



**STAFF REPORT  
WEST ALLIS PLAN COMMISSION  
Wednesday, July 26, 2023  
6:00 PM**

Watch: <https://www.youtube.com/user/westalliscitychannel>

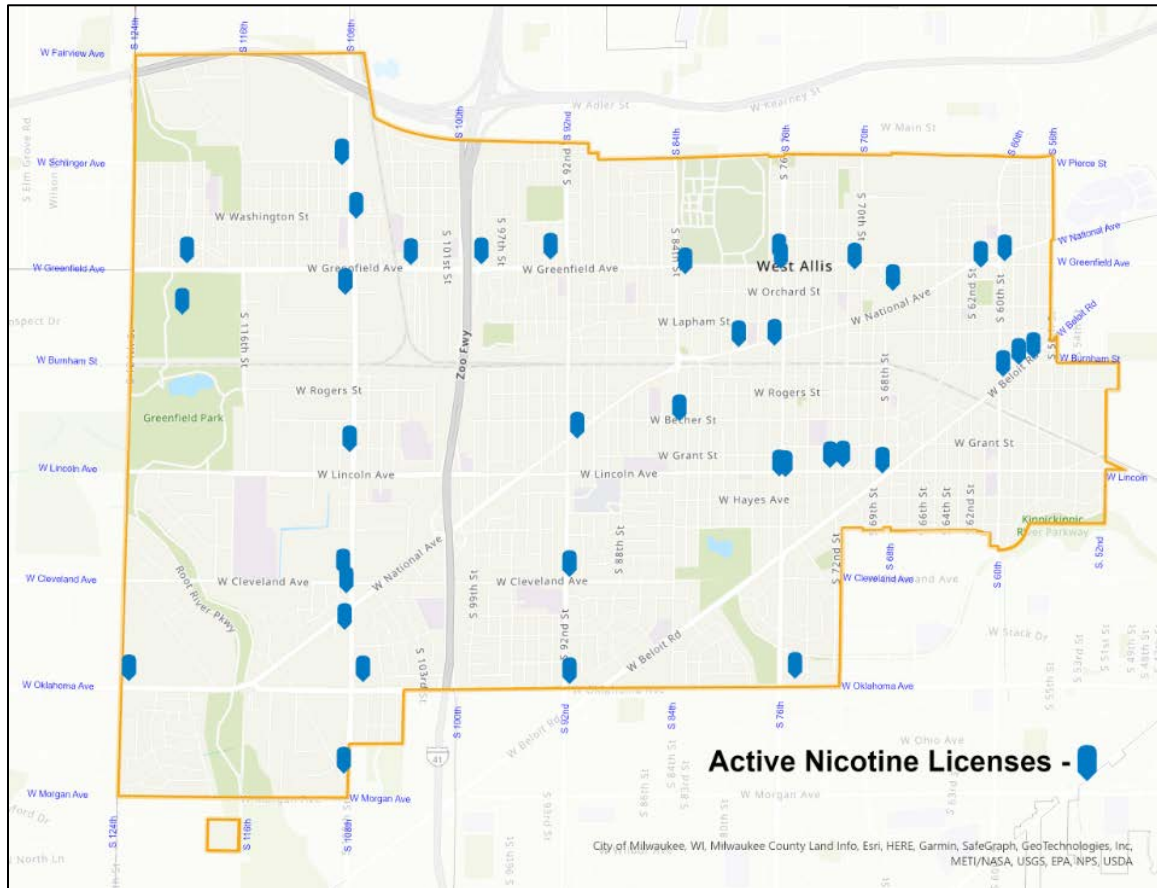
**7. Ordinance to Amend Section 19 of the West Allis Revised Municipal Code, relative to updating regulations for Child Care Centers, Nicotine Sales, and other minor changes.**

**Overview**

Since adopting the last minor zoning code updates June 6, 2023, Planning and Zoning staff identified several items that require revisions to allow for better implementation and alignment with the goals of the zoning code.

**Further Limit Nicotine Sales**

This year, there has been a surge in entities seeking to open new nicotine sales stores which pose a significant public health threat for our community. City staff received complaints regarding the proliferation of these type of stores from both residents and elected officials. Additionally, the City of Milwaukee recently adopted stricter regulations for nicotine sales which may expose West Allis to additional risk that more of these stores may look to open in our community. West Allis currently has over 70 licensed tobacco retailers, about 1 per 825 residents.



Staff recommends the following changes:

- Reduce the amount of floor area devoted to sales of nicotine products or paraphernalia at which a business is considered a Nicotine Sales use from 20% to 10%.
- Add a regulation which considers any business that has 10% or more of sales devoted to nicotine products or paraphernalia a Nicotine Sales use.
- Increase the restrictions these uses are subject to from 1,000 ft to 2,000 ft. from a park, school, library, or other licensed tobacco retailer.

### **Ease Child Care Restrictions**

West Allis' rules for smaller (8 or fewer children) child care centers are more restrictive than allowed by state code.

Staff recommends the following change:

- Allow small licensed childcare businesses with **8 or fewer children as a [permitted use](#)** (instead of a conditional use) in the districts in which they are allowed.
- This change will align with State Statutes/law (Wis. Stat. 66.1017).

Per request of Council members, an alternative option would also comply with state law:

- Allow childcare with 8 or fewer children as a limited use in the districts in which they are allowed. Add a limited use criteria that disallows daycares of 2-or-more unit dwellings but continues to allow them in the commercial portion of mixed-use buildings.

### **Other**

Staff recommends adopting other minor text changes:

- **19.16:** Medical Services is listed out of alphabetical order in the definitions table
- **19.33:** Adjust 1 & 2-Unit Dwelling criteria to read "Permitted if located on a lot platted or recorded prior to the adoption of this ordinance which meets the building size and location requirements of the RB district" rather than just the "lot size" requirements.

**Recommendation:** Recommend Common Council approval of the Ordinance to Amend Section 19 of the West Allis Revised Municipal Code, relative to updating regulations for Child Care Centers, Nicotine Sales, and other minor changes:

1. Revision amending definition of Nicotine Sales to include a business with 10% of sales devoted to nicotine products or paraphernalia sales.
2. Revision to add a limited use criteria that disallows daycares in 2-or-more unit dwellings but continues to allow them in the commercial portion of mixed-use buildings.
3. City Attorney's Office review.