

**CITY OF WEST ALLIS
ORDINANCE O-2021-0059**

**ORDINANCE TO AMEND THE DEFINITION OF MEDICAL SERVICE FACILITY
AND CREATE A DEFINITION AND REGULATIONS FOR NARCOTIC
TREATMENT SERVICE FACILITY**

AMENDING SECTIONS 12.06 AND 12.43

NOW THEREFORE, be it ordained by the Council of the City Of West Allis, in the State of Wisconsin, 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]**

Artist's/maker studio: Workspace for artists, artisans, or crafts persons who are engaged in the creation, teaching, or performance of the fine and applied arts and also allows the sale of fine and applied art products as an associated use.

Asphalt, cement, mixing, stone processing and/or crushing: A use in which the principal activity is the processing, handling, sale and transport of concrete, asphalt, rock, brick, cement, or other similar paving or building materials.

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.

Building material sales: An establishment that sells or rents building supplies, construction equipment, or home decorating fixtures and accessories. This term includes a lumberyard, home improvement center or garden supply center and may include outdoor storage or tool and equipment sales or rental.

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.

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.

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 facility: Uses conducted within a completely enclosed building and engaged in the wholesale sales, bulk storage and distribution of goods. Such establishments provide storage, movement, or sale of merchandise and bulk goods, including importing, wholesale or retail sales of goods received by the establishment but not sale of goods for individual consumption.

Such uses may also include incidental retail sales and wholesale showrooms. This definition does not include a “self-storage facility” or a “trucking and transportation terminal.”

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]**

Fueling Station - Personal, passenger and 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 service" definition). Fueling stations may dispense conventional vehicle fuels and/or alternative vehicle fuels.

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]**

Heavy Industrial use: Typical uses accommodate high intensity industrial activities and often includes very large structures, extensive outdoor storage and exterior equipment operations. It accommodates uses that may require large trucking, rail, shipping or freight operations. Most sites within the Heavy Industrial District have already been developed. Where possible, Heavy Industrial uses should be separated from residential neighborhoods to reduce potential for 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. This term includes, but is not limited to, the production or processing of the following:

- Animals or poultry (transformation/processing, not including slaughter).
- Asphalt, paving, and roofing materials.
- Battery manufacture and reprocessing.
- Cement, stone processing, mixing or crushing, not including mining or extraction.
- Chemicals and chemical products, including ammonia, chlorine, household cleaners, detergent, and fertilizer.
- Machinery and equipment, such as engines and turbines, and machine tools.
- Metal-working, such as stamping, welding, machining, extruding, plating, grinding, polishing, cleaning, and heat treating.
- Oil-based paints, varnishes, lacquers, and enamels.
- Petroleum and coal products, not including mining or extraction.
- Plastics and synthetic resins and fibers.
- Primary metals, including steelworks, rolling and finishing mills, forge and foundries.
- Pulp or paper products.
- Tanning hides and leather.
- Tires and inner tubes

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 facility - A building or open space where waste, scrap, used or second-hand materials are bought, sold, exchanged, dismantled, sorted, stored, baled, packed, crushed, processed or handled for reclamation, disposal or other similar purposes. Scrap or salvage materials include, but are not limited to, scrap iron and other metals, machinery, vehicles, paper, rags, rubber tires, bottles, plastics, and aluminum cans. Typical uses include but are not limited to junk yards, material reclamation, recycling facilities, vehicle salvage, waste transfer stations.

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.

Light Industrial use: Typical uses are lower-intensity, non-nuisance uses such as warehousing, wholesaling, shipping, light fabrication, limited production and processing and assembly, labs, research and development facilities and related uses which may be located in proximity to residential and commercial districts. Trucking, deliveries, loading and outdoor storage may be an accessory of such land use, but is not the principal land use. This term includes, but is not limited to, the production or processing of the following:

- Furniture and fixtures
- Household appliances and components
- Measuring, analyzing, and controlling instruments.
- Musical instruments.
- Office, warehousing and distribution.
- Pharmaceuticals, health and beauty products.
- Precision machined products.

- Telecommunications products.
- Electrical equipment, such as motors and generators, lighting, wiring and transmission, and distribution equipment.
- Fabricated plastic and rubber products, except tires and inner tubes.
- Glass and glass products,
- Gypsum, drywall, and plaster products.

- Latex paints.
- Lumber and wood products, including plywood.
- Textiles and fabrics

Limited production and processing: Small-scale activities that are compatible with commercial or retail sales and services. These uses produce minimal off-site impacts due to their limited nature and scale. Limited production and processing includes, but is not limited to, the following uses:

- Artist/maker and craft studios.
- Apparel and other finished products made from fabrics.
- Computers and accessories, including circuit boards and software.
- Electronic components and accessories.
- Film, video, and audio production.
- Food and beverage products, not including transformation/live slaughter, grain milling, cereal, vegetable oil, or vinegar production.
- Precision medical and optical goods.
- Sign fabrication shops.
- Wood and metal crafts and carving/engraving.
- Wood furniture and upholstery.

Live-work unit: A dwelling unit in combination with a shop, office, studio, or other workspace within the same unit where the resident occupant both lives and works.

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.

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 blood or blood plasma donation services, kidney dialysis, birth center services, or treatment of~~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]

Narcotic Treatment Services Facility. A facility that exclusively provides an opioid treatment system that 1) includes a physician who administers or dispenses a narcotic drug to a narcotic addict for treatment or detoxification treatment with a comprehensive range of medical and rehabilitation services, 2) is approved by the state methadone authority and the designated federal government's regulatory authority, and 3) is registered with the U.S. drug enforcement administration to use a narcotic drug for treatment of a narcotic addiction.

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: Commercial, business or industrial lots or lands used to provide an off-street for storage of goods, material, merchandise or vehicles, including fleet and/or dealer inventory where the storage space is not located in a structure and is in the same place for more than twenty-four (24) hours.

Parking lot, Accessory: Residential, commercial, or industrial lots or lands where off-street surface parking spaces for privately owned 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: Commercial or industrial lots or lands used for off-street privately owned 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. Storage uses are not included within this definition (see outdoor storage).

Parking structure, Accessory: Commercial or industrial lots or lands where off-street parking spaces for privately owned 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: Commercial, business or industrial lots or lands where off-street parking spaces, with or without fee, are provided for privately owned 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. Storage uses are not included within this definition (see outdoor storage).

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 Services and Public Utilities: uses within this category include facilities such as public works facilities and garages, water treatment plants, public and/or private utility substations, safety/service facilities, water towers and similar land uses.

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.

Recreation facility - Indoor: A facility for the indoor conduct, viewing, participation or entertainment of recreational, sport activities or games of skill. This term includes, but is not limited to, a volleyball court, tennis court, bowling alley, ice or roller skating rink, swimming

pool, billiard hall, arcade, basketball court, batting cages, soccer, golf range, sport team practice facility.

Recreation facility - Outdoor: A facility for outdoor conduct, viewing, participation or entertainment of recreational, sport activities or games of skill which may include one or more structures. This term includes, but is not limited to, a golf range, tennis, basketball or volleyball court, soccer, baseball or football field, sporting club, amusement park, golf course, or water park.

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]

Research and development facility: An establishment which conducts research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing.

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.

Safety/service facility: A private or government facility for public safety, service, and emergency services, including a facility that provides police or fire protection and public-related services.

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]**

Self-service storage facility: A facility consisting of individual self-contained storage units or spaces leased to individuals, organizations, or businesses for storage of personal or business property.

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**.

Substation/distribution equipment: A facility other than a transmission tower enclosed or outdoor that aids in the distribution of a utility, including, but not limited to, electric power or telephone service or in the transmission of voice, data, text, internet, sound, or video between network termination points.

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, freight and transportation terminals: A facility used to engage in the dispatch, long-term or short-term storage of trucks, buses, taxies and other vehicles, including busing facilities, towing or hauling uses, movers of household or office furniture, appliances and equipment from one location to another including the temporary on-site storage of those items, parcel service delivery vehicles, truck-based freight service and operations, line-haul loading and unloading, destination sorting, terminal operations, and local delivery. Repair and maintenance of vehicles stored on the premises may also be included.

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: Uses that provide for the sale and/or rental of motor vehicles (personal/passenger and consumer vehicles or commercial vehicles) including recreational vehicles and equipment. Maintenance and repair services may be accessory uses when located on the same lot as the principal use. Typical examples include vehicle dealerships and rental agencies.

Vehicle Service facility - Commercial vehicles: Uses 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. This definition includes fleet vehicle fueling facilities and truck stops which may dispense conventional vehicle fuels and/or alternative vehicle fuels.

Vehicle Service facility - Personal, passenger and consumer vehicles: Commercial or industrial uses that provide for the service, maintenance and repair of motor vehicles and recreational vehicles and/or equipment for personal/passenger and consumer vehicles. Typical examples include body and paint finishing shops, commercial and passenger vehicle repair and maintenance and fuel stations. Towing or storage of vehicles, boats and recreational vehicles and vehicular equipment when accessory to the principal use and located on the same lot.

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

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:

AMENDMENT

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.
- e. Narcotic treatment service facility located no closer than 250 feet from the following:
 - i. Parcels zoned or developed for residential use;
 - ii. Parcels with a school for which attendance is compulsory under Wis. Stat. 118.15;
 - iii. Parcels zoned for parkland;
 - iv. Parcels with another narcotic treatment facility

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. [Reserved]
- 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: 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 SEPTEMBER 07, 2021.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	<u> X </u>	_____	_____	_____
Ald. Vince Vitale	<u> X </u>	_____	_____	_____
Ald. Tracy Stefanski	<u> X </u>	_____	_____	_____
Ald. Marty Weigel	<u> X </u>	_____	_____	_____
Ald. Suzzette Grisham	<u> X </u>	_____	_____	_____
Ald. Danna Kuehn	<u> X </u>	_____	_____	_____
Ald. Thomas Lajsic	<u> X </u>	_____	_____	_____
Ald. Dan Roadt	<u> X </u>	_____	_____	_____
Ald. Rosalie Reinke	<u> X </u>	_____	_____	_____
Ald. Kevin Haass	<u> X </u>	_____	_____	_____

Attest

Presiding Officer



Rebecca Grill, City Clerk, City Of
West Allis



Dan Devine, Mayor City Of West Allis

