularly engaged in the performance of substantial duties is directly related to the management or maintenance of the building.

(2) *Conditional uses.* Commercial and residential ponds and telecommunication mobile service facilities.

(c) *Building location.*

- (1) *Setback:* 50 feet minimum.
- (2) *Offset:* 20 feet minimum.

(d) *Height regulations.*

- (1) *Principal buildings:* 35 feet maximum.
- (2) *Accessory buildings:* 18 feet maximum. 36
- (3) *Accessory structure:* See [section 42-37](#) for exceptions and permitted increases.

(e) *Area regulations.*

- (1) *Floor area.*
 - a. Maximum building footprint permitted: 50 percent.
- (2) *Lot size.*
 - a. Minimum area: 20,000 square feet, except senior housing which requires a minimum of two acres.
 - b. Minimum width for a straight or curved street: 120 feet.
 - c. Minimum width for a cul-de-sac bulb turnaround: 90 feet.

(Ord. of 10-24-2017, § 13-3-11; [Ord. No. 2020-01A](#), §§ 11, 12, 1-9-2020; [Ord. No. 2022-13](#), § 29, 10-13-2022)

Sec. 42-92. - B-2 Local Business District.

B-2

(a) *Purpose.* This district is intended to provide for development at appropriate locations of primarily commercial uses including retail, individual services, and offices catering to the daily needs of the surrounding local community.

(b) *Use regulations.*

(1) *Permitted uses.*

- a. Any use permitted in the restricted business district.
- b. Personal or professional service: Land uses whose primary function is the provision of services directly to an individual on a walk-in or on-appointment basis and other professional offices entirely within an enclosed building with a footprint 5,000 square feet or greater. Examples of such land uses include, but are not limited to, insurance services, realty offices, financial services, photography studios, medical offices, clinics and counseling services, veterinary clinics, day care facilities, barber shops and salons, nail salons, tattoo parlors, and professional offices for architects, engineers, attorneys, software developers and similar.
- c. Indoor sales and service: Land uses which conduct retail sales and rental of merchandise and equipment entirely within an enclosed building with a footprint 5,000 square feet or greater. This includes general merchandise stores, clothing stores, drug stores, grocery stores, furniture stores, hardware stores, sporting goods stores, bookstores, antique stores, gift shops, bakeries, laundromats and dry cleaners. Limited outdoor display of merchandise may be permitted per section 42-30(i)(2).
- d. Indoor commercial entertainment and service: Land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours that extend later than most other commercial land uses. Examples of such land uses include restaurants, coffee shops, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.) bowling alleys, arcades, roller rinks, and pool halls.
- e. Commercial indoor lodging facility: Land uses which provide overnight lodging in individual rooms or suites of rooms, each room or suite having a private bathroom. Such land uses may provide in-room or in-suite kitchens, and may also provide indoor recreational facilities for the exclusive use of their customers. Restaurants, arcades, fitness centers, and other on-site facilities available to non-lodgers are not considered accessory uses and therefore require review as a separate land use.

(3) *Conditional uses.* Commercial and residential ponds, commercial kennels and laboratories, drive-through lanes, event venues, and wireless telecommunications mobile service facilities.

(c) *Building location.*

(1) *Setback.* 50 feet minimum.

(2) *Offset.*

- a. Buildings used solely for commercial purposes: ten feet minimum.
- b. Buildings used in part for accessory residence purposes: 20 feet minimum.

(d) *Height regulations.*

(1) *Principal building:* 35 feet maximum.

(2) *Accessory buildings*: 18 feet maximum. 38

(3) *Accessory structures*: See section 42-37 for exceptions and permitted increases.

(e) *Area regulations*.

(1) *Floor area*.

a. Maximum building footprint permitted: 50 percent.

(2) *Lot size*

a. Minimum area: 20,000 square feet, except senior housing which requires a minimum of two acres.

b. Minimum width for a straight or curved street: 120 feet.

(Ord. of 10-24-2017, § 13-3-12; Ord. No. 2020-01A, §§ 13—15, 1-9-2020; Ord. No. 2022-13, § 30, 10-13-2022)

Sec. 42-93. - B-3 General Business District.

B3 (a) *Purpose*. This district is intended to provide for commercial uses of a more general nature, serving the larger community trade area.

(b) *Use regulations*.

(1) *Permitted uses*.

a. Any use as permitted in the local business district.

b. Outdoor display and sale: Land uses which conduct retail sales and rental of merchandise and equipment on a long term basis outside of an enclosed building as a principal accessory use of the property. Examples of such land uses include, but are not limited to, vehicle and equipment sales and rental, manufactured housing sales, monument sales, and garden centers. Such land uses do not include the storage or display of inoperative vehicles or equipment, or other materials typically associated with a junk or salvage yard or other permanent outdoor land uses specifically defined by this ordinance.

c. Indoor maintenance service: Land uses which conduct maintenance and repair services and contain all operations (except loading) entirely within an enclosed building. Outdoor maintenance services are not permitted, except as may be approved with appropriate screening and buffering through the site plan and plan of operation review process.

d. Personal storage facility: Land uses oriented to the indoor storage of personal items entirely within partitioned buildings having an individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. Also known as "mini-warehouses."

e. Contractor shop: Land uses that include businesses engaged in contract services or labor, such as contractors involved with building construction or carpentry; electrical, plumbing, heating systems; and utility companies. These land uses include contractor storage yards as accessory uses to the contractor shop, which are subject to the requirements of section 42-30(i)(1).

f. Indoor storage or wholesaling: Land uses primarily oriented to the receiving, holding, and shipping of materials for a single business or a single group of businesses limited to parcels of six acres or less in total area (including adjacent parcels within same operation). With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples

of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. This land use may include the retail sale of materials. These uses do not include those described in the "personal storage facility" land use category.

- g. Outdoor storage or wholesaling: Land uses primarily oriented to the receiving, holding, and shipping of materials for a single business or a single group of businesses limited to parcels of six acres or less in total area (including adjacent parcels within same operation). Outdoor storage (not contained within a building) is limited to 30 percent of the parcel. Examples of this land use include equipment yards, lumber yards, landscaping materials yards, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard, but may include the retail sale of materials. Outdoor storage is subject to the requirements of section 42-30(i)(1).

Contractor storage yards are considered accessory in the "contractor shop" land use category.

- (2) *Conditional uses.* Commercial and residential ponds, commercial kennels and laboratories, drive-through lanes, event venues, and wireless telecommunications mobile service facilities.

(c) *Building location.*

- (1) *Setback:* 50 feet minimum.

(2) *Offset.*

- a. Principal building: Ten feet.
b. Buildings used in part for accessory residence or senior housing purposes: 20 feet minimum. 40

(d) *Height regulations.*

- (1) *Principal building:* 35 feet maximum.
(2) *Accessory buildings:* 18 feet maximum.
(3) See section 42-37 for exceptions and permitted increases.

(e) *Area regulations.*

(1) *Floor area.*

- a. Maximum building footprint permitted: 50 percent.

(2) *Lot size.*

- a. Minimum area: 20,000 square feet, except senior housing which requires a minimum of two acres.
b. Minimum width for a straight or curved street: 120 feet.
c. Minimum width for a cul-de-sac bulb turnaround: 90 feet.

(Ord. of 10-24-2017, § 13-3-13; Ord. No. 2020-01A, §§ 16, 17, 1-9-2020; Ord. No. 2022-13, § 31, 10-13-2022)

SEC.13-3-13 B3 General Business District District

This District is intended to provide for those commercial activities of a more general retail and wholesale nature and those office and service facilities catering to the community trade area. Please see the Village of Waukesha clerk for more information.

The following uses are modified in the Mill Creek Crossing Development

- Animal Hospitals and Veterinary clinics (permitted uses) are modified to prohibit outdoor yards
- Commercial kennels and laboratories (conditional uses) are modified to prohibit outdoor yards

- **The following uses are prohibited in the Mill Creek Crossing Development**
 - Automobile sales rooms
 - Automotive body repair
 - Used car lots
 - Storage yards and garages for equipment, supplies or vehicles
 - Mini warehouses.
 - Dairies and bottling plants
 - Laundries, lockers and cold storage plants
 - Printing and publishing houses
 - Theatres, dance halls and other amusement places
 - Wholesale and distributors