

1 *The following Code does not display images or complicated formatting. Codes should be viewed online. This*
2 *tool is only meant for editing.*

3 [Reference to when a paragraph of these ordinances was added or amended has been deleted as the entire
4 ordinance is being amended dramatically.]

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6 **§ 335-22 B-1 Local Business District.**

7 The B-1 Business District is intended to provide for individual or small groups of retail and customer service
8 establishments serving primarily the convenience of the local neighborhood. The setting is that of a shopping
9 center with adequate off-street parking. The character, appearance and operation of local centers shall be
10 compatible with the character of the surrounding area.

11 A. Permitted uses. Except for those uses specifically stated as being conditional uses found in section §335-
12 22C, permitted uses include:

13 (1) Professional Offices, defined as follows. Establishments providing executive, management,
14 administrative, or professional services, or other recognized professions maintained for the conduct of
15 that profession. A Professional Office is use of a tenant space or building solely for administrative
16 functions of an organization with no retail or wholesale sales or services performed on site.

17 (2) Community Retail, defined as businesses, excluding those that have a drive up window that involve the
18 sale of goods, merchandise or services directly to the consumer who purchases in small quantities which
19 directly serves the consumer who purchases those goods.

20 B. Permitted accessory uses.

21 (1) Garages for storage of vehicles used in conjunction with the operation of business or owned or used by
22 tenants residing within quarters located in the same structure as the business.

23 (2) Off-street parking and loading areas.

24 (3) Residential quarters for the owner or proprietor of a business located in the same structure, provided
25 such living accommodations satisfy all applicable health, safety and current building code provisions
26 and such use is accurately reflected in a current plan of operation which identifies the number and
27 location of all residential occupants in such structure in accordance with § **335-22** of the Code of the
28 Village of Elm Grove.

29 C. Conditional uses, provided that an unreasonable amount of traffic is not generated, adequate loading and
30 unloading areas are provided and compatible hours of operation with the surrounding and adjacent
31 neighborhood are included in each respected plan of operation.

32 (1) Automotive and marine sales and service.

33 (2) Building supply stores and general sales of industrial products, such as building materials, electrical
34 supplies, heating supplies, lighting supplies, paint and painting supplies, plumbing supplies, roofing
35 supplies, wallpaper and wallpaper supplies, and windows and doors

36 (3) Businesses with drive-up windows.

- 37 (4) Equipment rental stores.
- 38 (5) Funeral homes.
- 39 (6) Gasoline service stations and car wash establishments, provided that all pumps and service islands meet
40 the setback and yard requirements.
- 41 (7) Grain processing and storage.
- 42 (8) Physical culture facilities, such as fitness centers, massage parlors, tanning parlors, and tattoo parlors
43 and body-piercing establishments as defined by Wis. Admin. Code § SPS 221.
- 44 (9) Power equipment centers, sales, service and storage.
- 45 (10) Restaurants with drive-up windows with take-away service. Only property which has frontage along,
46 and vehicular ingress and egress access to, Bluemound Road may be considered for such a use.
- 47 (11) Utilities.
- 48 (12) Wireless Communication Facilities as defined by Federal Law 47 CFR §§ 1.6100 and 1.6002
- 49 (13) Multifamily residential unit density up to 12 dwelling units per acre.
- 50 (14) Parking lots, driveways, walkways or other hardscape constructed using a permeable surface to exceed
51 the allowable percentage of maximum impervious surface area as defined within this chapter.
- 52 (15) Parking lots and parking structures serving groups of businesses in the district.

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54 D. Site and Building Criteria

- 55 (1) Before determining appropriate setbacks, the Plan Commission shall first make a final determination
56 that due consideration has been given to the existing conditions and the potential for redevelopment of
57 adjacent properties when establishing front, side and rear yard setbacks, so as to provide a suitable,
58 streamlined and compatible transition between structures. The following criteria shall be considered by
59 the Plan Commission in determining front, side and rear yard setbacks:
- 60 (a) There shall be a minimum building setback of 20 feet from each abutting street right-of-way. (Attorney
61 de la Mora to create language HERE.
- 62 (b) There shall be no required side yard; however, when a side yard is provided, there shall be a minimum
63 of 10 feet from the lot line.
- 64 (c) There shall be a rear yard setback of not less than 25 feet.
- 65 (4). Yards within the Downtown Design Overlay District (principal and/or accessory structures).

- 66 (a) Subject to the provisions of § **335-22G(2)**, the Plan Commission may approve deviations from any of
67 the yard requirements specified in § **335-22F**.
- 68 (b) Notwithstanding the provisions of § **335-22F(1), (2)** and **(3)**, an applicant shall propose, and the Plan
69 Commission shall review and may approve, the proposed side, front and rear yard setbacks for
70 structures to be developed or redeveloped within the boundaries of the Downtown Design Overlay
71 District as established by § **335-12G(3)**.
- 72 (i) Whether the building setbacks of new or modified structures are compatible with those of existing,
73 adjacent structures and are scaled at an appropriate distance based on massing and height characteristics
74 to adjacent structures;
- 75 (ii) Whether the proposed new or modified structure fosters a harmonious relationship to adjacent
76 structures;
- 77 (iii) Whether the proposed location of the new or modified structure is reasonably accessible to streets and
78 public walkways, as contemplated in the Downtown District Site Design Guidelines;
- 79 (iv) Whether the major facade and/or major entrance of the proposed new or modified structure is
80 functionally linked to the primary pedestrian access as determined by the Plan Commission on a case-
81 by-case basis; and
- 82 (v) Whether the proposed new or modified structure maintains an appropriate distance from any adjacent
83 single- and/or multiple-family residentially zoned properties as determined by the Plan Commission on
84 a case-by-case basis.
- 85 H. Maximum impervious surface: 80% of lot area.
- 86 I. Maximum building footprint area: 60% of lot area.
- 87 J. Plan of operation required. (Refer to § **335-85**.)

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