

*City of Burlington, WI
Sunday, October 1, 2023*

Chapter 315. Zoning

Article III. Zoning Districts

§ 315-27. B-2 Central Business District.

- A. The B-2 Central Business District is intended to provide for orderly and appropriate regulations to ensure the compatibility of the diverse uses typical of the "downtown" area without inhibiting the potential for maximum development of commercial, cultural, entertainment, and other urban activities which contribute to its role as the "heart" of the City. The B-2 District is not intended to be used in any new areas of the City or areas of the City not designated within the B-2 District at the time of the adoption of the ordinance codified under this section unless approved by a two-thirds vote of the Common Council.

[Amended 8-5-2003 by Ord. No. 1729(9)]

- B. B-2 permitted uses.

[Amended 9-7-2010 by Ord. No. 1907(10)]

Antique and collectors stores

Bakeries

Banks, savings and loan associations and other financial institutions

Barbershops

Bars and taverns

Beauty shops

Bookstores

Bowling alleys

Business offices

Camera and photographic supply stores

Clinics

Clothing stores

Clubs

Confectioneries

Dance halls

Delicatessens

Dental clinics

Department stores

Drugstores

Fish markets

Florists

Fraternities

Fruit stores

Furniture stores
Furriers and fur apparel
Gift stores
Grocery stores
Hardware stores
Hobby and craft stores
Jewelry stores
Lodges
Meat markets
Medical clinics
Municipal-owned parking structures, garages and parking lots
Music stores
Newspaper and magazine stores
Optical stores
Packaged beverage stores
Paint, glass and wallpaper stores
Professional offices
Public utility offices
Publishing houses
Radio and television stores
Restaurants
Self-service laundries and dry-cleaning establishments
Shoe stores and leather goods stores
Soda fountain
Sporting goods stores
Stationery stores
Supermarkets
Tanning salons, fitness centers, massage parlors and bathhouses
Theaters
Tobacco stores
Variety stores
Vegetable stores

C. Permitted accessory uses.

[Amended 6-1-1993 by Ord. No. 1438(10); 3-18-2003 by Ord. No. 1716(30)]

- (1) Garages for storage of vehicles used in conjunction with the operation of the business or for occupants of the premises.
- (2) Off-street parking areas (see Article V).
- (3) Essential services.

D. Conditional uses (see § 315-130).

- (1) Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.
[Added 6-1-1993 by Ord. No. 1438(10)]

- (2) Rental efficiency, one-bedroom apartments, and two-bedroom apartments on a non-ground level, provided there shall be a minimum floor area of 350 square feet for an efficiency apartment, 450 square feet for a one-bedroom apartment, and 650 square feet for a two-bedroom apartment.
[Added 6-1-1993 by Ord. No. 1438(10)]
- (3) Elderly housing, provided densities shall not exceed 22 units per net acre or 32 bedrooms per net acre, whichever is greater.
[Amended 12-3-1991 by Ord. No. 1366(34)]
- (4) Bed-and-breakfast establishments providing adequate off-street parking facilities.
- (5) Motels, hotels, and apartment hotels.
- (6) Child day-care centers, provided that any outside play area is surrounded by a security fence not exceeding a height of six feet and set back at least five feet from any street right-of-way line, with landscaping such as trees, shrubs, ground cover, flowers, and decorative mulch provided between the fence and the street right-of-way line; that no play area shall consist of entirely a hard surface area, such as asphalt or concrete, since a portion of the play area shall contain a soft base such as sand, bark mulch, or soft, prefabricated base materials specifically designed for playgrounds; that no day-care center shall be located in an area where air pollution caused by smoke, dust, gases, or other particulate matter would endanger children; that no day-care center shall be located in an area where noise would be so loud, shrill, or have an impulse to endanger children; that traffic is managed in a manner to minimize danger to children; and provided that adequate parking and circulation are provided on the day-care facility site.
[Added 2-4-1992 by Ord. No. 1373(42)]
- (7) Drive-in establishments selling fruits and vegetables.
- (8) Amusement game arcades, provided that all principal structures and uses are not less than 300 feet from the lot lines of schools and churches and not less than 50 feet from the main entrance of any bar, tavern, cocktail lounge, or liquor store engaged in the business of selling or dispensing alcoholic beverages on the premises; that the maximum number of amusement game machines in any arcade shall not exceed one machine for every 25 square feet of floor area allotted to the arcade operation; that bicycle racks shall be provided on the site and must provide a total of at least one bicycle stall for each amusement game located within the arcade, and bicycle racks shall not be located in such a fashion as to obstruct any entrance or exit to any premises; and that hours of operation and supervision of the arcade shall be established by the Common Council.
- (9) Pool halls.
- (10) Veterinary clinics, provided that no service, including the boarding of animals, is offered outside of an enclosed building.
- (11) Pet shop, provided that no sales or services are offered outside of an enclosed building, and no boarding or breeding of animals takes place on the premises.
[Added 11-2-1993 by Ord. No. 1451(24); amended 5-3-1994 by Ord. No. 1470(1)]
- (12) Pet grooming shop, provided that no sales or services are offered outside of an enclosed building, and no boarding or breeding of animals takes place on the premises.
[Amended 5-3-1994 by Ord. No. 1470(1); 6-7-1994 by Ord. No. 1473(4)]
- (13) Gasoline service stations, automobile and truck rental services, and automobile washing.
- (14) Automotive sales and service.
- (15) New and used automobile, aircraft, and marine craft sales and the sale of tires, batteries, and other automotive, marine, and aircraft accessories.

- (16) Fuel oil, bottled gas, and ice dealers.
- (17) Building supply stores.
- (18) Construction services, including general building contractors, carpentry, wood flooring, concrete services, masonry, stonework, tile setting, plastering services, roofing, sheet metal services, and water well drilling services.
- (19) Printing.
- (20) Cemeteries.
- (21) Crematory service.
- (22) Utilities.
- (23) Transmitting towers; receiving towers; relay and microwave towers without broadcast facilities or studios; and wireless communications towers, antennas, and associated accessory structures and facilities.
[Amended 3-18-2003 by Ord. No. 1716(30)]
- (24) Radio and television transmitting and receiving stations.
- (25) Freight forwarding services, packing and crating services, and petroleum bulk stations and terminals.
- (26) Warehousing and retail/wholesale sales of electrical apparatus and equipment, wiring supplies and construction materials, hides, skins, and raw furs, not including outdoor storage.
- (27) Gun stores.
- (28) Sound recording studios, provided that all such activities take place in an enclosed basement level or enclosed second floor level of a principal structure; that the maximum permitted exterior sound level not exceed 50 dBA (A-weighting scale of sound measurement as expressed in decibels and not to be exceeded more than 30 minutes out of 24 hours) as measured at the property line; and that the sound recording studio conditional use permit be reviewed by the City Plan Commission one year after issuance to assure compliance with the conditions stated herein.
[Added 7-5-2000 by Ord. No. 1628(32)]
- (29) The following uses are permitted as conditional uses provided all principal structures and uses are not less than 100 feet from any residential district lot line:
 - (a) Bus depots.
 - (b) Rail depots.
- (30) Tattoo establishments and/or body-piercing establishments, provided that they are properly licensed pursuant to Ch. HFS 173, Wis. Admin. Code, and meet the applicable requirements set forth in Chapter **284**, that all principal structures are not less than 300 feet from the lot lines of schools, that a window to the establishment is large enough to provide an unobstructed view of the persons in the waiting area, and that the Plan Commission shall approve the hours of operation and the number of persons to be allowed in the establishment at one time. Proof of licensure of the establishment and all practitioners working therein shall be submitted to the City annually. A conditional use permit hereunder is not transferable to a new owner or operator of the establishment.
[Added 11-9-2006 by Ord. No. 1813(17)]
- (31) Outside seating for establishments serving food or beverage for consumption outside the structure.
[Added 8-7-2012 by Ord. No. 1954(8)]
 - (a) Plan approval by the Plan Commission.

- (b) No outside use area is permitted unless the principal commercial business is fully operational and said principal business is housed in a building.
 - (c) Hours of service shall be limited to the business hours or as set by the Plan Commission.
 - (d) No outside use area shall encroach into areas set aside for compliance with other criteria, such as but not limited to: required yard setbacks, sidewalks, building entrances and exits, required motor vehicle off-street parking and drive areas, vision setbacks, landscaping, green space and landscape surface ratio, stormwater detention or retention, pedestrian areas, emergency vehicle lanes and bicycle parking areas and access.
 - (e) Designated outside areas shall be screened from all residential zoned properties with a six-foot wood composite privacy fence or decorative masonry wall. Areas facing public rights-of-way, public paths or public open space may be designated with decorative fencing and landscaping. No chain link fencing shall be allowed.
 - (f) Additional yard setbacks, screening and/or landscape areas may be required by the Plan Commission to prevent adverse impacts on surrounding properties.
 - (g) All food, beverage and condiments shall be cleaned from all outside areas before the business closes for the day. Trash receptacles shall be emptied or removed when full or daily. Trash receptacles shall be covered to limit flies and to prevent the wind from spreading the trash.
 - [1] The entire outdoor food service area utilized for service and consumption of food and beverages shall be visible from inside the principal commercial business to which it is accessory.
 - [2] Any public improvements necessary to accommodate the outdoor food service area shall be approved by the Common Council with recommendation from the Plan Commission and the costs for any such public improvement thereof shall be paid by the applicant.
 - [3] Service of food and alcoholic beverages in all outdoor food service areas shall be limited to persons seated at tables in said outdoor food service areas. Food service shall be required to be available at all times when the outdoor service area is open.
 - [4] The operator of any outdoor food service area shall be responsible for policing the area of the outdoor food service area to ensure that alcoholic beverages are not removed from the outdoor food service area.
 - [5] All spills, food, litter or any other item on the ground surface area associated with the service or consumption of food and beverages shall be cleaned or removed as soon as possible to minimize slip or fall and/or health hazards in the outdoor food service area.
- E. Lot area and width (also see Article VI). Lots shall be a minimum of 4,800 square feet in area and shall not be less than 40 feet in width.
- F. Building height (also see Article VI). No building or parts of a building shall exceed 60 feet in height. [Amended 6-2-2009 by Ord. No. 1881(2)]
- G. Setback and yards (also see Article VI).
- (1) No minimum setback shall be required.
 - (2) No minimum side yard is required between structures and the lot line or between adjacent structures; however, where a side yard is provided it shall be not less than eight feet in width.
 - (3) No minimum rear yard is required, except that for those lots in the B-2 District where rear lot lines are contiguous to and abut residential districts, a minimum rear yard of 25 feet shall be provided.

- H. Site plans to be submitted to Plan Commission. Every builder of any building hereafter erected or structurally altered for use in the business district shall, before a building permit is issued, present detailed site plans pertaining to the proposed structures to the City Plan Commission, which will approve said plans only after determining that the proposed building will not impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire or traffic congestion or otherwise endanger the public health or safety or substantially diminish or impair property values within the Central Business District.
- I. Exterior lighting standards and lighting plan required. Exterior lighting plans shall be required for new development or redevelopment of existing exterior lighting in the B-2 Central Business District. At the time any exterior light is installed or substantially modified in the B-2 District, and whenever a zoning permit application is made for new development or redevelopment, an exterior lighting plan shall be submitted to the Plan Commission in order to determine whether the requirements of this subsection have been met and that adjoining property will not be adversely impacted by the proposed lighting.
[Added 8-5-2003 by Ord. No. 1729(9)]
- (1) A lighting plan submitted pursuant to the requirements of this subsection shall have, at a minimum, the following elements:
- (a) A catalog page, cut sheet, or photograph of the luminaire, including the mounting method, a graphic depiction of the luminaire lamp (or bulb) concealment, and graphic depiction of light cutoff angles.
 - (b) A photometric data test report of the proposed luminaire graphically showing the lighting distribution in all angles vertically and horizontally around the luminaire.
 - (c) A plot plan, drawn to a recognized engineering or architectural scale, indicating the location of the luminaire(s) proposed, mounting and/or installation height in feet, the overall illumination levels (in footcandles) and lighting uniformities on the site, and the illumination levels (in footcandles) at the property boundary lines. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.
- (2) Exterior lighting in the B-2 District shall be limited to total-cutoff-type luminaries (with angle greater than 90°). The maximum permitted illumination shall be two footcandles, and the maximum permitted luminaire height shall be 20 feet as measured from surrounding grade to the bottom of the luminaire. (Note: This standard does not address illumination levels or fixture height which may be required by the City of Burlington for the adequate lighting of public street rights-of-way. It represents maximum illumination levels on private property.)
- (3) For the purposes of this subsection, light shall be measured as follows:
- (a) Metering equipment. Lighting levels shall be measured in footcandles with a direct-reading, portable light meter. The meter shall be read within an accuracy of plus or minus 5%. The meter shall have been tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within 30 days of its use.
 - (b) Method of measurement. The meter sensor shall be mounted not more than six inches above ground level in a horizontal position at the interior line of the bufferyards or at the property line, as required herein. Readings shall be taken only after the cell has been exposed long enough to provide a constant reading. In order to eliminate the effects of moonlight and other ambient light, measurements shall be made after dark with the light source in question on, then with the same sources off. The differences between the two readings shall be compared to the maximum permitted illumination allowed under this subsection.
- J. Signage requirements. See Article **VII** of this chapter.
[Added 8-5-2003 by Ord. No. 1729(9)]

- K. Landscape plan requirements. Landscape plans shall be required in the B-2 Central Business District meeting those requirements set forth in § **315-138** of this chapter.
[Added 8-5-2003 by Ord. No. 1729(9)]
- L. Trash dumpster and garbage receptacles (trash and garbage storage). The following requirements shall be met for trash dumpsters and garbage receptacles in the B-2 Central Business District:
[Added 1-3-2017 by Ord. No. 2014(10)]
- (1) Trash dumpster and garbage receptacles required. All garbage cans, trash dumpsters, trash containers, and other storage devices situated on any property shall be closed containers with lids and shall be concealed or suitably screened from public view.
 - (2) Trash dumpster and garbage receptacle maintenance required. All garbage cans, trash containers, and other garbage storage devices shall be emptied and the contents thereof properly disposed of in a timely manner not less than once every 14 days and kept litter-free. Refuse or recyclable material that has been scattered by wind, animals or vandals is the responsibility of the resident and owner.
 - (3) Unenclosed storage of trash or waste prohibited. No portion of the lot shall be used for open or unenclosed storage of trash or waste of any kind.
 - (4) Trash dumpster and garbage receptacle location in off-street parking space or drive is prohibited. No trash dumpster or other trash or waste receptacle shall be permitted in any off-street parking space or drive.
 - (5) Paved surface required. All trash dumpsters and garbage receptacles shall be placed upon a paved surface.
 - (6) Adequate size to accommodate recycling materials. All trash dumpster and garbage receptacle areas shall be of an adequate size to accommodate the storage of materials to be recycled.
 - (7) Building permit required for the construction of garbage, trash, waste, and dumpster enclosures. A building permit shall be required for the construction of any garbage, trash, waste, or dumpster enclosure.

§ 315-27.1. B-2A Central Business Transition District.

[Added 8-5-2003 by Ord. No. 1729(9)]

- A. Intent. The B-2A Central Business Transition District is intended to:
- (1) Be used exclusively in areas of the City that are contiguous to the B-2 Central Business District.
 - (2) Provide a transition area between the B-2 Central Business District and other nearby zoning districts of either a lesser or greater land use intensity.
 - (3) Provide for an arrangement of retail trade and service uses as well as other uses that are compatible in intensity, function, and operation.
 - (4) Provide for the minor infilling of vacant or redevelopment areas within the B-2A Central Business Transition District consistent with the planned character of the City of Burlington "downtown."
 - (5) Be served by public sanitary sewer and water supply facilities.
 - (6) Provide adequate on-site off-street parking.
- B. Permitted uses. The following uses shall be permitted uses in the B-2A Central Business Transition District:

- (1) Those permitted uses set forth under § **315-27** for the B-2 Central Business District.
- C. Accessory uses. The following uses shall be permitted accessory uses in the B-2A Central Business Transition District:
- (1) Garages for storage of vehicles used in conjunction with the operation of the business or for occupants of the premises.
- (2) Off-street parking areas (see Article V).
- (3) Those accessory uses set forth under § **315-27** for the B-2 Central Business District.
- D. Conditional uses. The following uses shall be conditional uses in the B-2A Central Business Transition District:
- (1) Those conditional uses set forth under § **315-27** for the B-2 Central Business District.
- E. District standards. The B-2A Central Business Transition District is further intended to have the development standards as set forth in the following table:

Type of Standard	Standard
Lot Dimensional Requirements	
Minimum lot area of lots platted after the adoption of this section (square feet)	10,000
Minimum lot area of existing lots of record (square feet)	4,800
Minimum lot width at setback line of lots platted after the adoption of this section (feet)	75
Minimum lot width at setback line of existing lots of record (feet)	40
Minimum front yard (feet)	25
Minimum side yard (feet)	8; 20 total for both side yards
Minimum side yard on corner lot (feet)	25
Minimum rear yard (feet)	25
Maximum building height (feet)	35

- F. Off-street parking standards. Off-street parking requirements for the B-2A Central Business Transition District shall be as indicated in § **315-48** of this chapter.
- G. Trash dumpster and garbage receptacles (trash and garbage storage). The following requirements shall be met for trash dumpsters and garbage receptacles in the B-2A Central Business Transition District:
- (1) Trash dumpster and garbage receptacle enclosures required. All garbage cans, trash dumpsters, trash containers, and other storage devices situated on any property shall be closed containers with lids and shall be concealed or suitably screened from public view. Sight-proof fencing (wood or masonry) and landscaping shall be used to totally obstruct vision into the storage areas. Where such facilities are provided outside a building, they shall be screened from public rights-of-way and adjacent property by an enclosure constructed of materials compatible with the materials on the front building wall of the main building.
- (2) Trash dumpster and garbage receptacle maintenance required. Fencing and landscaping for such areas shall be maintained in good condition and kept litter-free. All garbage cans, trash containers, and other garbage storage devices shall be emptied and the contents thereof properly disposed of not less than once every seven days.
- (3) Unenclosed storage of trash or waste prohibited. No portion of the lot shall be used for open or unenclosed storage of trash or waste of any kind.

- (4) Trash dumpster and garbage receptacle location in off-street parking space or drive prohibited. No trash dumpster or other trash or waste receptacle shall be permitted in any off-street parking space or drive.
 - (5) Paved slab required. All trash dumpsters and garbage receptacles shall be placed upon a paved slab.
 - (6) Adequate size to accommodate recycling materials. All trash dumpster and garbage receptacle areas shall be of an adequate size to accommodate the storage of materials to be recycled.
 - (7) Building permit required for the construction of garbage, trash, waste, and dumpster enclosures. A building permit shall be required for the construction of any garbage, trash, waste, or dumpster enclosure.
- H. Exterior lighting standards and lighting plan required. Exterior lighting standards and lighting plan shall be as required under § **315-27** for the B-2 Central Business District.
- I. Signage requirements. See Article **VII** of this chapter.
- J. Site plan and landscape plan requirements. Site plans and landscape plans shall be required in the B-2A Central Business Transition District meeting those requirements set forth in §§ **315-137** and **315-138** of this chapter.