

## DIVISION 12. B-2 DOWNTOWN BUSINESS DISTRICT

**Sec. 40.261. Purpose.**

The B-2 district is established to accommodate the mixed use retail, office, service and residential needs of the downtown area generally located along the Lakefront on West Wisconsin Avenue, Park Avenue, Lake Street, East Wisconsin Avenue and Oakton Avenue.

- (1) Improve visual and physical access to the Pewaukee River.
  - (2) Design for "walkable" streets, while maintaining functionality for all traffic types.
  - (3) Promote pedestrian interconnectivity.
  - (4) Coordinate public streetscape with private improvements.
  - (5) Improve the aesthetic qualities of gateways into the downtown.
- (Ord. No. 99-5, § 17.08(2)(a), 5-4-1999; Ord. No. 2006-1, § 1, 1-3-2006)

**Sec. 40.262. General requirements.**

(a) All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings. Outside storage is not permitted except as specifically approved by the planning commission.

(b) Site development shall be approved by the planning commission in accordance with article VII, article VIII and article IX of chapter 40 of this Municipal Code.

(c) The size and location of projects within the district shall be based upon evidence of justifiable community need, satisfactory traffic impact and its potential contribution to the welfare of the community.

(d) In approving or disapproving proposed locations for uses under this section the planning commission shall give due consideration to the character and suitability for development of the area in which any such use is proposed to be located and shall also base its decision on such evidence as may be presented to the village planning commission regarding traffic generation, heavy vehicular traffic, ground water impact, sewage disposal impact, soil limitations and the emission of noise, smoke, dust or dirt, odorous or noxious gases attributed to the proposed use. The following uses may be allowed if the planning commission determines that the use would not be detrimental to the character of the surrounding area and/or would not generate a significant adverse impact relative to the above-mentioned elements.

- (e) Improve visual and physical access to the Pewaukee River.
  - (f) Design for "walkable" streets, while maintaining functionality for all traffic types.
  - (g) Promote pedestrian interconnectivity.
  - (h) Coordinate public streetscape with private improvements.
  - (i) Improve the aesthetic qualities of gateways into the downtown.
- (Ord. No. 99-5, § 17.08(2)(b), 5-4-1999; Ord. No. 2006-1, § 1, 1-3-2006)

**Sec. 40.263. Permitted uses.**

Permitted uses shall include, but not necessarily be limited to, the following:

- (1) Retail trade and services.
  - (2) Personal and professional service establishments that perform services on the premises.
  - (3) Business offices.
  - (4) Finance, insurance and real estate services including, but not limited to, banks, insurance offices, savings and loan associations, credit unions and security brokers.
- (Ord. No. 99-5, § 17.08(2)(c), 5-4-1999; Ord. No. 2006-1, § 1, 1-3-2006)

**Sec. 40.264. Accessory uses.**

Accessory buildings and uses customarily incidental to the above uses.  
(Ord. No. 2006-1, § 1, 1-3-2006)

**Editor's note**—Ord. No. 2006-1, § 1, adopted Jan. 3, 2006, amended § 40.264 in its entirety. Formerly, said section pertained to similar provisions and derived from Ord. No. 99-5, § 17.08(2)(d), adopted May 4, 1999.

**Sec. 40.265. Conditional uses.**

Conditional uses shall include, but not necessarily be limited to, the following:

- (1) Public uses including, but not limited to, post offices, schools and local governmental offices and facilities.
- (2) Restaurants and nightclubs (including outside seating).
- (3) Cultural activities including, but not limited to, museums, libraries and art galleries.
- (4) Public and or private utility, transmission and distribution lines, poles, and other accessories. Public and/or private utility installations less than three feet in height shall be subject only to Village of Pewaukee staff approval and may be allowed subject to staff imposed conditions regarding, among other things, effective screening from public view.
- (5) Religious institutions.
- (6) Wholesaling establishments.
- (7) General merchandising and department stores.
- (8) Indoor or outdoor recreational and entertainment facilities.
- (9) Bed and breakfasts.
- (10) Research and development facilities.
- (11) Child day care facilities.

- (12) Buildings greater than 5,000 square feet subject to, among other things, planning commission determination that the building complies with the Village of Pewaukee Downtown Design Guidelines.
  - (13) Satellite dishes greater than two feet in diameter.
  - (14) Single-family residential development.
  - (15) Multi-family residential development subject to approval by the village board finding that the proposed development will not be detrimental to the surrounding area and/or generate adverse impacts upon the public health, safety and welfare.
  - (16) B-2 district use(s) and/or development of lots less than 7,000 square feet in size.
  - (17) Building heights greater than 42 feet and/or number of stories less than one and one-half or greater than three subject to a finding by the village board that the building design and impact is compatible with the immediate area and that the development substantially advances a public purpose.
  - (18) Building setbacks less than 15 feet subject to a finding that the building setback is compatible with the immediate area.
  - (19) Building offsets less than ten feet subject to a finding that the building offset is compatible with the immediate area.
- (Ord. No. 99-5, § 17.08(2)(e), 5-4-1999; Ord. No. 2006-1, § 1, 1-3-2006)

**Sec. 40.266. Lot size.**

Minimum lot size shall not be less than 7,000 square feet, unless approved in accordance with the conditional use grant process.

(Ord. No. 99-5, § 17.08(2)(f), 5-4-1999; Ord. No. 2006-1, § 1, 1-3-2006)

**Sec. 40.267. Building size/floor area ratio.**

Maximum building size shall not exceed 5,000 square feet, unless approved in accordance with the conditional use grant process.

(Ord. No. 99-5, § 17.08(2)(g), 5-4-1999; Ord. No. 2006-1, § 1, 1-3-2006)

**Sec. 40.268. Building height.**

The height of any structure shall not exceed 42 feet and must be designed as one and one-half- to three-story structures, unless approved in accordance with the conditional use grant process.

(Ord. No. 99-5, § 17.08(2)(h), 5-4-1999; Ord. No. 2006-1, § 1, 1-3-2006)

**Sec. 40.269. Minimum building setback.**

Minimum building setback from the road right-of-way shall be 15 feet, unless approved in accordance with the conditional use grant process.

(Ord. No. 99-5, § 17.08(2)(i), 5-4-1999; Ord. No. 2006-1, § 1, 1-3-2006)

**Sec. 40.270. Minimum building offset.**

Minimum building offset shall be ten feet, unless approved in accordance with the conditional use grant process.

(Ord. No. 99-5, § 17.08(2)(j), 5-4-1999; Ord. No. 2006-1, § 1, 1-3-2006)

**Sec. 40.271. Lot coverage/open space ratio.**

The minimum open space ratio shall be five percent.

(Ord. No. 99-5, § 17.08(2)(k), 5-4-1999; Ord. No. 2006-1, § 1, 1-3-2006)

**Sec. 40.272. Lot width.**

The minimum lot width shall be 70 feet. Existing lots with a width of less than 70 feet shall be allowed to operate and/or develop under the B-2 district subject to compliance with the remaining code requirements.

(Ord. No. 99-5, § 17.08(2)(l), 5-4-1999; Ord. No. 2006-1, § 1, 1-3-2006)

**Sec. 40.273. Parking.**

(a) *Off-street parking.* Off-street parking requirements for residential development shall be subject to 100 percent of the standards set forth in section 40.426 of this chapter. Parking requirements for business development shall be subject to 80 percent of the standards set forth in section 40.426 of this chapter. Both on-site parking and reconstructed off-site (street frontage) parking qualifies for business parking requirements subject to planning commission approval of the parking location and design.

(b) *Minimum parking and driveway offset.* The minimum parking and driveway offset shall be three feet, unless the parking and driveway is shared with the adjacent property owner(s).

(c) *Minimum parking setback.* No parking shall be allowed between the public road and building unless approved by the Planning Commission as part of a public parking plan.

(Ord. No. 2006-1, § 1, 1-3-2006)

**Editor's note**—Ord. No. 2006-1, § 1, adopted Jan. 3, 2006, amended § 40.273 in its entirety. Formerly, said section pertained to similar subject matter and derived from Ord. No. 99-5, § 17.08(2)(m), adopted May 4, 1999.

**Sec. 40.274. Building design standards.**

Building design shall be generally subject to the standards articulated in the Village of Pewaukee downtown design guidelines, and the following specific requirements:

(1) *Acceptable primary materials.* Primary materials shall be used for at least 70 percent of the solid (non-window) portion of any elevation. Acceptable primary materials are as follows:

a. Common size brick is acceptable for the construction of all building types. Special sizes and shapes are acceptable only as accents and decorations.