



STAFF REPORT
WEST ALLIS PLAN COMMISSION
Wednesday, January 24, 2024
6:00 PM

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5. Ordinance to amend zoning code related to certain animal Services, rummage sales, and separation distance for narcotic treatment services.

Overview

This item was on last month's Planning Commission and approved. Since this time two additional changes have been made as follows: 1) included a definition and principal use for "Animal Shelter." 2) Increased the separation clause from 750-ft to 1,000-ft for Narcotic Treatment facilities. The updated ordinance summary is offered again for Plan Commission consideration, and will be heard at the Common Council public hearing at their regular meeting on February 6, 2024.

Since adopting the last minor zoning code updates October 3, 2023, Planning and Zoning staff identified three areas that require revisions to allow for better implementation and alignment with the goals of the zoning code. The ordinance 3 parts include Animal Services, Rummage Sales, Narcotic Treatment.

Animal Services

Increasingly, pets are being humanized in our society. More and more households are owning pets, particularly the young households and families which the city is trying to attract. Households that do have pets are also treating them differently. Demand for pet services is on the rise, and people want these services to be accessible. Ultimately, these changes are influencing the way in which animal services are regulated across the country.

In the proposed zoning code update, staff recommends certain changes to better regulate animal services and allow for more animal services to be located closer to where people live. This primarily includes allowing certain uses to be allowed in commercial districts rather than solely in industrial districts.

Proposed changes include:

- The broad use of "Animal Boarding" should be broken up and redefined. Several new uses should be specifically defined which were previously included in the same definition:
 - Animal Boarding = The use of a lot to shelter, feed, and care for animals for compensation but not within the practice of veterinary medicine under [Wis. Stat. 89.02\(6\)](#)
 - Animal Breeding = The use of a lot to allow animals to copulate for compensation; or birth the offspring of an animal for compensation
 - Animal Shelter = The use of a lot in the manner described in [Wis. Stat. 173.41\(1\)\(b\)](#)
 - Animal Training = The use of a lot to teach animals, for compensation, to react in specific manners to a person's commands

Service	RA-1	RA-2	RA-3	RB	RC	C-1	C-2	C-3	C-4	I-1	I-2	P	SF
Animal Boarding								L	L	L	P		
Animal Breeding													
Animal Shelter										C	C		
Animal Training						L	L	L	L	L	P		

- The uses (excepting animal breeding and animal shelter) should be expanded to new districts as Limited Uses.
- Limited Use criteria should be created which restricts activity to ensure activity is not detrimental to residential neighbors' enjoyment of their property.
 - Commercial and I-1 Districts: Permitted if all activity takes place indoors and no noise from the activity is audible from a lot used for residential purposes
- Animal Breeding not being allowed in the City
- Animal Shelter being allowed as Conditional Use only within Industrial Zoning Districts, and with the following criteria: No conditional use permit may be issued unless a condition of the permit is that noise from the activity may not be audible from a lot used for residential purposes.

Rummage Sales

Rummage sales are not mentioned in our code. In recent months, certain examples of rummage type sales on non-residential properties have cropped up and exposed a gap in the code. To close this gap and regulate rummage sales as intended, staff recommends the following changes which would clearly define rummage sales and regulate sales on both residential and non-residential properties:

- Define rummage sales in alignment with state statutes
 - Rummage Sales = The sale of tangible goods from a lot used for residential purposes only if, in a calendar year, the seller's total revenue from all sales on that lot does not exceed \$2,000 and goods are offered for sale not more than 5 days.
- Add rummage sales to the accessory use table.

Accessory Use	RA-1	RA-2	RA-3	RB	RC	C-1	C-2	C-3	C-4	I-1	I-2	P	SF
Rummage Sales	P	P	P	P	P	P	P	P	P	P	P		

Narcotic Treatment Service

The zoning ordinance currently regulates these uses as follows:

Existing Definition: Narcotic Treatment Service. The use of a lot in a manner described in [Wis. Stat. 51.4224\(1\)\(a\)](#) outside of a hospital.

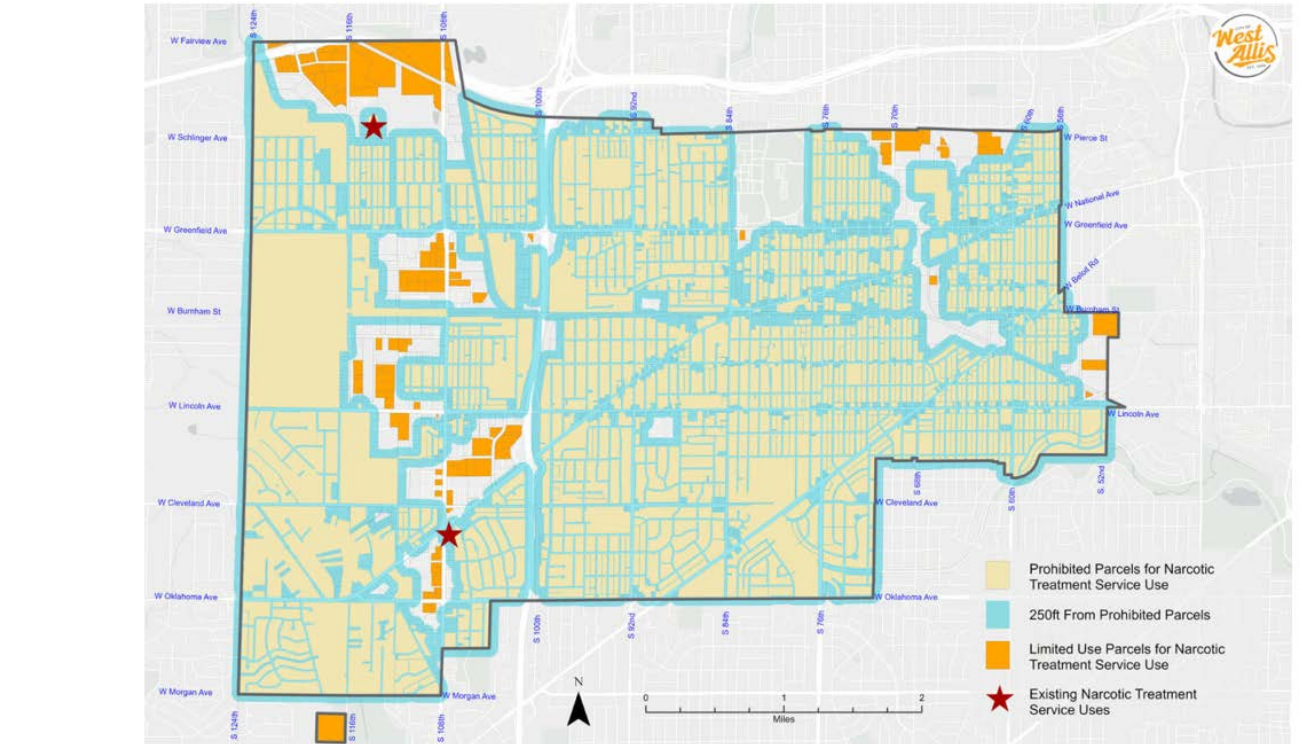
Such principal uses are allowed as a limited use in the C-4, I-1, and I-2 Districts, and subject to a 250-ft separation clause more specifically noted below.

Medical

Principal Use	District(s)	Criteria
Narcotic Treatment Service	C-4, I-1, I-2	Permitted if the lot is located at least 250 feet from any lot where the following are located: lots in a Residential District or developed for residential use, lots zoned P, Schools, or another Narcotic Treatment Service use

Map showing spatial analysis of existing facilities and potential locations under the existing ordinance.

Existing Regulation



- Staff has considered other options ranging from 500-1,000-ft separation. The concern is that even with separations in the 500-750-ft range, don't effectively reduce concentrations near existing narcotic treatment uses and residential neighborhoods.
- The recommended 1,000-ft separation provides sufficient protection for existing narcotic treatment uses, neighboring residential and commercial uses without completely restricting the use throughout the city.
- Increasing the ordinance separation would also promote a more distributed balance of narcotic treatment centers throughout the Milwaukee-Waukesha Metro area.

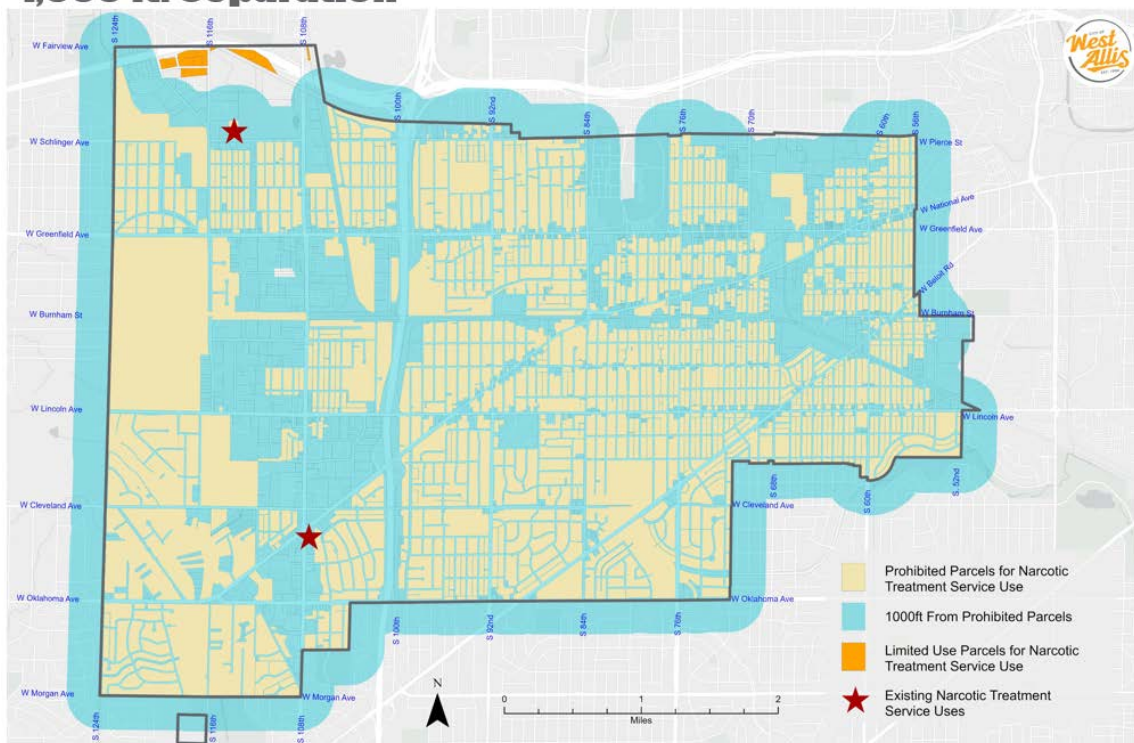
Proposed

The proposed ordinance change would keep all things the same (definition and zoning district allowance), but change the separation requirement from 250-ft to 1,000-ft.

Medical

Principal Use	District(s)	Criteria
Narcotic Treatment Service	C-4, I-1, I-2	Permitted if the lot is located at least 250 1,000 feet from any lot where the following are located: lots in a Residential District or developed for residential use, lots zoned P, Schools, or another Narcotic Treatment Service use

1,000 ft. Separation



Recommendation: Council approval Ordinance to amend zoning code related to certain animal Services, rummage sales, and separation distance for narcotic treatment services.

**CITY OF WEST ALLIS
ORDINANCE O-2023-0088**

**ORDINANCE TO AMEND ZONING CODE RELATED TO CERTAIN ANIMAL
SERVICES, RUMMAGE SALES, AND SEPARATION DISTANCE FOR NARCOTIC
TREATMENT SERVICES**

AMENDING CH. 19

WHEREAS, pursuant to Wis. Stat. 62.23(7)(am), the council may regulate and restrict by ordinance the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, mining, residence or other purposes; and

WHEREAS, the common council may adopt amendments to an existing zoning ordinance after first submitting the proposed amendments to the city plan commission for recommendation and report and after providing a class 2 notice of the proposed amendments and hearings thereon; and

WHEREAS, a hearing was held on the proposed amendments by the common council;

NOW THEREFORE, the common council of the City of West Allis do ordain as follows:

SECTION 1: **AMENDMENT** “19.16 Definitions” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

19.16 Definitions

The terms below shall have the following meanings within this chapter:

Term	Definition
Accessory Building	Any building other than the principal building
Accessory Dwelling Unit	A dwelling unit other than the principal dwelling unit
Accessory Structure	Any structure other than a principal building
Accessory Use	A subordinate use which is clearly and customarily incidental to the principal use on the lot
Adult Day Care Center	The use of a lot in the manner described in Wis. Stat. 49.45(47)(a)

Adult-Oriented Entertainment	The use of a lot in the manner described in WAMC 9.59
Advanced Manufacturing	The act of converting raw materials into finished products by using manual or mechanized transformational techniques in a manner that does not produce any vibration, odor, emission, or noise outside of a building.
Alcohol Beverage Sales	The retail sale of alcohol beverages in the manner described in Wis. Stat. 125.25 and 125.51(2)
Ambulance Services	The use of a lot in the manner described under Wis. Stat. 256.01(2)
Animal Boarding	The boarding, breeding, or training of animals <u>The use of a lot to shelter, feed, and care for animals for compensation but not within the practice of veterinary medicine under Wis. Stat. 89.02(6)</u>
<u>Animal Breeding</u>	<u>The use of a lot to:</u> <u>- allow animals to copulate for compensation; or</u> <u>- birth the offspring of an animal for compensation</u>
<u>Animal Shelter</u>	<u>The use of a lot in the manner described in Wis. Stat. 173.41(1)(b)</u>
<u>Animal Training</u>	<u>The use of a lot to teach animals, for compensation, to react in specific manners to a person's commands</u>
Automobile Part Sales	The retail sale of automobile components or accessories
Bed and Breakfast	The use of a lot in the manner described in Wis. Stat. 97.01(1g)
Bicycle Parking Space (indoor)	An area measuring at least 2 feet wide and 6 feet long located inside a building and properly designated for the parking of 1 bicycle
Bicycle Parking Space (outdoor)	An area measuring at least 2 feet wide and 6 feet long located outside a building that includes an anchored structure designed to allow 1 bicycle to be locked to it using common bicycle locks
Bicycle Rack	A structure used to provide bicycle parking space
Building	A structure that shields persons or property from the elements
Building Height	The vertical distance measured from the average established grade at the front lot line to the highest point of a building, including all appurtenances
Building Area	The total area of a building bounded by its exterior walls
Building Coverage	The sum of all building areas on a lot
Car Wash Service	The washing and cleaning of motor vehicles for compensation
Child Care Center	The use of a lot in the manner described in Wis. Stat. 49.136(1)(ad)

Class 1 Collocation of Mobile Service Facility	The use of a lot in the manner described in Wis. Stat. 66.0404(1)(d)
Class 2 Collocation of Mobile Service Facility	The use of a lot in the manner described in Wis. Stat. 66.0404(1)(e)
Civic Institution	Unless more specifically defined, the use of a lot by a governmental entity
Commercial Light Industrial Flex	The light industrial use of a lot to distribute goods that are also sold in an on-site retail space
Community Living Arrangement	The use of a lot in the manner described in Wis. Stat. 46.03(22) , 48.743(1) , 48.02(6) , or 50.01(1)
Conditional Use	A use that is allowed upon meeting all conditions specified in the code and those imposed by the common council
Crematory	The use of a lot in the manner described in Wis. Stat. 440.70(8)
Donation Center	The receiving of donated goods from the public for redistribution to the public at no cost
Drive-Through Service	The delivery of products or services to customers while the customer is inside a vehicle
Dry Cleaning	The use of a lot in the manner described in Wis. Stat. 77.996(2)
Dwelling Unit	A structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one or more persons maintaining a common household, to the exclusion of all others
Electric Vehicle Charging	The use of a lot to supply electrical power in excess of 120 volts to charge fully integrated batteries that set vehicles into motion
Employment Agency	The use of a lot in the manner described in Wis. Stat. 111.32(7)
Event Space	The use of a lot for the gathering of individuals at a specific time for direct or indirect compensation
Family Child Care Home	The use of a lot in the manner described in Wis. Stat. 66.1017(1)(a)
Floor Area Ratio	The numerical value obtained through dividing the gross floor area by the total area of the lot (diagram)
Food Production	The use of a lot in the manner described in Wis. Stat. 97.29(1)(g) where processed food is available to be sold or distributed directly to a consumer
Fuel Sales	The retail sale of vehicle fuel
Funeral Establishment	The use of a lot in the manner described in Wis. Stat. 445.01(6)

General Retail	Unless more specifically defined, the retail sale of goods within a building that has a gross floor area of 8,000 square feet or greater
General Service	Unless more specifically defined, the sale of services within a building that has a gross floor area of 8,000 square feet or greater
Gross Floor Area	The sum of all areas within a building designed to carry a vertical load, excluding any area used exclusively for off-street parking or equipment that provides utilities or climate control to the building
Group Child Care Center	The use of a lot in the manner described in Wis. Stat. 49.136(1)(k)
Heavy Motor Vehicle Sales	The use of a lot in the manner described in Wis. Stat. 218.0101(23) and offering any vehicles having a gross vehicle weight rating of 10,001 pounds or greater
Heavy Motor Vehicle Service	The maintenance, repair, or enhancement of motor vehicles having a gross vehicle weight rating of 10,001 pounds or greater for compensation
Home-Based Business	The use of a lot in the manner described in Wis. Adm. Code SPS 361.04(3m) , except a home office
Home Office	The accessory use of a dwelling unit to carry on that occupation to carry on an occupation for which clients do not meet at the dwelling unit and no packages are sent from the dwelling unit
Hospital	The use of a lot in the manner described in Wis. Stat. 50.33(2)
Hotel	The use of a lot in the manner described in Wis. Stat. 97.01(7)
Industrial	Unless more specifically defined, the use of a lot for creating products by combining or connecting other materials
Instruction/Training	The use of a lot for teaching one particular skill or conducting a class on one subject
Large Retail Development	The use of a lot or combination of lots for retail sales with a display area of 50,000 square feet or more
Laundry (self-service)	The use of a display area laundry services performed by the customer through the use of self-service machines
Light Industrial	The use of a lot for creating products by combining or connecting other materials, but only if 1) no noise, vibration, or odor is reasonably detectible from off the lot, 2) no hazardous materials are stored or processed on the lot, 3) no industrial activities take place outside a building, and 4) no material is disbursed in the air from the lot
	The use of a lot in the manner described in Wis. Stat. 218.0101(23)

Light Motor Vehicle Sales	and offering only vehicles having a gross vehicle weight rating of 10,000 pounds or less
Light Motor Vehicle Sales (indoor)	The use of a lot in the manner described in Wis. Stat. 218.0101(23) and offering only vehicles having a gross vehicle weight rating of 10,000 pounds or less entirely within a building
Light Motor Vehicle Service	The maintenance, repair, or enhancement of motor vehicles having a gross vehicle weight rating of 10,000 pounds or less for compensation
Limited Use	A use that is allowed upon meeting all conditions specified in the code
Lodging House	Conducting the activities described in Wis. Stat. 779.43(1)(b)
Lot	A distinct parcel, tract, or area of land established by plat, subdivision, or other instrument recorded in the office of the register of deeds
Lot Coverage	The percentage of the lot which is occupied by buildings (diagram)
Lot Line, Front	If one street borders a lot, the portion of a lot that borders that street. If multiple streets border a lot, the portion of a lot that borders the street deemed primary by the manager of planning and zoning
Lot Line, Rear	The portion of a lot that borders an alley. If no alley exists, the portion of a lot opposite a front lot line.
Lot Line, Side	The portion of a lot that is not a front or rear lot line
Lot Width	The shortest distance between side lot lines at a point midway between the front and rear lot lines
Massage Therapy	The use of a lot in a manner described in Wis. Stat. 460.01(4) for compensation
Medical Clinic	The use of a lot for the provision of outpatient nursing, medical, podiatric, dental, chiropractic, or optometric care and treatment outside of a residence or a hospital
Medical Services	The use of a lot for blood or blood plasma donation, kidney dialysis, birth center services, or treatment of sexually transmitted diseases outside of a residence or a hospital
Mobile Service Support Structure	The use of a lot in a manner described in Wis. Stat. 66.0404(1)(n)
Narcotic Treatment Service	The use of a lot in a manner described in Wis. Stat. 51.4224(1)(a) outside of a hospital

Neighborhood Retail	Unless more specifically defined, the retail sale of goods within a building that has a gross floor area of less than 8,000 square feet
Neighborhood Service	Unless more specifically defined, the sale of services within a building that has a gross floor area of less than 8,000 square feet
Nicotine Sales	The use of 10% or more of a gross floor area for the retail sale of any cigarettes, tobacco products, nicotine products, and any electronic nicotine delivery system or other device used to ingest cigarettes, tobacco products, or nicotine products
Nominal Price Retail	The retail sale of primarily inexpensive general merchandise at a price of \$10.00 per item or less
Outdoor Dining	The use of a lot for consumption of food outside of a building on the premises of a restaurant
Outdoor Display	The presentation outside of a building of goods offered for retail sale or examples of goods offered for retail sale
Outdoor Storage	Except for outdoor displays, the placement of any items outside a building for the purpose of storing the items for more than 24 consecutive hours
Parking Lot	A structure that is not a building which is built at grade and used to facilitate the ingress, egress, and parking of motor vehicles
Parking Structure	A building used to facilitate the ingress, egress, and parking of motor vehicles
Pawnbroker	The purchasing and selling of articles or jewelry in a manner described in Wis. Stat. 134.71(1)(e)
Payday Lender	The use of a lot in a manner described in Wis. Stat. 62.23(7)(h)1.b.
Permitted Use	A use that is allowed without any specified conditions
Principal Building	The building on a lot in which a principal use is primarily conducted
Principal Dwelling Unit	The dwelling unit or units located within the principal building
Principal Use	A primary or predominant use of a premises
Production/Repair	The accessory use of a lot to produce or service items similar to those sold on-site at retail as a principal use
Public Park	A lot that is primarily used for recreational activity and open to the public at no cost
Public Utility Service Structure	A structure that is exclusively used to provide public utilities

Recreation	The use of a lot for conducting live sports, activities, or games of skill for the entertainment of participants
Recreation (indoor)	The use of a lot for conducting live sports, activities, or games of skill for the entertainment of participants entirely within a building
Religious Institution	The use of a lot for the assembly of persons for religious purposes and related use for religious ceremonies, purposes, and events
Research Laboratory	The use of a lot for testing, investigation, development, or verification of scientific processes to advance technology
Residential Care Service	The use of a lot as a nursing home as described in Wis. Stat. 50.01(3) , a hospice as described in Wis. Stat. 50.90(1) , or a residential care apartment complex as described in Wis. Stat. 50.034
Restaurant	The use of a lot in the manner described in Wis. Stat. 97.01(14g)
Restricted Manufacturing	The preparation, processing, assembling, or packing of a product that may be lawfully advertised as blind-made under Wis. Stat. 47.03(3)(a)
<u>Rummage Sales</u>	<u>The sale of tangible goods from a lot used for residential purposes only if, in a calendar year, the seller's total revenue from all sales on that lot does not exceed \$2,000 and goods are offered for sale not more than 5 days</u>
School	The use of a lot for teaching more than one skill or conducting classes on more than one subject
Secondhand Article or Jewelry Sales	The purchasing and selling of articles or jewelry in the manner described in Wis. Stat. 134.71(1)(g) or (h)
Self-Service Storage	A type of light industrial use of a lot in a manner described in Wis. Stat. 704.90(1)(g)
Setback	The distance between a lot line and a building or structure
Short-Term Rental	The use of a lot in a manner described in Wis. Stat. 66.0615(1)(dk)
Site Plan	A document or set of documents that show the physical layout of a lot, landscaping arrangement and description, and architectural drawings of any structures located on the lot
Sport Shooting Range	The use of a lot in the manner described in Wis. Stat. 66.0409(1)(c)
State Fair Use	The use of a lot in a manner authorized under Wis. Stat. 42.01
Structure	Any object that is affixed to the ground and not created by nature
Substation	A structure used for the transmission or distribution of electrical power, light, heat, water, gas, sewer, telegraph or

	telecommunication services
Tavern	The retail sale of alcohol beverages in the manner described in Wis. Stat. 125.26 and 125.51(3)
Theater	The use of a lot for the exhibition of a motion picture or performing arts to the public
Thrift Retail	The receiving of donated goods from the public for on-site sale of those goods to the public
Use	A constant, occasional, or isolated act taking place with or without the knowledge of any person occupying a lot
Utility Pole	A structure described in Wis. Stat. 66.0414(1)(x) or any structure designed solely for the collocation of small wireless facilities
Veterinary Services	The use of a lot for the practice of veterinary medicine under Wis. Stat. 89.02(6)
Warehousing, Private	A type of light industrial use of a lot for the storage of property owned by the operator and intended for wholesale or retail distribution
Warehousing, Public	A type of light industrial use of a lot in the manner described in Wis. Stat. 99.01(3)
Waste Services	The use of a lot as a solid waste facility under Wis. Stat. 289.01(35) , pyrolysis facility under Wis. Stat. 289.01(27m) , or gasification facility under Wis. Stat. 289.01(9m)
Wireless Support Structure	A structure described in Wis. Stat. 66.0414(1)(zp) that actually used to support small wireless facilities
Yard	Any part of a lot that is not within a building
Yard, Front	The part of a lot from the front lot line to the principal building and any adjacent land (see image)
Yard, Rear	The part of a lot from the rear lot line to the principal building and any adjacent land (see image)
Yard, Side	The part of a lot that is not a rear or front yard

SECTION 2: AMENDMENT “19.32 Principal Uses” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

19.32 Principal Uses

The following table identifies the principal uses allowed in each zoning district. Each use is given one of the following designations: P (Permitted Use), L (Limited Use), or C (Conditional Use). Uses without a designation are not permitted.

Light Motor Vehicle Sales

Residential & Lodging	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	I-1	I-2	P	SF
1-Unit Dwelling	P	P	P	P	P	L	L	L	L				
2-Unit Dwelling	L	L	P	P	P	L	L	L	L				
3- to 4-Unit Dwelling				P	P	P	P	P	P				
Dwelling with 5+ Units				C	P	C	C	C	C				
Bed and Breakfast	C	C	C	C	C								
Community Living Arrangement (8 or fewer persons)	P	P	P	P	P		P	P	P				
Community Living Arrangement (9 or more persons)				C	C		C	C	C				
Hotel						C	C	C	C	C	C		
Lodging House					C								
Residential Care Service	C	C	C	C	C		C	C	C	C	C		
Short-Term Rental	P	P	P	L	L	L	L	L	L	L			
Retail													
	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	I-1	I-2	P	SF
Alcohol Beverage Sales							P	P	P	P	P		
General Retail								P	P	P	P		
Large Retail Development								C	C	C	C		

Nicotine Sales														
Neighborhood Retail						P	P	P	P	P	P			
Nominal Price Retail									L					
Pawnbroker Sales									C					
Secondhand Jewelry Sales									C					
Thrift Retail									C					
Service	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	I-1	I-2	P	SF	
Animal Boarding								L	L	L €	P			
<u>Animal Breeding</u>														
<u>Animal Shelter</u>										<u>C</u>	<u>C</u>			
<u>Animal Training</u>						<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>P</u>			
Dry Cleaning								C	C	C	C			
Employment Agency						L	L	L	L	P	P			
Food Production (limited)						L	L	L	L	L	L			
Food Production						C	C	C	C	P	P			
General Service								P	P	P	P			
Laundry (self-service)						C	P	P	P	P	P			
Massage Therapy						C	C	C	C	C	C			
Neighborhood Service						P	P	P	P	P	P			
Payday Lender									C	C	C			
Restaurant						C	C	C	C	C	C			
Restaurant (limited)						L	L	L	L	L	L			
Tavern						P	P	P	P	P	P			
Civic & Institutional	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	I-1	I-2	P	SF	
Adult Day Care Center	C	C	C	C	C		P	P	P	P	P	C		
Child Care Center (8 or fewer children)	C	C	C	C	C		P	P	P	P	P	P		
Civic Institution					C	C	C	C	C	C	C			

Event Space or Theater (less than 5,000 sq. ft.)					C	P	P	P	P	P	P		
Event Space or Theater (5,000 or more sq. ft.)						C	C	C	C	P	P		
Funeral Establishment							C	C	C	C	C		
Group Child Care Center	C	C	C	C	C		C	C	C	C	C	C	
Religious Institution	C	C	C	C	C		C	C	C	P	P	C	
School	C	C	C	C	C		C	C	C	C	C	C	
Parks & Recreation													
	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	I-1	I-2	P	SF
Instruction/Training (30 or fewer persons at one time)						P	P	P	P	P	P		
Instruction/Training (31 or more persons at one time)						C	C	C	C	C	C		
Public Park	C	C	C	C	C	C	C	C	C	C	C	P	
Recreation (indoor)						C	C	C	C	P	P	P	
Recreation										C	P	P	
Sport Shooting Range									P	P	P		
Industrial													
	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	I-1	I-2	P	SF
Advanced Manufacturing								C	C	P	P		
Commercial Light Industrial Flex								C	C	C	P		
Light Industrial										L	L		
Heavy Industrial											C		
Restricted Manufacturing								C	C	C	C		
Medical													
	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	I-1	I-2	P	SF
Ambulance Services										C	P		
Hospital					C			C	C	C	C		

Medical Clinic						P	P	P	P	P	P		
Medical Service							P	P	P	P	P		
Narcotic Treatment Service									L	L	L		
Veterinary Services						C	C	C	C	P	P		
Automotive	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	I-1	I-2	P	SF
Automobile Parts Sales								P	P	P	P		
Car Wash Service									C	C	L		
Fuel Sales							C	C	C	C	C		
Heavy Motor Vehicle Sales										C	P		
Heavy Motor Vehicle Service											C		
Light Motor Vehicle Sales (indoor)								C	C	C	P		
Light Motor Vehicle Sales									C	C	P		
Light Motor Vehicle Service							C	C	C	C	C		
Infrastructure	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	I-1	I-2	P	SF
Class 1 Collocation of Mobile Service Facility	C	C	C	C	C	C	C	C	C	C	C	C	C
Class 2 Collocation of Mobile Service Facility	P	P	P	P	P	P	P	P	P	P	P	P	P
Mobile Service Support Structure	C	C	C	C	C	C	C	C	C	C	C	C	C
Parking Lot										L	L		
Parking Structure										L	L		
Public Utility Service Structure (at least 25 sq. ft. or at least 6 feet above grade) (less than 25 sq. ft. and less than 6 feet above grade)	P	P	P	P	P	P	P	P	P	P	P	C	

Public Utility Service Structure	C	C	C	C	C	C	C	C	C	C	C	C	
Substation										C	P	C	
Utility Pole										C	C		
Other	RA-1	RA-2	RA-3	RB	R C	C-1	C-2	C-3	C-4	I-1	I-2	P	SF
Adult-Oriented Entertainment								C	C	C	C		
Donation Center								C	C	C	C		
Research Laboratory								C	C	C	P		
State Fair Use													P

SECTION 3: AMENDMENT “19.33 Limited Use Criteria” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

19.33 Limited Use Criteria

The following limited uses shall be permitted as principal uses upon satisfying the criteria below.

1. Residential & Lodging

Principal Use	District(s)	Criteria
1-Unit Dwelling	C-1	Permitted if located above the grade-level floor
1-Unit Dwelling	C-2, C-3, C-4	Permitted if located on a lot platted or recorded prior to the adoption of this ordinance which meets the building size and location requirements of the RB district under WAMC 19.41

1-Unit Dwelling	C-2, C-3, C-4	Permitted if located on a lot that has another principal use
2-Unit Dwelling	RA-1, RA-2	Permitted on lots with a side or rear lot line adjacent to or separated by an alley from a lot in a commercial or industrial district. Common Council may grant exceptions for lots that share a side lot line with a lot adjacent to a commercial or industrial district
2-Unit Dwelling	C-1	Permitted if located above the grade-level floor
2-Unit Dwelling	C-2, C-3, C-4	Permitted if located on a lot platted or recorded prior to the adoption of this ordinance which meets the building size and location requirements of the RB district under WAMC 19.41
2-Unit Dwelling	C-2, C-3, C-4	Permitted if located on a lot that has another principal use
Short-Term Rental	RB, RC, C-1, C-2, C-3, C-4	Permitted if structure is a 1-Unit, 2-Unit, or 3-4 Unit Dwelling

2. Retail

Principal Use	District(s)	Criteria
Nominal Price Retail	C-4	Permitted if the lot is located more than 1,000 feet from any lot where another Nominal Price Retail use is located

3. Service

Principal Use	District(s)	Criteria
<u>Animal Boarding</u>	<u>C-3, C-4</u>	<u>Permitted if all activity takes place indoors and no noise from the activity is audible from a lot used for residential purposes</u>
<u>Animal Boarding</u>	<u>I-1</u>	<u>Permitted if no noise from the activity is audible from a lot used for residential purposes</u>
<u>Animal Training</u>	<u>C-1, C-2, C-3, C-4</u>	<u>Permitted if all activity takes place indoors and no noise from the activity is audible from a lot used for residential purposes</u>
<u>Animal Training</u>	<u>I-1</u>	<u>Permitted if no noise from the activity is audible from a lot used for residential purposes</u>

Employment Agency	C-1, C-2, C-3, C-4	Permitted if not providing transportation for temporary employees to work sites
Food Production (limited)	C-1, C-2, C-3, C-4, I-1, I-2	Permitted if: - gross floor area is less than 2,000 square feet, - premises are closed between 12 a.m. and 6 a.m. at all times, and - premises are closed after 10 p.m. Sunday through Thursday
Restaurant (limited)	C-1, C-2, C-3, C-4, I-1, I-2	Permitted if: - gross floor area is less than 2,000 square feet, - premises are closed between 12 a.m. and 6 a.m. at all times, and - premises are closed after 10 p.m. Sunday through Thursday

4. Civic & Institutional

Principal Use	District(s)	Criteria

5. Parks & Recreation

Principal Use	District(s)	Criteria

6. Industrial

Principal Use	District(s)	Criteria
Light Industrial	I-1, I-2	Self-storage is permitted only if lot is at least 2 acres and at least 20% of the lot is landscaped
Light Industrial	I-1, I-2	Public warehousing is permitted only if at least 20% of the lot is landscaped
Light Industrial	I-1, I-2	Private warehousing is permitted only if at least 20% of the lot is landscaped

7. Medical

Principal Use	District(s)	Criteria
Narcotic Treatment Service	C-4, I-1, I-2	Permitted if the lot is located at least 1,000 250 feet from any lot where the following are located: lots in a Residential District or developed for residential use, lots zoned P, Schools, or another Narcotic Treatment Service use

8. Automotive

Principal Use	District(s)	Criteria
Car Wash Service	I-2	Permitted if not located on a lot which shares a lot line with a lot zoned residential

9. Infrastructure

Principal Use	District(s)	Criteria
Parking Lot	I-1, I-2	Permitted only if at least 20% of the lot is landscaped (See Subch. V) Permitted only if at least 20% of the lot is landscaped (See Subch. V)
Parking Structure	I-1, I-2	

10. Other

Principal Use	District(s)	Criteria

SECTION 4: AMENDMENT “19.34 Conditional Use Criteria” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

19.34 Conditional Use Criteria

No conditional use permit may be issued unless the principal use satisfies the criteria below.

1. Residential & Lodging

Principal Use	District(s)	Criteria

2. Retail

Principal Use	District(s)	Criteria
Pawnbroker Sales	C-4	No conditional use permit may be issued if the lot is located within 3,500 feet from any other lot used for pawnbroker sales or secondhand jewelry sales
Secondhand Jewelry Sales	C-4	No conditional use permit may be issued if the lot is located within 3,500 feet from any other lot used for pawnbroker sales or secondhand

3. Service

Principal Use	District(s)	Criteria
<u>Animal Shelter</u>	<u>I-1, I-2</u>	<u>No conditional use permit may be issued unless a condition of the permit is that noise from the activity may not be audible from a lot used for residential purposes</u>
Payday Lender	C-4, I-1, I-2	No conditional use permit may be issued if the lot is located within 3,500 feet from any other lot used for payday lender

4. Civic & Institutional

Principal Use	District(s)	Criteria

5. Parks & Recreation

Principal Use	District(s)	Criteria

6. Industrial

Principal Use	District(s)	Criteria
Advanced Manufacturing	C-3	No conditional use permit may be issued to allow outdoor storage of materials

Commercial Light Industrial Flex	C-3	No conditional use permit may be issued unless at least 30% of the gross floor area is accessible to the public
Commercial Light Industrial Flex	C-4	No conditional use permit may be issued unless at least 20% of the gross floor area is accessible to the public
Heavy Industrial	I-2	No conditional use permit may be issued for asphalt, cement, or stone processing, mixing, or crushing unless at least 20% of the lot is landscaped and no lot used for nonindustrial purposes is located within 500 feet of the lot
Heavy Industrial	I-2	No conditional use permit may be issued for waster services unless at least 20% of the lot is landscaped and no lot used or zoned for residential purposes is located within 500 feet of the lot

7. Medical

Principal Use	District(s)	Criteria

8. Automotive

Principal Use	District(s)	Criteria
Car Wash Service	C-4, I-1	No conditional use permit may be issued unless no lot zoned for residential purposes is located adjacent to the lot
Light Motor Vehicle Sales	C-4, I-1	No conditional use permit may be issued unless at least 20% of the lot is landscaped and the lot is at least 1 acre
Light Motor Vehicle Service	C-2, C-3, C-4, I-1, I-2	No conditional use permit may be issued unless no lot zoned for residential purposes is located adjacent to the lot
Heavy Motor Vehicle Sales	I-1	No conditional use permit may be issued unless at least 20% of the lot is landscaped and the lot is at least 1 acre

9. Infrastructure

Principal Use	District(s)	Criteria

		er ia
Class 1 Collocation of Mobile Service Facility	All	Se e W is. St at. 66 .0 40 4(4)
Mobile Service Support Structure	All	Se e W is. St at. 66 .0 40 4(4)
		N o c o n d i t i o n a l u s e p e r m i t m a y b e i s s u e

Public Utility Service Structure	All	d if th e str uc tu re is lo ca te d wi thi n a fr on t ya rd of an y lot or a si de ya rd of a co rn er lot
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10. Other

Principal Use	District(s)	Criteria

SECTION 5: **AMENDMENT** “19.35 Accessory Uses” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

19.35 Accessory Uses

The following table identifies the accessory uses allowed in each zoning district. Each use is given one of the following designations: P (Permitted Use), L (Limited Use), or C (Conditional Use). Uses without a designation are not permitted.

Accessory Use	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	I-1	I-2	P	SF
Accessory Dwelling Unit	L	L	L	L	L		L	L	L				
Animal Boarding						C	C	L	L	L	L		
Class 1 Collocation of Mobile Service Facility	C	C	C	C	C	C	C	C	C	C	C	C	C
Class 2 Collocation of Mobile Service Facility	P	P	P	P	P	P	P	P	P	P	P	P	P
Drive-Through Service						C	C	C	C	C	C		
Electric Vehicle Charging	L	L	L	L	L	L	L	L	L	L	L	L	L

Family Child Care Home	L	L	L	L	L		L	L	L				
Home-Based Business	L	L	L	L	L	L	L	L	L	L			
Home Office	P	P	P	P	P	P	P	P	P	P			
Instruction/Training (15 or fewer persons at one time)						P	P	P	P	P	P		
Instruction/Training (16 or more persons at one time)						C	C	C	C	C	C		
Outdoor Dining						L	L	L	L	L	L		
Outdoor Sales/Displays						C	C	C	C	C	C		
Outdoor Storage (including vehicles)								C	C	L	L		
Mobile Service Support Structure	C	C	C	C	C	C	C	C	C	C	C	C	C
Parking Lot/Structure					P	P	P	P	P	P	P	P	P
Production/Repair (less than 5,000 sq. ft.)						P	P	P	P	P	P		
<u>Rummage Sales</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
Solar Energy System	P	P	P	P	P	P	P	P	P	P	P	P	P
Wind Energy System	C	C	C	C	C	C	C	C	C	C	C	C	C
Wireless Support Structure	L	L	L	L	C	C	C	C	P	P	P	C	P

SECTION 6: EFFECTIVE DATE This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Ray Turner	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor, City Of West
Allis