

**CITY OF WEST ALLIS  
ORDINANCE O-2020-0057**

**ORDINANCE CODIFYING CODE CHANGES RELATED TO THE 2021 APPROVED  
BUDGET**

**WHEREAS**, the Common Council adopted the 2021 Budget on November 17, 2020 and;

**WHEREAS**, it is necessary to update the West Allis Code of Ordinances to reflect the changes in the 2021 Budget.

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

**SECTION 1:**        **AMENDMENT** “Subchapter IV Department Of Development” of the City Of West Allis Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

Subchapter IV Department Of Development

AFTER AMENDMENT

Subchapter ~~IV Department Of Development~~ IV Development, Planning, Zoning, And Housing

**SECTION 2:**        **AMENDMENT** “4.1 Purpose” of the City Of West Allis Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

4.1 Purpose

The purpose of this subchapter is to promote more efficient, effective and economical administration and coordination of City planning and development programs and activities through the consolidation of related functions. The Department of Building Inspections & Zoning, having from time to time related functions to achieve this stated purpose, shall coordinate such functions with the Department of Development.

AFTER AMENDMENT

4.1 Purpose

The purpose of this subchapter is to promote more efficient, effective and economical administration and coordination of City planning and development programs and activities through the consolidation of related functions. ~~The Department of Building Inspections & Zoning, having from time to time related functions to achieve this stated purpose, shall coordinate such functions with the Department of Development.~~

**SECTION 3:            AMENDMENT** “2.32 Director Of Building Inspections And Zoning” of the City Of West Allis Municipal Code is hereby *amended* as follows:

#### BEFORE AMENDMENT

##### 2.32 Director Of Building Inspections And Zoning

1. Appointment. The City Administrator shall recommend appointment of a Director of Building Inspections and Zoning subject to approval by the Common Council in the unclassified service of the City to serve full time at the pleasure of the Common Council, in accordance with City of West Allis Policies and Procedures Manual Policy No. 404 (Recruitment and Hiring Process for Executive/Managerial/Deputy Assistant Service Positions), Policy No. 405 [Discipline for Non-Elective Officials (Executive Service/Department Heads)], and as provided by Section 17.12(1) of the Wisconsin Statutes.
2. Duties. The Director of Building Inspections and Zoning shall have complete charge of the Building Inspection Department and shall perform the duties prescribed in Chapter 13 of this Code, the position job description, employment contract, and such other duties as the Common Council may prescribe from time to time.

[Ord. O-2018-0022, 5-15-2018]

#### AFTER AMENDMENT

##### 2.32 Director Of Building Inspections And Zoning

1. Appointment. The City Administrator shall recommend appointment of a Director of Building Inspections ~~and Zoning~~ and Neighborhood Services subject to approval by the Common Council in the unclassified service of the City to serve full time at the pleasure of the Common Council, in accordance with City of West Allis Policies and Procedures Manual Policy No. 404 (Recruitment and Hiring Process for Executive/Managerial/Deputy Assistant Service Positions), Policy No. 405 [Discipline for Non-Elective Officials (Executive Service/Department Heads)], and as provided by Section 17.12(1) of the Wisconsin Statutes.
2. Duties. The Director of Building Inspections ~~s and Zoning~~ and Neighborhood Services shall have complete charge of the Building Inspection and Neighborhood Services Department and shall perform the duties prescribed in Chapter 13 of this Code, the position job description, employment contract, and such other duties as the Common Council may prescribe from time to time.

**[Ord. O-2018-0022, 5-15-2018]**

**SECTION 4:            AMENDMENT** “4.2 Organization” of the City Of West Allis Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

4.2 Organization

The Department of Development shall be responsible for providing and coordinating the planning/zoning, community and economic development programs and activities of the City. The Department of Building Inspections & Zoning shall also provide coordination in its activities and programming with the Department of Development.

**AFTER AMENDMENT**

4.2 Organization

The Economic Development Program staff are responsible for providing and coordinating all community and economic development activities unless specifically assigned to other staff members.

The Planning and Zoning Program Staff are responsible for the administration, enforcement, and appeals of the zoning code, housing and community development block grant program.

~~The Department of Development shall be responsible for providing and coordinating the planning/zoning, community and economic development programs and activities of the City. The Department of Building Inspections & Zoning shall also provide coordination in its activities and programming with the Department of Development.~~

**SECTION 5:            AMENDMENT** “4.3 Definitions” of the City Of West Allis Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

4.3 Definitions

In this subchapter:

1. "Department" means the Department of Development.
2. "Director" means the Director of Development.
3. "Departments" means offices, Departments and other agencies of City government.

## AFTER AMENDMENT

### 4.3 ~~Definitions~~(Reserved)

~~In this subchapter: "Department" means the Department of Development. "Director" means the Director of Development. "Departments" means offices, Departments and other agencies of City government.~~

**SECTION 6:**AMENDMENT "4.4 Director Of Development" of the City Of West Allis Municipal Code is hereby *amended* as follows:

## BEFORE AMENDMENT

### 4.4 Director Of Development

1. Appointment. The City Administrator shall recommend appointment of the Director of Development subject to approval by the Common Council as recommended by the City Administrator under the unclassified service of the City to serve full time at the pleasure of the Common Council, in accordance with City of West Allis Policies and Procedures Manual Policy No. 404 (Recruitment and Hiring Process for Executive/Managerial/Deputy Assistant Service Positions), Policy No. 405 [Discipline for Non-Elective Officials (Executive Service/Department Heads)], and as provided in Sec. 17.12(1) of the Wisconsin Statutes. **[Ord. O-2018-0022, 5-15-2018]**
2. Duties and Responsibilities. The Department shall be under the direction and supervision of the Director. The Director shall plan, direct, coordinate and execute the functions of the Department; and, to this end, establish rules for the administration of the Department and performing the duties assigned to it, consistent with the provisions of this subchapter, the position job description, employment contract, and such other duties as the Common Council may prescribe from time to time. **[Ord. O-2018-0022, 5-15-2018]**
3. Cooperation. All Departments and their officers and employees shall cooperate with the Director and comply with his requests relating to his or her duties or responsibilities.
4. Staff. The Director shall appoint, under the Classified Service and the Unclassified Service, the staff necessary for performing the duties and responsibilities of the Department. Subject to availability, the Department of Building Inspections & Zoning shall provide such technical assistance and supplemental clerical support as the Director may require for performing the duties and responsibilities of the Department.

## AFTER AMENDMENT

### 4.4 ~~Director Of Development~~Development Executive Director

1. Appointment. The City Administrator shall recommend appointment of the ~~Director of~~ Development Executive Director subject to approval by the Common Council as recommended by the City Administrator ~~under the unclassified service of the City to serve full time at the pleasure of the Common Council,~~ in accordance with the hiring process for Managerial positions in City of West Allis ~~Policies and Procedures Manual~~ Policy No. 404

(Recruitment and Hiring Process for Executive/Managerial/Deputy Assistant Service

Positions), ~~Policy No. 405 [Discipline for Non-Elective Officials (Executive Service/Department Heads)], and as provided in Sec. 17.12(1) of the Wisconsin Statutes. [Ord. O-2018-0022, 5-15-2018]~~

- ~~2. Duties and Responsibilities. The Department shall be under the direction and supervision of the Director. The Development Executive Director shall: plan, direct, coordinate and execute the functions of the Department; and, to this end, establish rules for the administration of the Department and performing the duties assigned to it, consistent with the provisions of this subchapter, the position job description, employment contract, and such other duties as the Common Council may prescribe from time to time. [Ord. O-2018-0022, 5-15-2018]~~
  - a. Establish rules for the administration of the Economic Development Program and perform the duties assigned to it.
  - b. Direct and supervise staff assigned to the Economic Development Program.
  - c. Provide administrative assistance to the Community Development Authority.
  - d. Perform the duties of the position job description and such other duties as the Common Council may from time to time prescribe.
- ~~3. Cooperation. All Departments and their officers and employees shall cooperate with the Director and comply with his requests relating to his or her duties or responsibilities.~~
- ~~4. Staff. The Director shall appoint, under the Classified Service and the Unclassified Service, the staff necessary for performing the duties and responsibilities of the Department. Subject to availability, the Department of Building Inspections & Zoning shall provide such technical assistance and supplemental clerical support as the Director may require for performing the duties and responsibilities of the Department.~~

**SECTION 7:            AMENDMENT “4.5 Community Development” of the City Of West Allis Municipal Code is hereby *amended* as follows:**

#### BEFORE AMENDMENT

##### 4.5 Community Development

1. Responsibilities. The Director shall:
  - a. Administer and coordinate Community Development Block Grant Funds and programs for the City.
  - b. Insure maximum utilization of State and Federal resources by all City Departments for community and economic development.
  - c. Provide staff assistance to the Community Development Act Committee.
  - d. Develop and implement redevelopment plans and strategies as authorized by the Common Council.
  - e. Prepare, in coordination with the Department of Building Inspections & Zoning, and such other City Departments as necessary, project budgets for redevelopment plans and strategies.

AFTER AMENDMENT

4.5 ~~Community Development~~(Reserved)

1. ~~Responsibilities. The Director shall:~~

~~Administer and coordinate Community Development Block Grant Funds and programs for the City. Insure maximum utilization of State and Federal resources by all City Departments for community and economic development. Provide staff assistance to the Community Development Act Committee. Develop and implement redevelopment plans and strategies as authorized by the Common Council. Prepare, in coordination with the Department of Building Inspections & Zoning, and such other City Departments as necessary, project budgets for redevelopment plans and strategies.~~

**SECTION 8:** AMENDMENT “4.6 Planning And Zoning Division” of the City Of West Allis Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

4.6 Planning And Zoning Division

The Planning and Zoning Division within the Department shall discharge all duties in connection with planning, land use and zoning administration functions for the City.

AFTER AMENDMENT

4.6 ~~Planning And Zoning Division~~(Reserved)

~~The Planning and Zoning Division within the Department shall discharge all duties in connection with planning, land use and zoning administration functions for the City.~~

**SECTION 9:** AMENDMENT “4.7 Planning And Zoning Manager” of the City Of West Allis Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

4.7 Planning And Zoning Manager

1. Appointment. The Planning and Zoning Manager shall be appointed by the Director of Development, subject to approval by the Safety and Development Committee in accordance with City of West Allis Policies and Procedures Manual Policy No. 404 (Recruitment and Hiring Process for Executive/Managerial/Deputy Assistant Service Positions), to serve at the pleasure of the Director of Development, in accordance with

City of West Allis Policies and Procedures Manual No. 404 (Recruitment and Hiring Process for Executive/Managerial/Deputy Assistant Service Positions), City of West Allis Policies and Procedures Manual No. 404 (Disciplinary Action and Grievance Procedure), and as provided in Section 2.76(8) of the City of West Allis Revised Municipal Code. **[Ord. O-2018-0022, 5-15-2018]**

2. Duties and Responsibilities. The Planning and Zoning Manager shall:
  - a. Direct and supervise the functions of the Planning and Zoning Division, including:
    - i. Advise the Plan Commission and Common Council on all planning matters referred to the Division by the Commission and the Council.
    - ii. Make recommendations to the Plan Commission and the Common Council on all matters required to be referred to the Plan Commission by the Common Council.
    - iii. Prepare a master plan for the physical development of the City for submission to the Plan Commission.
    - iv. Prepare and submit to the Common Council an official map of the City and changes thereafter, as necessary.
    - v. Prepare and submit to the Common Council recommended changes in the zoning map of the City.
    - vi. Prepare and submit to the Common Council recommended changes in the zoning ordinance of the City.
    - vii. Prepare and submit to the Common Council a land division ordinance for the City and changes in such ordinance thereafter, as necessary.
  - b. Establish rules for the administration of the Division and performing the duties assigned to it.
  - c. Have recommending authority with regard to all personnel appointed to the Division in accordance with Civil Service procedures.

Editor's Note: Former Subsection (3), Location, was repealed 5-15-2018 by Ord. O-2018-0022.

## AFTER AMENDMENT

### 4.7 Planning And Zoning Manager

1. Appointment. The Planning and Zoning Manager shall be ~~appointed by the Director of Development, subject to approval by the Safety and Development Committee~~ in accordance with the hiring process for Managerial positions in City of West Allis ~~Policyes and Procedures Manual~~ Policy No. 404 (Recruitment and Hiring Process for Executive/Managerial/Deputy Assistant Service Positions), ~~to serve at the pleasure of the Director of Development, in accordance with City of West Allis Policyes and Procedures Manual No. 404 (Recruitment and Hiring Process for Executive/Managerial/Deputy Assistant Service Positions), City of West Allis Policyes and Procedures Manual No. 404 (Disciplinary Action and Grievance Procedure), and as provided in Section 2.76(8) of the City of West Allis Revised Municipal Code. [Ord. O-2018-0022, 5-15-2018]~~
2. Duties and Responsibilities. The Planning and Zoning Manager shall:
  - a. Direct and supervise the functions of the Planning, ~~and Zoning,~~ and Housing ~~Division Programs, including:~~
    - i. ~~Advise the Plan Commission and Common Council on all planning~~

~~matters referred to the Division by the Commission and the Council. Make recommendations to the Plan Commission and the Common Council on all matters required to be referred to the Plan Commission by the Common~~

~~Council. Prepare a master plan for the physical development of the City for submission to the Plan Commission. Prepare and submit to the Common Council an official map of the City and changes thereafter, as necessary. Prepare and submit to the Common Council recommended changes in the zoning map of the City. Prepare and submit to the Common Council recommended changes in the zoning ordinance of the City. Prepare and submit to the Common Council a land division ordinance for the City and changes in such ordinance thereafter, as necessary.~~

- b. ~~Establish rules for the administration of the Division and performing the duties assigned to it.~~ Direct and supervise the staff assigned to the Planning, Zoning, and Housing Programs.
- c. ~~Have recommending authority with regard to all personnel appointed to the Division in accordance with Civil Service procedures.~~ Provide administrative assistance to the Plan Commission, Historical Commission, and Community Development Block Grant program.
- d. Perform the duties of the position as outlined in the position job description and such other duties as the Common Council may from time to time prescribe.

~~Editor's Note: Former Subsection (3), Location, was repealed 5-15-2018 by Ord. O-2018-0022.~~

**SECTION 10:            AMENDMENT** “4.8 Economic Development Division” of the City Of West Allis Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

4.8 Economic Development Division

The Economic Development Division within the Department shall discharge all duties in connection with the economic development activities of the City.

[Ord. O-2018-0022, 5-15-2018]

**AFTER AMENDMENT**

4.8 ~~Economic Development Division~~ (Reserved)

~~The Economic Development Division within the Department shall discharge all duties in connection with the economic development activities of the City.~~

[Ord. O-2018-0022, 5-15-2018]



**SECTION 11:****AMENDMENT** “4.9 Manager Of Economic Development” of the City Of West Allis Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

4.9 Manager Of Economic Development

1. Appointment. The Manager of Economic Development shall be appointed by the Director of Development, subject to approval by the Safety and Development Committee in accordance with City of West Allis Policies and Procedures Manual Policy No. 404 (Recruitment and Hiring Process for Executive/Managerial/Deputy Assistant Service Positions), to serve at the pleasure of the Director of Development, in accordance with City of West Allis Policies and Procedures Manual No. 404 (Recruitment and Hiring Process for Executive/Managerial/Deputy Assistant Service Positions), City of West Allis Policies and Procedures Manual No. 404 (Disciplinary Action and Grievance Procedure), and as provided in Section 2.76(8) of the City of West Allis Revised Municipal Code. **[Ord. O-2018-0022, 5-15-2018]**
2. Duties and Responsibilities. The Manager of Economic Development shall:
  - a. Direct and supervise the functions of the Economic Development Division, including:
    - i. Economic development organizational, financial and administrative resources, plans and programs.
    - ii. Programs of industry and business retention, attraction and development.
    - iii. Programs for job creation and enhancement of the tax base.
    - iv. Financial incentive programs for economic development.
  - b. Establish rules for the administration of the Division and performing the duties assigned to it.
  - c. Provide staff assistance to the Committee for Economic Development.
  - d. Have recommending authority with regard to all personnel appointed to the Division in accordance with Civil Service procedures.

**AFTER AMENDMENT**

4.9 ~~Manager Of Economic Development~~(Reserved)

1. ~~Appointment. The Manager of Economic Development shall be appointed by the Director of Development, subject to approval by the Safety and Development Committee in accordance with City of West Allis Policies and Procedures Manual Policy No. 404 (Recruitment and Hiring Process for Executive/Managerial/Deputy Assistant Service Positions), to serve at the pleasure of the Director of Development, in accordance with City of West Allis Policies and Procedures Manual No. 404 (Recruitment and Hiring~~

~~Process for Executive/Managerial/Deputy Assistant Service Positions), City of West Allis Policies and Procedures Manual No. 404 (Disciplinary Action and Grievance Procedure); and as provided in Section 2.76(8) of the City of West Allis Revised Municipal Code: [Ord. O-2018-0022, 5-15-2018] Direct and supervise the functions of the Economic~~

~~Development Division, including: Establish rules for the administration of the Division and performing the duties assigned to it. Provide staff assistance to the Committee for Economic Development. Economic development organizational, financial and administrative resources, plans and programs. Programs of industry and business retention, attraction and development. Programs for job creation and enhancement of the tax base. Financial incentive programs for economic development. Have recommending authority with regard to all personnel appointed to the Division in accordance with Civil Service procedures.~~

- ~~2. Duties and Responsibilities. The Manager of Economic Development shall:~~

**SECTION 12:** AMENDMENT “4.10 Housing Division” of the City Of West Allis Municipal Code is hereby *amended* as follows:

#### BEFORE AMENDMENT

##### 4.10 Housing Division

The Housing Division within the Department shall discharge all duties in connection with all housing programs and activities of the City.

#### AFTER AMENDMENT

##### 4.10 ~~Housing Division~~(Reserved)

~~The Housing Division within the Department shall discharge all duties in connection with all housing programs and activities of the City.~~

**SECTION 13:** AMENDMENT “4.11 Manager Of Housing” of the City Of West Allis Municipal Code is hereby *amended* as follows:

#### BEFORE AMENDMENT

##### 4.11 Manager Of Housing

1. Appointment. The Manager of Housing shall be appointed by the Director of Development consistent with the procedure and the requirements in City of West Allis Policy and Procedure No. 1402, Creating and Filling Positions, Reductions in Force and Recall Procedures, and as provided in Section 2.76(8) of the City of West Allis Revised

Municipal Code. [Ord. O-2018-0022, 5-15-2018]

2. Duties and Responsibilities. The Manager of Housing shall:
  - a. Direct and supervise the functions of the Housing Division, including:
    - i. Rent assistance and rehabilitation loan and grant programs for the City.
    - ii. Provide staff assistance to the Fair Housing Board.
    - iii. Provide staff assistance to the Housing Authority of the City.
  - b. Establish rules for the administration of the Division and performing the duties assigned to it.
  - c. Have recommending authority with regard to all personnel appointed to the Division in accordance with Civil Service procedures.

#### AFTER AMENDMENT

#### 4.11 ~~Manager Of Housing~~(Reserved)

1. ~~Appointment. The Manager of Housing shall be appointed by the Director of Development consistent with the procedure and the requirements in City of West Allis Policy and Procedure No. 1402, Creating and Filling Positions, Reductions in Force and Recall Procedures, and as provided in Section 2.76(8) of the City of West Allis Revised Municipal Code. [Ord. O-2018-0022, 5-15-2018] Direct and supervise the functions of the Housing Division, including: Establish rules for the administration of the Division and performing the duties assigned to it. Rent assistance and rehabilitation loan and grant programs for the City. Provide staff assistance to the Fair Housing Board. Provide staff assistance to the Housing Authority of the City. Have recommending authority with regard to all personnel appointed to the Division in accordance with Civil Service procedures.~~
2. ~~Duties and Responsibilities. The Manager of Housing shall:~~

**SECTION 14:            AMENDMENT** “12.06 Definitions” of the City Of West Allis Municipal Code is hereby *amended* as follows:

#### BEFORE AMENDMENT

##### 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.

## AFTER AMENDMENT

### 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 15: REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**SECTION 16: EFFECTIVE DATE** This Ordinance shall be in full force and effect from January 1, 2021 and after the required approval and publication according to law.

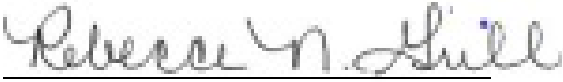
PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL DECEMBER 15, 2020.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
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>	_____	_____	_____

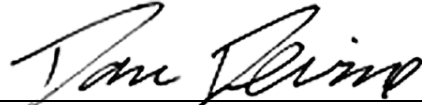


Attest

Presiding Officer



Rebecca Grill, City Clerk, City Of  
West Allis



Dan Devine, Mayor City Of West Allis

