

**CITY OF WEST ALLIS
ORDINANCE O-2022-0020**

ORDINANCE TO CORRECT ERRORS IN PRIOR LEGISLATION - JANUARY 2022

AMENDING SECTION 12.45

WHEREAS, the council seeks to remove and correct inconsistencies within the municipal code;

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

SECTION 1: **AMENDMENT** “12.45 M-1/M-2 Industrial Districts” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

12.45 M-1/M-2 Industrial Districts

1. Purposes. Industrial zoning districts are intended to accommodate locations for land uses engaged in the production, processing, assembly, manufacturing, packaging, wholesaling, warehousing, or distribution of goods and materials. Regulations for the industrial districts are established to promote industrial development and to maintain and improve compatibility with surrounding areas, consistent with the objectives of the City’s Comprehensive and Strategic Plan. In addition to industrial uses, limited commercial uses, parking facilities, public services, and utilities are allowed.
 - a. Industrial Districts will be delineated upon the Official West Allis Zoning Map and the Zoning Ordinance will include permitted and special conditional uses (including associated use standards) with a Light Industrial District and a Heavy Industrial District classification to provide adequate provisions for the expansion of industry, both those existing today and for attracting a diversification of new industry. Industrial sites and expansion will create growth and development of the City’s economic and tax base and provide a variety of employment options for its labor force. Each Industrial District features design and development standards that are applicable to assure protection of the public interest and surrounding property and persons.
 - b. Purpose of the M-2, Heavy Industrial District. This district is intended to allow lower-intensity, non-nuisance uses such as warehousing, wholesaling, shipping, light fabrication, limited production and processing and assembly, research and development facilities and related uses, which may be located in proximity to residential and commercial districts. Trucking, deliveries, loading and outdoor storage may be an accessory of such land use, but is not the principal land use.

- c. Purpose of the M-2, Heavy Industrial District. This district accommodates high intensity industrial activities and often includes very large structures, extensive outdoor storage and exterior equipment operations. It accommodates uses that require large trucking, rail, shipping or freight operations. Most sites within the M-2 District have already been developed. Where possible, the M-2 District should be separated from residential neighborhoods to reduce potential for adverse impacts on residential uses or in areas where the relationship to surrounding land use would create fewer problems of compatibility such as smoke, noise, glare or vibration.
2. Use Regulations. Principal uses of land listed as permitted and conditional uses under Table 12.45(3) are allowed in Industrial Districts:
- a. Permitted Uses. Uses identified with a "P" are permitted in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. In some cases, site changes or exterior building alterations to such permitted uses shall require compliance with the site, landscaping and architectural design review standards and guidelines pursuant to section 12.13 (Site, Landscaping and Architectural Review Procedures) and 12.19 (Off-street Parking, Loading and Other Site Improvement Regulations) of the Revised Municipal Code.
 - b. Conditional Uses. Uses specified with a "C" are allowed as conditional uses in the district or districts where designated, provided that the use complies with all other provisions of this ordinance. Administration of the conditional use process is pursuant to section 12.16 of the Revised Municipal Code, and shall require compliance with the site, landscaping and architectural design review standards and guidelines in accordance with the standards and guidelines per section 12.13 (Site, Landscaping and Architectural Review Procedures) and 12.19 (Off-street Parking, Loading and Other Site Improvement Regulations) of the Revised Municipal Code.
 - c. Prohibited Uses. Any use not listed as either "P" (permitted) or "C" (conditional) in a particular district or any use not determined by the zoning administrator to be substantially similar to a use listed as permitted or conditional shall be prohibited not permitted in that district. Not permitted/Non-permitted uses shall be specified with a designation of "NP" within table 12.45(3). Such determination shall be made in the manner provided for in section 12.45(4), of this ordinance governing determination of substantially similar uses.
 - d. Use Standards. The "Use standards" column of the table 12.45(3) identify additional supplemental development regulations that apply to specific permitted and conditional uses and address the unique characteristics of certain land uses. Unless otherwise stated, compliance with the use standards regulations is required in addition to all other applicable regulations of this ordinance.

3. Use Table

--	--	--	--	--

USE CATEGORY	M-1	M-2	Use Standards
Subcategory (if listed)			
Specific Use			
COMMERCIAL USES			
C-4 uses (unless otherwise noted below)	P/C	P/C	
General Office	P	P	
Mixed Use	C	NP	
Broadcast or Recording Studio	P	P	
Building material sales	C	P	
Employment Agency w/ transport	P	P	
Printing, Commercial	P	P	
Private safety/service facility	C	P	
Pawn Shops and/or Secondhand jewelry per 9.15	NP	NP	
Thrift	NP	NP	
Animal Services			12.45(6)(a)
Kennel (boarding, rescue or shelter)	C	P	
Grooming	P	P	
Veterinary (Hospital/Clinic)	P	P	
Assembly and Entertainment			
Clubs, meeting halls, theater, event/banquet space, religious facilities	P	P	
Recreation facility - Indoor	P	P	
Recreation facility - Outdoor	C	P	
Artist/maker studio	P	P	
Food Production, limited	P	P	
Lodging			
Hotel	C	C	
Vehicle Services			
Vehicle service facility - Personal, passenger and consumer vehicles	C	C	12.45(6)(G)
Vehicle service facility - Commercial	NP	C	12.45(6)(G)
Vehicle sales and rental facility	C	C	12.45(6)(F)

Fueling station - Personal, passenger and consumer vehicles	C	C	12.45(6)(G)
Vehicle storage lot (outdoor)	P	P	12.45(6)(G)
MANUFACTURING & INDUSTRIAL USE			12.45(6)(c)
Asphalt, cement, mixing, stone processing and/or crushing	NP	C	12.45(6)(b)
Bottling & Canning	C	P	
Brewery or Distillery	C	C	
Chemicals	NP	C	
Crematoriums	NP	C	
Food Production (Limited)	P	P	
Food Production	C	P	
Foundry and Forging	NP	C	
Limited production and processing	P	P	
Jute, hemp, sisal and oakum products	P	P	
Light Industrial uses	P	P	
Heavy Industrial uses	NP	C	
Manufacturing laboratory facilities	C	P	
Nominal price retail store	NP	NP	
Petroleum products	NP	C	
Printing, Manufacturing	C	C	
Research and Development facility	P	P	
Steel Products	NP	C	
Wood and Lumber bulk processing and woodworking	C	P	
WHOLESALE, DISTRIBUTION & STORAGE			12.45(6)(H)
Distribution facility	P	P	12.45(6)(H)
Indoor Storage (warehousing)	P	P	12.45(6)(H)
Outdoor Storage	P	P	12.45(6)(H)
Parking Lot, Non-accessory	P	P	12.45(6)(G)
Parking Structure, Non-accessory	P	P	12.45(6)(G)
Self-service storage Facility	P	P	12.45(6)(E)

Trucking, freight and transportation terminals	NP	C	12.45(6)(H)
WASTE, RECYCLING & STORAGE			12.45(6)(i)
Junk or Salvage Yards	NP	C	
Waste, Grain, Soil, Manure, Peat, and Petroleum Products	NP	C	
Waste Transfer Station	NP	C	
Waste Water Treatment facility	NP	C	
PUBLIC SERVICE AND UTILITIES			
Safety/service facility	C	P	
Pump Stations	P	P	
Substation/distribution equipment	C	P	
Public Works site, municipal	C	P	
Wireless Communication Facility			
Freestanding structure (new construction or substantial modification)	C	C	
Collocation	P	P	

4. Determination of substantially similar uses

- a. The Planning and Zoning Manager has the authority to classify uses on the basis of the use category, subcategory and specific use type descriptions of this chapter.
- b. When a use cannot be reasonably classified into a use category, subcategory or specific use type, or appears to fit into multiple categories, subcategories or specific use types, the Planning Manager is authorized to determine the most similar and thus most appropriate use category, subcategory or specific use type based on the actual or projected characteristics of the principal use or activity in relationship to the use category, subcategory and specific use type descriptions provided in this chapter. In making such determinations, the development administrator must consider:
 - i. The types of activities that will occur in conjunction with the use;
 - ii. The types of equipment and processes to be used;
 - iii. The existence, number and frequency of residents, customers or employees;
 - iv. Parking and loading and site improvement demands associated with the use; and
 - v. Other factors deemed relevant to a use determination.

5. Dimensional and Area Requirements

Lot and Building Standards	M-1	M_2
Minimum Building Setback (feet)		
Front	20	30
Side	0	10
Rear	10	20
Floor area ratio	1.5	1.5

6. Use Standards. The “Use standards” column of the table 12.45(3) identifies additional regulations that apply to some uses. Unless otherwise stated, compliance with these regulations is required along with all other applicable regulations of the zoning code including section 12.13 (Site, Landscaping and Architectural Review Procedures) and section 12.19 (Off-street Parking, Loading and Other Site Improvement Regulations) of the Revised Municipal Code.
- a. Animal Services
 - i. Animal boarding facilities shall be soundproofed to ensure that the noise levels associated with the use do not interfere with the health, welfare, and safety of adjoining properties.
 - ii. In permitted commercial districts, all runs, exercise areas, and enclosures/kennels shall be located within a completely enclosed building.
 - iii. In industrial districts, outdoor kennel and/or run areas shall be screened from the public right-of-way and any abutting lots by a solid wall or fence (including necessary solid gates) and/or a contiguous landscape buffer.
 - b. Asphalt, cement, mixing, stone processing and/or crushing
 - i. Twenty percent (20%) landscaping site coverage;
 - ii. Batching facilities shall be set back a minimum of ~~fifty~~ fifty five hundred (500) feet from any property developed for nonindustrial uses.
 - iii. Shall be screened from the public right-of-way and any abutting lots by a solid wall or fence (including necessary solid gates) and/or a contiguous landscape buffer.
 - iv. Outdoor storage pilings of stone, soil, mix or similar products may not exceed the height of the required screening wall or fence within 150 feet of the public right-of-way boundary required to be screened,

except that storage racks designed for the stacking of equipment that exceed the height of the screening wall or fence, must be set back at least 30 feet from abutting public right-of-way, plus 2 additional feet of setback for every foot of rack height above 10 feet.

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

- the dwelling unit.
 - ii. Access to the dwelling shall be by means of separate individual entrance from that of the principal use.
 - iii. Number of Housing Units Allowed. No more than one caretaker or employee housing unit shall be allowed for any principal use.
- e. Self-service storage facility uses
- i. Twenty percent (20%) landscaping site coverage;
 - ii. Minimum lot size shall be at least (2) acres;
 - iii. Any outdoor storage shall be screened from the public right-of-way and any abutting lots by a solid wall or fence (including necessary solid gates) and/or a contiguous landscape buffer. Buildings may serve as a screening wall;
 - iv. Outdoor storage and/or display areas, if situated along a street frontage, shall comply with the minimum front yard setback requirements of the subject zoning district.
 - v. Within the M-1 district, a dwelling unit may be integrated into the self-storage facility;
 - vi. No activities other than storage and pick-up and deposit of stored materials are allowed within the storage units.
- f. Vehicle Sales and/or Rental Uses
- i. Minimum lot size shall be at least (1) acre;
 - ii. Twenty percent (20%) landscaping site coverage;
 - iii. The lot or area shall be constructed in accordance with Section 12.19(3) Minimum Construction standards;
 - iv. All sales, repair and display shall be conducted on site and identified on a site plan. Outdoor storage and/or display areas, if situated along a street frontage, shall comply with the minimum front yard setback requirements of the subject zoning district.
 - v. All repair/stored (not sale) vehicles may sit idle for no longer than 45 days;
 - vi. All vehicles shall be licensed and registered with the Wisconsin Department of Transportation;
 - vii. All service/repairs shall be conducted within a completely enclosed building.
- g. Vehicle Services
- i. Twenty percent (20%) landscaping site coverage;
 - ii. The lot or area shall be constructed in accordance with Section 12.19(3) Minimum Construction standards;
 - iii. All repair and display shall be conducted on site and within an enclosed building;
 - iv. All vehicle display and parking stalls to be identified on a site plan;
 - v. Vehicle storage may sit idle for no longer than 45 days;
 - vi. All vehicles shall be licensed and registered with the Wisconsin Department of Transportation;

- vii. All service/repairs shall be conducted within a completely enclosed building
- viii. Outdoor storage and/or display areas, if situated along a street frontage, shall comply with the minimum front yard setback requirements of the subject zoning district.
- h. Wholesale, Distribution & Storage Uses (for self-service storage, see “E” above)
 - i. Twenty percent (20%) landscaping site coverage;
 - ii. Any outdoor storage shall be screened from the public right-of-way and any abutting lots by a solid wall or fence (including necessary solid gates) and/or a contiguous landscape buffer. Buildings may serve as a screening wall;
 - iii. In no case shall open storage exceed a greater height than the enclosed screening (except vehicles and associated equipment);
 - iv. Outdoor storage and/or display areas, if situated along a street frontage, shall comply with the minimum front yard setback requirements of the subject zoning district.
 - v. All truck, trailer or commercial vehicles associated with the business shall be stored within the enclosed area, unless otherwise noted on a site plan, approved by the Plan Commission.
- i. Waste, Recycling & Storage Uses
 - i. Twenty percent (20%) landscaping site coverage;
 - ii. Such uses shall be located at least 500 feet from the property line of any residential district or residential use and such use is not a nonconforming use;
 - iii. Any outdoor storage shall be screened from the public right-of-way and any abutting lots by a solid wall or fence (including necessary solid gates) and a contiguous landscape buffer. Buildings may serve as a screening wall;
 - iv. Outdoor storage and/or display areas, if situated along a street frontage, shall comply with the minimum front yard setback requirements of the subject zoning district.
 - v. Outdoor storage may not exceed the height of the required screening wall or fence within 150 feet of the public right-of-way boundary required to be screened, except that storage racks designed for the stacking of equipment that exceed the height of the screening wall or fence, must be set back at least 30 feet from abutting public right-of-way, plus 2 additional feet of setback for every foot of rack height above 10 feet.
- j. Employment Agency. A waiting area for clients shall be provided which shall be available to clients one hour prior to the posted opening of the use and shall include toilet facilities.

SECTION 2: **EFFECTIVE DATE** This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

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

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor City Of West
Allis