

**CITY OF WEST ALLIS
ORDINANCE O-2020-0023**

**ORDINANCE TO ESTABLISH A NOMINAL PRICE RETAIL STORE DEFINITION
AND REGULATIONS**

AMENDING SECTIONS 12.06, 12.43 AND 12.45

NOW THEREFORE, the Common Council of the City of West Allis do ordain as follows:

SECTION 1: **AMENDMENT** “12.06 Definitions” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

12.06 Definitions

Whenever a term defined in this Section appears in the text of this Subchapter, its meaning shall be construed to be the definition set forth in this Section.

Accessory Building. A subordinate building whose use is incidental to that of the main building and which is located on the same lot as the main building.

Accessory Building — Residential. An attached or detached private garage (see definition of "Garage, Private"), a storage shed, a gazebo, or other residential structure that is subordinate and incidental to the one- or two-family dwelling main building and is located on the same lot as such main building. **[Ord. O-2006-0013, 4/4/2006]**

Accessory Structure, Residential. An attached or detached permanent structure (other than recreational equipment or swimming pools), such as a storage shed, a gazebo, or other residential structure that is subordinate and incidental to the one- or two-family dwelling main building and is located on the same lot as such main building. **[Ord. O-2014-0036, 6/17/2014]**

Accessory Use. A subordinate use of a premises or portion thereof which is clearly and customarily incidental to the principal use of the premises and which is located on the same lot as the principal use, except for such accessory parking facilities as are specifically authorized to be located elsewhere. Accessory uses are permitted as a matter of right in all Zoning Districts identified in this Subchapter. Such uses must not alter the character of the area or be detrimental thereto, and are subject to all applicable general and specific regulations set forth in this Subchapter. **[Ord. O-2015-0002, 1/6/2015]**

Adult Day Care. A facility which is operated by a person to provide temporary care during a portion of the day for elderly, handicapped or otherwise disabled adults.

Adult-Oriented Establishment. A series of uses related to or regulated for adult use, as defined in Chapter 9 of the City Code.

Alcohol beverage sales. Any commercial premises requiring a Class "A" license in accordance with licensing requirements of the State of Wisconsin and Section 9.02 of the City of West Allis Revised Municipal Code to sell fermented malt beverages (beer and/or cider) and/or intoxicating liquor (including wine) for consumption off-premises. **[Ord. O-2017-0016, 3/21/2017]**

Alley. A public or legally established right-of-way, other than a street, which affords only a secondary means of vehicular access to abutting properties.

Animal Grooming. Any commercial establishment at which dogs, cats or other animals are bathed, groomed, clipped, trimmed or shorn or other such treatment is administered, and where no animals are kept or maintained on the premises overnight. Animals prohibited under Section 7.12 of the Revised Municipal Code shall not be permitted. Animal reproduction shall not be permitted. **[Ord. O-2015-0016, 3/3/2015]**

Antique. An old collectable item regarded as being of value or interest to a collector. It is collected or desirable because of its age/vintage, beauty, rarity, condition, utility, personal emotional connection, and/or other unique features. It is an object that represents a previous era or time period in human society. Antiques are usually objects which show some degree of craftsmanship, or a certain attention to design. For the purposes of this ordinance, antique dealers are subject to the licensing requirements provided in Section 9.15 of the Revised Municipal Code. **[Ord. O-2013-0022, 5/7/2013]**

Apartment. A dwelling unit.

Apartment Hotel. A hotel in which not more than thirty percent (30%) of the guest rooms or suites are reserved for transient occupancy.

Art Galleries. A commercial establishment for the display or sale of works of art. **[Ord. O-2017-0050, 11/21/2017]**

Automobile Convenience Store. A place of business where miscellaneous merchandise and/or food and beverages are sold, as well as gasoline, oil and other basic automobile supplies, but where no servicing or repair work on vehicles is conducted.

Automobile Repair. Any commercial activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines or trailers; collision service, such as body, frame or fender straightening and repair; overall painting and vehicle rustproofing; refinishing or steam cleaning.

Automobile Service Station. A building or place of business where gasoline, when stored in underground tanks, lubricating oils and greases, tires, batteries and other automobile accessories may be supplied and installed at retail. Minor repairs and servicing may also occur on the premises. Automobile service stations do not include open sales lots or long-term storage of vehicles.

Basement. A portion of a building having part, but not less than one-half (1/2), of its floor to clear ceiling height below the average finished ground grade adjoining the building. When a basement is used as a garage for the use of occupants of the building or for other common facilities for the operation of the building, other than for dwelling or lodging, offices or commercial activities, it shall not be counted as a story.

Bed and Breakfast. Any place of lodging that provides eight (8) or fewer rooms for rent to no more than a total of twenty (20) tourists or other transients, is the owner's personal residence, is occupied by the owner at time of rental, and in which the only meal served to guests is breakfast.

Boarding House, Rooming House. A building containing a single dwelling unit and where lodging is provided for three (3) or more roomers, with or without meals, for compensation.

Body Piercing establishment. Any establishment that perforates any human body part or human tissue, except an ear, and placing a foreign object in the perforation in order to prevent the perforation from closing. **[Ord. O-2016-0020, 5/3/2016]**

Bulk. Any one or a combination of the following structural or site design characteristics: building height, lot coverage, gross floor area, density, floor area ratio, yards and open space.

Building. Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or personal property, and separated from other like structures, either by an open space or at lot lines, by solid walls through which there is no opening.

Building Area. The total area of a building bounded by its exterior walls.

Building Coverage. The horizontal area measured within the outside of the exterior walls of the ground floor of all principle and accessory buildings on a lot. The area shall include cantilevered habitable building areas and exclude unroofed areas of decks, platforms, patios, terraces and similar areas. **[Ord. O-2006-0013, 4/4/2006]**

Building Height*. The vertical distance measured from the established grade to the highest point of the roof. When a building is located on sloping terrain, the height may be measured from the average finished grade at the front building wall. Chimneys, towers, spires, parapets, elevator and mechanical penthouses, cooling towers and similar projections other than signs shall not be included in calculating building height.

Building Inspector. The Director of the Department of Building Inspections and Zoning of the City or a duly authorized representative.

Business. Any occupation, employment or enterprise in which merchandise is exhibited, sold, stored or manufactured, or which occupies time, attention, labor and materials, or where services are offered for compensation.

Camping Trailer or Travel Trailer. A vehicle without independent motive power, designed to be drawn on the highway by a motor vehicle and intended to be used primarily for temporary, recreational living purposes, including trailers which can be expanded with canvas or other collapsible materials and mobile homes less than twenty (20) feet in length.

Carport. A roofed shelter primarily used for motor vehicles with two (2) or more open sides.

Child Care Home/Center or Day Nursery. A facility or dwelling which is operated by a person, whether licensed or not, to provide care and supervision for four (4) or more children (other than the operator's own family or children for whom the operator is the legal guardian or children of the operator's immediate relatives), under the age of seven (7) for less than twenty-four (24) hours a day for two (2) or more consecutive weeks.

City. The City of West Allis.

City Planner. City Planner means the Planning and Zoning Manager of the Department of Development of the City.

Editor's Note: The definition of "clinic," amended 10/5/2004 by Ord. O-2004-0041, which immediately followed, was repealed 1/20/2015 by Ord. O-2015-0001.

Commercial amusement, inside' or 'inside commercial amusement' means the provision of entertainment, performances or games of skill to the general public or sport teams and that is wholly enclosed in a building, including but not limited to a bowling alley, billiard hall, batting cages, soccer facility, sport team practice facility.

Community Living Arrangements. As defined in sec. 46.03(22) of the Wisconsin Statutes. No community living arrangement may be established within two thousand five hundred (2,500) feet of any other such facility. No community living arrangement shall be permitted in the City if the total capacity exceeds the density limits, as set forth in sec. 62.23(7)(i) of Wisconsin Statutes. Agents for a facility may apply for an exception to the criteria set forth in this Section, which may be granted at the sole and absolute discretion of the Common Council.

Crematory. Any device used to incinerate human or animal bodies or body parts; also, a business establishment containing such a device.

Distribution. Uses engaged in the wholesale sales, bulk storage and distribution of goods. Such uses may also include incidental retail sales and wholesale showrooms.

Drive-In Restaurant. A vehicle-oriented eating establishment that furnishes the patron with food in a ready-to-consume state, primarily in disposable containers, and where the consumption of food is allowed either in (1) the main building; (2) a motor vehicle parked on the premises; (3) another facility on the premises outside the main building; or, (4) off the premises.

Dwelling Unit, Efficiency. A dwelling unit consisting of one principal room with a kitchen and bathroom facilities included within the unit.

Dwelling, Multiple Family. A building, or portion thereof, used or designed as a residence for three (3) or more families living independently of each other in separate dwelling units. This definition includes three (3) family buildings, four (4) family buildings, apartment houses and townhouses.

Dwelling, Net Unit Density. Density shall have as its basis the net land area of a parcel, excluding public rights-of-way. Density is the area required for a residence divided into an acre (43,560 square feet). The result is expressed as "dwelling units per acre."

Dwelling, Single-Family. A residential building used or designed as a one (1) family dwelling unit.

Dwelling, Two Family. A residential building used or designed for two (2) dwelling units. This building may also be termed a duplex.

Family. One or more persons related by blood or marriage, or group of not more than five (5) persons not related by blood or marriage, maintaining a common household in a dwelling unit.

Family Day Care Home. A dwelling licensed as a day care center by the Wisconsin Department of Health and Social Services, under sec. 48.65 of the Wisconsin Statutes, where care is provided for not more than eight (8) children.

Fence. Any permanent partition, structure or gate erected as a dividing structure, barrier, enclosure or means of protection.

Floor Area, Gross. For the purpose of determining Floor Area Ratio (FAR), the Gross Floor Area (GFA) of a building or buildings shall be the sum of the gross horizontal areas of the several floors of the building(s) measured from the exterior faces of the exterior walls or from the centerline of party walls separating two buildings. In particular, the GFA shall include:

1. Floor space used for or capable of use for storage purposes, office space, or similar activities, but not including any space where the floor to ceiling height is less than six (6) feet.
2. Basement space used for or capable of use for storage purposes, office space or similar activities.
3. Elevator shafts and stairwells at each floor.
4. Finished attic floor space, provided there is structural headroom of more than six (6) feet.
5. Interior balconies and mezzanines.
6. Enclosed porches and breezeways.
7. Accessory uses other than floor space devoted exclusively to off-street parking or loading.
8. For the purposes of determining Floor Area Ratios, GFA shall not include:
9. Floor space devoted exclusively to accessory off-street parking or loading.
10. Floor space used for heating, cooling, mechanical and similar equipment.
11. Water tanks and cooling towers.

12. Terraces and open porches.

Floor Area Ratio. The numerical value obtained through dividing the Gross Floor Area (GFA) of a building or buildings by the total area of the lot or parcel of land on which the building or buildings are located. The total area of the lot or parcel shall include all the land within its boundaries, including the buffer areas.

Food Pantries. An entity that distributes or facilitates the giving of goods. This use classification includes, but is not limited to, soup kitchens, and drop-off and distribution facilities for clothing and household goods. **[Ord. O-2016-0035, 9/20/2016]**

Food production and processing. An establishment that manufactures food products or ingredients to be sold to retailers or wholesalers for final consumption, or for distribution or further processing, including, but not limited to, the transformation of livestock. **[Ord. O-2015-0002, 1/6/2015]**

Food production, limited. An establishment that manufactures food products to be sold to consumers, retailers or wholesalers for final consumption or distribution, including, but not limited to, bakeries, caterers, candy and ice cream stores, delicatessens and meat markets, breweries, distilleries, and services based for mobile food services; this does not include the transformation of livestock. **[Ord. O-2015-0002, 1/6/2015]**

Garage, Commercial. Any premises, except those described as a private, public, parking and/or storage garage, available to the public and used principally for the storage of motor driven vehicles, for remuneration, hire or sale, and where such vehicles may be equipped for operation, repaired, rebuilt, reconstructed, washed or otherwise serviced.

Garage, Private. An accessory attached or detached building designed and used primarily for the storage and parking of vehicles owned and operated by the occupants of the lot on which the building is located. Vehicle repair is prohibited in a private garage. **[Ord. O-2006-0013, 4/4/2006]**

Garage, Public. A building used for other than private care and storage of vehicles, which may include the retail sale of lubricants, air, water and other operating commodities for motor vehicles.

Garage, Storage. A building, or portion thereof, designed or used exclusively for the storage of motor vehicles and in which those vehicles are NOT equipped, repaired, hired or sold, except that fuel, oil and grease may be dispensed within the building for the vehicles stored there.

Grocery store. An establishment that sells staple food, meats, produce, and dairy products and usually household supplies, and includes no form of food production. **[Ord. O-2015-0002, 1/6/2015]**

Home Occupation. Any occupation which is clearly incidental and secondary to the use of a premises for single- two-family or residential condominium dwelling unit purposes and which is carried on in whole or in part within the dwelling unit or any accessory building by a person who resides on the premises. **[Ord. O-2010-0030, 9/7/2010]**

Hospitals. A state-licensed facility providing health services and medical, psychiatric, or surgical care to persons, primarily as inpatients. **[Ord. O-2015-0001, 1/20/2015]**

Hotel/Motel. A place, other than a bed and breakfast or tourist rooming house, where sleeping accommodations are offered for pay to transients, in five (5) or more rooms, and all related rooms, building and areas.

Instruction and/or Training Facility. An establishment for the purpose of providing personal instruction or training with a minimum class occupancy of more than fifteen (15) people counting staff and instructors, including, but not limited to, music, dance, martial arts, physical fitness, counseling, trade and business. **[Ord. O-2017-0007, 2/23/2017]**

Instruction and/or Training Facility, Small. An establishment for the purpose of providing personal instruction or training with a maximum class occupancy of no more than fifteen (15) people counting staff and instructors, including, but not limited to, music, dance, martial arts, physical fitness, counseling, trade and business. **[Ord. O-2017-0007, 2/23/2017]**

Junk or Salvage Yards. A building or open area where waste, scrap, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, crushed, processed, or handled for reclamation, disposal or other similar purposes, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles.

Junk Yard. The use of more than three hundred (300) square feet of any lot outside a building for collecting, storage, and/or sale of wastepaper, rags, scrap metal or discarded materials; or, for the collecting, dismantling, storage and salvaging of machinery or vehicles and for the sale of parts thereof.

Kennels. Any commercial establishment where more than two (2) cats, dogs or other animals not prohibited by Section 7.12 may be kept for boarding, breeding, sale or sporting purposes. **[Ord. O-2015-0016, 3/3/2015]**

Land. A lot.

Large Conventional Radio or Television Antenna. Any antenna, other than a satellite television antenna, that is located outside of a main or accessory building that is more than ten (10) feet from the ground or base to the highest point of the antenna.

Lot. A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

Lot, Corner. A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street and any two (2) chords of which form an angle of one hundred twenty degrees (120°) or less as measured on the lot side.

Lot, Depth. The depth of a lot is calculated as the mean distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot.

Lot, Interior. A lot other than a corner lot.

Lot, Through. An interior lot having frontage on two (2) nonintersecting streets. A through lot is considered to have two (2) front yards for purposes of this Subchapter.

Lot Coverage. The percentage of the lot which is covered by building area.

Lot Line, Front. In the case of an interior lot, a line separating the lot from the street. On a corner lot, either line separating the lot from the street may be designated as the front lot line.

Lot Line, Rear. A line opposite and most distant to the front line and separating the lot from other lots, parcels, alleys or public ways.

Lot Line, Side. Any lot line other than the front or rear lot line.

Lot Width. The width of a lot shall be measured as the horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Main Building. The building in which the principal use of the lot is conducted. Only one main building is permitted on a lot under any type of use.

Manufactured or Mobile Home. A structure, transportable in one or more sections, which is built on a chassis and designed and constructed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained in the structure. A motorized camping van (recreational vehicle) or travel trailer is NOT considered a mobile home.

Manufacturing, Artisan. Means small scale production uses that are characterized by minimal automation, little division of labor, and a small number of highly skilled crafts persons as opposed to a larger, less-trained traditional workforce. Participants in an artisan process may be self-employed, or employed by a smaller-scale business. Workforce training may be offered. Shared or individual use of hand-tools, mechanical tools and electronic tools for the manufacture of finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage, sales and distribution of such products. Typical artisan manufacturing uses include, but are not limited to: electronic goods, food and bakery products; printmaking; household appliances; leather products; jewelry and clothing/apparel; metal and wood work; restoration and maintenance; sculpture; furniture; glass or ceramic production. Massage Therapy. A facility offering the science and healing art that uses manual actions and adjunctive therapies to palpate and manipulate the soft tissue of the human body in order to improve circulation, reduce tension, relieve soft tissue pain, or increase flexibility. Massage therapy or bodywork therapy does not include making a medical, physical therapy, or chiropractic diagnosis.

Manufacturing, Heavy. The Heavy Manufacturing District is primarily intended to provide areas for manufacturing and other industrial activities that may constitute substantial adverse land use or environmental impacts or hazards. The district is intended to provide a range of uses for industrial and manufacturing operations with the appropriate design and development standards to assure protection of the public interest and surrounding property and persons. Heavy Industrial uses are high-intensity manufacturing, production, freight, trucking, mechanical and/or equipment operations that, as part of their normal operations, generate noticeable off-site impacts in terms of noise, smoke, particulate matter, odors, glare or vibration. Typical examples of heavy manufacturing principal uses include: large breweries, distilleries and alcohol manufacturing (other than micro distilleries), dairy products manufacturing, foundries, chrome plating, crematoriums and animal rendering plants, electroplating, fiberglass manufacturing, flour mills and paper products manufacturing, hazardous chemicals or procedures or that produce hazardous byproducts or explosive hazards, acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins, smelting, oil refining, asphalt and batch plants and trucking terminals.

Manufacturing, Light. The Light Manufacturing District is intended to provide sites primarily for a variety of light manufacturing, fabricating, processing, assembly, repair, wholesale distribution, warehousing uses. Unless otherwise noted, commercial and office uses and storage of materials are permitted. Typically uses within the district are low-intensity, non-nuisance types of light fabrication and assembly manufacturing and also research and development facilities which may be located in proximity to residential and commercial districts. Trucking, deliveries and loading may be an accessory of such land use, but is not a principal land use.

Medical Clinics. A facility providing medical or surgical services or alternative medicine, for the diagnosis and treatment of persons on an outpatient basis, including offices of health practitioners such as a doctor, dentist, chiropractor, optometrist or podiatrist; not including classes as a primary use. [Ord. O-2015-0001, 1/20/2015; Ord. O-2017-0044, 10/17/2017]

Medical Service Facility. An outpatient facility which provides medical services for the specialized diagnosis, testing and treatment of alcoholism or chemical substance abuse or sexually transmitted diseases, also including, but is not limited to, a facility where human material or matter, including blood or plasma is donated (i.e., blood banks). **[Ord. O-2015-0001, 1/20/2015]**

Mixed Use. A development that consists of a combination of residential and commercial principal uses within a building or planned development. **[Ord. O-2004-0041, 10/5/2004]**

Nominal price retail store. A business that primarily offers or advertises for sale to the public inexpensive, general merchandise, at a price of \$10.00 per item or less.

Non-conforming Building. See Section 12.12 of this Subchapter.

Non-conforming Use. See Section 12.12 of this Subchapter.

Nursing Homes. A facility that meets the definition in Section 50.01(3), Wis. Stats., and that is licensed under Section 50.03(1), Wis. Stats. **[Ord. O-2003-0014, 2/18/2003]**

Open Space. Lands devoted to outdoor recreation space, greenery and resource protection. Developed open space may include, but is not limited to, playground fixtures, shelters and tennis courts.

Outdoor Sales and Display. A use subordinate to the principal retail use of the premises establishment and maintenance is subject to approval of a site plan, pursuant to Section 12.13 of this Subchapter, and the applicable regulations governing the use in the Zoning District in which it is permitted.

Outdoor Storage. The keeping in an unroofed area of any goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours.

Parking lot, Accessory. A residential, commercial, business or industrial lots or lands where off-street surface parking spaces for private passenger motor vehicles exist when incidental to a principal building on the same property. Transitional uses shall be included within this definition.

Parking lot, Non-Accessory. A commercial, business or industrial lots or lands used for off-street private passenger motor vehicle parking spaces, with or without fee, upon which motor vehicles of any number are provided and where the parking spaces are not located in a structure and the parking of vehicles is the principal use of the premises. Vehicle sales, rental, leasing or storage uses are not included within this definition.

Parking structure, Accessory commercial. Business or industrial lots or lands where off-street parking spaces for private passenger motor vehicles exist when incidental to a principal building on the same property. This term includes parking spaces that are integrated into a structure that houses the principal building located on the property.

Parking structure, Non-accessory. A commercial, business or industrial lots or lands where off-street parking spaces, with or without fee, are provided for private passenger motor vehicles of any number, and adjacent access drives, aisles and ramps, that are located in a structure with two (2) or more levels, where the parking structure is the principal structure of a property. Vehicle sales, rental, leasing or storage shall not be included within this definition.

Patio or Terrace. A level, landscaped and/or surfaced area at or within two (2) feet of the finished grade and not covered by a permanent roof.

Pawn shop. A store that engages in the business of lending money on the deposit or pledge of any article or jewelry with an expressed or implied agreement of understanding to sell it back at a subsequent time at a stipulated price. For the purposes of this ordinance, pawn shops are subject to the licensing requirements provided in Section 9.15 of the Revised Municipal Code. **[Ord. O-2015-0029, 5/7/2015]**

Person. An individual, firm, partnership, association, corporation or organization of any kind.

Pet Shops. Any commercial establishment wherein animals or birds are kept or maintained for and prior to sale. This definition does not include establishments which are keeping or maintaining for sale only fish or other aquatic or nonmammalian amphibious species. Animals prohibited under Section 7.12 of the Revised Municipal Code shall not be permitted; animal reproduction shall not be permitted. **[Ord. O-2015-0016, 3/3/2015]**

Platform. An unroofed structure, including balconies and decks, adjacent to or attached to a building intended for outdoor living, access or recreation purposes.

Porch. A roofed, open area usually attached to or part of and with direct access to and from a building.

Premises. A lot and/or any buildings and structures thereon.

Principal Use. The primary or predominant use of a premises.

Printing, Commercial. A printing establishment (dealing directly with consumers and serving businesses) providing design, marketing and print fabrication services, including digital printing, lithography, photocopying, screen printing, web and graphic design, engraving and embroidery. Such uses shall include a retail showroom and/or office component as part of their storefront floor area. Trucking and distribution is not customary to such uses. **[Ord. O-2017-0043, 10/3/2017]**

Printing, Manufacturing. A nonretail printing establishment providing design, marketing and print fabrication services, including digital printing, lithography, photocopying, screen printing, web and graphic design, engraving and embroidery. Such uses rely heavily upon trucking and distribution. **[Ord. O-2017-0043, 10/3/2017]**

Public storage facility means a wholly enclosed structure that provides separate, small-scale, self-service storage facilities leased or rented to individuals or small businesses. Facilities are designed and used to accommodate only interior access to storage lockers or drive-up access only from regular size passenger vehicles (noncommercial vehicles).

Radio and Television Antenna. Any structure, for either transmission or reception of radio or television signals, other than a satellite television antenna, that is located outside of a main or accessory building.

Recreational Vehicle. A motor vehicle designed to be used primarily for temporary living quarters, most notably for recreational purposes, within which there are permanently attached facilities and equipment for cooking, eating and sleeping.

Resale store. A store that sells secondhand goods, as permitted within the respective zoning district, which are acquired on an individual item basis via purchase or consignment, including antiques and hobby shops, but not to include thrift stores (no donations), even if thrift is accessory to the primary use. No unwanted items may be accepted and discarded on site. **[Ord. O-2015-0029, 5/7/2015]**

Restaurant. A public eating establishment in which the primary function is the preparation and serving of food for sale to patrons. Food may be wholly consumed on the premises or may be taken from the premises or may be consumed in motor vehicles parked on the premises.

Satellite Dishes (Antennas). An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

Secondhand jewelry store. A store that engages in the sale of secondhand jewelry in which twenty percent (20%) or more of the floor area for display space or business operations is devoted to secondhand transactions and/or the buying of jewelry or precious metals. For the purposes of this ordinance, secondhand jewelry stores are subject to the licensing requirements provided in Section 9.15 of the Revised Municipal Code. **[Ord. O-2015-0029, 5/7/2015]**

Setback. The distance maintained between a street right-of-way or lot line and the nearest supporting member of any structure or building on the lot.

Short-Term Rental. A residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.

Sign. A name, identification, description, display or illustration which is affixed to or painted on or represented directly or indirectly upon a building or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business.

Special Use. A use which is required for the public convenience but is potentially incompatible with typical permitted uses in a Zoning District and has an impact on the surrounding area that cannot be predetermined and controlled by general use regulations.

Storage Shed. A building used for residential material storage but not used for vehicle parking or vehicle storage. **[Ord. O-2014-0036, 6/17/2014]**

Story*. That part of a building included between the surface of one floor and the surface of the next floor or the ceiling above. A basement shall not be counted as a story if one-half (1/2) is located below the finished grade level.

Story, Half. A partial story under a sloping gable, hip or gambrel roof which does not exceed two-thirds (2/3) of the floor area of the story immediately below it and which does not contain an independent dwelling unit.

Street. Public or legally established right-of-way which includes the entire width between the boundaries of such right-of-way for the purpose of vehicular travel.

Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground.

Subchapter. This portion of the City Code, Subchapter I of this Chapter **12**.

Tattoo establishment. Any establishment that inserts pigment under the surface of the skin of a person, by pricking with a needle or otherwise, so as to produce an indelible mark or figure through the skin. **[Ord. O-2016-0020, 5/3/2016]**

Thrift store. A store that sells secondhand goods, as permitted within the respective zoning district, which are acquired via donation. **[Ord. O-2015-0029, 5/7/2015]**

Tobacco Paraphernalia. "Tobacco paraphernalia" means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines and any other item designed for the smoking or ingestion of tobacco products. Tobacco paraphernalia includes electronic cigarettes, personal vaporizers, electronic nicotine delivery systems or any item designed to atomize liquid solutions that simulate smoking. **[Ord. O-2016-0032, 7/5/2016]**

Tobacco Products. "Tobacco products" means any substance containing any tobacco leaf, including but not limited to cigarettes, cigars, bidis, pipe tobacco, snuff, chewing tobacco and smokeless tobacco. Tobacco products include e-liquids such as propylene glycol, glycerin, nicotine, flavorings or other products for the use in electronic cigarettes, personal vaporizers or electronic nicotine delivery systems. **[Ord. O-2016-0032, 7/5/2016]**

Tobacco Retailer. A "tobacco retailer" is any establishment that either devotes twenty percent (20%) or more of floor area or display area to the sale or exchange of tobacco products or tobacco paraphernalia. **[Ord. O-2016-0032, 7/5/2016]**

Tourist Rooming House. All lodging places, other than hotels, motels, and bed and breakfasts, in which sleeping accommodations are offered for pay to tourist or transients. A tourist rooming house is a type of short-term rental.

Transit Facilities. A building or other area used for the storage of transit equipment or as a depot waiting or boarding area for transit passengers.

Truck Campers. Any camping unit without wheels or other means of mobility, designed to be attached to, or mounted, either permanently or temporarily, upon a motor vehicle and designed primarily for recreational living quarters.

Trucking and Transportation Terminals. Uses engaged in the dispatching and long-term or short-term storage of trucks, buses and other vehicles, including parcel service delivery vehicles, taxis and limousines. Minor accessory repair and maintenance of vehicles stored on the premises is also included. Principal uses include uses engaged in the moving of vehicles (towing), household or office furniture, appliances and equipment from one location to another, including the temporary on-site storage of those items.

Usable Satellite Signal. A satellite signal which, when viewed on a conventional television set, is at least equal in picture quality to the picture quality of a signal received from local commercial television stations by way of a television antenna which conforms with the Zoning Ordinance and all other applicable ordinances of the City of West Allis.

Use. The function or kind of activity for which a premises is designed, arranged or occupied. For the purpose of this Subchapter, the actual use for which a premises is occupied shall in every case be construed as the use of such premises, regardless of any conflict with design, arrangement or intention.

Utility Trailer. A vehicle without motive power designed to be drawn upon a highway by a motor vehicle and intended to be used for general light cartage purposes.

Variance. A modification of the literal provisions of this Subchapter granted when strict enforcement would cause practical difficulty or unnecessary hardship owing to circumstances unique to the individual property for which the variance is granted.

Vehicle Sales and Rental. Commercial or industrial uses that provide for the sale, rental of motor vehicles, boats and recreational vehicles and vehicular equipment. Maintenance, repair, towing or storage of new or used vehicles, boats and recreational vehicles and vehicular equipment may be accessory uses. The vehicle sales and service subcategory includes the following specific use types:

1. Commercial Vehicle Sales and Rentals Uses that provide for the sale or rental of large trucks, moving equipment (e.g., U-haul), construction or agricultural equipment, aircraft, or similar large vehicles and vehicular equipment.
2. Passenger Vehicle Sales and Rentals Uses that provide for the sale or rental of new or used autos, small trucks or vans, trailers, motorcycles, motor homes or recreational vehicles including recreational watercraft. Typical examples include automobile dealers, auto malls, car rental agencies. Vehicle storage used and new vehicles inventory or rental that are parked or stored when are considered under vehicle service and storage uses (see Parking Lot or Parking Structure, Non-Accessory).

3. Vehicle Equipment and Supplies Sales and Rentals Uses related to the sale, lease or rental of new or used parts, tools or supplies for the purpose of repairing or maintaining motor vehicles.

Vehicle Service and Storage Commercial or industrial uses that provide for the service, maintenance and repair of motor vehicles, boats and recreational vehicles and vehicular equipment. Maintenance, repair, towing or storage of vehicles, boats and recreational vehicles and vehicular equipment may be accessory uses. The vehicle service and storage subcategory includes the following specific use types:

1. Body and Paint Finishing Shop. Uses that primarily conduct motor vehicle body work and repairs or that apply paint to the exterior or interior surfaces of motor vehicles by spraying, dipping, flow-coating or other similar means.
2. Commercial Vehicle Repair. Uses, excluding vehicle paint finishing shops, that repair, install or maintain the mechanical components or the bodies of large trucks, mass transit vehicles, large construction or agricultural equipment, aircraft or similar large vehicles and vehicular equipment. Includes fleet vehicle fueling facilities, which may dispense conventional vehicle fuels and/or alternative vehicle fuels.
3. Fueling Station (for Personal, Consumer Vehicles). Uses engaged in retail sales of vehicle fuels for personal vehicles, other than fleet fueling facilities and truck stops. (Note: Fleet vehicle fueling facilities are part of the "Commercial Vehicle Repair and Maintenance" specific use type). Fueling stations may dispense conventional vehicle fuels and/or alternative vehicle fuels.
4. Parking lot, Non-Accessory.
5. Parking Structure, Non-Accessory.
6. Personal Vehicle Repair and Maintenance. Uses that repair, install or maintain the mechanical components of automobiles, small trucks or vans, motorcycles, motor homes or recreational vehicles including recreational boats or that wash, clean or otherwise protect the exterior or interior surfaces of these vehicles.

Veterinary Clinic. A state-licensed facility providing health and medical services, or surgical care to animals. **[Ord. O-2015-0016, 3/3/2015]**

Warehouse. Uses conducted within a completely enclosed building that are engaged in long-term and short-term storage of goods and that do not meet the definition of a "self-storage facility" or a "trucking and transportation terminal."

Wind Energy System. Equipment that converts and then stores or transfers energy from the wind into usable forms of energy [as defined by Wis. Stat. § . 66.0403(1)(m)]. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system. **[Ord. No. O-2008-0056, 2/3/2009]**

Yard. An open space extending along a lot line and unobstructed from the ground upward, except as otherwise provided herein.

Yard, Front*. A yard extending along the full width of the front lot line between side lot lines.

Yard, Rear. A yard extending along the full width of the rear lot line between side lot lines.

Yard, Side. A yard extending along a side lot line between the front and rear yards or between the front lot line and rear yard line where no front yard is required.

Zoning Map. The Official Zoning Map of the City of West Allis. See Section 12.05 of this Subchapter.

SECTION 2: AMENDMENT “12.43 C-4 Regional Commercial District” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

12.43 C-4 Regional Commercial District

The C-4 Regional Commercial District is intended to accommodate those commercial land uses which are generally larger scale and rely on heavy automobile traffic for support.

1. Permitted Uses. [**Ord. O-2006-0012, 3/21/2006**]
 - a. Those uses permitted in the C-3 Commercial District except one- and two-family residence districts.
 - b. Photographic developing and processing.
 - c. Plumbing, heating and ventilating and electrical equipment showrooms and shops.
 - d. Nominal price retail stores and provided that no other similar establishment is located within 1,000 feet.
2. Special Uses. [**Ord. 6279, 12/17/1996**]
 - a. Those special uses permitted in the C-3 District.
 - b. Antenna towers for radio, TV and television and telephone transmission.
 - c. Arcades and pool halls licensed under Chapter 9 of the City Code.
 - d. Car wash facilities.
 - e. Commercial parking lots for private passenger vehicles.
 - f. Outdoor sales and display areas.
 - g. Recording or sound studios.
 - h. Shopping malls.
 - i. Taverns, including live entertainment and dancing.
 - j. Outdoor sales, rental or leasing of motor vehicles that are subject to motor vehicle registration and used for private personal use subject to the following: [**Ord. 6615, 6/4/2002; Ord. O-2009-0039, 12/15/2009; Ord. O-2013-0049, 11/5/2013**]
 - i. Minimum lot size: one (1) acre;
 - ii. Twenty percent (20%) landscaping site coverage;
 - iii. Off-street parking in accordance with Section 12.19;
 - iv. All sales, repair and display shall be conducted on site;

- v. All vehicle display and parking stalls to be identified on a site plan;
 - vi. All repair/stored (not sale) vehicles may sit idle for no longer than 45 days;
 - vii. All vehicles shall be licensed and registered with the Wisconsin Department of Transportation; and
 - viii. All service repair/overhead doors shall remain closed during vehicle repair.
- k. Check-cashing, money order, payday, title for cash, convenient-cash, and cash loan/advance services and similar short-term credit establishments, provided that no other similar establishment as defined in Section 9.32 is located within 3,500 feet. **[Ord. O-2004-0040, 10/5/2004; Ord. O-2006-0040, 10/17/2006]**
 - l. (Reserved)
- Editor's Note: Former Subsection (2)(l), Tattoo and/or body piercing establishments, added 3-21-2006 by Ord. O-2006-0012, as amended, was repealed 5-3-2016 by Ord. No. O-2016-0020.
- m. Kennels. **[Ord. O-2015-0016, 3/3/2015]**
 - n. Pawn shops, and secondhand jewelry dealers as defined in Section 9.15 of the Revised Municipal Code and provided that no other similar establishment is located within 3,500 feet and conditioned upon the following clarifications: **[Ord. O-2010-0051, 1/4/2011; Ord. O-2013-0022, 5/7/2013]**
 - i. Secondhand jewelry dealers primarily engaged, meaning when either twenty percent (20%) or more of the floor area for display space or business operations is devoted to secondhand transactions and/or the buying of jewelry or precious metals.
 - ii. General retail establishments, with less than the above-referenced of twenty-percent threshold, are considered permitted uses.
 - o. Thrift stores. **[Ord. O-2015-0029, 5/7/2015]**
3. Floor Area Ratio. The floor area ratio on a lot shall not exceed 1.0.
4. Yard Requirements.
- a. Front and Corner Side Yard. There shall be provided on every lot a front yard and corner side yard of not less than ten (10) feet in depth.
 - b. Rear Yard. Same as required in C-2 District.
 - c. Transitional Yard. No building or structure in the C-4 District shall be located within one hundred (100) feet of a Residence District boundary line, unless such building or structure is effectively screened from such Residence District property by a wall, fence or densely planted compact hedge not less than five (5) feet or more than eight (8) feet in height. The Common Council may waive this requirement for the structure, use or building if already effectively screened by natural topography or existing screening comparable to the types mentioned.
5. Off-Street Parking and Loading Facilities. Off-street parking and loading facilities shall be provided in accordance with Section 12.19 of this Subchapter. **[Ord. O-2013-0022, 5/7/2013]**

SECTION 3: AMENDMENT “12.45 M-1 - Manufacturing District” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

12.45 M-1 - Manufacturing District

1. Purposes. Industrial zoning districts are intended to accommodate and promote a full range of industrial, manufacturing and employment generating uses, and to govern their operations in a manner that will not have a deleterious effect on residential and business areas consistent with the objectives of the City’s Comprehensive and Strategic Plan. Industrial Districts will be delineated upon the Official West Allis Zoning Map and the Zoning Ordinance will include permitted and special uses (including associated use standards) with a Light Industrial District and a Heavy Industrial District classification to provide adequate provisions for the expansion of industry, both those existing today and for attracting a diversification of new industry. Industrial sites and expansion will create growth and development of the City’s economic and tax base and provide a variety of employment options for its labor force.
 - a. Purpose of the M-1, Light Industrial District. The M-1 Light Industrial District is intended to provide sites primarily for a variety of light manufacturing, fabricating, processing, assembly, repair, wholesale distribution, warehousing uses. Unless otherwise noted, commercial uses and open storage of materials are permitted. Design and development standards are applicable to assure protection of the public interest and surrounding property and persons. Typically uses within the district are low-intensity, non-nuisance light fabrication, production and assembly manufacturing and also research and development facilities which may be located in proximity to residential and commercial districts. Trucking, deliveries and loading may be an accessory of such land use, but is not the principal land use.
 - b. Purpose of the M-2, Heavy Industrial District. The M-2 Heavy Industry District is primarily intended to provide areas for manufacturing and other industrial activities that may constitute substantial adverse land use or environmental impacts or hazards. The district is intended to provide a range of uses for industrial and manufacturing operations with the appropriate design and development standards to assure protection of the public interest and surrounding property and persons. Heavy Industrial uses are high-intensity manufacturing, production, freight, trucking, mechanical and/or equipment operations. Such land uses are situated in locations that will not cause adverse impacts on residential uses or in areas where the relationship to surrounding land use would create fewer problems of compatibility such as smoke, noise, glare or vibration.
2. Use Regulations. Principal uses of land listed as permitted and special uses under Table 12.45(3) are allowed in Industrial Districts:

- a. Permitted Uses. Uses identified with a "P" indicate a permitted use. This use is permitted as a matter of right in the subject zoning district, and subject to compliance with any use standards identified within the final column of table 12.45(3) and with other applicable regulations of this zoning code. In some cases, site changes or exterior building alterations to such permitted uses shall require compliance with the site, landscaping and architectural design review standards and guidelines per section 12.13 (Site, Landscaping and Architectural Review Procedures) and 12.19 (Off-street Parking, Loading and Other Site Improvement Regulations) of the Revised Municipal Code.
- b. Special Uses. Uses identified with an "S" indicate a special use. This use is permitted and subject to compliance with any use standards identified within the final column of table 12.45(3) and with other applicable regulations of this zoning code. Specifically, a special use permit pursuant to section 12.16 of the Revised Municipal Code, shall require compliance with the site, landscaping and architectural design review standards and guidelines in accordance with the standards and guidelines per section 12.13 (Site, Landscaping and Architectural Review Procedures) and 12.19 (Off-street Parking, Loading and Other Site Improvement Regulations) of the Revised Municipal Code.
- c. Prohibited Uses. The absence of the use from the table, and that cannot be reasonably interpreted (per section 12.45(4)) to fall within any defined use category are prohibited uses within a given district.
- d. Use Standards. The “Use standards” column of the table 12.45(3) identifies additional regulations that apply to some uses. Unless otherwise stated, compliance with the use standards regulations is required in addition to section 12.13 (Site, Landscaping and Architectural Review Procedures) and section 12.19 Off-street Parking, Loading and (Other Site Improvement Regulations) of the Revised Municipal Code.

3. Use Table

USE CATEGORY	M-1	M-2	Use Standards
Subcategory (if listed)			
Specific Use			
RESIDENTIAL USE			
Mixed use	P	P	12.45(6)(E)
COMMERCIAL USE			
C-4 uses (unless otherwise noted below)	P/SU	P/SU	Any use permitted or special use in C-4 unless otherwise noted below

Animal Services			12.45(6)(a)
Kennel (boarding, rescue or shelter)	SU	P	
Grooming	P	P	
Veterinary (Hospital/Clinic)	P	P	
Assembly and Entertainment			
Indoor commercial amusement	P	P	
Indoor recreation & fitness	P	P	
Broadcast or Recording Studio	P	P	
Employment Agency w/ transport	SU	P	
Food Production, limited	P	P	
Lodging			
Hotel/motel	SU	-	
Pawn Shops and/or Secondhand jewelry per 9.15	-	-	
Printing, Commercial	P	P	
Printing, Manufacturing	SU	P	
Thrift	-	-	
Vehicle Sales and Rental			12.45(6)(g)
Commercial Vehicle Sales and/or Rentals	SU	P	
Passenger Vehicle Sales and/or Rentals	SU	P	
Vehicle, Equipment and Supply Sales and/or Rentals	SU	P	
Vehicle Service and storage			12.45(6)(h)
Body and Paint Finishing Shop	SU	P	
Commercial Vehicle Repair	SU	SU	
Fueling Station (for Personal, Consumer Vehicles)	SU	SU	
Parking Lot, Non-accessory	SU	P	
Parking Structure, Non-accessory	SU	P	
Passenger Vehicle Repair and Maintenance	SU	SU	
MANUFACTURING & INDUSTRIAL USE			12.45(6)(c)
Batch Plant (asphalt, cement, concrete, stone processing and/or mixing)	-	SU	12.45(6)(b)
Bottling & Canning Works	SU	P	

Brewery or Distillery, Micro	SU	P	
Brewery or Distillery, Large	-	SU	
Chemicals	-	SU	
Contractor Yards	SU	P	
Crematoriums	-	SU	
Food Production	SU	P	
Foundry	-	SU	
Jute, hemp, sisal and oakum products	P	P	
Machinery, heavy manufacturing and repair, including electrical, construction, mining and agriculture	-	SU	
Manufacturing, Artisan	P	P	
Manufacturing, Light	P	P	
Manufacturing, Heavy	-	SU	
Metal finishing, plating, treatment, processing, reduction, stamping	SU	P	
Mining or Mineral Processing	-	SU	
Motor Testing	SU	P	
Manufacturing laboratory facilities	SU	P	
<u>Nominal price retail store</u>	-	-	
Petroleum products	-	SU	
Rubber processing or manufacturing	-	SU	
Safety Services	SU	P	
Steel Products	-	SU	
Textiles	P	P	
Wood and Lumber bulk processing and woodworking	SU	P	
WHOLESALE, DISTRIBUTION & STORAGE			12.45(6)(i)
Equipment and Material Storage yards, Outdoor	SU	P	
Indoor general wholesale, warehousing and storage	P	P	
Landscaping Services with outdoor storage	SU	P	

Outdoor Storage	P	P	
Parking Lot, Non-accessory	P		12.45(6)(h)
Parking Structure, Non-accessory	P		12.45(6)(h)
Public Storage Facility	P		12.45(6)(f)
Trucking and Transportation Terminal	-	SU	
Warehouse and Distribution facilities	SU	P	
Waste, Explosives, Grain, Soil, Manure, Peat, and Petroleum Products		SU	
WASTE & RECYCLING			12.45(6)(i)
Composting facility	-	SU	
Construction and Demolition Debris Recycling facility	-	SU	
Junk or Salvage Yards	-	SU	
Waste Transfer Station	-	SU	
Waste Water Treatment facility	-	SU	
PUBLIC - INSTITUTIONAL USE			12.45(6)(i)
Public Works and Safety Facilities	SU	P	
UTILITY & ENERGY			
Wireless Communication Facility			
Freestanding tower	SU	SU	
Collocation	P	P	
Pump Stations	P	P	
Electrical Substations	SU	P	
Solar & Wind Farms	P	P	

4. Determination of Use Categories and Subcategories

- a. The Planning and Zoning Manager has the authority to classify uses on the basis of the use category, subcategory and specific use type descriptions of this chapter.
- b. When a use cannot be reasonably classified into a use category, subcategory or specific use type, or appears to fit into multiple categories, subcategories or specific use types, the Planning Manager is authorized to determine the most similar and thus most appropriate use category, subcategory or specific use type based on the actual or projected characteristics of the principal use or activity in relationship to the use category, subcategory and specific use type descriptions provided in this chapter. In making such determinations, the development

administrator must consider:

- i. The types of activities that will occur in conjunction with the use;
- ii. The types of equipment and processes to be used;
- iii. The existence, number and frequency of residents, customers or employees;
- iv. Parking and loading and site improvement demands associated with the use; and
- v. Other factors deemed relevant to a use determination.

5. Bulk and Yard Regulations

Lot and Building Standards	M-1	M_2
Minimum Building Setback (feet)		
Front	25	30
Side	0	10
Rear	10	25
Floor area ratio	1.5	1.5

6. Use Standards. The “Use standards” column of the table 12.45(3) identifies additional regulations that apply to some uses. Unless otherwise stated, compliance with these regulations is required along with all other applicable regulations of the zoning code including section 12.13 (Site, Landscaping and Architectural Review Procedures) and section 12.19 (Off-street Parking, Loading and Other Site Improvement Regulations) of the Revised Municipal Code.

a. Animal Services

i. Outdoor kennel and/or run areas shall be screened from the public right-of-way and any abutting lots by a solid wall or fence (including necessary solid gates) and/or a contiguous landscape buffer.

b. Batch Plant (asphalt, cement, concrete, stone processing and/or mixing)

i. Batching facilities shall be set back a minimum of fifty (500) feet from any property developed for nonindustrial uses.

ii. Shall be screened from the public right-of-way and any abutting lots by a solid wall or fence (including necessary solid gates) and/or a contiguous landscape buffer.

iii. Outdoor storage pilings of stone, soil, mix or similar products may not exceed the height of the required screening wall or fence within 150 feet of the public right-of-way boundary required to be screened, except

that storage racks designed for the stacking of equipment that exceed the height of the screening wall or fence, must be set back at least 25 feet from abutting public right-of-way, plus 2 additional feet of setback for every foot of rack height above 10 feet.

- iv. The use shall possess or submit evidence of application Air Emission Permits from the Wisconsin Department of Natural Resources (WDNR).
 - v. All reasonable precautions shall be taken to prevent particulate matter from becoming airborne. These precautions shall include but shall not be limited to the following:
 - (1) Use of water for control of dust during all site operations;
 - (2) Paving areas of the site used for outdoor storage and vehicle traffic. Application of water upon paved surface areas, materials stockpiles, vehicles leaving the site and other surfaces which can give rise to airborne dusts;
 - (3) Installation and use of dust collectors to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed when necessary;
 - (4) Open-bodied trucks transporting materials likely to give rise to airborne dust shall be covered at all times when in motion.
 - (5) All reasonable precautions shall be taken to provide protection and mitigate impacts on surrounding properties and the neighborhood, particularly in regard to the use of any streets for access to the site.
 - (6) All reasonable precautions shall be taken to prevent stormwater pollution runoff into surrounding streets and municipal storm sewer systems.
- c. Manufacturing & Industrial Uses. Unless more specific use standards are further specified within this list, the Manufacturing and Industrial Use category is subject to the following standards:
- i. All outdoor storage shall be screened from the public right-of-way and any abutting lots by a solid wall or fence (including necessary solid gates) and/or a contiguous landscape buffer.
 - ii. In no case shall open storage exceed a greater height than the enclosed screening (except vehicles and associated equipment);
 - iii. Outdoor storage and/or display areas must comply with the minimum street setback requirements of the subject zoning district.
 - iv. All truck, trailer or commercial vehicles associated with the business shall be stored within the enclosed area, unless otherwise noted on a site plan, approved by the Plan Commission.
- d. Mining or Mineral Processing. As part of the special use review and approval process for any mining or mineral processing use, the Planning Commission and Common Council must consider potential environmental impacts, such as

noise, dust and vibration, and is authorized to establish conditions of approval (e.g., setbacks, screening, and methods of operation) to help control and mitigate any adverse land use or environmental impacts on surrounding areas.

e. Mixed Use, Dwelling

i. Eligibility. Caretaker and employee housing may be established on the site of another use only as follows:

(1) Caretaker Housing. Caretaker housing shall be allowed only where the principal use of the site involves operations, equipment or other resources that require twenty-four (24) hour oversight.

(2) Employee Housing. Employee housing shall be allowed where the site would otherwise qualify for caretaker housing.

ii. Status of Occupants. At least one of the occupants of a caretaker or employee housing unit shall be a full-time employee of the business, operation or institution.

iii. Location of Housing Unit. An allowed caretaker or employee housing unit shall be located on the same lot as the principal use needing the housing, as follows:

(1) Attached Unit. If the housing unit is to be established within a main building, it shall be located on the second floor or in the rear half of the building.

(2) Detached Unit. A detached housing unit shall be located behind a main building, or on the rear half of the lot.

iv. Number of Housing Units Allowed. No more than one caretaker or employee housing unit shall be allowed for any principal use.

f. Public Storage Facility Uses

i. Minimum lot size shall be at least (2) acres;

ii. A screening fence or masonry wall is required along all lot lines that abut Residential zoned or developed lots. If buildings are masonry, the building wall can serve as the screening wall;

iii. A single dwelling unit may be integrated into the self-storage facility;

iv. No activities other than storage and pick-up and deposit of stored materials are allowed within the storage units.

g. Vehicle Sales and/or Rental Uses

i. Minimum lot size shall be at least (1) acre;

ii. Twenty percent (20%) landscaping site coverage;

iii. Off-street parking in accordance with Section 12.19;

iv. All sales, repair and display shall be conducted on site;

v. All vehicle display and parking stalls to be identified on a site plan;

vi. All repair/stored (not sale) vehicles may sit idle for no longer than 45 days;

vii. All vehicles shall be licensed and registered with the Wisconsin Department of Transportation;

viii. All service repair/overhead doors shall remain closed during vehicle

repair.

h. Vehicle Service and/or Storage Uses

- i. Twenty percent (20%) landscaping site coverage;
- ii. Off-street parking in accordance with Section 12.19;
- iii. All repair and display shall be conducted on site and within an enclosed building;
- iv. All vehicle display and parking stalls to be identified on a site plan;
- v. Vehicle storage may sit idle for no longer than 45 days;
- vi. All vehicles shall be licensed and registered with the Wisconsin Department of Transportation;
- vii. All service repair/overhead doors shall remain closed during vehicle repair.

i. Wholesale, Distribution & Storage Uses

- i. All outdoor storage shall be screened from the public right-of-way and any abutting lots by a solid wall or fence (including necessary solid gates) and/or a contiguous landscape buffer.
- ii. In no case shall open storage exceed a greater height than the enclosed screening (except vehicles and associated equipment);
- iii. Outdoor storage and/or display areas must comply with the minimum street setback requirements of the subject zoning district.
- iv. All truck, trailer or commercial vehicles associated with the business shall be stored within the enclosed area, unless otherwise noted on a site plan, approved by the Plan Commission.

j. Waste and Recycling Uses

- i. Such establishment shall be located at least 500 feet from the property line of any residential district or residential use and such use is not a nonconforming use;
- ii. All containers, materials and waste-related vehicles shall be stored indoors;
- iii. Exterior parking of only private passenger vehicles for customers and or employees shall be permitted; and
- iv. No outdoor storage shall be permitted.
- v. Shall be screened from the public right-of-way and any abutting lots by a solid wall or fence (including necessary solid gates) and/or a contiguous landscape buffer.

SECTION 4: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 5: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

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. Grisham	_____	_____	_____	_____
Ald. Haass	_____	_____	_____	_____
Ald. Kuehn	_____	_____	_____	_____
Ald. Lajsic	_____	_____	_____	_____
Ald. Reinke	_____	_____	_____	_____
Ald. Roadt	_____	_____	_____	_____
Ald. Stefanski	_____	_____	_____	_____
Ald. Tenorio	_____	_____	_____	_____
Ald. Vitale	_____	_____	_____	_____
Ald. Weigel	_____	_____	_____	_____

Presiding Officer

Attest

 Dan Devine, Mayor, City Of West Allis

 Rebecca Grill, City Administrator/Clerk City Of West Allis