

**CITY OF WEST ALLIS  
ORDINANCE O-2022-0024**

**ORDINANCE TO REPEAL AND RECREATE THE ZONING CODE**

**REPEALING SUBCH. I OF CH. 12 AND CREATING CH. 19**

**WHEREAS**, for the purpose of promoting the health, safety, morals or the general welfare of the community, the common council may divide the city into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of Wis. Stat. 62.23; and

**WHEREAS**, the council finds that the amendments within this ordinance are in accordance with the comprehensive plan; and

**WHEREAS**, the amendments within this ordinance have been submitted to the city plan commission for recommendation and report, published as a class 2 notice, and the subject of a public hearing;

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

**SECTION 1:**        **REPEAL** “Subchapter I Zoning Code” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

**REPEAL**

Preliminary Provisions

12.01 Authority

This Subchapter is created under the authority granted by sec. 62.23(7) of the Wisconsin Statutes.

12.02 Intent

It is the general intent of this Subchapter to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of the population and the location and use of buildings, structures and land for trade, industry, residence or other purposes; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to encourage the protection of local air quality, ground water and other environmental resources; to further the orderly layout and use of land; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements; stabilize and protect property values; encourage the most appropriate use of land throughout the community; conserve natural resources; implement the community's comprehensive plan or plan components; and, otherwise promote the health, safety, morals, prosperity, aesthetics and general welfare of the Community.

12.03 Effective Date

This Subchapter was created by City Ordinance No. 6149, which took effect on February 23, 1995. Amendments shall become effective upon passage and publication, as provided in sec. 62.11(4) of the Wisconsin Statutes.

#### 12.04 Zoning Districts

In order to regulate and restrict the location of various types of activities and land use, the City of West Allis is divided into the following Zoning Districts:

<b>RESIDENCE DISTRICTS</b>	
RE	Residence Estate District - SF
RA-1	Residence District - SF
RA-2	Residence District - SF
RA-3	Residence District - SF
RA-4	Residence District - SF
RB-1	Residence District - TF
RB-2	Residence District - TF
RC-1	Residence District - MF
RC-2	Residence District - MF
<b>COMMERCIAL DISTRICTS</b>	
C-1	Central Business District
C-2	Neighborhood Commercial District
C-3	Community Commercial District
C-4	Regional Commercial District
<b>INDUSTRIAL DISTRICTS</b>	
M-1	Light Industrial District
M-2	Heavy Industrial District
<b>PARKS AND OPEN SPACE DISTRICTS</b>	
P-1	Parks and Open Space District
FC-1	Root River Flood Control District
SF-1	State Fair Park District
<b>PLANNED UNIT DEVELOPMENT OVERLAY</b>	
PDD-1	Planned Development District - Residential District
PDD-2	Planned Development District - Commercial and Industrial District

#### 12.05 Zoning Map

The locations and boundaries of the Zoning Districts established by this Subchapter are set forth on the Official West Allis Zoning Map dated February 7, 1995, and as subsequently amended by action of the Common Council. The Zoning Map, together with all subsequent amendments, notations, references and other information thereon, is incorporated by reference into this Subchapter and made part of this Subchapter, as if fully set forth herein. The map shall be kept on file in the office of the City Clerk and shall be available for inspection by the public during normal City Hall hours of operation. The Official Zoning Map shall be identified by the signature of the Mayor and attested by the City Clerk and bear the official seal of the City of West Allis.

Unless otherwise indicated in relation to established lines, points or features, the Zoning District boundary lines on the Official Zoning Map are the City limit lines; center lines of streets, highways, alleys or railroad right-of-way, existing or extended; and, tract or lot lines, existing or extended.

Where a Zoning District boundary line runs parallel or approximately parallel to a street and divides a lot having street frontage in the less restricted Zoning District, the provisions of this Subchapter covering the less restricted portion of the lot may extend to the entire lot, but in no case for a distance of more than twenty-five (25) feet of such Zoning District boundary line. Where such Zoning District boundary line divides a lot having street frontage in a more restricted zone, the provisions of this Subchapter covering the more restricted portion of such lot shall extend to the entire lot. Where a Zoning District boundary line divides a lot and such line is normal or approximately normal to the street upon which the lot fronts, the provisions of this Subchapter covering the less or more restricted portion of such lot may be extended to the entire lot, but in no case for a distance of more than twenty-five (25) feet from such Zoning District boundary line.

#### 12.06 Definitions

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

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

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

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

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

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

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

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

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

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

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

Apartment. A dwelling unit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

City. The City of West Allis.

City Planner. City Planner means the Planning and Zoning Manager.

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

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

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

Distribution facility: Uses conducted within a completely enclosed building and engaged in the wholesale sales, bulk storage and distribution of goods. Such establishments provide storage, movement, or sale of merchandise and bulk goods, including importing, wholesale or retail sales of goods received by the establishment but not sale of goods for individual consumption. Such uses may also include incidental retail sales and wholesale showrooms. This definition does not include a "self-storage facility" or a "trucking and transportation terminal."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Fueling Station - Personal, passenger and consumer vehicles: Uses engaged in retail sales of vehicle fuels for personal vehicles, other than fleet fueling facilities and truck stops. (Note: Fleet vehicle fueling facilities are part of the "Commercial vehicle service" definition). Fueling stations may dispense conventional vehicle fuels and/or alternative vehicle fuels.

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

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

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

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

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

Heavy Industrial use: Typical uses accommodate high intensity industrial activities and often includes very large structures, extensive outdoor storage and exterior equipment operations. It accommodates uses that may require large trucking, rail, shipping or freight operations. Most sites within the Heavy Industrial District have already been developed. Where possible, Heavy Industrial uses should be separated from residential neighborhoods to reduce potential for adverse impacts on residential uses or in areas where the relationship to surrounding land use would create fewer problems of compatibility such as smoke, noise, glare or vibration. This term includes, but is not limited to, the production or processing of the following:

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

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

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

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

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

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

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

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

Land. A lot.

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

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

- Furniture and fixtures
- Household appliances and components
- Measuring, analyzing, and controlling instruments.
- Musical instruments.
- Office, warehousing and distribution.
- Pharmaceuticals, health and beauty products.
- Precision machined products.
- Telecommunications products.
- Electrical equipment, such as motors and generators, lighting, wiring and transmission, and distribution equipment.
- Fabricated plastic and rubber products, except tires and inner tubes.
- Glass and glass products,
- Gypsum, drywall, and plaster products.
- Latex paints.
- Lumber and wood products, including plywood.
- Textiles and fabrics

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Medical Service Facility. An outpatient facility which provides blood or blood plasma donation services, kidney dialysis, birth center services, or treatment of sexually transmitted diseases.

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

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

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

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

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

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

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

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

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

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

Parking lot, Non-Accessory: Commercial or industrial lots or lands used for off-street privately owned passenger motor vehicle parking spaces, with or without fee, upon which motor vehicles of any number are provided and where the parking spaces are not located in a structure and the parking of vehicles is the principal use of the premises. Storage uses are not included within this definition (see outdoor storage).

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

Parking structure, Non-accessory: Commercial, business or industrial lots or lands where off-street parking spaces, with or without fee, are provided for privately owned passenger motor vehicles of any number, and adjacent access drives, aisles and ramps, that are located in a structure with two (2) or more levels, where the parking structure is the principal structure of a property. Storage uses are not included within this definition (see outdoor storage).

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

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

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

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

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

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

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

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

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

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

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

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

Recreation facility - Indoor: A facility for the indoor conduct, viewing, participation or entertainment of recreational, sport activities or games of skill. This term includes, but is not limited to, a volleyball court, tennis court, bowling alley, ice or roller skating rink, swimming pool, billiard hall, arcade, basketball court, batting cages, soccer, golf range, sport team practice facility.

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

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

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

**[Ord. O-2015-0029, 5/7/2015]**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Vehicle Service facility - Commercial vehicles: Uses that repair, install or maintain the mechanical components or the bodies of large trucks, mass transit vehicles, large construction or agricultural equipment, aircraft or similar large vehicles and vehicular equipment. This definition includes fleet vehicle fueling facilities and truck stops which may dispense conventional vehicle fuels and/or alternative vehicle fuels.

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

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

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

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

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

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

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

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

## General Provisions

### 12.10 General Provisions

1. Interpretation, Purpose and Conflict. In both interpretation and application, the provisions of this Subchapter shall be held to be the minimum requirements adopted for promoting the general health, safety, convenience and welfare of the residents of the City of West Allis.

Whenever the regulations imposed by this Subchapter require a greater width or size of yards, courts or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any state statute or other City ordinance or regulation, the provisions of this Subchapter shall govern. Wherever the provisions of any State Statute or other City ordinance or regulation require a greater width or size of yards, courts or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations of the Subchapter, the provisions of such Statute or ordinance or regulation shall govern.

This Subchapter is not intended to abrogate any easement, covenant or any other private agreement, provided that where the regulations of this Subchapter are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements, the requirements of this Subchapter shall govern.

2. Accessory Buildings. Accessory buildings are permitted as a matter of right in all of the Zoning Districts established under this Subchapter. Such buildings are, however, subject to all applicable general and specific regulations set forth in this Subchapter. The following shall apply to residential uses.
  - a. No accessory building, unless an integral part of the main building, shall be erected, altered or moved within ten (10) feet of the nearest wall of the main building, or within sixty (60) feet of the front lot line, or within three (3) feet of a side or rear lot line, or within five (5) feet of any alley line.
  - b. Accessory buildings may not encroach upon the side yard adjacent to the street of a corner lot, nor upon the rear yard of a through lot.
  - c. No accessory building shall exceed fifteen (15) feet in height.
  - d. Overhanging roof eaves projecting into required setbacks as listed hereafter will not be considered an obstruction. **[Ord. O-2006-0013, 4/4/2006]**
    - Side or rear yard setback, two (2) feet.
    - Alley setback, two (2) feet.
    - Corner or through-lot setback, two (2) feet.
  - e. (Reserved)
  - f. Area and Height. **[Ord. O-2014-0036, 6/17/2014; Ord. O-2019-0017,**

**6/4/2019]**

- i. Garage(s) shall not exceed one thousand (1,000) square feet in total area.
  - ii. Detached garage(s) may be built up to eighteen (18) feet in height above grade, but shall not exceed the height of the principal dwelling.
  - iii. No garage (attached or detached) shall exceed the height of the principal dwelling.
  - iv. Wall height of detached garages shall not to exceed ten (10) feet.
- g. A storage shed may not exceed one hundred fifty 50 square feet in area or 12 feet in height and may not have a door greater than five (5) feet in width.

**[Ord. O-2014-0036, 6/17/2014]**

- h. A residential accessory building may not exceed one hundred fifty (150) square feet in area and may not exceed twelve (12) feet in height. **[Ord. O-2014-0036, 6/17/2014]**
3. Control Over Use. No building or premises shall be used, in whole or in part, except in accordance with the provisions of this Subchapter, as specified for the Zoning District in which any such building or premises is located.
4. Control Over Bulk. All new buildings and structures shall conform to the bulk requirements established in this Subchapter for the Zoning District in which each building or structure is located.

No existing building or structure shall be enlarged, reconstructed, structurally altered, converted or relocated in such a manner as to conflict with, or if already in conflict, in such a manner as to further conflict with, the bulk regulations of this Subchapter for the Zoning District in which such building or structure is located.

5. Building Must Be On a Lot. Every building hereafter erected or structurally altered shall be located on a lot and there shall be no more than one main building on a lot except in the case of those lands developed under the provisions of the Planned Development District Section of this Subchapter. In case of doubt, or in any question of interpretation of this Subchapter, the decision of the Building Inspector shall be final.
6. Existing Buildings and Uses. All buildings and structures erected, all uses established, and all structural alterations and relocations of existing buildings and structures occurring after the effective date of this Subchapter or any amendment thereto shall be subject to the regulations of this Subchapter, as amended for the Zoning Districts in which such building, structures or uses are located.

However, where a building permit has been issued in accordance with all other applicable regulations prior to the effective date of this Subchapter or any amendment, the permitted building or structure may be completed in accordance with the permit, as issued, and may be occupied for the originally intended use, subject to the regulations governing that use.

7. Unoccupied Lots. Where a lot is to be occupied for a permitted use without buildings or structures, side yard and front yard requirements normally associated with the Zoning District in which the lot is located shall be maintained, unless otherwise stipulated in this Subchapter, except that side yards shall not be required on lots used for garden purposes without buildings or structures or on lots used for public recreational purposes.
8. Yards Apply to Only One Building. No required yard or other open space around an existing building shall be considered as providing a yard or open space for any other building or for any other lot on which a building may be erected.

Furthermore, yards and other open spaces required under this Subchapter shall be located on the same lot as the principal building, structure or use and shall meet all minimum width, depth and area requirements set forth in this Subchapter for the

Zoning District within which it is located.

9. Residential Side Yard Requirements - Corner Lots. In the case of a lot in a residential Zoning District where the side yard adjoins a street, that side yard shall be at least the minimum width required under that Zoning District, except for lots platted and recorded prior to the passage of this Subchapter. For lots platted and recorded prior to the passage of this Subchapter which are forty (40) feet or less in width, dwellings and garages of less than twenty-four (24) feet in width are permitted, however, all other bulk requirements shall be met. [Ord. O-2003-0014, 2/18/2003]
10. Permitted Obstructions in Required Yards. Structures are permitted to be located in required yards in accordance with the following table: [Ord. 6628, 9/17/2002; Ord. O-2003-0012, 2/18/2003; Ord. O-2014-0036, 6/17/2014]

<b>Permitted Structures</b>			
<b>Structure</b>	<b>Front Yards</b>	<b>Side Yards</b>	<b>Rear Yards</b>
Accessory Buildings (garages, sheds, gazebos, etc.)	See RMC 12.10(2)		
Air conditioning equipment, but in no case closer than one (1) foot to a lot line		X	X
Antennas, Radio, Television (see Sec. 12.21 of the RMC)		X	X
Arbors and trellises	X	X	X
Awnings	X	X	X
Basketball hoops, but in no event closer than three (3) feet from the side yard property line	X	X	X
Bay windows, but not exceeding five percent (5%) of the yard area and projecting not more than three (3) feet into the yard, but in no event closer than eighteen (18) inches to a lot line	X	X	X
Canopies	X	X	X
Chimneys, attached to the main building, not exceeding five percent (5%) of the yard area and projecting not more than three (3) feet into the yard, but in no event closer than eighteen (18) inches to a lot line	X	X	X
Compost areas (see Sec. 7.05(5) of the RMC)		X	X
Dog houses and kennels, no closer than five (5) feet to a lot line			X
Fences and walls (see Secs. 13.30 and 13.31 of the RMC)		X	X
Flag poles	X	X	X
Open accessory off-street parking spaces (see Secs. 12.19 and 12.20 of the RMC)	X	X	X

Overhanging roof eaves (main building) not more than three (3) feet	X		
Overhanging roof eaves (main building) not more than one (1) foot	X	X	X
Patios and terraces	X	X	X
Platforms, not exceeding fifteen percent (15%) of the yard area and which cannot be used for lodging purposes, and no closer than ten (10) feet to the front lot line and three (3) feet to the side lot line	X	X	X
Porches, open or enclosed, not exceeding fifteen percent (15%) of the yard area and which cannot be used for lodging purposes, and no closer than ten (10) feet to the front lot line and three (3) feet to the side lot line	X	X	X
Recreational equipment no closer than five (5) feet from a side or rear property line as follows:			
i. Ramps, halfpipes or other structures which may be used for skateboards, roller blades, skis, snowboards, bikes or other similar activities			X
ii. Trampolines		X	X
iii. Playground equipment and structures (swing sets, jungle gyms, tree houses)		X	X
Refuse containers (one- and two-family uses or as allowed by Plan Commission per RMC 12.13)		X	X
Retaining walls	X	X	X
Signs (see Sec. 13.21 of the RMC)	X	X	X
Sills, belt courses, cornices and ornamental features of the principal building projecting not more than eighteen (18) inches into a yard	X	X	X
Steps, usual and their appurtenances	X	X	X
Swimming pools, but in no event closer than three (3) feet to lot line		X	X
Landscaping, including trees, shrubs and flowers	X	X	X
Yard decorations (usual lawn, holiday and ornamental lighting)	X	X	X

All permitted structures shall be erected, constructed and maintained in accordance with this Subchapter and all other applicable City ordinances.

11. Exemptions for Public Premises. The regulations established in this Subchapter shall not apply to City premises, provided that a proposed development plan is submitted to the City Plan Commission for review and report to the Common Council, as required by Sec. 62.23 of the Wisconsin Statutes.
12. Schools; Accessory Uses. Public and private elementary and high school buildings may be used for other education, including adult and college level instruction, recreation and civic purposes, provided that the principal use of any such building is for public and private elementary or high school education purposes.
13. Root River Flood Control District. Within the area shown and designated on the Official Zoning Map as the Root River Flood Control District, no building or structure shall be erected, no existing building or structure shall be structurally altered, no building or structure shall be moved into the said area and no use of land shall be made except, in addition to all other applicable regulations of this Subchapter, in compliance with the specific regulations of the Root River Flood Control District. The regulations of the Root River Flood Control District shall be construed as supplementary to the regulations imposed on the same lands by any underlying zoning regulations. When flood control and underlying zoning regulations conflict, the most restrictive regulations shall govern.
14. The Building Inspector and Director of Development or their designees shall administer and enforce the provisions of this Subchapter. **[Ord. O-2015-0010, 2/3/2015]**
15. The restrictions on outdoor sales shall not apply to licensed activities under Sections 7.041 and 9.265 of the Revised Municipal Code. **[Ord. O-2012-0027, 8/7/2012]**

#### 12.11 Violations And Penalties

1. It shall be unlawful to erect, construct or reconstruct any building or structure or to use any building, structure or premises in violation of any provision of this Subchapter.
2. Any person, firm or corporation violating any provision of this Subchapter shall, for each offense, forfeit not less than twenty-five dollars (\$25.), nor more than five hundred dollars (\$500.), together with the costs of prosecution; and, in default of payment of such forfeiture and costs, by imprisonment in the Milwaukee County House of Correction until payment of the forfeiture and costs, but not in excess of the number of days set forth in Sec. 800.095 of the Wisconsin Statutes. Each and every day a violation of a provision of this Subchapter continues constitutes a separate offense.
3. In case any building or structure is or is proposed to be erected, constructed or reconstructed or any building, structure or premises is proposed to be used in violation of the provisions of this Subchapter, the Building Inspector or the City Attorney or any adjacent or neighboring property owner who would be specially damaged by such violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove any such violation.

#### 12.12 Nonconforming Buildings, Structures, Lots And Uses

1. Definitions.
  - a. Nonconforming Building or Structure. A building or structure, or any portion thereof, lawfully existing on the effective date of this Subchapter, or any amendments thereto, and which does not conform to applicable regulations governing the bulk, location, height or size of structures or buildings in the Zoning District in which it is located.
  - b. Nonconforming Use. The lawful use of a premises existing on the effective date of this Subchapter or any amendment thereto and which does not conform to applicable regulations governing use in the Zoning District in

which the premises is located. For the purpose of this Subchapter, any lawful use established on the effective date of this Subchapter or amendment which is nonconforming solely by virtue of lacking off-street parking or loading facilities shall not be deemed a nonconforming use.

- c. Assessed Value. Assessed value is the value established under § 70.32 of the Wisconsin Statutes, divided by the ratio of the assessed value to the recommended value last published by the Department of Revenue for the City under § 70.57 of the Wisconsin Statutes. **[Ord. 6605, 2/5/2002]**
2. Authority to Continue. All nonconforming buildings, structures and uses may be continued subject to the provisions of this Subchapter.
3. Nonconforming Buildings and Structures.
  - a. Alteration and Enlargement. No nonconforming building or structure in which there is a conforming use may be enlarged or structurally altered, if the enlargement or alteration will extend the nonconformity.
  - b. Relocation. No nonconforming building or structure shall be moved, in whole or in part, to any other location on the same or any other lot unless, upon relocation, every part of such building or structure is made to conform to all applicable regulations of the Zoning District in which it is located.
  - c. Reconstruction. A nonconforming building or structure, which is damaged or destroyed by fire or other casualty, including natural disaster, shall not be restored if the cost of restoration exceeds fifty percent (50%) of its assessed value at the time of such loss, unless the building or structure is made to conform to all applicable regulations of the zoning district in which it is located. **[Ord. 6605, 2/5/2002]**
4. Nonconforming Uses Occupying a Building or Structure.
  - a. Repair and Maintenance. Ordinary repair and maintenance are permitted in and to a building or structure occupied by a nonconforming use, including repairs which may be required by law to make the building or structure, or any part thereof, strengthened or restored to a safe condition. However, total structural repair shall not, during the life of any such building or structure, exceed fifty percent (50%) of its assessed value at the time the use became nonconforming, unless the use has changed to a use permitted in the zoning district in which it is located. **[Ord. 6605, 2/5/2002]**
  - b. Alteration, Enlargement or Relocation. No building or structure occupied by a nonconforming use shall be enlarged, reconstructed, relocated or structurally altered, unless the use of the building or structure is changed to a use permitted in the Zoning District in which it is located.
  - c. Restoration. A building or structure occupied by a nonconforming use, which is destroyed or damaged by fire or other casualty, including natural disaster, shall not be restored if the cost of restoration exceeds fifty percent (50%) of its assessed value at the time of such loss, unless the use of the building or structure is changed to a use permitted in the zoning district in which it is located. **[Ord. 6605, 2/5/2002]**
  - d. Extension of Use. No nonconforming use of a building or structure shall be increased in intensity or extended to any part of the building or structure it occupies that was not intended or designed to be devoted to such use on the effective date of this Subchapter or any amendment which made such use nonconforming, nor shall any such use be extended to occupy any land outside the building or structure.
  - e. Change of Use. The nonconforming use of a building or structure may only be changed to a use permitted in the Zoning District in which the building or structure is located.
  - f. Discontinuance of Use. No nonconforming use of a building or structure shall be resumed if abandoned or discontinued for a period of twelve (12) months. Any discontinuance caused by governmental action and without any

contributing fault by the nonconforming user shall not be considered in calculating the length of the discontinuance.

5. Nonconforming Uses of Land.
  - a. Extension of Use. No nonconforming use of land shall be increased in intensity or extended beyond the area of land occupied or devoted to the nonconforming use.
  - b. Change of Use. The nonconforming use of land may only be changed to a use permitted in the Zoning District in which the land is located.
  - c. Discontinuance of Use. No nonconforming use of land shall be resumed if abandoned or discontinued for a period of twelve (12) months. Any discontinuance caused by governmental action and without any contributing fault by the nonconforming user shall not be considered in calculating the length of discontinuance.
6. Nonconforming Lots. Any platted lot of not less than forty (40) feet in width in an approved subdivision, which plat was of record prior to February 24, 1956, but which does not meet the lot width and area regulations of the Zoning District where the lot is located may be utilized for a single-family dwelling, provided that, the lot area is within seventy-five percent (75%) of that required in any such Zoning District. Where an unplatted lot does not meet the lot width and area regulations of the Zoning District where the lot is located, the lot may be utilized for a single-family dwelling, provided that such lot width and area are within seventy-five percent (75%) of that required in any such Zoning District. Where platted or unplatted lots have a greater width or area than is required by the regulations in the Zoning District where the lot is located, such lots shall not be divided or reduced in width or area less than that required by the regulations in any such Zoning District. Any single-family dwelling permitted to be constructed under this Subsection shall, at a minimum, meet the front yard and seventy-five percent (75%) of all other yard requirements in the Zoning District where the lot is located.
7. Nonconforming Special Uses.
  - a. Existing Special Uses. Special uses lawfully existing on the effective date of this Subchapter or any amendment thereto and which do not conform to applicable regulations governing use in the Zoning District in which that use is located constitute a nonconforming use.
  - b. Reclassified Uses. A permitted use of a building, structure or land lawfully existing on the effective date of this Subchapter which has been reclassified as a special use under this Subchapter shall be held to be a valid use subject to the provisions of this Section.

#### 12.13 Site, Landscaping And Architectural Review Procedures

1. Purpose. The purpose of this Section is to establish site and architectural standards for development projects in the city in order to provide for adequate and convenient open space for recreation, light and air; to promote aesthetically compatible development; to promote stability and improvement in and avoid substantial depreciation in property values; to avoid population congestion; to maintain and promote pedestrian and vehicular circulation; to promote the long term health, safety and general welfare and happiness of the community; and, to otherwise promote the purposes and intent of this Subchapter.
2. Approval Required. No building permit for the construction of any building, structure or project to which this section applies shall be issued until a site and architectural plans therefore have been reviewed and approved pursuant to this section. Site improvements not requiring a building permit but subject to site plan approval shall not be commenced until approved pursuant to this section.
3. Application. [Ord. 6502, amend, 2/15/2000; Ord. O-2003-0019, 2/18/2003; Ord. O-2007-0014, 9/4/2007]

- a. Architectural Review. This section applies to:
  - i. Multi-family residential, mixed-use residential/commercial, commercial, manufacturing, or institutional and public uses, and their respective accessory structures, when one or more of the following occurs:
    - (1) New construction;
    - (2) Conversions of such uses;
    - (3) Additions to existing buildings;
    - (4) Exterior alterations or repairs to existing buildings for which a building permit is required; or
    - (5) A special use permit is required for such uses.
  - ii. Two-family residential, when the following occurs:
    - (1) New construction and their respective accessory structures;
    - (2) Conversions of such uses where exterior modifications are proposed.
      - (A) Conversions of such uses may be approved by the Department of Development staff.
      - (B) If the staff and applicant are unable to come to an agreement on the proposed design, the applicant may file a request for a variance with the Plan Commission by submitting a written request to the Department of Development not less than 20 days before the next regularly scheduled Plan Commission meeting. At the time that a request for a variance is made, the applicant shall pay the required fee in accordance with development review fees in Chapter **12** of the Revised Municipal Code.
  - iii. Single-family residential, when the following occurs:
    - (1) New construction. [**Ord. O-2010-0040, 11/16/2010**]
      - (A) Single-family construction may be approved by the Department of Development staff. If the staff and the applicant are unable to come to an agreement on the proposed architectural design, the applicant may file a request for variance with the Plan Commission by submitting a written request to the Department of Development. At the time that a request for a variance is made, the applicant shall pay the required fee in accordance with development review fees in Chapter **12** of the Revised Municipal Code.
      - (B) If the Plan Commission and applicant are unable to come to an agreement on the proposed architectural design, the applicant may file a request for a variance with the Common Council by submitting a written request to the Department of Development. At the time that a request for a variance is made, the applicant shall pay the required fee in accordance with development review fees in Chapter **12** of the Revised Municipal Code.
- b. Site Review. This section applies to:
  - i. Multi-family residential, mixed-use residential/commercial, commercial, manufacturing, institutional and public, or outdoor storage/sales and display uses, and their respective accessory structures, when one or more of the following occurs:
    - (1) New construction;
    - (2) Conversions of such uses;

- (3) Change of use of any premises;
  - (4) Additions to existing buildings;
  - (5) Exterior alterations or repairs to existing buildings for which a building permit is required;
  - (6) A special use permit is required for such uses; or
  - (7) Site changes.
- ii. Off-street parking and loading areas and manufactured home park uses when one or more of the following occurs:
    - (1) Site changes.
  - iii. Two-family residential, when the following occurs:
    - (1) New construction and their respective accessory structures;
    - (2) Conversions of such uses.
      - (A) Conversions of such uses may be approved by the Department of Development staff.
      - (B) If the staff and applicant are unable to come to an agreement on the proposed design, the applicant may file a request for a variance with the Plan Commission by submitting a written request to the Department of Development not less than 20 days before the next regularly scheduled Plan Commission meeting. At the time that a request for a variance is made, the applicant shall pay the required fee in accordance with development review fees in Chapter 12 of the Revised Municipal Code.
  - iv. Single-family residential site standards, when the following occurs:
 

**[Ord. O-2010-0040, 11/16/2010]**

    - (1) New construction.
      - (A) Single-family construction will be exempt from landscaping review requirements and may be approved by the Department of Development staff.
      - (B) A minimum of twenty-five percent (25%) of the lot shall be devoted to natural pervious area, such as a grassed lawn, and shall include the required front yard of the property. No front, side or rear yard may be fully covered in nonpervious materials. If the applicant is unable to satisfy the twenty-five-percent natural pervious area requirement, the applicant may file a request for variance with the Plan Commission by submitting a written request to the Department of Development. At the time that a request for a variance is made, the applicant shall pay the required fee in accordance with development review fees in Chapter 12 of the Revised Municipal Code.
      - (C) If the Plan Commission and applicant are unable to come to an agreement on the twenty-five-percent natural pervious area requirement, the applicant may file a request for a variance with the Common Council by submitting a written request to the Department of Development. At the time that a request for a variance is made, the applicant shall pay the required fee in accordance with development review fees in Chapter 12 of the Revised Municipal Code.
      - (D) Single-family construction will be exempt from the security bond requirements noted in Subsection

12.13(14).

- c. Development of Large Retail Site. This section applies to: **[Ord. O-2007-0023, 8/7/2007]**
  - i. All parcels or development sites with 50,000 or more square feet of retail development, as defined in the City's Large Retail Development.
  - ii. In addition to the requirements of this subsection, any large retail development shall require a special use permit, and must be approved in the same manner as those uses described in Section 12.13.
  - iii. At the time of submission of application for a large retail development, the applicant must provide to the City a community impact statement as described in Community Impact Statement section of the City's Large Retail Development Requirements.
4. Authority for Approval.
  - a. Site and architectural plans will be subject to review and approval by the Plan Commission, as provided in this section.
  - b. In approving any site and architectural plans, the Plan Commission shall have the authority to stipulate those conditions it deems necessary to protect the public interest and to secure compliance with this section.
  - c. The Plan Commission shall have the authority to adopt reasonable rules and regulations relative to the exercise of its powers under this section. Such rules may include specific site and architectural design criteria that serve to implement the general standards set forth in Subsections (9) and (10), below. Rules will become effective only after they have been approved by the Common Council following due notice and public hearing. Publication of this notice will be as required for a Class II notice under Wisconsin Statutes.
5. Basis For Approval. The Plan Commission shall have the power to approve, approve with conditions, or reject a site or architectural plan on the basis of the requirements specified in this section and those rules adopted and approved pursuant to Paragraph (4)(c), above.
6. Submittal of Application. An application for site and/or architectural plan review shall be filed with the Plan Commission in the office of the City Planner. All applications must be signed by all the owners of record of the project premises and accompanied by the filing fee.
7. Plan Commission Decisions.
  - a. The Plan Commission may approve, approve with conditions, or reject the application. The Plan Commission decision shall be in writing and contain a statement of reasons for its action. Any conditions of approval shall be specifically stated in the decision. A copy of the Plan Commission decision will be mailed to the applicant and owner, if different from the applicant.
  - b. The Plan Commission decision on an application shall be issued within sixty (60) days of filing of the application with the office of the City Planner unless the applicant has agreed in writing to an extension.
  - c. Approval will expire one (1) year from the date of approval unless construction is underway or the applicant has been granted a valid building permit. If construction is underway or a building permit has been granted after one (1) year from the date of approval, the approval will expire if construction is not completed within twenty-four (24) months of the Plan Commission decision. **[Ord. O-2007-0033, 9/4/2007]**
  - d. An extension of time of the time limitations may be granted by the Plan Commission with the following criteria: **[Ord. O-2007-0033, 9/4/2007]**
    - i. The applicant requesting the extension shall complete a planning application available from the Department of Development and shall submit a two-hundred-fifty-dollar extension fee. The fee may be waived at the discretion of the Director of the Department of Development.

- ii. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start.
  - iii. The request for extension shall be submitted within sixty (60) days of the expiration of the Plan Commission approval, and the Plan Commission shall decide on the length of the requested extension of time.
- 8. Effect of Approval. All plans approved by the Plan Commission pursuant to this Section will serve to limit and control the issuance and validity of building permits and certificates of occupancy and will restrict and limit construction, location and use of all buildings and structures included in any such plan.
- 9. Site and Building Design Standards. Site and building designs shall:
  - a. Site designs shall provide for the placement of all site elements necessary to create a safe, functional, convenient, healthful, durable and attractive environment.
  - b. Site designs shall preserve the positive features of the site to the extent possible and minimize their destruction or harmful alteration.
  - c. Site designs shall ensure that all developments function within the context of the site and the surrounding area. Site designs shall eliminate, or if not possible to eliminate, mitigate potential hazards created by the proposed development.
  - d. Building and structure designs shall avoid alternatives which shall be so similar to, or at variance from, other buildings and structures already constructed or under construction in the area.
  - e. Building materials selected shall be compatible with materials used in the area.
  - f. All sites, buildings and structures shall be designed in accordance with site and architectural design criteria adopted and approved in accordance with Subsection (4)(c), above.
- 10. Re-Application. No application which has been wholly, or in part, rejected may be resubmitted until at least one (1) year from the date of the final action of the Plan Commission, except in the case of newly discovered evidence or proof of changed conditions.
- 11. Revocation of Approval. The Plan Commission shall have the authority to revoke its approval of a site and/or architectural plan if the provisions of that plan are not fully implemented.
- 12. Appeals. Any person aggrieved by a decision of the Plan Commission under this section may appeal that decision to the Common Council. **[Ord. O-2010-0047, 11/16/2010]**
- 13. Conditional Occupancy.
  - a. In the event the completion of all required site improvements are delayed due to work stoppages, extraordinary or seasonal weather conditions or damage caused by fire, or other casualty, a conditional occupancy for the project, or any part thereof, may be approved by the Building Inspector. This approval shall be subject to whatever terms and conditions are deemed necessary by the Building Inspector to protect the public interest and promote and secure compliance with the purposes and intent of this section.
  - b. No conditional occupancy will be allowed unless the improvements to be occupied are approved for occupancy by the Building Inspector.
  - c. All required site improvements will be completed within a period of time set by the Building Inspector from the date of approval of the conditional occupancy.
  - d. The approval of a conditional occupancy will not be interpreted as a waiver of any of the applicant's obligations under this section, except to extend the time for completion of the site improvements as provided in Paragraph (c).

14. Security Bond: Site Plans. As a condition of approving a site plan, the Plan Commission may require that the applicant provide a security bond, letter of credit or cash deposit to ensure the completion of all required site improvements including refuse enclosures, landscaping, and paving, stripping and signage of parking lots. The form of the bond or other security, if any, shall be prescribed by the Plan Commission. The amount of any bond or other security may not exceed one hundred twenty-five percent (125%) of the estimated cost of the site improvements and may be reduced over the life of the construction of the project as elements are completed; however, even if the amount is reduced, the bond or other security will remain in force until all required site improvements have been completed and approved by the Building Inspector. The Plan Commission may require more than one (1) estimate from licensed contractors to determine the value of the bond or security.
15. Maintenance. Sites, buildings and structures will be completed and maintained in accordance with the final plans approved pursuant to this section. Approved plans will run with the land and will remain in effect regardless of changes in ownership of the subject property.
16. Amendments. No modification or alteration of any plan approved pursuant to this section will be permitted unless approved in writing by the Plan Commission. An application for any such alteration or modification shall be filed with the Plan Commission on a form approved by the Plan Commission. Alterations and modifications shall be subject to the same standards and criteria as original applications and shall be in conformance with all the provisions of this section.
17. Plan Review Fee. The following fees must be paid at the time of submittal of an application and no consideration will be given to those plans for which application fees have not been paid: **[Ord. O-2004-0008, 3/2/2004; Ord. O-2005-0035, 7/5/2005; Ord. O-2005-0044, 11/1/2005]**

<b>Planning Application Review Fee Schedule</b>	
(a) Site, Landscaping, Architectural Plan Amendments and Variances <b>[Ord. O-2007-0034, 9/4/2007]</b>	\$100.00
(b) Signage Plan Review	\$100.00
(c) Level 1 Site, Landscaping, Architectural Plan Review	\$100.00
(d) Level 2 Site, Landscaping, Architectural Plan Review	\$250.00
(e) Level 3 Site, Landscaping, Architectural Plan Review	\$500.00
(f) Special Use Application	\$500.00
(g) Transitional Use Application	\$500.00
(h) Request for Ordinance Amendment	\$500.00
(i) Request for Rezoning	\$500.00
(j) Certified Survey Map <b>[Ord. No. O-2009-0007, 4/7/2009]</b>	\$600.00
(k) Street or Alley Vacation	\$500.00
(l) Planned Unit Development	\$1500.00
(m) Subdivision Plat <b>[Ord. No. O-2009-0007, 4/7/2009]</b>	\$1700.00
(n) Request for Sign Variance	\$100.00
(o) Request for an Extension of Time	\$250.00
(p) Certified Survey Map Reapproval Submittal <b>[Ord. No. O-2009-0007, 4/7/2009]</b>	\$50.00

18. Fee Determination Site, Landscaping, Architectural Plan Review. **[Ord. O-2004-0008, 3/2/2004]**
- a. Level 1 Site, Landscaping, Architectural Plan Review. The determination of Level 1 Plan Review in this section shall be made by Development staff on the basis of actual averaged project cost submitted to the Development Department by the owner or agent for the owner. Level 1 Site, Landscaping, Architectural Plan Review shall be applied to any project with an averaged project cost less than two thousand dollars (\$2,000).
  - b. Level 2 Site, Landscaping, Architectural Plan Review. The determination of Level 2 Plan Review in this section shall be made by Development staff on the basis of actual averaged project cost submitted to the Development Department by the owner or agent for the owner. Level 2 Site, Landscaping, Architectural Plan Review shall be applied to any project with an averaged project cost between two thousand dollars (\$2,000) and five thousand dollars (\$5,000).
  - c. Level 3 Site, Landscaping, Architectural Plan Review. The determination of Level 3 Plan Review in this section shall be made by Development staff on the basis of actual averaged project cost submitted to the Development Department by the owner or agent for the owner. Level 3 Site, Landscaping, Architectural Plan Review shall be applied to any project with an averaged project cost in excess of five thousand dollars (\$5,000).
19. Exemptions. Public school facilities construction utilizing school maintenance personnel or volunteer labor shall be exempt from the planning review fees of this Section. **[Ord. O-2004-0008, 3/2/2004]**
20. Other Fees. The following is the planning/development fee schedule for hard copy

products produced by the Development Department: [Ord. O-2004-0008, 3/2/2004]

<b>Copies:</b>	
Comprehensive Plan	\$20.00
Comprehensive Plan Map	\$5.00
Strategic or Redevelopment Plan	\$10.00
Strategic or Redevelopment Plan Map	\$20.00
Zoning Ordinance	\$15.00
Sign Code Ordinance	\$10.00
Individual copies	\$0.25 per page
Official Zoning Map	\$20.00
Official Land Use Map	\$20.00
GIS Customized Map	\$20.00, plus \$80.00 per hour

21. Refunds. Planning application review fees, and other fees in this Section, once submitted, are nonrefundable regardless of whether the application is approved, denied or withdrawn. [Ord. O-2004-0008, 3/2/2004]

[Ord. 6392, (repeal & recreate), 7/7/1998; Ord. No. O-2003-0019, 2/18/2003; Ord. O-2004-0008, 3/2/2004]

#### 12.14 Amendment Proposals

Amendments to this Subchapter, or the Official West Allis Zoning Map, are within the legislative authority of the Common Council. The Common Council may, in the exercise of its discretion, entertain proposals for amendments upon petition of one or more owners of property to be affected by the proposed amendment. In such cases, the process outlined in this Section should be adhered to. However, nothing in this Section should be construed to in any manner define or limit the authority of the Common Council nor create any procedural right or entitlement.

1. Criteria. In considering petitions for amendment, the Plan Commission and the Common Council shall use the following as guidelines:
  - a. The property in question cannot be reasonably used as currently zoned.
  - b. The proposed change is supported by the adopted City Comprehensive Land Use Plan.
  - c. The change is consistent with the established land use pattern.
  - d. The existing infrastructure, including the street system, public and private utilities and City-provided services, can accommodate the proposed change.
  - e. The proposed change does not have a negative impact on the natural environment, including floodplains, natural drainage ways and natural areas within and adjacent to the City.
  - f. The request constitutes a continuation or an extension of an existing Zoning District.
  - g. A change in conditions in the area supports the proposed amendment or map change.
  - h. The proposed request is consistent with the needs of the community.
2. Procedures. The procedure for amending this Subchapter or the Zoning Map is as follows:
  - a. The process begins with a written request from the applicant, addressed to the

Mayor and Common Council and submitted to the City Clerk. The request shall state the proposed amendment to this Subchapter or the Zoning Map. The letter of application shall also include the reason for the request and any appropriate documentation and shall be accompanied by the necessary application fee. The Common Council has set a fee schedule for this process. The office of the City Clerk has a list of appropriate fees.

- b. Upon receipt of an application, the City Clerk will place the application on the agenda of the Common Council. The Common Council will refer the matter to the City Plan Commission for review and a recommendation. The City Plan Commission is advisory to the Common Council. All final decisions are made by the Common Council.
  - c. The City Plan Commission will review the application in an open public session. Members of the public will be allowed to address the Commission and those public comments will be considered by the Commission in making their recommendation within sixty (60) days from referral of the application. Recommendations of the Commission will be forwarded to the Safety and Development Committee of the Common Council for further consideration.
  - d. The Safety and Development Committee of the Common Council will meet to review the recommendations of the Plan Commission. As with the Commission, its meetings are open to the public. The public can make comments to the Committee with the approval of the Chair. The Safety and Development Committee will make its own decision on the application which may agree or disagree with that of the Plan Commission. The decision of the Committee will be forwarded to the Common Council along with the recommendation of the Plan Commission. **[Ord. O-2004-0044, 10/19/2004]**
  - e. If a majority of the Safety and Development Committee approve the application, a public hearing shall be scheduled by the Common Council. Notice of the time and place of the hearing shall be made in the official City newspaper as a Class II notice, as provided by law. In addition, the City Clerk shall mail notice of the hearing to property owners within two hundred (200) feet of the effected property at least ten (10) days prior to any such hearing, but failure to give such notice shall not invalidate any amendments. **[Ord. O-2004-0044, 10/19/2004]**
  - f. Following the public hearing and receipt of the recommendations of the Plan Commission and the Safety and Development Committee, the Common Council will render a final decision on the application. This decision will be to approve, disapprove or refer the application back to the Safety and Development Committee for further study.
3. Re-application. No application for an amendment to this Subchapter, which has been wholly, or in part, disapproved may be resubmitted for a period of one (1) year from the date of final Common Council action on the original application, except in the case of new information or changed conditions which are found valid by the Common Council upon inspection.

#### 12.15 Board Of Appeals

Under the provisions of Sec. 62.23(7)(e) of the Wisconsin Statutes, the City of West Allis creates a Board of Appeals, the purpose of which is to ensure that adequate, but controlled, flexibility is provided in the application of this Subchapter. The Board will be governed by the provisions of the State Zoning Enabling Law and the rules of procedure found in this Subchapter. In the case of any conflict between these two, state law will prevail over local ordinances.

1. How Constituted. The Board of Appeals shall be constituted as prescribed by Section 2.39 of this Code and Sec. 62.23(7)(e)2. of the Wisconsin Statutes.
2. Jurisdiction and Rules. The Board of Appeals shall have the following specified duties

and powers:

- a. The Board will hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, determination or interpretation made by an official in the enforcement of this Subchapter.
  - b. The Board may authorize, upon appeal, such variances from the terms of this Subchapter as will not be contrary to the public interest where, owing to special circumstances, a literal enforcement of the provisions of this Subchapter will result in practical difficulty or unnecessary hardship and the variance will ensure that the spirit of the Subchapter is observed, the public safety and welfare secured and substantial justice done.
  - c. The jurisdiction of the Board to grant variances shall not extend to any variance involving the establishment or continuation of a use or uses which would be prohibited in the Zoning District for which the variance is sought, nor shall it have jurisdiction to permit variances from land area per dwelling unit requirements in any such District or permit variances which would otherwise result in substantial detriment to the public good and substantially impair the intent and purpose of this Subchapter.
  - d. The Board shall grant no variance as a result of a self-imposed economic hardship.
  - e. In granting a variance, the Board may specify, in writing to the applicant, such conditions of the variance that will, in its judgment, substantially secure the objectives of the regulations or provisions to which the variance applies. The breach of any of these conditions will automatically invalidate the variance.
  - f. No application or appeal which has been denied, wholly or in part, by the Board may be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of new information or changed conditions which are found valid by the Board upon inspection.
  - g. Any variance granted will become null and void, unless the stated provisions of the variance have been utilized by the applicant within six (6) months of the granting of the variance unless otherwise noted by the Board.
3. Procedures. The Board shall have the authority to develop rules and procedures to govern its work under the provisions of this Subchapter.

**[Ord. O-2006-0023, 6/6/2006; Ord. O-2018-0032, 8/7/2018]**

#### 12.16 Special Uses

1. Purpose. Within the Zoning District, there are various permitted uses. There are also various other uses which are required for the public convenience but are potentially incompatible with permitted uses and which can have a deleterious impact on the surrounding area. This impact cannot be predetermined or controlled by general regulations. In addition, these special uses cannot always be confined to specific Zoning Districts. Therefore, in order to ensure compatibility with the neighborhoods in which they may be located, it is necessary that these special uses not be permitted as a matter of right, but only after appropriate review and approval as provided by this Section.
2. Authority to Grant. Following due notice and a public hearing, special uses may be granted by the Common Council, as provided under the provisions of the Section, in the respective Zoning Districts in which they are permitted.
3. Application. An application for a special use shall be filed with the office of the City Clerk on a form prescribed by the Common Council. The application will include the information prescribed by the Common Council as well as a written statement by the applicant and appropriate supporting materials sufficient to demonstrate that the proposed use will conform to the standards set in Subsection (8) below. The application will also be accompanied by a designated filing fee. A schedule of fees has been set by the Common Council and is available in the office of the City

Clerk.

4. Application Materials. Where appropriate, any or all of the following materials shall accompany an application for a special use. An applicant shall confer with the office of the City Planner prior to submittal to determine which materials are necessary for the specific application.

#### **Application for Special Use Permit**

##### **Application Checklist**

\_\_\_\_ Completed Special Use Application    \_\_\_\_ Written Statement to Common Council Stating Reasons for the Request    \_\_\_\_ Filing Fee    \_\_\_\_ Current Property Survey    \_\_\_\_ Scaled Site Plan (See Sec. 12.13 for Site Plan Requirements)    \_\_\_\_ Elevations of Structures    \_\_\_\_ Schedule and Examples of Exterior and Interior Materials    \_\_\_\_ Landscaping Plan Including Fencing, Screening, Plantings, Paving and Parking    \_\_\_\_ Maps Showing Existing and Proposed Topography    \_\_\_\_ Map Showing All Easements    \_\_\_\_ Signage and Lighting Plans    \_\_\_\_ Storm Drainage Plan for Site

5. Application Process. Upon receipt of a proper application and appropriate supporting materials, the Common Council shall refer the application to the City Plan Commission and the Safety and Development Committee of the Common Council for their recommendations. The Common Council shall then, within a reasonable time, schedule and hold a public hearing on each request for a special use. The Common Council may elect to hold the public hearing itself or it may designate either the Safety and Development Committee of the Common Council or the City Plan Commission to hold the public hearing. If either of these latter bodies are designated to hold the public hearing, the Common Council will be presented with written proposed findings of fact and written recommendations of the hearing prior to making a final decision on the application.
6. Notice of Public Hearing. Due notice of a public hearing will be as follows:
  - a. The City Clerk will give notice of the hearing by publication as a Class II Notice, under Chapter 985 of the Wisconsin Statutes, in the official City newspaper.
  - b. The City Clerk will mail the notice of the hearing to the applicant, his agent or attorney, at least ten (10) days before the date of the public hearing.
  - c. The City Clerk shall also, to the extent practical, mail the notice of public hearing to the owners of record, as listed in the office of the City Assessor, of all property within two hundred (200) feet of the property for which the special use has been requested. Compliance with this paragraph shall not be a requirement of proper legal notice and no hearing or action taken as a result of a hearing shall be invalid or illegal because of a failure to mail the notice provided for in this paragraph.
7. Decision.
  - a. The Common Council will render its written decision within sixty (60) days of the close of the public hearing. The written decision will include all the reasons for granting or denying the permit, including specific reference to the standards found in Subsection (8) below and a record of the vote of the Common Council. The City Clerk will mail the written decision to the applicant.
  - b. A majority vote of the Common Council is necessary to permit or deny a special use. **[Ord. 6606, 2/5/2002, repeal of (c)]**
8. Standards for Approval of a Special Use. No application for a special use shall be granted by the Common Council unless it finds that all of the following conditions are present:
  - a. That the establishment, maintenance or operation of the special use will not be detrimental or endanger the public health, safety, morals, comfort or general welfare and will not otherwise conflict with the purpose and intent of this

Subchapter.

- b. That the use, value and enjoyment of other property in the surrounding area for permitted uses will not be substantially impaired or diminished by the establishment, maintenance or operation of the special use.
  - c. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for permitted uses in the Zoning District.
  - d. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
  - e. That adequate measures have been or will be taken to provide ingress and egress as designated so as to minimize traffic congestion in the public streets.
  - f. That the special use will comply with all additional regulations imposed on it by the particular provision of this Subchapter authorizing such use. **[Ord. 6606, 2/5/2002]**
9. Regulations, Conditions and Restrictions. **[Ord. 6606, 2/5/2002]**
- a. In granting any special use, the Common Council shall have the authority to change the minimum or maximum requirements specified for such uses in the respective Zoning Districts and shall establish such regulations and impose such conditions and restrictions on the use as are reasonably necessary to secure compliance with the standards set forth in this section and subchapter. **[Ord. 6651, 1/7/2003]**
  - b. The regulations that are established and any conditions and restrictions that are imposed shall be expressly set forth in the resolution granting the special use and shall govern the development, use and occupancy of the property, subject to such other required permits and approvals, including, but not limited to site and architectural approvals under Section 12.13 of this Subchapter and a building permit under Chapter 13 of this Code.
10. Modifications. No alteration, extension or other modification of a special use shall be permitted unless specifically approved by the Common Council. For the purpose of this section, the term "use" shall include buildings, structures and improvements located on the premises. Any application for an alteration, extension or other modification will be filed and processed as an original application under this section. Maintenance, repair or renovation of existing buildings, structures or improvements and alterations, extensions or other modifications of such buildings and structures which do not increase, intensify, expand or substantially change the character of the special use do not require approval by the Common Council. **[Ord. 6606, 2/5/2002]**
11. Limitation. **[Ord. 6606, 2/5/2002]**
- a. Any special use approved by the Common Council shall be construed to run with the land and benefit all future owners and occupants of the affected premises, unless the same shall lapse or be terminated as herein provided.
  - b. Any special use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not underway, or the owner has not obtained a valid building permit. If construction is underway or a building permit has been granted after one (1) year from the date of approval, the approval will expire if construction is not completed within 24 months of the granting of the special use permit. The Common Council may grant an extension of these time limitations without a public hearing by resolution reauthorizing the special use in accordance with the following criteria: **[Ord. O-2005-0004, 1/4/2005; Ord. O-2007-0033, 9/4/2007]**
    - i. The applicant requesting the extension shall complete a planning application available from the Department of Development and shall submit a two-hundred-fifty-dollars extension fee. The fee may be waived at the discretion of the Director of the Department of Development.

- ii. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start.
    - iii. The request for extension shall be submitted within sixty (60) days of the expiration of the special use permit.
    - iv. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the special use shall become null and void.
  - c. Any special use approved by the Common Council shall lapse and become null and void if the use has been abandoned or discontinued for a period of one (1) year.
12. Effect of Denial. No application for a special use which has been denied, wholly or in part, by the Common Council may be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of new information or changed conditions which are found to be of a material nature by the Common Council. Once the Common Council has determined that the information or changed condition is material, the applicant is entitled to a rehearing upon submission of one-half (1/2) of the filing fee for a new special use application. **[Ord. 6651, 1/7/2003]**
13. Termination of Special Use. The Common Council may terminate a special use after a public hearing is held before the Safety and Development Committee and a recommendation is given by the Committee to the Common Council, if any of the following determinations are made: **[Ord. 6606, 2/5/2002; Ord. O-2008-0027, 7/1/2008]**
- a. The special use has not continued in conformity with the conditions imposed in the approval or in any subsequent amendments to it.
  - b. A change in the character of the surrounding area or in the special use itself has caused the special use to become incompatible with the surrounding uses.
  - c. The special use has had a demonstrably negative impact upon the surrounding area. **[Ord. 6651, 1/7/2003]**
  - d. Construction is not underway or the application has not been granted for a valid building permit after one (1) year of Common Council approval. If construction is underway or a building permit has been granted after one (1) year from the date of approval, the approval will expire if construction is not completed within twenty-four (24) months of the Common Council decision. **[Ord. O-2007-0033, 9/4/2007]**
  - e. The person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of West Allis, the State of Wisconsin or the United States on the premises covered by the special use. **[Ord. O-2010-0008, 9/20/2011]**
14. Appeals. Any person aggrieved by a decision of the Common Council on an application for special use permit may seek judicial review of the decision within 30 days after the filing of the written decision in the Clerk's office. **[Ord. 6278, amend, 12/17/1996; Ord. 6606, 2/5/2002; Ord. O-2019-0007, 3/19/2019]**

#### 12.17 Home Occupations

- 1. Permit. No person shall engage in a home occupation without having first obtained an occupancy permit from the Building Inspector. The permit shall be issued if the occupation conforms to the provisions of this section. The permit shall not be transferable to another premises or person.
- 2. Standards. Home occupations shall conform to the following standards:
  - a. The principal use of the premises shall be for single-, two-family dwelling or residential condominium dwelling unit purposes. **[Ord. O-2010-0030,**

**9/7/2010]**

- b. The occupation shall be carried on solely within either the main or an accessory building, and for single- and two-family applications it shall utilize no more than twenty-five percent (25%) of the gross floor area of any such building. For residential condominium dwelling units, the home occupation shall not exceed ten percent (10%) of the gross floor area of the residential condominium dwelling unit. **[Ord. O-2010-0030, 9/7/2010]**
  - c. No person who does not reside on the premises may be employed.
  - d. No internal or external structural alterations or special construction of any building is allowed. **[Ord. O-2010-0030, 9/7/2010]**
  - e. Services or sales conducted on the premises shall be by appointment only.
  - f. No goods, materials, parts, tools or other equipment shall be displayed, used or stored outside a building.
  - g. No equipment may be used which creates excessive dust, smoke, odor, noises, electrical disturbances or other conditions which are detrimental to the character, condition, value and enjoyment of other residential property in the neighborhood.
  - h. No excessive vehicular or pedestrian traffic shall be generated and no off-street parking demand created.
  - i. No vehicle will be used in connection with the occupation other than one owned by the permittee and which may be legally parked on the premises.
  - j. One nonilluminated sign not exceeding two (2) square feet in area to advertise the occupation carried on the premises shall be permitted. No other signage or advertising display of any kind on the premises shall be permitted.
  - k. No other local ordinance, provision or state statute or rule will be violated.
3. Permitted Occupations.
- a. Art studios.
  - b. Computer programming.
  - c. Dental laboratories.
  - d. Drafting and graphic services.
  - e. Dressmaking, sewing and tailoring.
  - f. Family Day Care Home and Accessory Play Areas. The Permit, as required in paragraph (1), shall not be required when home is licensed by the State of Wisconsin, Department of Health and Social Services, although the operator shall register the business with the City. Paragraphs (2)(b), (c) and (f) shall not apply to this occupation. The Permit and Standards requirements of paragraphs (1) and (2) shall not apply to in-home child care for three (3) or fewer children. **[Ord. 6179, 8/15/1995]**
  - g. Home Crafts.
  - h. Music Lessons.
  - i. Professional Offices.
  - j. Sales Representatives - Office Only.
  - k. Secretarial Services.
  - l. Watch and Jewelry Repair.
  - m. Other similar occupations with the approval of the City.
4. Prohibited Occupations. Any occupation not specifically permitted under this Section.
5. Violations. In addition to all other remedies provided by law, the Building Inspector may revoke a home occupation permit for any violation of this Section.

#### 12.19 Off-Street Parking, Loading And Other Site Improvement Regulations

- 1. Intent. The intent of this Section is to provide and regulate accessory off-street parking and loading facilities to lessen traffic congestion, promote traffic safety, improve the aesthetics of the community, promote a clean, healthful environment and otherwise preserve and promote the public health, safety and general welfare and the intent and

- purposes of this Subchapter.
2. **Applicability.** All premises, excepting one and two (2) family uses, shall provide and maintain off-street parking and loading facilities for tenants, employees and patrons of the principal use or uses in accordance with this Section and as hereafter specified.
    - a. **Existing Premises and Uses.** Existing premises shall maintain off-street parking and loading facilities in accordance with applicable zoning requirements in effect when the premise was occupied. Existing off-street parking and loading facilities shall not be reduced to less than that required by this Section. The minimum construction and maintenance standards required in subsection (3) shall apply to all off-street parking and loading facilities.
    - b. **New, Altered or Changed Premises and Uses.** No premise shall be created, altered or changed to include new construction thereon or enlarging of an existing building or structure or changing the use thereon, whether partial or wholly, unless provision is made for off-street parking and loading facilities as provided in this section. In case of any structural alteration to or enlargement of an existing building or structure or a partial change of use, Subsections (7), Required Off-Street Parking Spaces, and (12), Required Off-Street Loading Spaces, shall apply only to such alteration, enlargement, extension or change of use.
  3. **Minimum Construction Standards.** All off-street parking, loading facilities and other site improvements shall be constructed and maintained in accordance with the following minimum standards and subject to Plan Commission approval in accordance with Section 12.13 of the Revised Municipal Code: **[Ord. O-2004-0026, 5/18/2004]**
    - a. **Surface.** Designed, constructed and maintained with all-weather, hard, durable and dustless pavement of bituminous concrete or asphalt and shall be of sufficient strength to maintain the surface and support the normal load placed thereon. Plan Commission, in its review, may allow other surfaces to be used.
    - b. **Drainage.** Graded and drained to provide for the collection of stormwater on site with proper discharge to available public storm sewer or retention area and to prevent runoff onto adjacent lots and right-of-way. Paved areas and other site areas may be sheet drained to public right-of-way if approved by the City Engineer.
    - c. Any lighting used for illumination shall be so arranged as to not reflect, direct or splay lighting beyond the property lines.
    - d. **Curbing.** Curbing or other approved method shall be installed and shall be arranged so that no part of any motor vehicle, other vehicle or trailer shall extend beyond the lot line. Poured curbing, fencing, landscaping or other method shall be required where a parking lot and/or loading facility abuts a street, public right-of-way or building or as deemed appropriate by the Plan Commission. **[Ord. O-2010-0038, 11/16/2010]**
    - e. **Refuse Areas.** Enclosed to provide screening and containment of all refuse, waste and recyclables and containers for the same.
    - f. **Landscaping.** The developed property shall be landscaped to provide a visual enclosure and screening of site improvements from the City right-of-way and from adjacent properties to include, but not limited to, building foundations, paved parking and loading areas, permitted outdoor storage areas and utility boxes and structures where located on the ground, rooftop or other place.
    - g. **Screening.** All off-street parking and loading areas shall be effectively screened from any abutting lot(s) by a solid screen, landscaping, wall or fence as approved by the Plan Commission. **[Ord. O-2006-0078, 12/19/2006]**
    - h. Large paved parking and loading areas shall be divided into smaller areas of landscaped islands.
  4. **Driveway Permits.** All off-street parking and/or loading facilities require a permit from the Board of Public Works to permit access to any improved or semi-improved street or alley in the City.

5. Site Plan Review and Approval by Plan Commission. No off-street parking or loading facility shall be established or constructed or existing facility or area expanded or altered without first having secured an approved site plan for the entire premise as provided for in this Subchapter and as prescribed in the regulations as set forth in this Section.
6. Plan Commission Design Criteria. In accordance with the procedures outlined in paragraph 12.13(4)(c) above, the Plan Commission may adopt design criteria to secure compliance with the construction and maintenance standards established in this Section.
7. Required Off-street Parking Spaces.
  - a. Number. The minimum number of parking spaces required shall be in accordance with the following schedule:

<b>Use</b>	<b>Required Off-Street Parking Spaces</b>
(1) Auditoriums and Arenas	1 space for every one hundred (100) square feet of gross floor area.
(2) Car Washes [ <b>Ord. O-2004-0026, 5/18/2004</b> ]	Seven (7) vehicle stacking spaces for each wash bay.
(3) Car Washes Self Serve [ <b>Ord. O-2004-0026, 5/18/2004</b> ]	Seven (7) vehicle stacking spaces for each wash bay.
(4) Auto Repair and Service Stations	1 space for every one hundred fifty (150) square feet of gross floor area.
(5) Banks	1 space for every three hundred (300) square feet of gross floor area.
(6) Bowling Alleys	Five (5) spaces for every lane plus such additional spaces as may be required herein for affiliated uses.
(7) Business, Professional and Governmental Offices	1 space for every three hundred (300) square feet of gross floor area.
(8) Clinic or Outpatient facilities	1 space for every three hundred (300) square feet of gross floor area.
(9) Colleges and Universities	1 space for every three hundred (300) square feet of gross floor area.
(10) Community Based Residential Facilities (CBRF)	1 space for every bedroom.
(11) Community Centers, Senior Centers	1 space for every three hundred (300) square feet of gross floor area.
(12) Convalescent, Nursing Homes, Orphanages, Specialty Care Hospitals and other Specialized Health Care Facilities	1 space for every 1.5 beds plus meet the individual requirements for associated uses such as clinics, hospitals, auditoriums, etc., found therein.
(13) Churches	1 space for every one hundred (100) square feet gross floor area.
(14) Dance Halls, Skating Rinks, etc.	1 space for every one hundred (100) square feet gross floor area.
	1 space for every three hundred (300)

(15) Day Care Centers	square feet of gross floor area.
(16) Drive-in Restaurant Facilities	Minimum fifty (50) spaces plus 1 space for every one hundred fifty (150) square feet of gross floor area.
(17) Elementary Schools	1 space per classroom plus 1 space per three hundred (300) feet gross floor area of administrative and support areas.
(18) Funeral Establishments	1 space for every one hundred fifty (150) square feet of gross floor area.
(19) Hospitals	1 space for every 2.5 beds plus meet the individual requirements for associated uses.
(20) Hotels, Motels, Bed and Breakfast, Tourist Rooming House, and Rooming Houses	1 space per lodging room plus additional spaces calculated for each class of use.
(21) Housing Projects for the Elderly	1 space for every two (2) dwelling units.
(22) Libraries and Museums	1 space for every eight hundred (800) square feet of gross floor area.
(23) Manufacturing and Industrial	1 space for every one thousand five hundred (1,500) square feet of gross floor area.
(24) Meeting Halls	1 space for every one hundred (100) square feet of gross floor area.
(25) Middle and Senior High Schools	1.5 spaces per classroom, plus such additional spaces to be calculated on the basis of the actual use of the floor area and the actual site.
(26) Mixed Uses	Spaces calculated for each class of use.
(27) Motor Freight Trailer Storage	1 space for every five thousand (5,000) square feet of storage/parking area.
(28) Multi-family Housing	1-1/2 spaces for each 0-1 bedroom unit; two (2) spaces for each two (2) bedroom unit; two and one-half (2-1/2) spaces for each three (3) bedroom unit; one-half (1/2) space for each bedroom over three (3).
(29) Nursery School	1 space for every three hundred (300) square feet of gross floor area.
(30) Outdoor Storage	1 space for every five thousand (5,000) square feet of gross area.
(31) Outdoor Display and Sales	1 space for every five hundred (500) square feet of gross area.
(32) Physical Culture and Health Services	1 space for every one hundred fifty (150) square feet of gross floor area.

(33) Planned Unit Developments	Spaces required shall be determined based upon the types of uses planned as approved by the Plan Commission.
(34) Private Clubs and Lodges	1 space for each three hundred (300) square feet of gross floor area.
(35) Public Self-Storage Center	Spaces equal in number to one percent (1%) of the number of enclosed storage units plus additional spaces for office and residential uses.
(36) Public Utilities	1 space for each three hundred (300) square feet of gross floor area.
(37) Restaurants, Night Clubs, Taverns, etc.	1 space for every one hundred fifty (150) square feet of gross floor area.
(38) Retail Stores and Service Establishments	1 space for every three hundred (300) square feet of gross floor area plus additional spaces as necessary for outdoor display areas.
(39) Transportation Facilities - Commercial; Vehicle Storage and/or Parking	1 space for every one thousand (1,000) square feet of vehicle storage space.
(40) Theaters	1 space for every one hundred (100) square feet of gross floor area
(41) TV and Radio Stations	1 space for every three hundred (300) square feet of gross floor area
(42) Transit Stations	1 space for every two hundred fifty (250) square feet of gross floor area for offices and waiting areas.
(43) Stadiums	1 space for every three (3) seats.
(44) Warehouses	1 space for every one thousand five hundred (1,500) square feet of gross floor area.
(45) Other Uses	Parking spaces for other permitted or special uses not listed herein shall be provided in accordance with requirements designated by the Plan Commission.

b. Computation.

- i. Gross Floor Area. For purposes of determining the number of required parking spaces, "Gross Floor Area," shall be the gross floor area less any floor area devoted primarily to parking areas. Basement space shall not be included in "Gross Floor Area," unless used for retail, office or similar use.
- ii. Size. In computing the number of parking spaces required, each parking space shall be an area of not less than three hundred (300) square feet for standing and maneuvering.
- iii. Fractional Space. Determination. When application of the regulations for determining required off-street parking spaces results in a requirement of a fractional space, any fraction up to and including

one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall count as one additional parking space.

iv. Uses. The number of spaces shall be calculated on the basis of the actual use of the floor area and/or site.

c. Types of Vehicle.

i. Residential uses. Private passenger automobiles and non-commercial trucks having a maximum gross weight of not more than six thousand (6,000) pounds.

8. Location of Parking Spaces.

a. All required parking spaces shall be located on the same premises as the principal use served except:

i. Multiple family dwellings. On the premises or on a lot or lots located within four hundred (400) feet of the premises owned by or under the control of the owner of the premises. Such lots shall be appropriately zoned for parking use.

ii. Commercial or manufacturing. On the premises or on a lot or lots located within eight hundred (800) feet of the premises and owned by or under the control of the owner of the premises. Such lots shall be appropriately zoned for parking use.

iii. Credit shall be given for public off-street parking spaces located within two hundred (200) feet of any premises in the C-1 Central Business District; provided, however, that the credit will be given only for uses listed in paragraphs (7), (26), (37) and (38) of the schedule set forth in Subsection (7) above.

b. Parking spaces accessory to commercial or manufacturing uses may be located in required front yard areas, provided that a planting area at least five (5) feet in width be provided along any adjacent street.

c. Special use approval is required for the use of any parking spaces located on lots in Districts zoned for residential use under this Subchapter.

9. Joint Use of Parking Spaces.

a. Required parking spaces serving two (2) or more premises may be located on the same lot or lots in the same structure, provided that the total number of parking spaces furnished shall not be less than the sum of the separate requirements for each use.

b. The joint use of parking spaces is authorized in the following situations:

i. Up to fifty percent (50%) of the parking spaces required by this Section for a theater, bowling alley, dance hall, bar or restaurant may be supplied by the off-street parking spaces provided by certain other types of buildings or uses specified under Subparagraph (iv) below.

ii. Up to fifty percent (50%) of the off-street parking spaces required by this section for any use specified under Subparagraph (iv) below may be supplied by the parking spaces provided by uses specified under Subparagraph (v) below.

iii. Up to one hundred percent (100%) of the parking spaces required by this Section for a church or for an auditorium incidental to a public or parochial school may be supplied by the parking spaces provided by uses specified under Subparagraph (iv) below.

iv. For the purposes of this section, the following uses are considered as primarily daytime uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing or wholesale buildings and similar uses.

v. For the purpose of this section, the following uses are considered as primarily nighttime or Sunday uses: auditoriums incidental to a public

or parochial school, churches, bowling alleys, dance halls, theaters, bars or restaurants.

c. Conditions required for joint use.

- i. All parking spaces will be located within eight hundred (800) feet of the premises served.
- ii. There is no substantial conflict in the principal operating hours of the two (2) uses for which joint use of required off-street parking spaces is proposed.
- iii. Special use approval is required for the joint use of any parking spaces located in a Residential Zoning District.

10. Legal Documentation. Parking Spaces. A properly drawn legal instrument, duly approved as to form and manner of execution by the City Attorney, shall be recorded in the Register of Deeds Office in Milwaukee County and a copy filed with the Building Inspector to reserve and maintain joint off-street parking spaces for the benefit of the principal uses served in the case of joint use of spaces or when any required parking spaces are otherwise not located on the same premises as the principal use served. Any such instrument will grant to the Building Inspector the right to enforce the restrictions at law or in equity against anyone who has or acquires an interest in the lands involved.
11. Handicapped Parking Spaces. The owner or lessee of any public building or place of employment and the owner or lessee of any parking facility which offers parking to the public shall reserve parking spaces for use by a motor vehicle used by a physically disabled person, in accordance with the provisions of Sec. 346.503 of the Wisconsin Statutes, and any administrative rules adopted as provided therein. **[Ord. O-2006-0078, 12/19/2006, repeal of (12) and (13)]**

#### 12.18 Rummage Sale

The occasional sale of personal property at a residence conducted by one or more families in a neighborhood. Rummage sales do not exceed four (4) consecutive days in length and are not conducted more often than three (3) times per year. Rummage sales do not involve the resale of merchandise acquired for that purpose. Rummage sales are also known as "garage sales."

#### 12.20 Off-Street Parking Regulations For Single- And Two-Family Dwellings

1. Applicability. This section shall apply to all single- and two-family dwellings. No single or two-family dwellings shall hereafter be erected, expanded or structurally altered unless the requirements of this section, as applied to the entire dwelling, are complied with.
2. Schedule. Two (2) spaces minimum plus one additional space for each bedroom over three (3).
3. Types of vehicles. **[Ord. O-2008-0044, 10/21/2008]**
  - a. Private passenger vehicles and residentially used trailers, open or enclosed, are permitted and must be on paved surfaces.
  - b. No more than one of the following types of commercial vehicles or commercial vehicle attachments are permitted per property and must be on paved surfaces (also see Section 12.17 of the RMC regarding home occupancy vehicle and business use restrictions):
    - i. A car, minivan or sport utility vehicle (SUV);
    - ii. A pickup truck (excluding flatbeds and tow trucks) with no more than two (2) axles and four (4) wheels;
    - iii. A van, defined as a smaller [not to exceed twenty-one (21) feet in length], one-piece, boxlike vehicle that resembles a panel truck, often has double doors both at the rear and along the curb side, and that has an enclosed space to transport cargo or passengers, or is equipped

- with living quarters for traveling and camping; with no more than two (2) axles and four (4) wheels;
- iv. A trailer, defined as an enclosed nonmotorized vehicle designed to be pulled by an automobile or truck, and not to exceed twelve (12) feet in length; or
- v. Snow plows attached to a vehicle between the dates of November 1 and May 1.
- vi. A tow truck or a flatbed hauler truck (maximum single vehicle capacity) when the operator is on-call and is a City towing contractor in accordance with Section 9.24 of the Municipal Code. When parked in a residential district the tow truck and/or flatbed hauler vehicle shall be kept empty (without vehicle in tow). **[Ord. O-2011-0081, 11/15/2011]**
- c. The following restrictions shall be placed on off-street parking of vehicles and vehicle attachments:
  - i. Pickup trucks, vans, or trailers are permitted to have a rooftop rack.
  - ii. Vehicles or vehicle attachments may not contain visible bulk refuse, construction waste, garbage, hazardous waste, infectious waste, refuse, rubbish, or solid waste, as defined in Section 7.05(1).
  - iii. Loading and/or unloading of materials onto and/or off of commercial vehicles shall not be permitted.
  - iv. Commercial vehicles or vehicle attachments shall not be parked in the required front yard setback as stated in each residential zoning district.
- d. This section shall not prohibit the temporary parking of commercial vehicles while they are being used to perform a service or make deliveries at the location where parked.
- 4. Location. All required parking spaces shall be located on the premises. Unenclosed parking spaces are permitted on paved driveways of not less than eight and one-half (8 1/2) feet in width in front, side and rear yards as follows:
  - a. Front yard parking.
    - i. Dwelling with attached garage. On a paved driveway or surface which is located in the area between the front of the attached garage and the front lot line and which does not exceed the width of the garage.
    - ii. Dwelling without attached garage. On a paved driveway of not less than eight and one-half (8.5) feet in width, which does not encroach in an area extending the full width of the lot between the line established by the front of the dwelling and the front lot line. Any such driveway shall have street access. **[Ord. 6202, 11/21/1995]**
    - iii. For front yard parking only one driveway per dwelling is permitted.
  - b. Side and rear yard parking. On a paved driveway which is connected to a street or alley.
- 5. Drainage. Parking areas shall be graded and drained to prevent run off onto adjacent properties in accordance with requirements of the Building Inspection Department.
- 6. Surface. Parking areas shall be designed, constructed and maintained with all-weather durable and dustless pavements of bituminous concrete or asphalt and shall be of sufficient strength to maintain the surface and support the normal load placed thereon.

#### 12.21 Residential Radio And Television Antennas

1. Applicability. This Section applies to all residential radio antennas, including AM-FM, amateur ("ham") and citizens band radio transmission and receiving apparatus; and, all residential television antennas except satellite dish receptors used for private, non-commercial purposes in Residence Districts regulated under this Ordinance. For the purposes of this Subchapter, only one exterior antenna of each type will be permitted

- on a single residence property.
2. Zoning Requirements. Construction and/or installation of residential antennas is permitted in all Residence Districts if the following requirements are met:
    - a. Antennas and support structures erected under this Section shall conform to all setback requirements of the Residence District in which it is located.
    - b. The height of any radio or television antenna, except amateur service (ham) radio antennas, located in a Residence District, is governed by the following height restrictions. The maximum height of an antenna (including base) under this Section is the following:
      - i. If ground-mounted, thirty-five (35) feet.
      - ii. If roof-mounted, six (6) feet higher than the roof of the main building on the lot.
    - c. The height of any amateur service (ham) radio antenna located in a Residence District is governed by the following height restrictions. The maximum height of an antenna (including base) under this Section is the following:
      - i. If ground-mounted; sixty (60) feet.
      - ii. If roof-mounted with horizontal components, fifteen (15) feet higher than the main building on the lot.
      - iii. If roof mounted with only vertical components, thirty-five (35) feet higher than the main building on the lot.
    - d. No antenna or any part of its support structure may be constructed in the front yard of any lot or, in the case of a corner lot, in a yard facing a street.

#### 12.22 Satellite Dishes

1. Applicability.
  - a. This Section applies to all satellite dish receptors used for private, non-commercial purposes in any Residence District regulated under this Ordinance.
  - b. All satellite dish receptors shall be considered structures and subject to the provisions below and to the review of the Building Inspector. The owner or occupant of the lot must obtain a building permit from the Building Inspector.
2. Zoning Regulations. Construction and/or installation of satellite dish receptors is permitted in all Residence Districts if the following requirements are met:
  - a. Satellite dish receptors constructed and/or installed under this Section must meet all the setback requirements of the Residence District in which it is located.
  - b. The height of any satellite dish receptor constructed and/or erected in any Residence District is subject to the following height restrictions. The maximum height of a satellite dish receptor under this Section is the following:
    - i. If ground-mounted, fifteen (15) feet.
    - ii. If roof-mounted, no more than six (6) feet above the roof of the main building on the lot.
  - c. No satellite dish receptor may be installed and/or constructed in the front yard of any lot or, in the case of a corner lot, in a yard facing a street.
  - d. If a usable satellite signal can be received in the rear yard and all setback requirements can be met, the satellite dish receptor must be placed in the rear yard.
  - e. If the satellite dish receptor cannot receive a usable satellite signal in the rear yard, but can receive such a signal in a side yard facing a street, the satellite dish receptor must be placed in the side yard.
  - f. If the satellite dish receptor cannot receive a usable satellite signal from either rear or side yards, it must be placed on the roof of the main building or accessory building on the lot. Attachment to the roof shall be subject to engineering calculations being prepared by a registered professional engineer

- certifying that the proposed installation is structurally sound.
- g. No advertising can be present on any satellite dish receptor constructed/installed under this Section.

#### 12.23 Commercial Radio And Television Antennas And Satellite Dish Receptors

These structures are all considered special uses in the several Commercial and Manufacturing Districts and are, therefore, subject to the approval process cited in this Subchapter.

#### 12.24 Wind Energy Systems

1. Definitions.
  - a. Tower. The monopole, freestanding, or guyed structure that supports a wind generator.
  - b. Wind Generator. Blades and associated mechanical and electrical conversion components mounted on top of the tower of a wind energy system.
2. Application. Applicants for the erection of a wind energy conversion system shall complete a planning application form. The fee that applies shall be either the Level 1, 2 or 3 site landscaping architectural review fee that can be found in Section 12.13(17). The application shall be accompanied with six (6) scaled site plans for the property to be served showing the location of the wind energy system, distance to property lines, overhead utility lines and the public right-of-way and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one (1) premises, the site plan shall show all properties to be served and the means of connection to the wind energy system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system. Energy easements shall accompany the application.

The Department of Development shall be responsible to inform all abutting property owners of the proposed wind energy system. All property owners shall be informed within ten (10) days of receiving a completed application including appropriate fees, site plans and easement information.
3. Standards. Construction and/or installation of wind energy systems shall be a permitted use in all districts if the following requirements are met.
  - a. Setbacks.
    - i. If ground-mounted. A wind tower for a wind energy system shall be setback a minimum distance of one and zero-tenths (1.0) times its total height, as measured from the base walking surface to the tip of a wind generator blade when the tip is at its highest point, from the following:
      - (1) Any public road, alley and/or public right-of-way;
      - (2) Any overhead utility lines not directly serving the premises; and,
      - (3) Any property lines.
    - ii. If roof-mounted. A wind tower for a wind energy system shall be setback a minimum of one and zero-tenths (1.0) times its height, as measured from the base to the tip of a wind generator blade when the tip is at its highest point (measured from where the base meets the roof), from the following:
      - (1) Any public road right-of-way;
      - (2) Any overhead utility lines not directly serving the premises; and,
      - (3) All property lines.
  - b. Access.
    - i. All ground-mounted electrical and control equipment shall be secured to prevent unauthorized access.
    - ii. The tower shall be designed and installed so as to not provide step

bolts or a ladder readily accessible for a minimum height of eight (8) feet above the ground.

c. Height.

- i. If ground-mounted; minimum. The height of the lowest part of the blade of a wind energy system shall be a minimum of eight (8) feet from the grade (base walking surface) at the base of the wind energy system.
- ii. If roof-mounted; minimum. The height of the lowest part of the blade of a wind energy system shall be a minimum of eight (8) feet from the base of the wind energy system (measured from where the base meets the roof).

d. Sound. A maximum of fifty (50)dB(A) as measured from the property lines. If ambient sound is greater than fifty (50) dB(A) at the property lines, then the sound produced from the wind energy system shall be no greater than five (5) dB(A) above the ambient sound level.

e. Electrical Wires. All electrical wires associated with a wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.

f. Lighting. A wind tower and generator shall not be artificially lighted unless the Federal Aviation Administration requires such lighting.

g. Appearance, Color, and Finish. The wind generator and tower shall remain painted or finished the color that was originally applied by the manufacturer.

h. Signs. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a wind energy system visible from any public road shall be prohibited.

i. Code Compliance. A wind energy system including tower shall comply with all applicable state and local building and electrical codes.

j. Automatic Over-Speed Controls. All wind energy systems shall be equipped with automatic over-speed controls to limit the blade rotation speed to within the design limits of the wind energy system.

k. Lightning Arresters. All wind energy systems shall have lightning arresters installed and properly grounded.

l. Electromagnetic Interference. Wind energy system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio-frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused subsequent to the granting of the building permit, the operator of the wind energy conversion system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.

m. Utility Notification and Interconnection. Wind energy systems that connect to the electric utility shall comply with the Public Service Commission of Wisconsin's Rule 119, "Rules for Interconnecting Distributed Generation Facilities."

4. Abandonment.

a. A wind energy system that is out-of-service for a continuous two-year period will be deemed to have been abandoned. The Building Inspector may issue a notice of abandonment to the owner of a wind energy system that is deemed to have been abandoned. The owner shall have the right to respond to the notice of abandonment within 30 days from notice receipt date. The Building Inspector shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been abandoned.

- b. If the wind energy system is determined to be abandoned, the owner of a wind energy system shall remove the wind energy system at the owner's sole expense within 30 days of receipt of notice of abandonment. If the owner fails to remove the wind energy system, the Building Inspector may pursue a legal action to have the wind energy system removed.
- 5. Violations. It is unlawful for any person to construct, install, or operate or fail to remove a wind energy system that is not in compliance with this ordinance or with any condition contained in a building permit issued pursuant to this ordinance.
- 6. Penalties. Any person, firm, corporation, or other entity convicted of a violation of this section shall, for each offense, forfeit not less than twenty-five dollars (\$25.) nor more than five hundred dollars (\$500.), together with the costs of prosecution: and in default of payment of such forfeiture and costs, by imprisonment in the Milwaukee County House of Correction until payment of the forfeiture and costs, but not in excess of the number of days set forth in section 800.095(4) of the Wisconsin Statutes.

**[Ord. No. O-2008-0056, 2/3/2009]**

Zoning District Regulations

12.30 RE Residential Estate District

The RE Residential Estate District is intended to provide areas for single-family residences in portions of the City characterized by the largest parcels of land. In the RE District, the following regulations and restrictions will apply.

- 1. Permitted Uses.
  - a. Single-family dwellings.
  - b. Public utility service structures not larger than six (6) feet tall and twenty-five (25) square feet in surface area, conditioned upon the following: **[Ord. O-2008-0006, 2/5/2008]**
    - i. Site, landscaping and screening, and architectural review of the public utility service structure and the immediate area surrounding the structure, by the Department of Development staff. Public utility service structures shall be effectively screened from any abutting lot(s) and City right-of-way by landscaping or other means, as necessary, as approved by the Department of Development staff.
      - (1) If the staff and applicant are unable to come to an agreement on the proposed location and screening, the applicant may file a request for a variance with the Plan Commission by submitting a written request to the Department of Development not less than twenty (20) days before the next regularly scheduled Plan Commission meeting. At the time that a request for a variance is made, the applicant shall pay the required fee in accordance with development review fees in Chapter 12 of the Revised Municipal Code.
    - ii. Public utility service structures shall not be located within any front yard or corner side yard on private property.
  - c. Tourist Rooming House
- 2. Site Area and Accessory Building Area. **[Ord. O-2006-0013, 4/4/2006]**
  - a. The total combined building coverage of the allowed main building, private garage(s), and accessory building(s) shall occupy no more than forty percent (40%) of the lot area of an interior lot or forty-five percent (45%) of the lot area of a corner lot.
  - b. One (1) private attached garage per dwelling unit or one (1) private detached garage per lot is permitted. **[Ord. O-2014-0036, 6/17/2014]**
  - c. One (1) storage shed is permitted per lot. **[Ord. O-2014-0036, 6/17/2014]**

- d. One (1) residential accessory building other than a private garage or storage shed is permitted per lot. **[Ord. O-2014-0036, 6/17/2014]**
  - e. There shall be a minimum of one (1) foot between detached accessory structures, and they shall not be physically connected. **[Ord. O-2014-0036, 6/17/2014]**
3. Lot Area Per Dwelling. The minimum lot area per dwelling will not be less than fifteen thousand (15,000) square feet.
  4. Lot Width. The minimum lot width will not be less than one hundred (100) feet.
  5. Front Yard. Every lot will have a front yard of not less than sixty (60) feet in depth. Overhanging eaves may encroach into the front yard to a maximum of three (3) feet.
  6. Side Yard. Every lot shall have two (2) side yards, the east and south of which will be at least twenty (20) feet in width and the north and west of which will be at least twenty (20) feet in width. In the case where a side yard adjoins a street, it will be at least sixty (60) feet in width. Overhanging roof eaves projecting not more than three (3) feet will not be considered as obstructions.
  7. Rear Yard. Every lot will have a rear yard of not less than thirty-five (35) feet.
  8. Height. Main buildings on a lot will not exceed thirty-five (35) feet in height.

### 12.31 RA-1 Residence District

The RA-1 Single Family Residence District is intended to provide areas for single-family residences in portions of the City characterized by larger parcels of land. In the RA-1 District, the following regulations and restrictions will apply:

1. Permitted Uses.
  - a. Single-family dwellings.
  - b. Public utility service structures not larger than six (6) feet tall and twenty-five (25) square feet in surface area, conditioned upon the following: **[Ord. O-2008-0006, 2/5/2008; Ord. O-2008-0031, 7/1/2008]**
    - i. Site, landscaping and screening, and architectural review of the public utility service structure and the immediate area surrounding the structure, by the Department of Development staff. Public utility service structures shall be effectively screened from any abutting lot(s) and City right-of-way by landscaping or other means, as necessary, as approved by the Department of Development staff.
      - (1) If the staff and applicant are unable to come to an agreement on the proposed location and screening, the applicant may file a request for a variance with the Plan Commission by submitting a written request to the Department of Development not less than 20 days before the next regularly scheduled Plan Commission meeting. At the time that a request for a variance is made, the applicant shall pay the required fee in accordance with Development Review fees in Chapter 12 of the Revised Municipal Code.
    - ii. Public utility service structures shall not be located within any front yard or corner side yard on private property.
  - c. Tourist Rooming House.
2. Transitional Uses. The following uses are permitted as transitional uses when established on a lot which has a side lot line adjacent to or separated by an alley from a lot in a Commercial or Manufacturing District; provided, that this lot does not extend more than seventy (70) feet from the boundary of the commercial or manufacturing district. If the Common Council issues a permit, this seventy (70) foot restriction may be extended to the width of one (1) additional lot which shares a side lot line with a lot having a transitional use. In issuing this permit to extend the transitional area, the Common Council will conduct a public hearing after a notice of the hearing has been published in the official City newspaper once each week for two (2) successive weeks

with seven (7) days expiring after the last publication. The permit will be issued only after the Common Council has determined that the use will not adversely affect the public health, safety and welfare. The following shall be considered transitional uses in the RA-1 Zoning District.

- a. Two (2) family detached dwellings, provided that there is at least two thousand five hundred (2,500) square feet of lot area for each dwelling unit.
  - b. Parking lots, conforming with the provisions of this Subchapter, and accessory to a business or commercial use located within three hundred (300) feet, but not a parking lot operated as a separate commercial enterprise.
3. Special Uses.
- a. Public and private educational institutions, provided any principal building is located thirty (30) feet or more from any other lot in the Residence District and specifically including the following:
    - i. Elementary schools.
    - ii. Junior and senior high schools.
    - iii. Vocational and/or trade schools.
    - iv. Colleges and Universities.
  - b. Public school buildings used by the School Board for storage of educational materials, in-service training of teachers and staff, school administration offices or any other similar related educational purpose, including offices for State educational agencies providing services for local School Districts, when any such building is not used by the School Board for educational purposes.
  - c. Religious institutions located twenty (20) feet or more from any other lot in the Residence District, specifically including the following:
    - i. Churches, chapels, temples of worship and synagogues.
    - ii. Seminaries, monasteries and religious retreat centers.
    - iii. Rectories, convents and parish houses.
  - d. Public recreation and social facilities, provided any principal building is located thirty (30) feet or more from any other lot in the Residence District.
  - e. Public utility service structures larger than six (6) feet tall and twenty-five (25) square feet in surface area (excluding antenna towers for radio, TV and television, and telephone transmission), electric substations, water pumping stations and other similar uses. **[Ord. O-2008-0006, 2/5/2008]**
  - f. Homes for the aged and nursing, rest or convalescent homes which are not intended to serve as treatment centers for contagious diseases or for drug or alcohol abuse.
  - g. Day care centers and senior day care centers licensed under the provisions of the Wisconsin Statutes.
  - h. Community housing for the elderly in which communal dining and recreation facilities are provided. Elderly is defined as those persons who are sixty-two (62) years old or older and occupants of said housing.
  - i. Bed and breakfast
4. Site Area and Accessory Building Area. **[Ord. O-2006-0013, 4/4/2006]**
- a. The total combined building coverage of the allowed main building, private garage(s), and accessory building(s) shall occupy no more than forty percent (40%) of the lot area of an interior lot or forty-five percent (45%) of the lot area of a corner lot.
  - b. One (1) private attached garage per dwelling unit or one (1) private detached garage per lot is permitted. **[Ord. O-2014-0036, 6/17/2014]**
  - c. One (1) storage shed is permitted per lot. **[Ord. O-2014-0036, 6/17/2014]**
  - d. One (1) residential accessory building other than a private garage or storage shed is permitted per lot. **[Ord. O-2014-0036, 6/17/2014]**
  - e. There shall be a minimum of one (1) foot between detached accessory structures, and they shall not be physically connected. **[Ord. O-2014-0036, 6/17/2014]**

5. Lot Area Per Dwelling. Except as may be provided elsewhere for a specific permitted or special use, the minimum lot area per dwelling will not be less than ten thousand (10,000) square feet.
6. Lot Width. Except as may be provided elsewhere for a specific permitted or special use, the minimum lot width will not be less than seventy-five (75) feet.
7. Front Yard. Every lot will have a front yard not less than thirty (30) feet in depth. Overhanging eaves may encroach into the front yard to a maximum of three (3) feet.
8. Side Yards. Every lot shall have two (2) side yards, the east and south of which will be at least twelve (12) feet in width and the north and west of which will be at least eight (8) feet in width. In the case where a side yard adjoins a street, it will be at least thirty (30) feet in width. Overhanging roof eaves projecting not more than three (3) feet will not be considered as obstructions.
9. Rear Yard. Every lot will have a rear yard of not less than thirty (30) feet, except in the case of a corner lot where the rear yard will not be less than twenty-five (25) feet.
10. Height. Main buildings on a lot will not exceed thirty-five (35) feet in height.

#### 12.32 RA-2 Residence District

The RA-2 Single-Family Residence District is primarily intended to accommodate existing single family neighborhoods which are characterized by smaller lots than are required in the RA-1 District. The following provisions, regulations and restrictions will apply within this Zoning District:

1. Permitted Uses. Those uses permitted in the RA-1 Residence District.
2. Transitional Uses. Any transitional use permitted in the RA-1 Residence District.
3. Special Uses. Those special uses permitted in the RA-1 Residence District.
4. Site Area and Accessory Building Area. **[Ord. O-2006-0013, 4/4/2006]**
  - a. The total combined building coverage of the allowed main building, private garage(s), and accessory building(s) shall occupy no more than forty percent (40%) of the lot area of an interior lot or forty-five percent (45%) of the lot area of a corner lot.
  - b. One (1) private attached garage per dwelling unit or one (1) private detached garage per lot is permitted. **[Ord. O-2014-0036, 6/17/2014]**
  - c. One (1) storage shed is permitted per lot. **[Ord. O-2014-0036, 6/17/2014]**
  - d. One (1) residential accessory building other than a private garage or storage shed is permitted per lot. **[Ord. O-2014-0036, 6/17/2014]**
  - e. There shall be a minimum of one (1) foot between detached accessory structures, and they shall not be physically connected. **[Ord. O-2014-0036, 6/17/2014]**
5. Lot Area Per Dwelling. Except as may be provided elsewhere for a specific permitted or special use, the minimum lot area per dwelling will not be less than seven thousand two hundred (7,200) square feet.
6. Lot Width. Except as may be provided elsewhere for a specific permitted or special use, the minimum lot width will not be less than sixty (60) feet.
7. Front Yards. Every lot will have a front yard not less than twenty-five (25) feet in depth. Overhanging roof eaves projecting not more than three (3) feet will not be considered as obstructions.
8. Side Yards. Every lot shall have two (2) side yards, the east and south of which will be at least ten (10) feet in width and the north and west of which will be at least five (5) feet in width. In the case where a side yard adjoins a street, it will be not less than twenty-five (25) feet in width. Overhanging roof eaves projecting not more than two (2) feet will not be considered as obstructions.
9. Rear Yard. Every lot will have a rear yard of not less than thirty (30) feet, except in the case of a corner lot where the rear yard will not be less than twenty-five (25) feet.
10. Height. Main buildings on a lot will not exceed thirty-five (35) feet in height.

### 12.33 RA-3 Residence District

The RA-3 Single-Family Residence District is primarily intended to accommodate single family neighborhoods which are characterized by smaller lots than those required in the RA-1 and RA-2 Districts. The following provisions, regulations and restrictions will apply in this Zoning District:

1. Permitted Uses. Those uses permitted in the RA-2 Residence District.
2. Transitional Uses. Any transitional use permitted in the RA-2 Residence District.
3. Special Uses. Those special uses permitted in the RA-2 Residence District.
4. Site Area and Accessory Building Area. **[Ord. O-2006-0013, 4/4/2006]**
  - a. The total combined building coverage of the allowed main building, private garage(s), and accessory building(s) shall occupy no more than forty percent (40%) of the lot area of an interior lot or forty-five percent (45%) of the lot area of a corner lot.
  - b. One (1) private attached garage per dwelling unit or one (1) private detached garage per lot is permitted. **[Ord. O-2014-0036, 6/17/2014]**
  - c. One (1) storage shed is permitted per lot. **[Ord. O-2014-0036, 6/17/2014]**
  - d. One (1) residential accessory building other than a private garage or storage shed is permitted per lot. **[Ord. O-2014-0036, 6/17/2014]**
  - e. There shall be a minimum of one (1) foot between detached accessory structures, and they shall not be physically connected. **[Ord. O-2014-0036, 6/17/2014]**
5. Lot Area Per Dwelling. Except as may be provided elsewhere for a specific permitted or special use, the minimum lot area per dwelling will not be less than five thousand (5,000) square feet.
6. Lot Width. Except as may be provided elsewhere for a specific permitted or special use, the minimum lot width will not be less than fifty (50) feet.
7. Front Yards. Every lot will have a front yard not less than twenty (20) feet in depth. Overhanging roof eaves projecting not more than three (3) feet will not be considered as obstructions.
8. Side Yards. Every lot shall have two (2) side yards, the east and south of which will be not less than eight (8) feet in width and the north and west of which will be not less than four (4) feet in width. In the case where a side yard adjoins a street, it will be not less than twenty (20) feet in width. Overhanging roof eaves projecting not more than one (1) foot will not be considered as obstructions.
9. Rear Yard. Every lot will have a rear yard of not less than thirty (30) feet in depth, except in the case of a corner lot where the rear yard will not be less than twenty-five (25) feet.
10. Height. Main buildings on a lot will not exceed thirty-five (35) feet in height.

### 12.34 RA-4 Residence District

The RA-4 Single-Family Residence District is primarily intended to accommodate existing single family neighborhoods which are characterized by smaller lots than those required in the other single family Residence Zoning Districts. It is specifically intended for areas of the City designated as Class "A" under the preceding City Zoning Ordinance. It is intended that areas under this District will not be extended into other parts of the City. The following provisions, regulations and restrictions will apply in this Zoning District.

1. Permitted Uses. Those uses permitted in the RA-3 Residence District.
2. Special Uses. Those special uses permitted in the RA-3 Residence District.
3. Site Area and Accessory Building Area. **[Ord. O-2006-0013, 4/4/2006]**
  - a. The total combined building coverage of the allowed main building, private garage(s), and accessory building(s) shall occupy no more than forty percent (40%) of the lot area of an interior lot or forty-five percent (45%) of the lot

- area of a corner lot.
- b. One (1) private attached garage per dwelling unit or one (1) private detached garage per lot is permitted. **[Ord. O-2014-0036, 6/17/2014]**
  - c. One (1) storage shed is permitted per lot. **[Ord. O-2014-0036, 6/17/2014]**
  - d. One (1) residential accessory building other than a private garage or storage shed is permitted per lot. **[Ord. O-2014-0036, 6/17/2014]**
  - e. There shall be a minimum of one (1) foot between detached accessory structures, and they shall not be physically connected. **[Ord. O-2014-0036, 6/17/2014]**
4. Lot Area Per Dwelling. The minimum lot area per dwelling will not be less than forty-eight hundred (4,800) square feet, except that single family dwellings may be erected on any lot in this Zoning District with a lot area of less than four thousand eight hundred (4,800) square feet if that lot was platted and recorded prior to the adoption of this Subchapter.
  5. Lot Width. The minimum lot width will not be less than forty (40) feet, except that a single family dwelling in this Zoning District may have a width of less than forty (40) feet if that lot was platted and recorded prior to the adoption of this Subchapter.
  6. Front Yard. Every lot will have a front yard not less than twenty (20) feet in depth; however, where any lots fronting on one side of a block are presently developed, or hereafter developed, and have front yards with depths of more than twenty (20) feet from the front lot line no main building hereafter erected or structurally altered shall project beyond the setback line so established. This Section will not be interpreted in any way so as to require a setback of more than forty (40) feet. Existing, unenclosed, covered porches may be reconstructed so as to extend into the required front yard, provided the reconstructed porch does not extend beyond the original porch limits; and, provided further, that no porch may be reconstructed within five (5) feet of the front lot line. Additionally, these existing open porches may be enclosed; provided, the enclosure of the porch above the guard rails and below the roof line are totally undertaken with windows or wire mesh screens and the porch may not be used for lodging purposes. Overhanging roof eaves projecting not more than three (3) feet will not be considered as obstructions.
  7. Side Yard. **[Ord. O-2003-0014, 2/18/2003]**
    - a. Every lot shall have two (2) side yards, the east and south of which will be not less than seven (7) feet in width and the north and west of which will be not less than three (3) feet in width; provided, however, that any lot having a width of forty (40) feet or less, which was platted and recorded prior to the passage of this subchapter shall have no side yard less than three (3) feet in width.
    - b. In the case of a lot where the side yard adjoins a street, that side yard shall be at least the minimum width established by the existing main buildings on that side of the street or that width required in paragraph (a) above, whichever is greater. For lots platted and recorded prior to the passage of this subchapter which are forty (40) feet or less in width but thirty (30) feet or more in width, a main building and a detached accessory garage of twenty-four (24) feet are permitted, however, all other bulk requirements must be met.
    - c. Overhanging roof eaves projecting not more than one (1) foot will not be considered as obstructions.
  8. Rear Yard. Every lot will have a rear yard with a depth not less than fifteen percent (15%) of the depth of the lot but not less than ten (10) feet.
  9. Height. Main buildings on a lot will not exceed thirty-five (35) feet in height.

#### 12.35 RB-1 Residence District

The RB-1 Residence District is intended to provide areas of the City which are substantially occupied by single and two (2) family dwelling units. It is designed to accommodate limited apartment dwellings while maintaining a lower density "owner-occupied" character.

1. Permitted Uses.
  - a. Those uses permitted in the RA-4 Residence District.
  - b. Two (2) family dwellings.
2. Transitional Uses. The following are permitted as transitional uses when established on a lot, the side lot of which adjoins or as separated only by an alley from a lot in a Commercial or Manufacturing District; provided, that the lot on which the transitional use is located does not extend more than eighty (80) feet from the boundary of such Commercial or Manufacturing District: **[Ord. 6574, 6/5/2001]**
  - a. Any transitional use permitted in the RA-3 District.
  - b. Multiple family dwellings, provided they meet the bulk requirements of the RC-1 Residence District.
3. Special Uses. Those special uses permitted in the RA-4 Residence District.
4. Site Area and Accessory Building Area. **[Ord. O-2006-0013, 4/4/2006]**
  - a. The total combined building coverage of the allowed main building, private garage(s), and accessory building(s) shall occupy no more than forty percent (40%) of the lot area of an interior lot or forty-five percent (45%) of the lot area of a corner lot.
  - b. One (1) private attached garage per dwelling unit or one (1) private detached garage per lot is permitted. **[Ord. O-2014-0036, 6/17/2014]**
  - c. One (1) storage shed is permitted per lot. **[Ord. O-2014-0036, 6/17/2014]**
  - d. One (1) residential accessory building other than a private garage or storage shed is permitted per lot. **[Ord. O-2014-0036, 6/17/2014]**
  - e. There shall be a minimum of one (1) foot between detached accessory structures, and they shall not be physically connected. **[Ord. O-2014-0036, 6/17/2014]**
5. Lot Area Per Dwelling Unit. There shall be a minimum of two thousand five hundred (2,500) square feet of lot area for each dwelling unit.
6. Lot Width. The lot width shall not be less than sixty (60) feet per dwelling unit.
7. Front Yard. Every lot shall have a front yard of not less than twenty (20) feet in depth. Overhanging roof eaves projecting not more than two (2) feet will not be considered an obstruction. **[Ord. O-2006-0013, 4/4/2006]**
8. Side Yards. There shall be on every lot occupied by a one- or two-family dwelling, two (2) side yards, the east and south of which shall be at least eight (8) feet wide and the north and west of which shall be at least four (4) feet wide, except where a side yard adjoins a street, it shall be at least twenty (20) feet wide. Overhanging roof eaves projecting not more than two (2) feet will not be considered as obstructions. **[Ord. O-2006-0013, 4/4/2006]**
9. Rear Yard. Every lot shall have a rear yard of not less than thirty (30) feet in depth.
10. Height. Main buildings on a lot will not exceed thirty-five (35) feet in height.

#### 12.36 RB-2 Residence District

The RB-2 Residence District is intended to provide areas in the City for single-family, two-family and limited multifamily residential uses.

1. Permitted Uses.
  - a. Those uses permitted in the RB-1 Residence District.
  - b. Multiple-family dwellings, containing not more than four (4) dwelling units.
  - c. Tourist Rooming House, conditioned upon the following:
    - i. The structure is a single or two-family residence, or a multi-family containing not more than 4 dwelling units.
2. Transitional Uses. Any transitional use permitted within the RB-1 Residence District.

- 3. Special Uses.
  - a. Those special uses permitted in the RB-1 Residence District.
  - b. Multifamily dwellings containing more than four (4) dwelling units.
- 4. Lot Area. The minimum lot area shall not be less than three thousand six hundred (3,600) square feet.
- 5. Lot Width. The minimum lot width shall not be less than thirty (30) feet.
- 6. Bulk Requirements.
  - a. Two (2) to four (4) Dwelling Units.

<b>Lot Type</b>	<b>Square Feet per Dwelling Unit</b>
Interior lot	1,800
Corner lot	1,500

- b. Five (5) or more Dwelling Units.

<b>Bedroom Type</b>	<b>Square Feet per Dwelling Unit</b>
0	1,000
1	1,500
2 or more	2,000

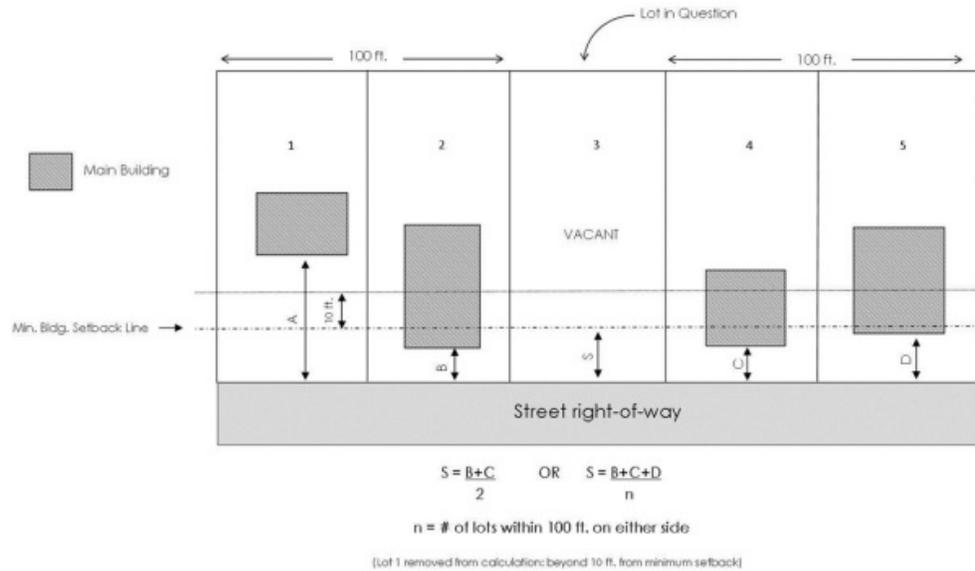
- 7. Lot Coverage.
  - a. Main Building, Private Garage(s) and Accessory Building(s).

<b>Lot Type</b>	<b>Combined Coverage Area</b>
Interior lot	40%
Corner lot	45%

- i. This shall not be interpreted to disallow one- and two-family buildings from having a private garage of not more than four hundred eighty-four (484) square feet.

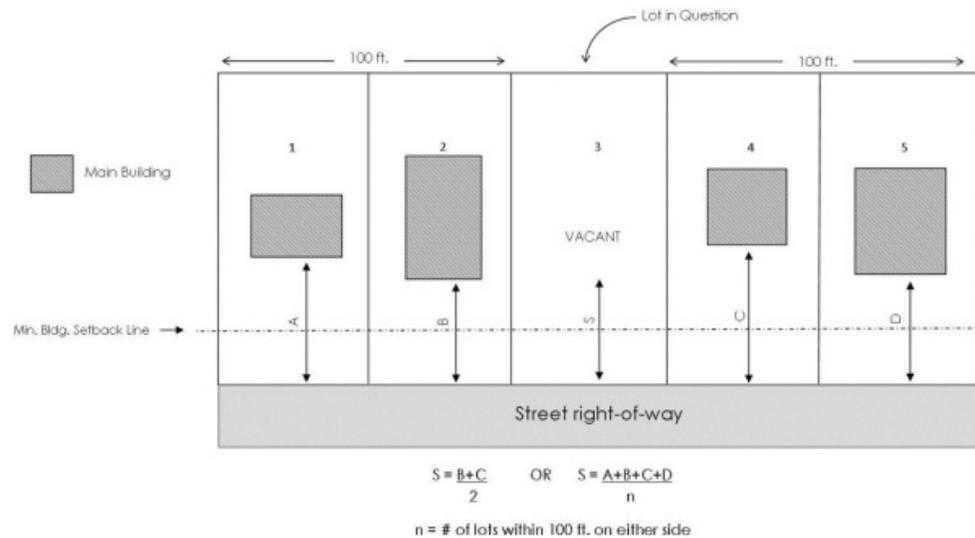
- 8. Accessory Buildings.
  - a. One (1) attached private garage per dwelling unit or one (1) detached private garage per lot is permitted per lot.
  - b. One (1) storage shed is permitted per lot.
  - c. One (1) residential accessory structure is permitted per lot.
  - d. There shall be a minimum of one (1) foot between detached accessory structures and they shall not be physically connected.
- 9. Front Yard. Every lot shall have a front yard not less than twenty (20) feet in depth; however:
  - a. If the average front yard setback of existing buildings is less than the required minimum, then the minimum front yard setback may be the average of the existing front yard setbacks within that distance; or
    - i. Calculating the average. The average front yard setback shall be calculated based on existing buildings on either side of a lot or buildings on either side of a lot within a distance of one hundred (100) feet of the lot line of the proposed building; fronting on the same side of the same street in the same block; within the same zoning district; and, not more than ten (10) feet beyond the required minimum setback.

**Method of Computing Minimum Building Setback in a Developed Block**



- b. If the average front yard setback of existing buildings is more than the required minimum, then the average shall be the minimum front yard setback.
  - i. Calculating the average. The average front yard setback shall be calculated based on existing buildings on either side of a lot or buildings on either side of a lot within a distance of one hundred (100) feet of the lot line of the proposed building; fronting on the same side of the same street in the same block; within the same zoning district. This section shall not be interpreted in any way so as to require a setback of more than forty (40) feet.

**Method of Computing Minimum Building Setback in a Developed Block**



- 10. Side Yard.
  - a. Every lot shall have two (2) side yards.

<b>Side Yard</b>	<b>Required Setback (feet)</b>
East or south	Not less than 7
North or west	Not less than 3

- i. However, any lot having a width of forty (40) feet or less shall have no side yard less than three (3) feet in width.
  - b. In the case of a lot where the side yard adjoins a street, that side yard shall be at least the minimum width established by the existing main buildings on that side of the street or that width required in 12.36(10)(a), whichever is greater.
11. Rear Yard. Every lot shall have a rear yard with a depth not less than fifteen percent (15%) of the depth of the lot, but not less than ten (10) feet.
12. Height. Main buildings on a lot shall not exceed thirty-five (35) feet in height.

**[Ord. 6574, 6/5/2001; Ord. 6647, 12/17/2002; Ord. O-2003-0014, 2/18/2003; Ord. O-2006-0013, 4/4/2006; Ord. O-2007-0017, 6/5/2007; Ord. O-2014-0036, 6/17/2014]**

12.37 RC-1 Residence District

The purpose of the RC-1 Residence District is to provide areas in the City for lower density multifamily development.

- 1. Permitted Uses. **[Ord. O-2003-0062, 9/2/2003]**
  - a. Single- and two-family residence in accordance with the bulk requirements in RA-3 Residence District.
  - b. Multifamily dwellings. [See Section 12.10(2) for other bulk requirements for accessory buildings.] **[Ord. O-2006-0013, 4/4/2006]**
  - c. Public utility service structures not larger than six (6) feet tall and twenty-five (25) square feet in surface area, conditioned upon the following: **[Ord. O-2008-0006, 2/5/2008; Ord. O-2008-0031, 7/1/2008]**
    - i. Site, landscaping and screening, and architectural review of the public utility service structure and the immediate area surrounding the structure, by the Department of Development staff. Public utility service structures shall be effectively screened from any abutting lot(s) and City right-of-way by landscaping or other means, as necessary, as approved by the Department of Development staff; and
      - (1) If the staff and applicant are unable to come to an agreement on the proposed location and screening, the applicant may file a request for a variance with the Plan Commission by submitting a written request to the Department of Development not less than twenty (20) days before the next regularly scheduled Plan Commission meeting. At the time that a request for a variance is made, the applicant shall pay the required fee in accordance with Development Review fees in Chapter 12 of the Revised Municipal Code.
    - ii. Public utility service structures shall not be located within any front yard or corner side yard on private property.
  - d. Tourist Rooming House, conditioned upon the following:
    - i. The structure is a single or two-family residence, or a mixed-use or multifamily containing not more than 4 dwelling units.
- 2. Transitional Uses. Those transitional uses permitted in the RA-1 Residence District.
- 3. Special Uses.
  - a. Those special uses permitted in the RB-1 Residence District.
  - b. Boarding and rooming houses.

- c. Libraries, museums and public art galleries.
- d. Private, non-profit clubs and lodges, social or recreational buildings located twenty (20) feet or more from any other lot in a Residence District.
- e. Hospitals.
- f. Mixed uses.
- g. The following uses are special uses requiring Common Council approval. The bulk requirements for special use will be established by the Common Council.  
**[Ord. O-2006-0013, 4/4/2006]**

- 4. Floor Area Ratio. The floor area ratio on a lot in the RC-1 Residence District shall not exceed 1.2.
- 5. Land Area Per Dwelling Unit. For multi-family dwellings, there will be provided a minimum of two thousand (2,000) square feet of land area for each dwelling unit of two (2) bedrooms or more; one thousand five hundred (1,500) square feet of land area for each dwelling unit with one bedroom; and, one thousand (1,000) square feet of land area for each dwelling unit with no bedrooms. For single-family dwellings, except as may be provided elsewhere for a specific permitted or special use, the minimum lot area per dwelling will not be less than five thousand (5,000) square feet.
- 6. Front Yard. Every lot will have a front yard not less than twenty (20) feet in depth. Overhanging roof eaves projecting not more than three (3) feet will not be considered as obstructions.
- 7. Side Yards. Every lot shall have two (2) side yards, the east and south of which shall be at least ten (10) feet wide and the north and west of which shall be at least ten (10) feet wide; except, where a side yard adjoins a street, it shall be at least twenty (20) feet in width. Overhanging roof eaves projecting not more than two (2) feet will not be considered as obstructions.
- 8. Rear Yards. Every lot will have a rear yard of not less than thirty (30) feet in depth.

12.38 RC-2 Residence District

The purpose of the RC-2 Residence District is to provide areas within the City for the densest residential development permitted under the terms of this Subchapter.

- 1. Permitted Uses. Those uses permitted in the RC-1 Residence District.
- 2. Transitional Uses. Those transitional uses permitted in the RC-1 Residence District.
- 3. Special Uses.
  - a. Those special uses permitted in the RC-1 Residence District.
  - b. Apartment Hotels.
- 4. Floor Area Ratio. The floor area ratio on a lot in the RC-2 Residence District shall not exceed 1.8.
- 5. Land Area Per Dwelling Unit. There shall be a minimum of eight hundred (800) square feet of land area for each dwelling unit of two bedrooms or more; six hundred (600) square feet of land area for each one bedroom dwelling unit; and, four hundred (400) square feet of land area for each dwelling unit with no bedrooms.
- 6. Front, Side and Rear Yards. The front, side and rear yard requirements in the RC-1 Residence District shall apply to the RC-2 Residence District.

12.39 (Reserved)

12.40 C-1 Central Business District

The C-1 Central Business District is intended to accommodate those retail and office uses which are characteristic of the unique shopping streets of the "downtown" area of the City, and discourage uses which detract from, or are incompatible with, pedestrian, shopping and service oriented traffic, such as manufacturing or wholesale distribution uses.

- 1. Permitted Uses.

- a. Barbers and beauty shops.
- b. Books and stationary stores.
- c. Bridal and wedding salons.
- d. Camera stores and photographic equipment sales and services.
- e. Clothing stores.
- f. Computer and computer software sales and service.
- g. Costume rental stores.
- h. Curtains and draperies sales.
- i. Drug stores.
- j. Electronic equipment sales and service.
- k. Employment agencies and offices conditioned upon the following: **[Ord. O-2005-0022, 5/17/2005]**
  - i. Transportation for temporary employees shall not be provided by, or on behalf of, the employment agency from the agency or office to the work site.
  - ii. Employees shall not report to the employment agency or office for work assignments. The employees shall report directly to the work site assigned. Applicants for employment shall not be allowed to use public property as a waiting area.
  - iii. Restroom facilities adequate for applicants shall be provided on site.
- l. Financial institutions without drive-through facilities, except check-cashing businesses as defined in Section 9.32. **[Ord. O-2006-0061, 10/17/2006]**
- m. Florist shops.
- n. Hardware stores.
- o. Hobby or gift stores.
- p. Home improvement, furnishings, appliances and accessory sales. **[Ord. O-2003-0028, 4/2/2003]**
- q. Jewelry stores.
- r. Keymaking and locksmithing stores.
- s. Laundry and dry cleaning — pick up only.
- t. Leather goods sales.
- u. Luggage stores.
- v. Millinery shops.
- w. Tattoo and/or body piercing establishments. **[Ord. O-2016-0020, 5/3/2016]**

Editor's Note: Former Subsection (1)(w), which set forth liquor stores as a permitted use, was repealed 5-20-2014 by Ord. O-2014-0022.

- x. Office supply stores.
- y. Offices; business, professional and governmental. **[Ord. O-2015-0001, 1/20/2015]**
- z. Medical clinics. **[Ord. O-2015-0001, 1/20/2015]**
- aa. Photography studios and film developing.
- ab. Post offices.
- ac. Printing services; blueprinting and photocopying.
- ad. Restricted productions and repair, limited to the following: artwork; clothing custom manufacturing and alterations, for retail only; hearing aid devices; jewelry from precious metals; watches; dentures; and optical lenses.
- ae. Sewing machine sales and service.
- af. Shoe sales and repair stores.
- ag. Small appliance sales and service.
- ah. Specialty stores including arts and crafts and related uses.
- ai. Sporting goods stores.
- aj. Tobacco retailers. **[Ord. 6279, 12/17/1996; Ord. O-2016-0032, 7/5/2016]**
  - i. No tobacco retailer shall be located within one thousand (1,000) feet of parcels occupied by the following uses:

- (1) A public or private kindergarten, elementary, junior high or high school;
  - (2) Libraries;
  - (3) Zoned parkland; or
  - (4) Another tobacco retailer or establishment licensed to sell any tobacco product or tobacco paraphernalia as defined within Section 12.06.
- ak. Trophy and award sales.
- al. Resale stores. **[Ord. O-2007-0026, 8/7/2007 (repeal and recreate); Ord. O-2015-0029, 5/7/2015]**
- am. Videotape sales and rental.
- an. Places of assembly including clubs, lodges, meeting halls and theaters, limited to a maximum of up to five thousand (5,000) square feet of building area and subject to the provisions of Sec. 9.28 of the Revised Municipal Code. **[Ord. 6415, 1/5/1999; Ord. O-2007-0027, 8/7/2007 repeal; Ord. O-2011-0083, 1/3/2012 add; Ord. O-2013-0013, 3/5/2013]**
- ao. Day-care facilities. **[Ord. 6618, 6/18/2002]**
- ap. Tanning and toning salons. **[Ord. O-2005-022, 5/17/2005]**
- aq. Public utility service structures not larger than six (6) feet tall and twenty-five (25) square feet in surface area, conditioned upon the following: **[Ord. O-2008-0006, 2/5/2008; Ord. O-2008-0031, 7/1/2008]**
- i. Site, landscaping and screening, and architectural review of the public utility service structure and the immediate area surrounding the structure, by the Department of Development staff. Public utility service structures shall be effectively screened from any abutting lot(s) and City right-of-way by landscaping or other means, as necessary, as approved by the Department of Development staff; and
    - (1) If the staff and applicant are unable to come to an agreement on the proposed location and screening, the applicant may file a request for a variance with the Plan Commission by submitting a written request to the Department of Development not less than twenty (20) days before the next regularly scheduled Plan Commission meeting. At the time that a request for a variance is made, the applicant shall pay the required fee in accordance with development review fees in Chapter 12 of the Revised Municipal Code.
  - ii. Public utility service structures shall not be located within any front yard or corner side yard on private property.
- ar. Grocery stores. **[Ord. O-2015-0002, 1/6/2015]**
- as. Instruction and/or training facility, small. **[Ord. O-2017-0007, 2/23/2017]**
- at. Art galleries. **[Ord. O-2017-0050, 11/21/2017]**
- au. Tourist Rooming House, conditioned upon the following:
- i. The structure is a single or two-family residence, or a mixed-use or multifamily containing not more than 4 dwelling units.
- av. Taverns and cocktail lounges.
2. Special Uses.
- a. Any permitted use with drive-through facilities, except check-cashing businesses as defined in Section 9.32. **[Ord. O-2006-0061, 10/17/2006]**
  - b. Food production, limited. **[Ord. O-2015-0002, 1/6/2015]**
  - c. Massage Therapy. **[Ord. O-2017-0044, 10/17/2017]**
- Editor's Note: Former Subsection (2)(c), Candy and ice cream stores, was repealed 1/6/2015 by Ord. O-2015-0002.
- d. Department stores.
  - e. Hotels and motels.

- f. Laundries and dry cleaners.
  - g. Mixed residential and commercial uses.
  - h. Multiple family developments.
  - i. Restaurants.
  - j. Retirement homes and communities.
  - k. Instruction and/or training facility. **[Ord. O-2017-0007, 2/23/2017]**
  - l. [Reserved]
  - m. Community living arrangements as licensed under Sec. 46.22 of Wisconsin Statutes **[Ord. 6501, amend, 2/15/2000]**
  - n. Printing, commercial. **[Ord. 6522, amend, 6/6/2000]**
  - o. Outdoor dining areas for "food establishments" under Section 7.04(1)(c). **[Ord. 6568, 5/15/2000]**
  - p. Indoor recreation facilities including the following: **[Ord. O-2003-0040, 6/17/2003]**
    - i. Indoor driving range and batting cages.
    - ii. Indoor volleyball courts.
    - iii. Indoor basketball courts.
    - iv. Indoor bowling alleys.
    - v. Game centers and tournament facilities (not arcades as regulated in Section 9.037 of the Revised Municipal Code).
  - q. Radio and television stations. **[Ord. O-2003-0044, 6/17/2003]**
  - r. Athletic, health clubs. **[Ord. O-2005-0022, 5/17/2005; Ord. O-2015-0001, 1/20/2015]**
  - s. Museums. **[Ord. O-2008-0023, 5/20/2008]**
  - t. Places of assembly including clubs, lodges, meeting halls and theaters, greater than five thousand (5,000) square feet of building area and subject to the provisions of Sec. 9.28 of the Revised Municipal Code. **[Ord. O-2011-0083, 1/3/2012; Ord. O-2013-0013, 3/5/2013]**
  - u. Collocation/attachment of telecommunication equipment to existing structures. **[Ord. O-2012-0036, 9/18/2012]**
  - v. Animal grooming. **[Ord. O-2015-0016, 3/3/2015]**
  - w. Pet shops. **[Ord. O-2015-0016, 3/3/2015]**
  - x. Veterinary clinics. **[Ord. O-2015-0016, 3/3/2015]**
3. Required Conditions.
- a. Dwelling units are not permitted below the second floor.
  - b. All businesses, servicing or processing, storage or merchandise display, except off-street parking or off-street loading, shall be conducted within completely enclosed buildings.
  - c. Establishments of the "drive-in" type, offering goods or services directly to customers waiting in parked motor vehicles, are not permitted unless specifically authorized herein.
  - d. Multi-family dwellings will comply with the bulk regulations of the RC-2 District.
  - e. Outdoor Storage. Outdoor storage, display or repair shall not be permitted. **[Ord. O-2003-0028, 4/2/2003]**
  - f. Commercial Vehicles. A maximum of two commercial vehicles may be associated with a use. Open vehicles, utility trucks, trailers and similar vehicles shall not be permitted. **[Ord. O-2003-0028, 4/2/2003]**
  - g. Interior Storage Spaces. A maximum of 25% of a businesses interior floor area may be used for general wholesale, warehousing and storage. Such areas shall not be visible from the exterior of the building. **[Ord. O-2003-0028, 4/2/2003]**
  - h. Interior Spaces. Interior walls parallel to window glazing shall be not less than 6 feet from the plane of the window glazing. **[Ord. O-2003-0028, 4/2/2003]**
  - i. Display Racks and Fixtures. Display racks within 4 feet of a window shall be open-backed and shall not obscure more than 50% of the glazing area. **[Ord.**

**O-2003-0028, 4/2/2003]**

- j. Window Coverings. Operable interior window coverings may be used. Such coverings include, but are not limited to, blinds and draperies. No window covering may be permanently affixed or adhered to the window such that the window becomes permanently opaque. **[Ord. O-2003-0028, 4/2/2003]**
  - k. Site Plan. A site, landscaping and screening plan in accordance with Section 12.13 of the Revised Municipal Code shall be required when commercial vehicles are associated with a use. **[Ord. O-2003-0028, 4/2/2003]**
  - l. All business establishments shall contain on-site retail or be service establishments dealing directly with consumers. **[Ord. O-2015-0002, 1/6/2015]**
  - m. Outdoor animal holding areas shall not be allowed. **[Ord. O-2015-0016, 3/3/2015]**
- 4. Floor Area Ratio. The floor area ratio shall not exceed 2.0.
  - 5. Yard Requirements. The C-1 District shall have no yard requirements.
  - 6. Off-Street Parking and Loading Requirements. Off-street parking and loading facilities shall be provided in accordance with Section 12.19 of this subchapter. Credit shall be given to day-care uses for use of public off-street parking spaces located within the C-1 Central Business District. **[Ord. 6618, 6/18/2002]**

12.41 C-2 Neighborhood Commercial District

The C-2 Neighborhood Commercial District is intended to provide convenience shopping in close proximity for persons residing in nearby residential areas, by allowing only such uses as are necessary to satisfy basic shopping needs which occur daily or frequently. Normally these uses attract little vehicular traffic and are compatible with residential areas.

- 1. Permitted Uses.
  - a. Single and two (2) family residences on lots platted or recorded prior to the adoption of this ordinance and meeting the minimum requirements of the RB-2 Residence District.
  - b. Assembly and repair of products accessory to permitted office uses. Assembly and repair area limited to five thousand (5,000) square feet of floor area.
  - c. Barber/beauty shops.
  - d. Bicycle sales, rental and repair shops.
  - e. Book and stationery stores.
  - f. Clothing stores.
  - g. Custom dressmaking shops.
  - h. Drug stores.
  - i. Dry cleaning and laundry receiving stations, processing to be done elsewhere.
  - j. Electronic equipment sales and service.
  - k. Fabric stores.
  - l. Financial institutions except check cashing businesses as defined in Section 9.32. **[Ord. 6380, 4/21/1999; Ord. O-2006-0061, 10/17/2006]**
  - m. Florist shops.
  - n. Grocery stores. **[Ord. O-2015-0002, 1/6/2015]**
  - o. Furniture upholstery, refinishing and repair shops.
  - p. Gift shops.
  - q. Gun ranges, indoor.
  - r. Hardware stores.
  - s. Hobby and gift stores.
  - t. Laundromats, automatic self-service only (or hand laundry).
  - u. Printing, commercial. **[Ord. O-2017-0043, 10/3/2017]**

Editor's Note: Former Subsection (1)(u), which set forth liquor stores

(packaged liquor) as a permitted use, was repealed 3-21-2017 by Ord. O-2017-0016.

- v. Offices; business, professional and governmental. [**Ord. O-2015-0001, 1/20/2015**]
- w. Office supply stores.
- x. Medical clinics. [**Ord. O-2015-0001, 1/20/2015**]
- y. Pet shops. [**Ord. O-2015-0016, 3/3/2015**]
- z. Post Office.
- aa. Animal grooming. [**Ord. O-2005-0022, 5/17/2005; Ord. O-2015-0016, 3/3/2015**]
- ab. Shoe, clothing and hat repair.
- ac. Shoe stores.
- ad. Sporting goods shops.
- ae. Tailor shops.
- af. Resale stores. [**Ord. O-2007-0026, 8/7/2007 (repeal and recreate); Ord. O-2015-0029, 5/7/2015**]
- ag. Videotape sales and rental.
- ah. Tattoo and/or body piercing establishments. [**Ord. O-2016-0020, 5/3/2016**]

Editor's Note: Former Subsection (1)(hh), Catering establishments, added 2/4/1997 by Ord. 6288, was repealed 1/6/2015 by Ord. O-2015-0002.

- ai. Music stores, including instrument sales and service. [**Ord. 6301, 4/1/1997**]
- aj. Instruction and/or training facility, small. [**Ord. O-2017-0007, 2/23/2017**]

Editor's Note: Former Subsection (1)(jj), which set forth tattoo and/or body piercing establishments as permitted uses, added 1-5-1999 by Ord. 6415, was repealed 8-7-2007 by O-2007-0027.

- ak. Jewelry stores. [**Ord. 6471, 10/19/1999**]
- al. Home improvement contractors (electrical, plumbing, tile/flooring, HVAC, carpentry and related activities). [**Ord. 6586, 9/18/2001**]
- am. Tanning and toning salons. [**Ord. O-2005-0022, 5/17/2005**]
- an. Employment agencies and offices conditioned upon the following: [**Ord. O-2005-0022, 5/17/2005**]
  - i. Transportation for temporary employees shall not be provided by, or on behalf of, the employment agency from the agency or office to the work site.
  - ii. Employees shall not report to the employment agency or office for work assignments. The employees shall report directly to the work site assigned. Applicants for employment shall not be allowed to use public property as a waiting area.
  - iii. Restroom facilities adequate for applicants shall be provided on site.
- ao. Photography studios and film developing. [**Ord. O-2005-0022, 5/17/2005**]
- ap. Public utility service structures not larger than six (6) feet tall and twenty-five (25) square feet in surface area, conditioned upon the following: [**Ord. O-2008-0006, 2/5/2008; Ord. O-2008-0031, 7/1/2008**]
  - i. Site, landscaping and screening, and architectural review of the public utility service structure and the immediate area surrounding the structure, by the Department of Development staff. Public utility service structures shall be effectively screened from any abutting lot(s) and City right-of-way by landscaping or other means, as necessary, as approved by the Department of Development staff; and
    - (1) If the staff and applicant are unable to come to an agreement on the proposed location and screening, the applicant may file a request for a variance with the Plan Commission by submitting a written request to the Department of

Development not less than twenty (20) days before the next regularly scheduled Plan Commission meeting. At the time that a request for a variance is made, the applicant shall pay the required fee in accordance with development review fees in Chapter 12 of the Revised Municipal Code.

- ii. Public utility service structures shall not be located within any front yard or corner side yard on private property.
- aq. Art galleries. **[Ord. O-2017-0050, 11/21/2017]**
- ar. Tourist Rooming House, conditioned upon the following:
  - i. The structure is a single or two-family residence, or a mixed-use or multifamily containing not more than 4 dwelling units.
- as. Taverns and cocktail lounges.
- at. Alcohol beverage sales.
- 2. Special Uses. **[Ord. 6380, 4/21/1998]**
  - a. Automobile convenience stores and gas stations. **[Ord. O-2006-0012, 3/21/2006]**
  - b. Automobile repairs (including automobile body shops). **[Ord. 6615, [repeal 1241(2)(c)], 6/4/2002]**
  - c. Automobile service stations.
  - d. Food production, limited. **[Ord. O-2015-0002, 1/6/2015]**
  - e. Massage therapy. **[Ord. O-2017-0044, 10/17/2017]**
- Editor's Note: Former Subsection (2)(f), Candy and ice cream stores (confectionery), was repealed 1/6/2015 by Ord. O-2015-0002.
- f. Day care centers and senior day care centers licensed under the provisions of the Wisconsin Statutes.
- g. Drive-in or drive-thru facilities for permitted uses. **[Ord. 6380, 4/21/1998]**
- h. Family day care homes as licensed under sec. 48.65 of the Wisconsin Statutes.
- i. Mixed residential and commercial uses.
- j. Multi-family dwellings.
- k. Parking lots and structures for the storage of private passenger automobiles.
- l. Parks, libraries and other public uses.
- m. Planned developments, business or commercial.
- n. Public and private educational institutions including the following:
  - i. Elementary schools.
  - ii. Junior and senior high schools.
  - iii. Vocational and/or trade schools.
  - iv. Colleges and Universities.
- o. Public utility service structures larger than six (6) feet tall and twenty-five (25) square feet in surface area (excluding antenna towers for radio, TV and television, and telephone transmission), electric substations, water pumping stations and other similar uses. **[Ord. O-2008-0006, 2/5/2008]**
- p. Radio towers and transmission stations.
- q. Religious institutions including the following:
  - i. Churches, chapels, temples of worship, and synagogues.
  - ii. Seminaries, monasteries and religious retreat centers.
  - iii. Rectories, convents and parish houses.
- r. Restaurants.
- s. Seasonal outdoor sales and display of nursery stock and related garden equipment, provided such display is limited to not more than five hundred (500) square feet when such outdoor display is accessory to a principal use. When such outdoor sales and display is an extension of the principal use, there shall be no limitation on such outdoor sales and display.
- t. (Reserved)
- u. Instruction and/or training facility. **[Ord. 6471, 10/19/1999; Ord. O-2017-**

**0007, 2/23/2017]**

- v. Homes for the aged and nursing, rest or convalescent homes which are not intended to serve as treatment centers for contagious diseases or for drug or alcohol abuse. **[Ord. 6500, amend, 2/15/2000]**
- w. Entertainment clubs as defined in Section 9.31 of the Revised Municipal Code. **[Ord. 6531, create, 9/5/2000]**
- x. Collocation/attachment of telecommunication equipment. **[Ord. 6538, 10/17/2000]**
- y. Outdoor dining areas for "food establishments" under Section 7.04(1)(c). **[Ord. 6568, 5/15/2001]**
- z. Veterinary clinics. **[Ord. 6572, 5/15/2001]**
- aa. Funeral homes. **[Ord. 6578, 7/2/2001]**
- ab. Athletic, health clubs. **[Ord. O-2005-0022, 5/17/2005; Ord. O-2015-0001, 1/20/2015]**
- ac.

(Reserved).

ad. (Reserved) **[Ord. O-2007-0026, 8/7/2007, Ord. O-2010-0051, 1/4/2011 (repealed)]**

ae. (Reserved) **[Ord. O-2007-0026, 8/7/2007, Ord. O-2010-0051, 1/4/2011 (repealed)]**

3. Required Conditions. **[Ord. 6380, 4/21/1998]**

- a. All business, service, repair or processing, storage or merchandise display shall be conducted wholly within an enclosed building, except for off-street automobile parking and loading.
- b. No business permitted in this district shall occupy a building containing more than five thousand (5,000) square feet of gross floor area. **[Ord. 6586, 9/18/2001]**
- c. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter or water-carried waste.
- d. A site, landscaping and screening plan in accordance with Section 12.13 of the Revised Municipal Code shall be required when commercial vehicles are associated with a use. **[Ord. 6586, 9/18/2001]**
- e. All business establishments shall contain a minimum of 10% of storefront floor area to on-site retail or consumer service area. **[Ord. O-2006-0012, 3/21/2006; Ord. O-2015-0002, 1/6/2015; Ord. O-2017-0043, 10/3/2017]**

4. Floor Area Ratio. In the C-2 District, floor area ratio shall not exceed 1.0.

5. Yard Requirements. **[Ord. 6597, 11/20/2001]**

- a. Front. No required setback.
- b. Side and Rear. There shall be a ten-foot setback from any side or rear lot line that abuts a lot located in a residential zoning district or a lot in a commercial zoning district used for a single- or two- family dwelling and such use is not a nonconforming use.

6. Off-Street Parking and Loading Requirements. Off-street parking and loading facilities shall be provided in accordance with Section 12.19 of this Subchapter.

#### 12.42 C-3 Community Commercial District

The C-3 Community Commercial District is intended to accommodate the needs of a much larger consumer population than is served by the Neighborhood Commercial District. This District serves a much wider range of uses for accommodating both daily and occasional shopping requirements.

1. Permitted Uses. **[Ord. O-2006-0012, 3/21/2006]**

- a. Any uses permitted in the C-2 District.
- b. (Reserved)

Editor's Note: Former Subsection (1)(b), Antique shops, was repealed 5/7/2015 by Ord. O-2015-0029.

- c. (Reserved)

Editor's Note: Former Subsection (1)(c), Art galleries, was repealed 11/21/2017 by Ord. O-2017-0050.

- d. Art supply stores.
- e. Automobile accessory stores.
- f. Business machine sales and service.
- g. (Reserved)

Editor's Note: Former Subsection (1)(g), Catering establishments, was repealed 1/6/2015 by Ord. O-2015-0002.

- h. (Reserved)

Editor's Note: Former Subsection (1)(h), Chiropractor and podiatrist offices, was repealed 1/20/2015 by Ord. O-2015-0001.

- i. Medical service facility. [**Ord. O-2015-0001, 1/20/2015**]
- j. Computers and computer accessories. [**Ord. 6279, 12/17/1996**]
- k. Department stores.
- l. Electrical and household appliance stores, including electronic equipment sales and minor repair. [**Ord. 6624, [repeal 12.42(1)(n)], 8/6/2002**]
- m. Funeral parlor without crematory.
- n. Furniture stores, including upholstery, when conducted as part of the retail operations and secondary to the principal use.
- o. Garden supply, tool and seed stores, including accessory outdoor display and sales area.
- p. Hearing aid stores.
- q. Interior decorating shops and picture framing.
- r. Jewelry stores.
- s. Leather goods and luggage stores.
- t. Loan offices, except check-cashing businesses as defined in Section 9.32. [**Ord. O-2006-0061, 10/17/2006**]
- u. Locksmiths.
- v. Mail order, catalog store.
- w. Music, instrument stores, including sale and repairs, with no loudspeaker broadcasting into the street.
- x. Paint, glass and wallpaper stores.
- y. Radio and television sales stores with accessory servicing facilities. [**Ord. O-2005-0022, 5/17/2005**]
- z. Radio and television stations.
- aa. Repair, rental and servicing of any article the sale of which is a permitted use in the district.
- ab. School and office supply stores.
- ac. Sewing machine stores; household machines only.
- ad. Stamp and coin stores.
- ae. Tobacco retailers. [**Ord. O-2016-0032, 7/5/2016**]
  - i. No tobacco retailer shall be located within one thousand (1,000) feet of parcels occupied by the following uses:
    - (1) A public or private kindergarten, elementary, junior high or high school;
    - (2) Libraries;

- (3) Zoned parkland; or
  - (4) Another tobacco retailer or establishment licensed to sell any tobacco product or tobacco paraphernalia as defined within Section 12.06.
- af. Toy stores.
  - ag. Travel bureaus and transportation ticket offices.
  - ah. Veterinary clinics. **[Ord. O-2015-0016, 3/3/2015]**
  - ai. Watch and clock repairs.
  - aj. Wholesale offices and showrooms with stockrooms; stockrooms limited to two thousand (2,000) square feet of floor area per business establishment.
2. Special Uses.
- a. Those permitted in the C-2 District.
  - b. Adult-oriented establishments under the provisions of Sec. 9.28 of the City Code.
  - c. Bowling alleys.
  - d. Crematories.
  - e. Dry cleaning and pressing establishments.
  - f. Food pantries. **[Ord. O-2016-0035, 9/20/2016]**
- Editor's Note: Former Subsection (2)(f), Kennels, was repealed 3/3/2015 by Ord. O-2015-0016.
- g. Hotels and motels.
  - h. Places of assembly not otherwise specifically listed in this subsection, including, but not limited to, clubs, lodges, meeting halls, auditoriums, arenas, banquet facilities and theaters (indoor). **[Ord. 6279, create, 12/17/1996; Ord. O-2005-0022, 5/17/2005]**
  - i. (Reserved)
- Editor's Note: Former Subsection (2)(i), as amended, which set forth commercial printing as a special use, was repealed 10/3/2017 by Ord. O-2017-0043.
- j. (Reserved)
- Editor's Note: Former Subsection (2)(j), which set forth schools; music, dance, including aerobics, trade and business as special uses, was repealed 2-23-2017 by Ord. O-2017-0007.
- k. Shopping centers.
  - l. Recording, sound and multi-media studios. **[Ord. 6559, 2/20/2001]**
  - m. Hospitals. **[Ord. 6587, 9/18/2001; Ord. 6592, 10/16/2001]**
  - n. Car wash facilities. There shall be a minimum twenty (20) foot separation from any commercial lot line that abuts a lot located in a residentially zoned district. **[Ord. O-2004-0025, 6/15/2004]**
  - o. Freestanding buildings and group development in which the combined total of all structures and outdoor sales areas within a development (regardless of diverse lotting, use or tenancy) combine to more than 50,000 square feet. **[Ord. O-2007-0023, 8/7/2007]**
    - i. Refer to the City's Large Retail Development Requirements for specific site, landscaping and architectural requirements.
  - p. Research/testing laboratory and technology facilities. **[Ord. O-2006-0062, 10/17/2006]**
  - q. Indoor sales, rental or leasing of motor vehicles that are subject to motor vehicle registration and used for private personal use. (No outdoor sales or display of vehicles.) **[Ord. O-2013-0049, 11/5/2013]**
  - r. Training, counseling or workforce development facilities operated by a not-for-profit social service organization, for the purpose of enabling job and

- career opportunities to persons with sensory or physical disabilities.
3. Required Conditions. All uses permitted in the C-3 District shall be subject to the following conditions:
    - a. All business, servicing, repair or processing, storage or merchandise display, except for off-street parking or loading, and as otherwise modified in this Section, shall be conducted completely within enclosed buildings.
    - b. All business establishments shall contain a minimum of 10% of storefront floor area to on-site retail or consumer service area. [**Ord. O-2015-0002, 1/6/2015; Ord. O-2017-0043, 10/3/2017**]
    - c. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste.
  4. Floor Area Ratio. In the C-3 District, the floor area ratio shall not exceed 1.5.
  5. Yard Requirements. Same as those required under the C-2 District.
  6. Off-Street Parking and Loading Requirements. Off-street parking and loading facilities shall be provided in accordance with Section 12.19 of this Subchapter.

#### 12.43 C-4 Regional Commercial District

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

1. Permitted Uses. [**Ord. O-2006-0012, 3/21/2006**]
  - a. Those uses permitted in the C-3 Commercial District except one- and two-family residence districts.
  - b. Photographic developing and processing.
  - c. Plumbing, heating and ventilating and electrical equipment showrooms and shops.
  - d. Nominal price retail stores and provided that no other similar establishment is located within 1,000 feet.
  - e. Narcotic treatment service facility located no closer than 250 feet from the following:
    - i. Parcels zoned or developed for residential use;
    - ii. Parcels with a school for which attendance is compulsory under Wis. Stat. 118.15;
    - iii. Parcels zoned for parkland;
    - iv. Parcels with another narcotic treatment facility
2. Special Uses. [**Ord. 6279, 12/17/1996**]
  - a. Those special uses permitted in the C-3 District.
  - b. Antenna towers for radio, TV and television and telephone transmission.
  - c. Arcades and pool halls licensed under Chapter 9 of the City Code.
  - d. Car wash facilities.
  - e. Commercial parking lots for private passenger vehicles.
  - f. Outdoor sales and display areas.
  - g. Recording or sound studios.
  - h. Shopping malls.
  - i. [Reserved]
  - j. Outdoor sales, rental or leasing of motor vehicles that are subject to motor vehicle registration and used for private personal use subject to the following: [**Ord. 6615, 6/4/2002; Ord. O-2009-0039, 12/15/2009; Ord. O-2013-0049, 11/5/2013**]
    - i. Minimum lot size: one (1) acre;
    - ii. Twenty percent (20%) landscaping site coverage;
    - iii. Off-street parking in accordance with Section 12.19;

- iv. All sales, repair and display shall be conducted on site;
  - v. All vehicle display and parking stalls to be identified on a site plan;
  - vi. All repair/stored (not sale) vehicles may sit idle for no longer than 45 days;
  - vii. All vehicles shall be licensed and registered with the Wisconsin Department of Transportation; and
  - viii. All service repair/overhead doors shall remain closed during vehicle repair.
- k. Check-cashing, money order, payday, title for cash, convenient-cash, and cash loan/advance services and similar short-term credit establishments, provided that no other similar establishment as defined in Section 9.32 is located within 3,500 feet. **[Ord. O-2004-0040, 10/5/2004; Ord. O-2006-0040, 10/17/2006]**
- l. (Reserved)

Editor's Note: Former Subsection (2)(l), Tattoo and/or body piercing establishments, added 3-21-2006 by Ord. O-2006-0012, as amended, was repealed 5-3-2016 by Ord. No. O-2016-0020.

- m. Kennels. **[Ord. O-2015-0016, 3/3/2015]**
  - n. Pawn shops, and secondhand jewelry dealers as defined in Section 9.15 of the Revised Municipal Code and provided that no other similar establishment is located within 3,500 feet and conditioned upon the following clarifications: **[Ord. O-2010-0051, 1/4/2011; Ord. O-2013-0022, 5/7/2013]**
    - i. Secondhand jewelry dealers primarily engaged, meaning when either twenty percent (20%) or more of the floor area for display space or business operations is devoted to secondhand transactions and/or the buying of jewelry or precious metals.
    - ii. General retail establishments, with less than the above-referenced of twenty-percent threshold, are considered permitted uses.
  - o. Thrift stores. **[Ord. O-2015-0029, 5/7/2015]**
3. Floor Area Ratio. The floor area ratio on a lot shall not exceed 1.0.
4. Yard Requirements.
- a. Front and Corner Side Yard. There shall be provided on every lot a front yard and corner side yard of not less than ten (10) feet in depth.
  - b. Rear Yard. Same as required in C-2 District.
  - c. Transitional Yard. No building or structure in the C-4 District shall be located within one hundred (100) feet of a Residence District boundary line, unless such building or structure is effectively screened from such Residence District property by a wall, fence or densely planted compact hedge not less than five (5) feet or more than eight (8) feet in height. The Common Council may waive this requirement for the structure, use or building if already effectively screened by natural topography or existing screening comparable to the types mentioned.
5. Off-Street Parking and Loading Facilities. Off-street parking and loading facilities shall be provided in accordance with Section 12.19 of this Subchapter. **[Ord. O-2013-0022, 5/7/2013]**

12.44 (Reserved)

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 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.

12.46 (Reserved)

12.47 SF - State Fair Park District

1. Permitted Uses. The following uses are permitted:
  - a. Sports events, agricultural and industrial expositions, other programs of civic interest and any other use undertaken in the SF District as of the effective date of this section.
  - b. Accessory uses; those customarily incidental to any of the above uses.
2. Special Uses. All uses and accessory uses under this section which are not undertaken

as of the effective date of this section shall be permitted only after approval by the Common Council.

#### 12.48 P-1 Park District

1. Intent. The P-1 Park District is intended to provide for areas where the open space and recreational needs, both public and private, of the citizens of the City of West Allis can be met without undue disturbance of natural resources and adjacent uses.
2. Permitted Uses.
  - a. Botanical gardens and arboretums.
  - b. Exhibition halls.
  - c. Golf courses without country club facilities.
  - d. Historic monuments or sites.
  - e. Hiking, biking and nature trails.
  - f. Neighborhood tot lots.
  - g. Outdoor skating rinks.
  - h. Parks and playgrounds.
  - i. Parkways.
  - j. Picnicking areas.
  - k. Playfields or athletic fields.
  - l. Public art galleries.
  - m. Sledding, skiing or tobogganing.
  - n. Swimming beaches.
  - o. Swimming pools.
  - p. Tennis courts.
  - q. Accessory uses. Those customarily incidental to the above uses.
3. Special Uses. The following uses are permitted as special uses when authorized by the Common Council:
  - a. Archery ranges, boat mooring and rental, campgrounds, conservatories, driving ranges, firearm ranges, gymnasiums, ice boating facilities, music halls, polo fields, riding academies, stadiums and zoological and botanical gardens, provided that the use has a minimum parcel area of three (3) acres.
  - b. Golf courses with country club facilities.
  - c. Public, private and parochial schools.
  - d. Churches.
  - e. Utility substations, pumping stations and towers, provided that the use is not less than fifty (50) feet from any lot line.
  - f. Day-care centers.
  - g. Collocation/attachment of telecommunication equipment to existing structures.  
**[Ord. 6536, 10/3/2000]**
4. Building Height.
  - a. No building or part of a building shall exceed thirty-five (35) feet in height.  
No accessory building shall exceed fifteen (15) feet in height.
5. Yards.
  - a. No building or structure shall be erected, altered or moved closer than forty (40) feet to a lot line.
6. Screening and/or Landscape Plan.
  - a. See Section 12.13 of this Subchapter.

#### 12.49 Mixed Residential And Commercial Use Structures

1. General Conditions. Mixed residential and commercial use structures, when permitted in commercial Zoning Districts as special uses, shall be subject to the following conditions: **[Ord. 6260, repeal & recreate, 10/29/1996]**
  - a. Separate entrances shall be provided for each class of use.
  - b. Off-street parking requirements shall be complied with for each class of use;

see Section 12.19 for required spaces. Separate parking areas shall be provided for residential and non-residential uses and shall be clearly defined as such.

- c. The minimum lot area per dwelling unit shall be in accordance with Section 12.38, RC-2 Residence District. Allowable units shall be reduced by the amount of area devoted to nonresidential use.
  - d. Front, side and rear yard requirements shall conform to the Zoning District in which the proposed development is to be located, but shall not be applied to nonconforming buildings.
  - e. The floor area ratio shall not exceed 1.5.
  - f. There shall be no addition of residential units to existing commercial buildings, unless the criteria contained in this Section are complied with. **[Ord. 6569, 5/15/2001]**
  - g. Existing mixed use structures in most cases are non-conforming uses and will remain in that status and the provisions of this Section will not apply, unless the physical characteristics of an existing building are such that they meet all of the aforementioned criteria. **[Ord. 6569, 5/15/2001; Ord. 6593 [repeal 12.49(1)(h)], 11/6/2001]**
2. Special Use Conditions in the C-1 Central Business District. Buildings constructed before January 1, 1978, shall be exempt from the provisions contained in Section (1), Subparagraphs (b), (c), (f), and (g), provided the following additional conditions are met: **[Ord. 6511, 5/2/2000; Ord. 6593, 11/6/2001]**
- a. No residential use will be permitted on ground floor.
  - b. Each dwelling unit shall have its own kitchen facility which will include kitchen sink and space to provide for efficient food preparation, serving and storage, as well as utensil storage and cleaning up after meals.
  - c. Each dwelling unit shall have its own bathroom facility and bathtub or shower.
  - d. Floor plans of all conversions under this Section shall be submitted to and approved by the Plan Commission.
  - e. The Plan Commission shall have the authority to allow for a reduction of not more than ten percent (10%) of any of the above mentioned minimum room sizes and dimensions in consideration of the existing spatial and structural characteristics of the building under review. Justification for such consideration by the Plan Commission shall be shown by the applicant on the submitted plan.
  - f. Credit shall be given for available or authorized public off-street parking spaces located within two hundred (200) feet of the proposed building or use; see Section 12.19 of this Subchapter for required spaces.
  - g. All conversions shall comply with all applicable building codes.
  - h. Residential uses may be mixed with non-residential uses, provided the commercial use is a permitted or special use in the C-1 Central Business District.
  - i. Dwelling units shall conform to the following table for minimum room sizes:

Name of Space	Minimum Floor Area (Sq. Ft)(iv)				
	LU with 0-BR	LU with 1-BR	LU with 2-BR	LU with 3-BR	Least Dimension
Living Room	N/A	160	160	170	11'-0"
Dining Room	N/A	100	100	110	8'-4"
Bedroom (primary) (i)	N/A	120	120	120	9'-4"
Bedroom (secondary)	N/A	N/A	80	80	8'-0"
Combined Space (ii)					
Living & Dining	N/A	210	210	230	11'-0"
Living-Dining-Sleeping	250	N/A	N/A	N/A	11'-0"
Living-Sleeping	210	N/A	WA	N/A	11'-0"
Kitchen-Dining (iii)	100	120	120	140	8'-4"
Other Habitable Room	N/A	80	80	80	8'-0"
<p>NOTES:            (i) Primary bedrooms shall have at least one uninterrupted wall space of at least ten (10) feet. (ii) For two (2) adjacent spaces to be considered a combined room, the horizontal opening between spaces shall be at least eight feet (8'-0"), except that between kitchen and dining functions, the opening may be reduced to six feet (6'-0"). Spaces not providing this degree of openness shall meet minimum room sizes required for separate rooms. (iii) These standards apply when the only eating space is in the kitchen. (iv) The floor area of an alcove, or recess off a room, having a least dimension less than required for the room, shall be included only if it is not more than ten percent (10%) of the minimum room size permitted and is useful for the placement of furniture.</p>					

[Ord. 6245, repeal & recreate, 9/3/1996]

Planned Development Regulations

12.60 PDD-1 Planned Development Districts - Residential

1. Purpose. The Common Council of the City of West Allis may, with the consent of the owners, establish Planned Development Districts, with regulations in each District which will over a period of time tend to promote the maximum benefit from coordinated area site planning, diversified location of structures and mixed compatible uses.

Such regulations shall provide for a safe and efficient system for pedestrian and vehicular traffic, attractive recreation and landscaped open spaces, economic design and location of public and private utilities and common facilities and insure adequate standards of construction and planning. Such regulations may also provide for the development of the land in such Districts with one or more principal structures and related accessory uses and in such Districts the regulations need not be uniform.

2. Application Conference. Prior to the formal submission of an application for Planned Development District, the applicant shall confer with the Planning Department, and other Departments as may be necessary to obtain information and direction on development plan requirements and procedures.
3. Application. Application for consideration of a Planned Development District shall be made in writing to the Common Council by filing the same with the City Clerk and shall include the following:
  - a. Name, addresses and signatures of the applicant and/or owners of the proposed project, and the names and address of the architect, planner and professional engineer.
  - b. Description of the subject site by lot, block and recorded subdivision, or by meets and bounds, and address of the subject site.
  - c. Preliminary development plan including maps, preliminary building plans and a written statement showing enough of the surrounding area to demonstrate the relationship of the proposed development to adjoining uses, both existing and proposed. The maps shall contain the following information:
    - i. Plat of survey prepared by a registered land surveyor showing all information necessary for a building and zoning permit.
    - ii. The existing topographic features of the land and major grading changes proposed.
    - iii. Existing and proposed land uses.
    - iv. A site plan showing existing and proposed buildings and structures, common open space, open space around buildings and structures and any other existing or proposed improvements.
    - v. Elevation and perspective drawings of all proposed structures and improvements and their accessory buildings.
    - vi. Off-street parking and loading plan.
    - vii. A circulation diagram indicating the proposed movement of goods, vehicles and pedestrians within the proposed area and to and from existing thoroughfares.
  - d. The written statement to accompany the development plans shall contain the following information:
    - i. A statement of the present ownership of all lands in the proposed project;
    - ii. An explanation of the general operation of the planned development;
    - iii. A statement of proposed financing;
    - iv. A statement restricting the project to be constructed, as proposed, with written agreement that the City does have the right to hold building permits for any or all of the project if it does not conform to the original proposal, unless changes have been mutually agreed upon.
  - e. A development schedule as follows:
    - i. The approximate date when the construction of the project can be expected to begin;
    - ii. The stages in which the project will be built and the date when construction of each stage can be expected to begin;
    - iii. The dates when each of the stages can be expected to be completed;
    - iv. Agreements, provisions or covenants which govern the use, maintenance and continued operation of the planned development and any of its common open areas;

- f. A fee of five hundred (\$500) dollars shall be paid upon submission of the Planned Development District application.
4. Permitted Uses. The following uses shall be considered as permitted uses in a Planned Development District:
- a. Residential.
    - i. Single family detached dwelling.
    - ii. Single family attached dwelling.
    - iii. Two (2) family side-by-side.
    - iv. Two (2) family one above another.
    - v. Multiple family dwelling.

In addition to the above residential uses, retail business and personal service uses may be permitted in a residential Planned Development, provided those uses are approved by the Plan Commission, and that no more than twenty percent (20%) of the total floor area, nor more than twenty percent (20%) of the total land area of the District are devoted to such uses.
5. Development Area. The minimum land area permitted for a Planned Development District shall be one (1) acre.

In order to provide for the best utilization of the project site with relation to topography, open space and recreation areas, structure location and design, flexibility will be allowed in the establishment of population density, setback and side yard restrictions, maximum lot coverage and floor area ratio.
6. Review Procedure. Upon the formal submission of an application for a Planned Development District, along with the proper fee, the Common Council shall refer the application to the Plan Commission for review and recommendation. As a result of this recommendation, the Common Council shall establish a date for a public hearing and such hearing shall be held prior to any final action by the Common Council.
7. Failure to Begin Planned Development. If no construction has begun or no permanent use has been established in the Planned Development District within one year from the approval of the final development plan, the final development plan and related restrictions and conditions shall lapse and be of no further effect. In its discretion and for good cause, the Common Council may extend for not more than one additional year, the period for the beginning of construction on the establishment of a permanent use. If a final development plan and related restrictions and conditions lapse under the provisions of this Section, the City Clerk shall file a notice of revocation with the Register of Deeds of Milwaukee County.
8. Changes and Amendments. No changes shall be made in the approved final development plan and related restrictions and conditions during construction, except upon application under the procedures provided:

Minor changes in location, setting and height of buildings and structures may be authorized by the Plan Commission if required by circumstances not foreseen at the time the final development plan and related restrictions and conditions were approved. All other changes in use, any rearrangement of lots, blocks and building tracts, any changes in the provisions of common open spaces and all other changes in the approved final development plan or related restrictions and conditions must be authorized by the Common Council under the procedures authorized for approval of a Planned Development District. No amendments may be made in the approved final development plan or related restrictions and conditions unless they are shown to be required by changes that have occurred in conditions since the final development plans and related restrictions and conditions were approved or by a change in the development policy of the City.
9. Subdivision and Resale. A Planned Development District shall not be subdivided or resubdivided for purposes of sale or lease without the approval of the Common Council, as required in this Subchapter.

All sections of a subdivided Planned Development District shall comply with the final

development plan and related restrictions and conditions, as approved by the Common Council, unless changes thereto have been approved in accordance with this Section.

10. District Identification. All Residential Planned Development Districts shall be indicated as PDD-1, and each District shall be numbered sequentially 1, 2, 3, 4, etc., since different restrictions may apply to each District.

#### 12.61 PDD-2 Planned Development Districts - Commercial And Industrial Districts

1. Intent. The regulations of this District are intended to allow for greater flexibility and design freedom than would be permitted by the standard application of normal District regulations, in the case of tracts of land of suitable size and appropriate location, where the unified and planned development of such tract would make possible more desirable utilization of the site and produce a more aesthetically satisfying and economically desirable development than would result from the application of normal district controls.
2. Application of Regulations.
  - a. The regulations of this District herein set forth shall apply as an "overlay" of permissive and regulatory grant upon the regulations of all basic underlying existing Commercial and Industrial Districts.
  - b. Individual uses and structures, as permitted and regulated by the underlying basic District, shall continue to be subject to the regulations as already established unless they are a part of a proposed Planned Development.
  - c. The unified and Planned Development of a site, in single or corporate ownership at the time of development, may be permitted in a Planned Development Overlay District without the customary division into individual lots, and without requiring compliance to the specific District use regulations or the regulations applicable to uses on individual lots (such as specified building location, size, height, yard, lot size and open space requirements), subject to the regulations of this Subchapter and of the specific Planned Development Overlay District. Individual lots or buildings may subsequently be conveyed to separate ownerships in conformity to the plan as submitted. Where such division has not been indicated on the approved plan, it may be permitted only upon approval by the Common Council based upon submittal of satisfactory evidence that such conveyance will not substantially affect adversely the total Planned Development, as approved, and that maintenance of common areas and necessary utilities are assured.
  - d. Normal standards relative to road design or other engineering matters may be modified in Planned Development consistent with good engineering practice as determined by the City Engineer.
  - e. The application of these regulations shall be to parcels of one acre or more in size.
3. Permitted Uses in a Planned Development. In a Planned Development under the regulations of this Subchapter, all permitted uses shall be conditional upon the determination as to their appropriateness within the context of the City's Master Plan, and subject to such conditions as are established as part of the final plan approval.
  - a. Any uses permitted in an underlying Commercial or Industrial District may be permitted in a Planned Development.
  - b. Where the underlying zoning is entirely commercial, any use permitted in a Commercial District may be permitted and, in addition, any residential use may be permitted where, in the opinion of the Common Council, the economic resource to the community in terms of the commercial potential of such land was not being wasted, and where the addition of the residential development would not substantially affect adversely the planned provision for municipal services.
  - c. Where the underlying zoning consists of a mixture of Commercial and

Manufacturing Districts, any commercial or industrial use may be permitted according to the appropriate ratio and interrelationship established by the underlying zoning. Such ratio and interrelationship may be modified by the City where, in its opinion, such modification would not result in substantial adverse effect upon the City's Comprehensive Plan or the planned provision for municipal services.

- d. In addition to accessory uses permitted in the underlying basic District, such uses as a recreational area, pavilion or similar use designed as an accessory amenity or service to the Planned Development may be permitted.

4. Procedure.

- a. Pre-application Conference. Prior to the formal submission of an application for consideration of a Planned Development District, the applicant shall confer with the Planning Office and other Departments as may be necessary to obtain information and direction on development plan requirements and procedures.
- b. Application. Application for consideration of a Planned Development District shall be made in writing to the Common Council by filing the same with the City Clerk and shall include the following:
  - i. Name, addresses and signatures of the applicant and/or owners of the proposed project, and the names and addresses of the architect, planner and professional engineer.
  - ii. Description of the subject site by lot, block and recorded subdivision, or by meets and bounds, and address of the subject site.
  - iii. A general development plan including maps, preliminary building plans and a written statement showing enough of the surrounding area to demonstrate the relationship of the proposed development to adjoining uses, both existing and proposed. The maps shall contain the following information:
    - (1) Plat of survey prepared by a registered land surveyor showing all information necessary for a building and zoning permit.
    - (2) The existing topographic features of the land and major grading changes proposed.
    - (3) Existing and proposed land uses.
    - (4) A site plan showing existing and proposed buildings and structures, common open space, open space around buildings and structures and any other existing or proposed improvements.
    - (5) Elevation and perspective drawings of all proposed structures and improvements and their accessory buildings.
    - (6) Off-street parking and loading plan.
    - (7) A circulation diagram indicating the proposed movement of goods, vehicles and pedestrians within the proposed area and to and from existing thoroughfares.
    - (8) Location of refuse collection areas.
    - (9) The location and size of storm, sanitary and water facilities.
    - (10) Landscaping and screening plan.
  - iv. The written statement to accompany the development plans shall contain the following information:
    - (1) Evidence that the applicant has legal interest in the lands encompassed within the Planned Development.
    - (2) A statement of present ownership of all lands in the proposed project.
    - (3) Statistical data on total size of project area, area of open space, density computation and proposed number of residential units, population analysis, impact upon municipal services and any other similar data pertinent to a

- comprehensive evaluation of the proposed development.
- (4) A general summary of financial factors such as value of structures, estimated improvement costs, amount proposed for landscaping and special features, estimated sale or rental price and total anticipated development cost of the project.
  - (5) General outline of intended organizational structure related to property owner's association, deed restrictions and provision of services.
  - (6) A statement of proposed financing.
  - (7) A statement restricting the project to be constructed, as proposed, with written agreement that the City does have the right to hold building permits for any or all of the project if it does not conform to the original proposal, unless changes have been mutually agreed upon.
  - (8) A development schedule as follows:
    - (A) The approximate date when the construction of the project can be expected to begin.
    - (B) The stages in which the project will be built and the date when construction of each stage can be expected to begin.
    - (C) The dates when each of the stages can be expected to be completed.
    - (D) Agreements, provisions or covenants which govern the use, maintenance and continued operation of the Planned Development and any of its common open area.
    - (E) A fee of five hundred dollars (\$500) shall be paid upon submission of the Planned Development District application.
5. Review Procedure. Upon the formal submission of an application for a Planned Development District, along with the proper fee, the Common Council shall refer the application to the Plan Commission for review and recommendation. As a result of this recommendation, the Common Council shall establish a date of the public hearing and such hearing shall be held prior to any final action by the Common Council. Such hearing requires a Class II Notice.
6. Basis for Approval.
- a. Consistency. That the proposed development is consistent with the spirit and intent of this Subchapter, is in conformity with the general character of the City and would not be contrary to the general welfare and economic prosperity of the City or of the immediate neighborhood, but rather that the benefits from improved design of the resultant development justifies the variation from the normal requirements of this Subchapter through the application of a Planned Development Overlay District.
  - b. Demonstrated Competent Planning. That the proponents of the proposed development have demonstrated that they intend to start and complete construction within a reasonable period following the approval of the project and requested overlay of the Planned Development District, that the project appears economically sound, that the proponents of the proposed development have the financial capacity to carry out the project, as proposed, and intend to commence and complete construction within the time proposed.
  - c. Compatibility with Surrounding Area. That the size, quality and architectural design of all buildings in the project will be compatible with the general character of the City and specifically to the surrounding neighborhood. The following criteria shall be applied in making such determination:
    - i. No building shall be permitted the design or exterior appearance of

which is of such unorthodox or abnormal character, in relation to the surroundings, as to be unsightly or offensive to generally accepted taste.

- ii. No individual building shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony and drabness. In applying this standard to attached or row buildings, to apartment groupings or commercial centers, the overall composition and aesthetic effect shall be considered.
- iii. No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to the surrounding properties.
- iv. No building shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area or which would unreasonably affect adversely the beauty and general enjoyment of existing residence on adjoining properties. **[Ord. 6562 repeal 12.61(6)(d), (e) and (f)], 3/6/2001]**

7. Commercial Developments.

- a. That the economic practicability of the proposed development can be justified on the basis of purchasing potential, competitive relationship and demonstrated tenant interest.
- b. That the proposed development will be adequately served by off-street parking and truck service facilities.
- c. That the locations for vehicular entrances and exits have been designed to prevent unnecessary interference with the site and efficient movement of traffic on surrounding streets and that the development will not create an adverse effect upon the general traffic pattern of the area.
- d. That the architectural design, landscaping, control of lighting and general site development will result in an attractive and harmonious service area compatible with and not creating a substantially adverse effect upon the property values of the surrounding neighborhood.

8. Industrial Developments.

- a. That the operational character, physical plant arrangement and architectural design of buildings will be compatible with contemporary performance standards and industrial development design and will not produce an effect upon the property values of the surrounding neighborhood substantially incompatible with that anticipated under the City's Comprehensive Plan for development.
- b. That the proposed development will have adequate provisions for off-street parking and truck service areas and will be adequately served by rail or highway facilities.
- c. That the proposed development is properly related to the total transportation system of the community and will not produce an effect on the safety and efficiency of the public streets substantially incompatible with that anticipated under the City's traffic plans.

9. Mixed Use Developments.

- a. That the proposed mixture of uses produces a unified composite which is compatible within itself and which, as a total development entity, is substantially compatible with the surrounding neighborhood and consistent with the general objectives of this Section.
- b. That the various types of uses conform to the general requirements applicable to projects of such use character.

10. Landscaping and Screening Bond. A surety bond or other form of security in the amount of one hundred twenty-five percent (125%) of the estimated cost of the landscaping and screening warranting and guaranteeing the landscape and screening plan as submitted and approved by the Plan Commission as part of the development. The bond shall be approved by the City Attorney prior to issuance of any building permits.
11. Determination. The Common Council, after due consideration, may deny the petition, approve the petition as submitted or approve the petition subject to additional conditions. Such approval shall constitute approval of the zoning change to impose this Planned Development Overlay District and of the specific project development plan.
12. Approval.
  - a. The approval of an application and consequent amending of the Zoning Map by overlay of this Planned Development Overlay District shall be based on, and include as conditions thereto, the building, site and operational plans for the development, as approved, as well as all other commitments offered or required as regard to project value, character or other factors pertinent to an assurance the proposed development will be carried out basically as presented in the official submittal plan. Detailed construction and engineering plans are conditioned upon the subsequent submittal to, and approval by, the Building Inspector.
  - b. A subdivision development agreement relative to improvements shall be agreed with by the developer and the Board of Public Works.
13. Contract. The developer shall enter into an appropriate contract with the City to guarantee the implementation of the development according to the terms of the conditions established as part of the development plan approval.
  - a. If no construction has begun or no permanent use has been established in the Planned Development District within one year from the approval of the final development plan, the final development plan and related restrictions and conditions shall lapse and be no further effect. In its discretion and for good cause, the Common Council may extend, for not more than one additional year, the period for the beginning of construction on the establishment of a permanent use. If a final development plan and related restrictions and conditions lapse under the provisions of this Section, the City Clerk shall file a notice of revocation with the Register of Deeds of Milwaukee County.
  - b. After approval of the Planned Development by the Common Council, the developer shall, at the time of application for building permits, pay a fee to the City Treasurer computed on the basis of three hundred dollars (\$300) per unit (residential, commercial or manufacturing). In the event the development consists of more than one billing or more than one phase, the fee shall be for those units for which a building permit is being requested and any credits due for fees previously tendered shall be on a proportional basis.
14. Changes and Amendments. No changes shall be made in the approved final development plan and related restrictions and conditions during construction, except upon application under the procedures provided. Minor changes in location, setting and height of buildings and structures may be authorized by the Plan Commission if required by circumstances not foreseen at the time the final development plan and related restrictions and conditions were approved. All other changes in use, any rearrangement of lots, blocks and building tracts, any changes in the provisions of common open spaces and all other changes in the approved final development plan or related restrictions and conditions must be authorized by the Common Council under the procedures authorized for approval of a Planned Development District. No amendments may be made in the approved final development plan or related restrictions and conditions unless they are shown to be

required by changes that have occurred in conditions since the final development plans and related restrictions and conditions were approved or by a change in the development policy of the City.

15. Compliance.

- a. Upon any question as to compliance of an approved Planned Development, with the conditions and regulations as herein established and made specifically applicable to such development, the appropriate responsible party shall be given at least fifteen (15) days notice to appear before the Plan Commission to answer such charge of noncompliance.
- b. If the Plan Commission finds the change substantiated and does not receive adequate assurance that the situation will be corrected within a reasonable time, as determined by the Plan Commission, it shall then recommend to the Common Council appropriate action to secure compliance or to revoke the approval of the development plan. Upon such revocation, no further building permits shall be issued within the project until approval has been reinstated in whole or part. In the case of failure to resolve the problem or to complete the development for any reason, the Common Council may require revision of the development plan to whatever degree is deemed necessary to achieve modified development with consideration of the specific problems of adjustment to the surrounding neighborhood consistent with the spirit and intent of the basic zoning regulations and of the original grant of the Planned Development approval.

12.62 SPBD - Special Public Building District

1. Purpose. The purpose of the Special Public Building District is to provide for and promote the most desirable private reuse of public building facilities which have special character, historic or aesthetic interest or other significant value, but are no longer needed for any public use or purpose; all in accordance with a well considered plan to conserve the value of such facilities and minimize any adverse effects the reuse may have on the surrounding area; and, thereby promote the sound growth of the community and otherwise preserve and protect the public health, safety and general welfare.
2. Special Public Building District. There is hereby created a Special Public Building District which may be used for the reuse of any public building facilities no longer needed for any public use or purpose. The general plan for reuse of any such facilities approved by the Common Council shall constitute the zoning regulations for the District. In approving any such plan, the Common Council may authorize modification of specified zoning regulations that may otherwise be applicable to any such reuse.
3. Public Hearing. A Special Public Building District may be created by the Common Council only after public hearing. Notice of such hearing shall be published as a Class 2 notice under Chapter 985 of the Wisconsin Statutes.
4. Application. Applications for special zoning designation hereunder shall be made in writing to the Common Council, as provided for Planned Developments under this Code.
5. Amendments. No changes shall be made in a final approved general plan for reuse and related restrictions and conditions, except upon further application, as herein provided.

[Ord. 6340, 10/21/1997]

~~Subchapter I Zoning Code (Repealed)~~

~~Preliminary Provisions (Repealed)~~

~~General Provisions (Repealed)~~

~~Zoning District Regulations (Repealed)~~

~~Planned Development Regulations (Repealed)~~

~~{Ord. 6149, 2/7/1995}~~

~~Preliminary Provisions~~

**SECTION 2:** AMENDMENT “Chapter 12 Zoning And City Planning” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

Chapter 12 ~~Zoning And~~ City Planning

**SECTION 3:** ADOPTION “Chapter 19 Zoning Code” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

Chapter 19 Zoning Code(*Added*)

**SECTION 4:** ADOPTION “19.01 Zoning Map” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.01 Zoning Map(*Added*)

The locations and boundaries of the zoning districts in the City are established and set forth on the Official Zoning Map. The map may be amended by the common council pursuant to Wis. Stat. 62.23. The current Official Zoning Map shall be kept on file in the office of the City Clerk and shall be available for inspection by the public during normal City Hall hours of operation. Unless otherwise indicated in relation to established lines, points or features, the zoning district boundary lines on the Official Zoning Map are the City limit lines; center lines of streets, highways, alleys or railroad right-of-way, existing or extended; and, tract or lot lines, existing or extended.

Official West Allis Zoning Map (effective [insert date])

**SECTION 5:** ADOPTION “Subchapter I Administration” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

Subchapter I Administration(*Added*)

**SECTION 6:** **ADOPTION** “Subchapter II Districts” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

Subchapter II Districts(*Added*)

**SECTION 7:** **ADOPTION** “Subchapter III Uses” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

Subchapter III Uses(*Added*)

**SECTION 8:** **ADOPTION** “Subchapter IV Structures” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

Subchapter IV Structures(*Added*)

**SECTION 9:** **ADOPTION** “Subchapter V Planned Development” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

Subchapter V Planned Development(*Added*)

**SECTION 10:** **ADOPTION** “19.11 General Provisions” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.11 General Provisions(*Added*)

1. Application. The regulations in this chapter are adopted pursuant to Wis. Stat. 62.23(7) (am). This Chapter shall not be construed to legalize the use of land or construction of a structure in any manner that violates any other law.
2. Use. No building or premises shall be used, in whole or in part, except as explicitly authorized by this Chapter as specified for the Zoning District in which any such building or premises is located.
3. Structures. All structures shall conform to the requirements established in this Chapter for the Zoning District in which each structure is located.
4. Legal Nonconforming Structures and Uses. All structures lawfully erected and uses lawfully established prior to the effective date of this Chapter, or any amendment, may

continue only to the extent allowed by state law. Any nonconforming structure or use shall comply with this Chapter upon no longer qualifying as a legal nonconforming structure or use under state law.

5. Principal Buildings Limited. Every building hereafter erected or structurally altered shall be located on a lot. There shall be no more than 1 principal building on a lot except in the case of those lands developed as a Planned Development under this Chapter.
6. Unoccupied Lots: Where a lot is occupied for a permitted use without buildings or structures, side yard and front yard requirements normally associated with the Zoning District in which the lot is located shall be maintained, unless otherwise stipulated in this Chapter, except that side yards shall not be required on lots used for garden purposes without buildings or structures or on lots used for public recreational purposes.
7. Yards Apply to Single Building: No required yard or other open space around an existing building shall be considered as providing a yard or open space for any other building or for any other lot on which a building may be erected.
8. Exemptions for City Premises: The regulations established in this Chapter are not enforceable against the City.
9. Root River Flood Control District: Within the area shown and designated on the Official Zoning Map as the Root River Flood Control District, no building or structure shall be erected, no existing building or structure shall be structurally altered, no building or structure shall be moved into the said area and no use of land shall be made except, in addition to all other applicable regulations of this Chapter, in compliance with the specific regulations of the Root River Flood Control District. The regulations of the Root River Flood Control District shall be construed as supplementary to the regulations imposed on the same lands by any underlying zoning regulations. When flood control and underlying zoning regulations conflict, the most restrictive regulations shall govern.
10. The Building Inspector and Director of Development or their designees shall administer and may enforce the provisions of this Chapter.

**SECTION 11:        ADOPTION “19.12 Penalties” of the City Of West Allis**  
Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 19.12 Penalties(*Added*)

1. Any person, firm or corporation violating any provision of this Chapter shall, for each offense, forfeit not less than \$25, nor more than \$500, together with the costs of prosecution. Each day a violation of a provision of this Chapter continues constitutes a separate offense.
2. In case any building or structure is or is proposed to be erected, constructed or reconstructed or any building, structure or premises is proposed to be used in violation of the provisions of this Chapter, the Building Inspector or the City Attorney or any adjacent or neighboring property owner who would be specially damaged by such violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove any such violation.

**SECTION 12:** **ADOPTION** “19.13 Site Plan Review” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.13 Site Plan Review(*Added*)

1. No building permit for the construction of any building, structure, or project to which this section applies shall be issued until a site and architectural plans for that building, structure, or project have been reviewed and approved pursuant to this section. Site improvements not requiring a building permit but subject to site plan approval shall not be commenced until approved pursuant to this section.
2. Authority
  - a. Except as otherwise stated, site plan approval by the Plan Commission is required for any of the following:
    - i. new construction
    - ii. change of use
    - iii. additions to existing buildings
    - iv. exterior alterations
    - v. repairs to existing buildings for which a building permit is required
    - vi. conducting a conditional use
    - vii. site changes
  - b. Site plan approval by the Plan Commission or Planning and Zoning Office is required for any of the following:
    - i. New construction of a 1- or 2-unit dwelling
    - ii. Conversion with exterior modification of a 1- or 2-unit dwelling
  - c. In approving any site plan, the Plan Commission or, if applicable, the Common Council shall have the authority to stipulate those conditions it deems necessary to protect the public interest and to secure compliance with this section.
  - d. The Plan Commission shall have the authority to adopt reasonable rules and regulations relative to the exercise of its powers under this section. Such rules may include specific site and architectural design criteria that serve to implement the general standards set forth in this section. Rules will become effective only after they have been approved by the Common Council following due notice and public hearing. Publication of this notice will be as required for a Class 2 notice under Wisconsin Statutes.
  - e. As a condition of approving a site plan, the Plan Commission may require that the applicant provide a security bond, letter of credit or cash deposit to ensure the completion of all required site improvements.
    - i. The form of the bond or other security, if any, shall be prescribed by the Plan Commission.
    - ii. The amount of any bond or other security may not exceed 125% of the estimated cost of the site improvements and may be reduced over the life of the construction of the project as elements are completed; however, even if the amount is reduced, the bond or other security will remain in force until all required site improvements have been completed and approved by the Building Inspector.
    - iii. The Plan Commission may require more than 1 estimate from licensed contractors to determine the value of the bond or security.
  - f. The Plan Commission shall have the power to approve, approve with conditions, or reject a site plan based on the requirements specified in this section and those rules adopted and approved pursuant to this section.

3. Procedure
  - a. Application. The applicant must submit an application with the Planning & Zoning Office. The application shall include the following:
    - i. Completed application and fee listed in the Fee Schedule.
    - ii. Project description.
    - iii. Site plan.
  - b. Plan Commission Review. Site and building designs shall:
    - i. Provide for the placement of all site elements necessary to create a safe, functional, convenient, healthful, durable and attractive environment.
    - ii. Preserve the positive features of the site to the extent possible and minimize their destruction or harmful alteration. In particular, site and landscape designs shall protect mature trees and soils and use landscaping and natural features to manage and infiltrate stormwater runoff wherever practicable.
    - iii. Ensure that all developments function within the context of the site and the surrounding area. Site designs shall eliminate, or if not possible to eliminate, mitigate potential hazards created by the proposed development.
    - iv. Be designed in accordance with site and architectural design criteria adopted and approved by the plan commission.
  - c. Plan Commission Decision. The Plan Commission may approve, approve with conditions, or reject the application.
    - i. The Plan Commission decision shall be in writing and contain a statement of reasons for its action. Any conditions of approval shall be specifically stated in the decision. A copy of the Plan Commission decision will be sent to the applicant and owner, if different from the applicant.
    - ii. The Plan Commission decision on an application shall be issued within 60 days of filing of the application with the Planning & Zoning Office unless the applicant has agreed in writing to an extension.
  - d. Appeals. Any person aggrieved by a decision of the Plan Commission under this section may appeal that decision to the Common Council.
4. Effect of Approval. Building permits and certificates of occupancy shall be consistent with plans approved by the Plan Commission. Construction, location and use of all buildings and structures shall also be consistent with the approved plans.
  - a. Sites, buildings, and structures will be completed and maintained in accordance with the final plans approved pursuant to this section.
  - b. Approved plans will run with the land and will remain in effect regardless of changes in ownership of the subject property.
5. Approval Expiration. Approval will expire 1 year from the date of approval unless construction is underway, or the applicant has been granted a valid building permit. If construction is underway or a building permit has been granted after 1 year from the date of approval, the approval will expire if construction is not completed within 2 years of the Plan Commission decision. ~~Extension of Time-~~ An extension of time of the time limitations may be granted by the Plan Commission with the following criteria:
  - a. The applicant requesting the extension shall complete a planning application available from the Department of Development and shall submit an extension fee. The fee may be waived at the discretion of the Planning & Zoning Manager.
  - b. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start.

- c. The request for extension shall be submitted within 60 days of the expiration of the Plan Commission approval, and the Plan Commission shall decide on the length of the requested extension of time.
- 6. Revocation. The Plan Commission shall have the authority to revoke its approval of a site and/or architectural plan if the provisions of that plan are not fully implemented.
- 7. Conditional Occupancy. In the event the completion of all required site improvements is delayed due to work stoppages, extraordinary or seasonal weather conditions or damage caused by fire, or other casualty, a conditional occupancy for the project, or any part thereof, may be approved by the Building Inspector.
  - a. This approval shall be subject to whatever terms and conditions are deemed necessary by the Building Inspector to protect the public interest and promote and secure compliance with the purposes and intent of this section. No conditional occupancy will be allowed unless the improvements to be occupied are approved for occupancy by the Building Inspector.
  - b. All required site improvements will be completed within a period set by the Building Inspector from the date of approval of the conditional occupancy.
  - c. The approval of a conditional occupancy will not be interpreted as a waiver of any of the applicant's obligations under this section, except to extend the time for completion of the site improvements.
- 8. Re-Application. No application which has been wholly, or in part, rejected may be resubmitted until at least 1 year from the date of the final action of the Plan Commission, except in the case of newly discovered evidence or proof of changed conditions.
- 9. Amendments. No modification or alteration of any plan approved pursuant to this section will be permitted unless approved in writing by the Plan Commission.
  - a. An application for any such alteration or modification shall be filed with the Plan Commission on a form approved by the Plan Commission.
  - b. Alterations and modifications shall be subject to the same standards and criteria as original applications and shall be in conformance with all the provisions of this section.

**SECTION 13:        ADOPTION “19.14 Conditional Use Review” of the City Of West Allis Municipal Code is hereby *added* as follows:**

ADOPTION

19.14 Conditional Use Review(*Added*)

- 1. Conditional Uses Necessary. Within each Zoning District, there are various permitted uses. There are also various other uses which are required for the public convenience but are potentially incompatible with permitted uses and which can have a deleterious impact on the surrounding area. This impact cannot be predetermined or controlled by general regulations. In addition, these conditional uses cannot always be confined to specific Zoning Districts. Therefore, to ensure compatibility with the neighborhoods in which they may be located, it is necessary that these conditional uses not be permitted as a matter of right, but only after appropriate review and approval as provided by this Section. Conditional uses shall be granted by the Common Council, as provided under the provisions of the Section and Wis. Stat. 62.23(7)(de).
- 2. Standards for Approval
  - a. The establishment, maintenance or operation of the conditional use will not be

detrimental or endanger the public health, safety, morals, comfort or general welfare and will not otherwise conflict with the purpose and intent of this Chapter.

- b. The use, value and enjoyment of other property in the surrounding area for permitted uses will not be substantially impaired or diminished by the establishment, maintenance or operation of the special use.
- c. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for permitted uses in the Zoning District.
- d. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- e. Adequate measures have been or will be taken to provide ingress and egress to minimize traffic congestion in the public streets.
- f. Adequate measures have been or will be taken to encourage walking, biking, and transit trips in a manner that considers the context of the surrounding community as well as the broader urban design needs of the city.
- g. The conditional use will comply with all additional regulations imposed on it by the particular provision of this Chapter authorizing such use.

### 3. Authority

- a. In granting any conditional use, the Common Council shall have the authority to change the minimum or maximum requirements specified for such uses in the respective Zoning Districts and shall establish such regulations and impose such conditions and restrictions on the use as are reasonably necessary to secure compliance with the standards set forth in this section and chapter.
- b. The regulations that are established and any conditions and restrictions that are imposed shall be expressly set forth in the resolution granting the conditional use and shall govern the development, use and occupancy of the property, subject to such other required permits and approvals, including, but not limited to site and architectural approvals required under this Chapter and a building permit under Chapter 13 of this Code.
- c. The Common Council may limit the conditional use permit's duration, its transferability, and its renewal after expiration.

### 4. Procedure

- a. Application. The applicant must submit an application with the Planning & Zoning Office. The application shall include the following:
  - i. Completed application and fee listed in the Fee Schedule.
  - ii. Project description.
  - iii. Site plan.
- b. Addition to Common Council Agenda. Upon receipt of an application, the City Clerk will place the application on the agenda of the Common Council. The Common Council will refer the matter to the City Plan Commission and Safety and Development Committee for review and a recommendation.
- c. Plan Commission Review. The City Plan Commission will review the Site plans associated with the Conditional Use application.
- d. Safety and Development Committee Review. The Safety and Development Committee of the Common Council will meet to review the recommendations of the Plan Commission. Members of the public will be allowed to address the Committee with the approval of the Chair. The Safety and Development Committee will make its own decision on the application which may agree or disagree with that of the Plan Commission. The decision of the Committee will be forwarded to the Common Council along with the recommendation of the Plan Commission.
- e. Common Council Public Hearing. Any public hearing required by Wis. Stat. 62.23(7)(de)3. shall be held by the Common Council. Notice of the time and place of the hearing shall be made in the official City newspaper as a Class II

notice, as provided by law. The City Clerk will mail the notice of the hearing to the applicant, his agent or attorney, at least 10 days before the date of the public hearing. In addition, the City Clerk shall mail notice of the hearing to property owners within 200 feet of the effected property at least 10 days prior to any such hearing, but failure to give such notice shall not invalidate any amendments.

- f. Common Council Decision. Following the public hearing and receipt of the recommendations of the Plan Commission and the Safety and Development Committee, the Common Council will render a final decision on the application. This decision will be to approve, disapprove or refer the application back to the Safety and Development Committee for further study.

  - i. The Common Council will render its written decision within 60 days of the close of the public hearing. The written decision will include all the reasons for granting or denying the permit, including specific reference to the standards found in Subsection (1) and a record of the vote of the Common Council. The City Clerk will mail the written decision to the applicant.
  - ii. A majority vote of the Common Council is necessary to permit or deny a special use.
5. Effect of Approval. Building permits and certificates of occupancy shall be consistent with plans approved by the Common Council. Construction, location and use of all buildings and structures shall also be consistent with the approved plans.

  - a. Sites, buildings, and structures will be completed and maintained in accordance with the final plans approved pursuant to this section.
  - b. Approved plans will run with the land and will remain in effect regardless of changes in ownership of the subject property.
6. Approval Expiration. Approval will expire 1 year from the date of approval unless construction is underway, or the applicant has been granted a valid building permit. If construction is underway or a building permit has been granted after 1 year from the date of approval, the approval will expire if construction is not completed within 2 years of the Plan Commission decision. An extension of time of the time limitations may be granted by the Plan Commission with the following criteria:

  - a. The applicant requesting the extension shall complete a planning application available from the Department of Development and shall submit an extension fee. The fee may be waived at the discretion of the Planning & Zoning Manager.
  - b. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start.
  - c. The request for extension shall be submitted within 60 days of the expiration of the Plan Commission approval, and the Plan Commission shall decide on the length of the requested extension of time.
7. Revocation. The Plan Commission shall have the authority to revoke its approval of a site and/or architectural plan if the provisions of that plan are not fully implemented.
8. Conditional Occupancy. In the event the completion of all required site improvements is delayed due to work stoppages, extraordinary or seasonal weather conditions or damage caused by fire, or other casualty, a conditional occupancy for the project, or any part thereof, may be approved by the Building Inspector.

  - a. This approval shall be subject to whatever terms and conditions are deemed necessary by the Building Inspector to protect the public interest and promote and secure compliance with the purposes and intent of this section. No conditional occupancy will be allowed unless the improvements to be occupied are approved for occupancy by the Building Inspector.
  - b. All required site improvements will be completed within a period set by the Building Inspector from the date of approval of the conditional occupancy.

- c. The approval of a conditional occupancy will not be interpreted as a waiver of any of the applicant's obligations under this section, except to extend the time for completion of the site improvements as provided in b.
- 9. Re-Application. No application which has been wholly, or in part, rejected may be resubmitted until at least 1 year from the date of the final action of the Plan Commission, except in the case of newly discovered evidence or proof of changed conditions.
- 10. Amendments. No modification or alteration of any plan approved pursuant to this section will be permitted unless approved by the Common Council.
  - a. Any application for an alteration, extension or other modification will be filed and processed as an original application under this section.
  - b. Alterations and modifications shall be subject to the same standards and criteria as original applications and shall be in conformance with all the provisions of this section.
  - c. Maintenance, repair or renovation of existing buildings, structures or improvements and alterations, extensions or other modifications of such buildings and structures which do not increase, intensify, expand, or substantially change the character of the conditional use do not require approval by the Common Council

**SECTION 14:**        **ADOPTION** “19.15 Board Of Appeals” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.15 Board Of Appeals(*Added*)

- 1. The Board shall operate under Wis. Stat. 62.23(7)(e) and may adopt procedural rules in accordance with the provisions of this section.
- 2. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officer within 30 days after notice of the decision by filing with the officer from whom the appeal is taken and with the board of appeals a notice of appeal specifying the grounds thereof.
- 3. In granting a variance, the Board may specify, in writing to the applicant, such conditions of the variance that will, in its judgment, substantially secure the objectives of the regulations or provisions to which the variance applies. A variance is only valid only upon complying with any specified conditions.
- 4. No application or appeal which has been denied, wholly or in part, by the Board may be resubmitted for a period of 1 year from the date of the last denial, except on the grounds of new information or changed conditions which are found valid by the Board upon inspection.
- 5. A variance granted under this section shall expire if the action authorized by the variance is not commenced within 6 months after granting the variance or the board grants an extension of time.
- 6. Nothing in this section shall preclude the granting of special exceptions by the city plan commission or the common council.

**SECTION 15: ADOPTION** “19.16 Definitions” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.16 Definitions(*Added*)

The terms below shall have the following meanings within this chapter:

<b>Term</b>	<b>Definition</b>
<u>Accessory Building</u>	<u>Any building other than the principal building</u>
<u>Accessory Dwelling Unit</u>	<u>A dwelling unit other than the principal dwelling unit</u>
<u>Accessory Structure</u>	<u>Any structure other than a principal building</u>
<u>Accessory Use</u>	<u>A subordinate use which is clearly and customarily incidental to the principal use on the lot</u>
<u>Adult-Oriented Entertainment</u>	<u>The use of a lot in the manner described in WAMC 9.28</u>
<u>Alcohol Beverage Sales</u>	<u>The retail sale of alcohol beverages in the manner described in Wis. Stat. 125.25 and 125.51(2)</u>
<u>Ambulance Services</u>	<u>The use of a lot in the manner described under Wis. Stat. 256.01(3)</u>
<u>Animal Boarding</u>	<u>The boarding, breeding, or training of animals for compensation</u>
<u>Automobile Part Sales</u>	<u>The retail sale of automobile components or accessories</u>
<u>Bed and Breakfast</u>	<u>The use of a lot in the manner described in Wis. Stat. 97.01(1g)</u>
<u>Bicycle Parking Space (indoor)</u>	<u>An area inside a building designated for the parking of 1 bicycle</u>
<u>Bicycle Parking Space (outdoor)</u>	<u>An area outside a building designated for the parking of 1 bicycle</u>
<u>Bicycle Rack</u>	<u>A structure used to provide bicycle parking space</u>
<u>Building</u>	<u>A structure that shields persons or property from the elements</u>
<u>Building Area</u>	<u>The total area of a building bounded by its exterior walls</u>
<u>Building Coverage</u>	<u>The sum of all building areas on a lot</u>
<u>Building Height</u>	<u>The vertical distance measured from the average established grade at the front lot line to the highest point of a building, including all appurtenances</u>
<u>Car Wash Service</u>	<u>The washing and cleaning of motor vehicles for compensation</u>
<u>Child Care Center</u>	<u>The use of a lot in the manner described in Wis. Stat. 49.136(1) (ad)</u>
<u>Civic Institution</u>	<u>Unless more specifically defined, the use of a lot by a governmental entity</u>
<u>Commercial Light Industrial Flex</u>	<u>The light industrial use of a lot to distribute goods that are also sold in an on-site retail space</u>
<u>Community Living</u>	<u>The use of a lot in the manner described in Wis. Stat. 46.03(22),</u>

<u>Arrangement</u>	48.743(1), 48.02(6), or 50.01(1)
<u>Conditional Use</u>	A use that is allowed upon meeting all conditions specified in the code and those imposed by the common council
<u>Crematory</u>	The use of a lot in the manner described in Wis. Stat. 440.70(8)
<u>Donation Center</u>	The receiving of donated goods from the public for redistribution to the public at no cost
<u>Drive-Through Service</u>	The delivery of products or services to customers while the customer is inside a vehicle
<u>Dry Cleaning</u>	The use of a lot in the manner described in Wis. Stat. 77.996(2)
<u>Dwelling Unit</u>	A structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one or more persons maintaining a common household, to the exclusion of all others
<u>Employment Agency</u>	The use of a lot in the manner described in Wis. Stat. 111.32(7)
<u>Event Space</u>	The use of a lot for the gathering of individuals at a specific time for direct or indirect compensation
<u>Family Child Care Home</u>	The use of a lot in the manner described in Wis. Stat. 66.1017(1)(a)
<u>Floor Area Ratio</u>	The numerical value obtained through dividing the gross floor area by the total area of the lot
<u>Food Production (limited)</u>	The use of a lot in the manner described in Wis. Stat. 97.29(1)(g) where processed food is available to be sold or distributed directly to a consumer
<u>Fuel Sales</u>	The retail sale of vehicle fuel
<u>Funeral Establishment</u>	The use of a lot in the manner described in Wis. Stat. 445.01(6)
<u>General Retail</u>	Unless more specifically defined, the retail sale of goods within a building that has a gross floor area of 8,000 square feet or greater
<u>General Service</u>	Unless more specifically defined, the sale of services within a building that has a gross floor area of 8,000 square feet or greater
<u>Gross Floor Area</u>	The sum of all areas within a building designed to carry a vertical load, excluding any area used exclusively for off-street parking or equipment that provides utilities or climate control to the building
<u>Heavy Motor Vehicle Sales</u>	The use of a lot in the manner described in Wis. Stat. 218.0101(23) and offering any vehicles having a gross vehicle weight rating of 10,001 pounds or greater
<u>Heavy Motor Vehicle Service</u>	The maintenance, repair, or enhancement of motor vehicles having a gross vehicle weight rating of 10,001 pounds or greater for compensation
<u>Home-Based Business</u>	The use of a lot in the manner described in Wis. Adm. Code SPS 361.04(3m), except a home office
<u>Home Office</u>	The accessory use of a dwelling unit to carry on an occupation for which clients do not meet at the dwelling unit and no packages are sent from the dwelling unit to carry on that occupation

<u>Hospital</u>	The use of a lot in the manner described in Wis. Stat. 50.33(2)
<u>Hotel</u>	The use of a lot in the manner described in Wis. Stat. 97.01(7)
<u>Industrial</u>	Unless more specifically defined, the use of a lot for creating products by combining or connecting other materials
<u>Instruction/Training</u>	The use of a lot for teaching one particular skill or conducting a class on one subject
<u>Large Retail Development</u>	The use of a lot or combination of lots for retail sales with a display area of 50,000 square feet or more
<u>Laundry (self-service)</u>	The use of a lot for laundry services performed by the customer through the use of self-service machines
<u>Light Industrial</u>	The use of a lot for creating products by combining or connecting other materials, but only if 1) no noise, vibration, or odor is reasonably detectible from off the lot, 2) no hazardous materials are stored or processed on the lot, 3) no industrial activities take place outside a building, and 4) no material is disbursed in the air from the lot
<u>Light Motor Vehicle Sales</u>	The use of a lot in the manner described in Wis. Stat. 218.0101(23) and offering only vehicles having a gross vehicle weight rating of 10,000 pounds or less
<u>Light Motor Vehicle Sales (indoor)</u>	The use of a lot in the manner described in Wis. Stat. 218.0101(23) and offering only vehicles having a gross vehicle weight rating of 10,000 pounds or less entirely within a building
<u>Light Motor Vehicle Service</u>	The maintenance, repair, or enhancement of motor vehicles having a gross vehicle weight rating of 10,000 pounds or less for compensation
<u>Limited Use</u>	A use that is allowed upon meeting all conditions specified in the code
<u>Lodging House</u>	Conducting the activities described in Wis. Stat. 779.43(1)(b)
<u>Lot</u>	A distinct parcel, tract, or area of land established by plat, subdivision, or other instrument recorded in the office of the register of deeds
<u>Lot Coverage</u>	The percentage of the lot which is occupied by buildings
<u>Lot Line, Front</u>	If one street borders a lot, the portion of a lot that borders that street. If multiple streets border a lot, the portion of a lot that borders the street deemed primary by the manager of planning and zoning
<u>Lot Line, Rear</u>	The portion of a lot that borders an alley. If no alley exists, the portion of a lot opposite a front lot line.
<u>Lot Line, Side</u>	The portion of a lot that is not a front or rear lot line
<u>Lot Width</u>	The shortest distance between side lot lines at a point midway between the front and rear lot lines
<u>Massage Therapy</u>	The use of a lot in a manner described in Wis. Stat. 460.01(4) for compensation
<u>Medical Clinic</u>	The use of a lot for the provision of outpatient nursing, medical, podiatric, dental, chiropractic, or optometric care and treatment outside of a residence or a hospital

<u>Medical Services</u>	<u>The use of a lot for blood or blood plasma donation, kidney dialysis, birth center services, or treatment of sexually transmitted diseases outside of a residence or a hospital</u>
<u>Narcotic Treatment Service</u>	<u>The use of a lot in a manner described in Wis. Stat. 51.4224(1)(a) outside of a hospital</u>
<u>Neighborhood Retail</u>	<u>Unless more specifically defined, the retail sale of goods within a building that has a gross floor area of less than 8,000 square feet</u>
<u>Neighborhood Service</u>	<u>Unless more specifically defined, the sale of services within a building that has a gross floor area of less than 8,000 square feet</u>
<u>Nicotine Sales</u>	<u>The use of 20% or more of a gross floor area for the retail sale of cigarettes, tobacco products, nicotine products, or any device used to ingest cigarettes, tobacco products, or nicotine products</u>
<u>Nominal Price Retail</u>	<u>The retail sale of primarily inexpensive general merchandise at a price of \$10.00 per item or less</u>
<u>Outdoor Dining</u>	<u>The use of a lot for consumption of food outside of a building on the premises of a restaurant</u>
<u>Outdoor Display</u>	<u>The presentation outside of a building of goods offered for retail sale or examples of goods offered for retail sale</u>
<u>Outdoor Storage</u>	<u>Except for outdoor displays, the placement of any items outside a building for the purpose of storing the items for more than 24 consecutive hours</u>
<u>Parking Lot</u>	<u>A structure that is not a building which is built at grade and used to facilitate the ingress, egress, and parking of motor vehicles</u>
<u>Parking Structure</u>	<u>A building used to facilitate the ingress, egress, and parking of motor vehicles</u>
<u>Pawnbroker Sales</u>	<u>The purchasing and selling of articles or jewelry in a manner described in Wis. Stat. 134.71(1)(e)</u>
<u>Payday Lender</u>	<u>The use of a lot in a manner described in Wis. Stat. 62.23(7)(hi)1.b.</u>
<u>Permitted Use</u>	<u>A use that is allowed without any specified conditions</u>
<u>Principal Building</u>	<u>The building on a lot in which the principal use is primarily conducted.</u>
<u>Principal Dwelling Unit</u>	<u>The dwelling unit or units located within the principal building</u>
<u>Principal Use</u>	<u>A primary or predominant use of a premises</u>
<u>Production/Repair</u>	<u>The accessory use of a lot to produce or service items similar to those sold on-site at retail as a principal use</u>
<u>Public Park</u>	<u>A lot that is primarily used for recreational activity and open to the public at no cost</u>
<u>Public Utility Service Structure</u>	<u>A structure that is exclusively used to provide public utilities</u>
<u>Recreation</u>	<u>The use of a lot for conducting live sports, activities, or games of skill for the entertainment of participants</u>
<u>Recreation (indoor)</u>	<u>The use of a lot for conducting live sports, activities, or games of skill for the entertainment of participants entirely within a</u>

	<u>building</u>
<u>Religious Institution</u>	The use of a lot for the assembly of persons for religious purposes and related use for religious ceremonies, purposes, and events
<u>Research Laboratory</u>	The use of a lot for testing, investigation, development, or verification of scientific processes to advance technology
<u>Residential Care Service</u>	The use of a lot as a nursing home as described in Wis. Stat. 50.01(3), a hospice as described in Wis. Stat. 50.90(1), or a residential care apartment complex as described in Wis. Stat. 50.034
<u>Restaurant</u>	The use of a lot in the manner described in Wis. Stat. 97.01(14g)
<u>Restricted Manufacturing</u>	The preparation, processing, assembling, or packing of a product that may be lawfully advertised as blind-made under Wis. Stat. 47.03(3)(a)
<u>School</u>	The use of a lot for teaching more than one skill or conducting classes on more than one subject
<u>Secondhand Article or Jewelry Sales</u>	The purchasing and selling of articles or jewelry in the manner described in Wis. Stat. 134.71(1)(g) or (h)
<u>Self-Service Storage</u>	A type of light industrial use of a lot in a manner described in Wis. Stat. 704.90(1)(g)
<u>Setback</u>	The distance between a lot line and a building or structure
<u>Short-Term Rental</u>	The use of a lot in a manner described in Wis. Stat. 66.1014(1)(c)
<u>Site Plan</u>	A document or set of documents that show the physical layout of a lot, landscaping arrangement and description, and architectural drawings of any structures located on the lot
<u>Sport Shooting Range</u>	The use of a lot in the manner described in Wis. Stat. 66.0409(1)(c)
<u>State Fair Use</u>	The use of a lot in a manner authorized under Wis. Stat. 42.01
<u>Structure</u>	Any object that is affixed to the ground and not created by nature
<u>Substation</u>	A structure used for the transmission or distribution of electrical power, light, heat, water, gas, sewer, telegraph or telecommunication services
<u>Tavern</u>	The retail sale of alcohol beverages in the manner described in Wis. Stat. 125.26 and 125.51(3)
<u>Theater</u>	The use of a lot for the exhibition of a motion picture or performing arts to the public
<u>Thrift Retail</u>	The receiving of donated goods from the public for on-site sale of those goods to the public
<u>Use</u>	A constant, occasional, or isolated act taking place with or without the knowledge of any person occupying a lot
<u>Utility Pole</u>	A structure described in Wis. Stat. 66.0414(1)(x) or any structure designed solely for the collocation of small wireless facilities
<u>Veterinary Services</u>	The use of a lot for the practice of veterinary medicine under Wis. Stat. 89.02(6)

<u>Warehousing, Private</u>	<u>A type of light industrial use of a lot for the storage of property owned by the operator and intended for wholesale or retail distribution</u>
<u>Warehousing, Public</u>	<u>A type of light industrial use of a lot in the manner described in Wis. Stat. 99.01(3)</u>
<u>Waste Services</u>	<u>The use of a lot as a solid waste facility under Wis. Stat. 289.01(35), pyrolysis facility under Wis. Stat. 289.01(27m), or gasification facility under Wis. Stat. 289.01(9m)</u>
<u>Wireless Support Structure</u>	<u>A structure described in Wis. Stat. 66.0414(1)(zp) that actually used to support small wireless facilities</u>
<u>Yard</u>	<u>Any part of a lot that is not within a building</u>
<u>Yard, Front</u>	<u>The part of a lot from the front lot line to the principal building and any adjacent land (see image)</u>
<u>Yard, Rear</u>	<u>The part of a lot from the rear lot line to the principal building and any adjacent land (see image)</u>
<u>Yard, Side</u>	<u>The part of a lot that is not a rear or front yard</u>

**SECTION 16:** **ADOPTION** “19.21 Zoning Districts” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.21 Zoning Districts(*Added*)

To regulate and restrict the location of various types of activities and land use, the following zoning districts are created and classified:

<b>Residential Districts</b>	
RA-1	<u>Intended for neighborhoods with primarily 1-unit dwellings on large lots</u>
RA-2	<u>Intended for neighborhoods with primarily 1-unit dwellings on moderate sized lots</u>
RA-3	<u>Intended for neighborhoods with primarily 1-unit dwellings on small lots</u>
RB	<u>Intended for traditional neighborhoods with a diverse array of housing types on small lots</u>
RC	<u>Intended for dense, multi-unit housing development in areas throughout the city</u>
<b>Commercial Districts</b>	
C-1	<u>Intended for the city's historic pedestrian-oriented downtown shopping district</u>
C-2	<u>Intended for a mix of uses in close proximity to residential areas that are compatible with the neighborhood scale</u>
C-3	<u>Intended for commercial development serving the broader community's daily needs</u>
C-4	<u>Intended for large-scale, automobile-oriented commercial development serving the needs of the regional population</u>
<b>Manufacturing Districts</b>	
M-1	<u>Intended for lower-intensity industrial uses in closer proximity to residential and commercial uses</u>
M-2	<u>Intended for higher-intensity industrial uses that should be separated from residential and commercial uses</u>
<b>Unclassified Districts</b>	
P	<u>Intended to provide areas for open space, recreation, and preservation of natural resources</u>
SF	<u>Intended for State Fair grounds</u>

**SECTION 17:        ADOPTION** “19.22 Split Zoning” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.22 Split Zoning(*Added*)

Where a Zoning District boundary line runs approximately parallel to a street and divides a lot with street frontage in the less restricted Zoning District, the provisions of this chapter covering the less restricted portion of the lot may extend to the entire lot, but in no case more than 25 feet of such Zoning District boundary line. Where such Zoning District boundary line divides a lot with street frontage in a more restricted zone, the provisions of this Subchapter covering the more restricted portion of such lot shall extend to the entire lot. Where a Zoning District boundary line divides a lot and such line is normal or approximately normal to the street upon which the lot fronts, the provisions of this Subchapter covering the less or more restricted portion of such lot may be extended to the entire lot, but in no case more than 25 feet from such Zoning District boundary line.

**SECTION 18:** **ADOPTION** “19.31 Zoning Use Determination” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.31 Zoning Use Determination(*Added*)

1. Determination of Substantially Similar Uses: When a use cannot be reasonably classified or appears to fit into multiple use categories, subcategories, or specific use types, in accordance with Wis. Stat. 62.23(7)(am), the Planning and Zoning Manager is authorized to determine the most similar and thus most appropriate use category, subcategory, or specific use.
  - a. This determination should be made 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.
  - b. To make use determinations, the Planning and Zoning Manager should 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.
    - v. Other factors deemed relevant to a use determination.
2. Square Footage Distinctions. Whenever a use is identified with a square footage range, the gross floor area shall be used to determine whether a use is permitted, limited, conditional, or not permitted.

**SECTION 19:** **ADOPTION** “19.32 Principal Uses” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.32 Principal Uses(*Added*)

The following table identifies the principal uses allowed in each zoning district. Each use is given one of the following designations: P (Permitted Use), L (Limited Use), or C (Conditional Use). Uses without a designation are not permitted.

<b>Residential &amp; Lodging</b>	<b>RA -1</b>	<b>R A- 2</b>	<b>RA -3</b>	<b>R B</b>	<b>R C</b>	<b>C- 1</b>	<b>C- 2</b>	<b>C- 3</b>	<b>C- 4</b>	<b>M- 1</b>	<b>M- 2</b>	<b>P</b>	<b>S F</b>
1-Unit Dwelling	P	P	P	P	P	L	L	L	L				
2-Unit Dwelling	L	L	P	P	P	L	L	L	L				
3- to 4-Unit Dwelling				P	P	C	C	C	C				
Dwelling with 5+ Units				C	P	C	C	C	C				
Bed and Breakfast	C	C	C	C	C								

<u>Community Living Arrangement (8 or fewer persons)</u>	P	P	P	P	P		P	P	P					
<u>Community Living Arrangement (9 or more persons)</u>				C	C		C	C	C					
<u>Hotel</u>						C		C	C	C	C			
<u>Lodging House</u>					C									
<u>Residential Care Service</u>	C	C	C	C	C		C	C	C	C	C			
<u>Short-Term Rental</u>	P	P	P	L	L	L	L	L	L	L	L			
<b>Retail</b>														
	<u>RA-1</u>	<u>RA-2</u>	<u>RA-3</u>	<u>R-B</u>	<u>R-C</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>M-1</u>	<u>M-2</u>	<u>P</u>	<u>S</u>	<u>F</u>
<u>Neighborhood Retail</u>						P	P	P	P	P	P			
<u>General Retail</u>								P	P	P	P			
<u>Large Retail Development</u>								C	C	C	C			
<u>Alcohol Beverage Sales</u>							P	P	P	P	P			
<u>Nicotine Sales</u>								L	L	L	L			
<u>Nominal Price Retail</u>									L					
<u>Pawnbroker Sales</u>									C					
<u>Secondhand Article or Jewelry Sales</u>									C					
<u>Thrift Retail</u>									C					
<b>Service</b>														
	<u>RA-1</u>	<u>RA-2</u>	<u>RA-3</u>	<u>R-B</u>	<u>R-C</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>M-1</u>	<u>M-2</u>	<u>P</u>	<u>S</u>	<u>F</u>
<u>Neighborhood Service</u>						P	P	P	P	P	P			
<u>General Service</u>								P	P	P	P			
<u>Tavern</u>						P	P	P	P	P	P			
<u>Restaurant (limited)</u>						L	L	L	L	L	L			
<u>Restaurant</u>						C	C	C	C	C	C			
<u>Animal Boarding</u>										C	P			
<u>Dry Cleaning</u>								C	C	C	C			
<u>Employment Agency</u>						L	L	L	L	P	P			
<u>Food Production (limited)</u>						C	C	C	C	P	P			
<u>Laundry (self-service)</u>						C	P	P	P	P	P			
<u>Massage Therapy</u>						C	C	C	C	C	C			
<u>Payday Lender</u>									C	C	C			

<b>Civic &amp; Institutional</b>	<b>RA -1</b>	<b>R A- 2</b>	<b>RA -3</b>	<b>R B</b>	<b>R C</b>	<b>C- 1</b>	<b>C- 2</b>	<b>C- 3</b>	<b>C- 4</b>	<b>M- 1</b>	<b>M- 2</b>	<b>P</b>	<b>S F</b>
Child Care Center	C	C	C	C	C		C	C	C	C	C	C	
Civic Institution					C	C	C	C	C	C	C		
Event Space or Theater (less than 5,000 sq. ft.)					C	P	P	P	P	P	P		
Event Space or Theater (5,000 or more sq. ft.)						C	C	C	C	P	P		
Funeral Establishment							C	C	C	C	C		
Religious Institution	C	C	C	C	C		C	C	C	P	P	C	
School	C	C	C	C	C		C	C	C	C	C	C	
<b>Parks &amp; Recreation</b>													
<b>Parks &amp; Recreation</b>	<b>RA -1</b>	<b>R A- 2</b>	<b>RA -3</b>	<b>R B</b>	<b>R C</b>	<b>C- 1</b>	<b>C- 2</b>	<b>C- 3</b>	<b>C- 4</b>	<b>M- 1</b>	<b>M- 2</b>	<b>P</b>	<b>S F</b>
Public Park	C	C	C	C	C	C	C	C	C	C	C	P	
Instruction/Training (15 or fewer persons at one time)						P	P	P	P	P	P		
Instruction/Training (16 or more persons at one time)						C	C	C	C	C	C		
Recreation (indoor)						C	C	C	C	P	P	P	
Recreation										C	P	P	
Sport Shooting Range									P	P	P		
<b>Manufacturing</b>													
<b>Manufacturing</b>	<b>RA -1</b>	<b>R A- 2</b>	<b>RA -3</b>	<b>R B</b>	<b>R C</b>	<b>C- 1</b>	<b>C- 2</b>	<b>C- 3</b>	<b>C- 4</b>	<b>M- 1</b>	<b>M- 2</b>	<b>P</b>	<b>S F</b>
Commercial Light Industrial Flex										C	P		
Light Industrial										L	L		
Heavy Industrial											C		
Restricted Manufacturing								C	C	C	C		
<b>Medical</b>													
<b>Medical</b>	<b>RA -1</b>	<b>R A- 2</b>	<b>RA -3</b>	<b>R B</b>	<b>R C</b>	<b>C- 1</b>	<b>C- 2</b>	<b>C- 3</b>	<b>C- 4</b>	<b>M- 1</b>	<b>M- 2</b>	<b>P</b>	<b>S F</b>
Ambulance Services										C	P		
Hospital					C			C	C	C	C		
Medical Clinic						P	P	P	P	P	P		
Medical Service								P	P	P	P		
Narcotic Treatment Service									L	L	L		

<u>Veterinary Services</u>						<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
<b>Automotive</b>	<u>RA</u> <u>-1</u>	<u>R</u> <u>A-</u> <u>2</u>	<u>RA</u> <u>-3</u>	<u>R</u> <u>B</u>	<u>R</u> <u>C</u>	<u>C-</u> <u>1</u>	<u>C-</u> <u>2</u>	<u>C-</u> <u>3</u>	<u>C-</u> <u>4</u>	<u>M-</u> <u>1</u>	<u>M-</u> <u>2</u>	<u>P</u>	<u>S</u> <u>F</u>
<u>Automobile Parts Sales</u>								<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
<u>Car Wash Service</u>								<u>C</u>	<u>C</u>	<u>C</u>	<u>L</u>		
<u>Fuel Sales</u>							<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		
<u>Heavy Motor Vehicle Sales</u>										<u>C</u>	<u>P</u>		
<u>Heavy Motor Vehicle Service</u>											<u>C</u>		
<u>Light Motor Vehicle Sales (indoor)</u>								<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>		
<u>Light Motor Vehicle Sales</u>									<u>C</u>	<u>C</u>	<u>P</u>		
<u>Light Motor Vehicle Service</u>							<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		
<b>Infrastructure</b>	<u>RA</u> <u>-1</u>	<u>R</u> <u>A-</u> <u>2</u>	<u>RA</u> <u>-3</u>	<u>R</u> <u>B</u>	<u>R</u> <u>C</u>	<u>C-</u> <u>1</u>	<u>C-</u> <u>2</u>	<u>C-</u> <u>3</u>	<u>C-</u> <u>4</u>	<u>M-</u> <u>1</u>	<u>M-</u> <u>2</u>	<u>P</u>	<u>S</u> <u>F</u>
<u>Parking Lot</u>										<u>L</u>	<u>L</u>		
<u>Parking Structure</u>										<u>L</u>	<u>L</u>		
<u>Public Utility Service Structure (less than 25 sq. ft. and less than 6 feet above grade)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	
<u>Public Utility Service Structure (at least 25 sq. ft. or at least 6 feet above grade)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Substation</u>										<u>C</u>	<u>P</u>	<u>C</u>	
<u>Utility Pole</u>										<u>C</u>	<u>C</u>		
<b>Other</b>	<u>RA</u> <u>-1</u>	<u>R</u> <u>A-</u> <u>2</u>	<u>RA</u> <u>-3</u>	<u>R</u> <u>B</u>	<u>R</u> <u>C</u>	<u>C-</u> <u>1</u>	<u>C-</u> <u>2</u>	<u>C-</u> <u>3</u>	<u>C-</u> <u>4</u>	<u>M-</u> <u>1</u>	<u>M-</u> <u>2</u>	<u>P</u>	<u>S</u> <u>F</u>
<u>Adult-Oriented Entertainment</u>								<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		
<u>Donation Center</u>								<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		
<u>Research Laboratory</u>								<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>		
<u>State Fair Use</u>													<u>P</u>

**SECTION 20: ADOPTION** “19.33 Limited Use Criteria” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.33 Limited Use Criteria(*Added*)

The following limited uses shall be permitted as principal uses upon satisfying the criteria below.

1. Residential & Lodging

<b>Principal Use</b>	<b>District(s)</b>	<b>Criteria</b>
<u>1-Unit Dwelling</u>	<u>C-1</u>	<u>Permitted if located above the grade-level floor</u>
<u>1-Unit Dwelling</u>	<u>C-2, C-3, C-4</u>	<u>Permitted if located on a lot platted or recorded prior to the adoption of this ordinance which meets the lot size requirements of RB district</u>
<u>1-Unit Dwelling</u>	<u>C-2, C-3, C-4</u>	<u>Permitted if located on a lot that has another principal use</u>
<u>2-Unit Dwelling</u>	<u>RA-1, RA-2</u>	<u>Permitted on lots with a side or rear lot line adjacent to or separated by an alley from a lot in a commercial or manufacturing district. Common Council may grant exceptions for lots that share a side lot line with a lot adjacent to a commercial or manufacturing district</u>
<u>2-Unit Dwelling</u>	<u>C-1</u>	<u>Permitted if located above the grade-level floor</u>
<u>2-Unit Dwelling</u>	<u>C-2, C-3, C-4</u>	<u>Permitted if located on a lot platted or recorded prior to the adoption of this ordinance which meets the lot size requirements of RB district</u>
<u>2-Unit Dwelling</u>	<u>C-2, C-3, C-4</u>	<u>Permitted if located on a lot that has another principal use</u>
<u>Short-Term Rental</u>	<u>RB, RC, C-1, C-2, C-3, C-4</u>	<u>Permitted if structure is a 1-Unit, 2-Unit, or 3-4 Unit Dwelling</u>

2. Retail

<b>Principal Use</b>	<b>District(s)</b>	<b>Criteria</b>
<u>Nicotine Sales</u>	<u>C-3, C-4, M-1, M-2</u>	<u>Permitted if the lot is located at least 1,000 feet from any lot where the following are located: lots zoned P, Schools, Libraries, or any lot for which a cigarette and tobacco products retailer license has been issued</u>
<u>Nominal Price Retail</u>	<u>C-4</u>	<u>Permitted if the lot is located more than 1,000 feet from any lot where another Nominal Price Retail use is located</u>

3. Service

<u>Principal Use</u>	<u>District(s)</u>	<u>Criteria</u>
Employment Agency	C-1, C-2, C-3, C-4	<u>Permitted if not providing transportation for temporary employees to work sites</u>
Restaurant (limited)	C-1, C-2, C-3, C-4, M-1, M-2	<u>Permitted if:</u> <u>- gross floor area is less than 2,000 square feet,</u> <u>- premises are closed between 12 a.m. and 6 a.m. at all times, and</u> <u>- premises are closed after 10 p.m. Sunday through Thursday</u>

4. Civic & Institutional

<u>Principal Use</u>	<u>District(s)</u>	<u>Criteria</u>

5. Parks & Recreation

<u>Principal Use</u>	<u>District(s)</u>	<u>Criteria</u>

6. Manufacturing

<u>Principal Use</u>	<u>District(s)</u>	<u>Criteria</u>
Light Industrial	M-1, M-2	Self-storage is permitted only if lot is at least 2 acres and at least 20% of the lot is landscaped
<u>Light Industrial</u>	<u>M-1, M-2</u>	<u>Public warehousing is permitted only if at least 20% of the lot is landscaped</u>
<u>Light Industrial</u>	<u>M-1, M-2</u>	<u>Private warehousing is permitted only if at least 20% of the lot is landscaped</u>

7. Medical

<u>Principal Use</u>	<u>District(s)</u>	<u>Criteria</u>
Narcotic Treatment Service	C-4, M-1, M-2	<u>Permitted if the lot is located at least 250 feet from any lot where the following are located: lots in a Residential District or developed for residential use, lots zoned P, Schools, or another Narcotic Treatment Service use</u>

8. Automotive

<u>Principal Use</u>	<u>District(s)</u>	<u>Criteria</u>
Car Wash Service	M-2	<u>Permitted if not located on a lot which shares a lot line with a lot zoned residential</u>

9. Infrastructure

<u>Principal Use</u>	<u>District(s)</u>	<u>Criteria</u>
Parking Lot	M-1, M-2	Permitted only if at least 20% of the lot is landscaped (See Subch. V)
<u>Parking Structure</u>	<u>M-1, M-2</u>	Permitted only if at least 20% of the lot is landscaped (See Subch. V)

10. Other

<u>Principal Use</u>	<u>District(s)</u>	<u>Criteria</u>

**SECTION 21:** **ADOPTION** “19.34 Conditional Use Criteria” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.34 Conditional Use Criteria(*Added*)

No conditional use permit may be issued unless the principal use satisfies the criteria below.

1. Residential & Lodging

<u>Principal Use</u>	<u>District(s)</u>	<u>Criteria</u>

2. Retail

<u>Principal Use</u>	<u>District(s)</u>	<u>Criteria</u>
Pawnbroker Sales	C-4	No conditional use permit may be issued if the lot is located within 3,500 feet from any other lot used for pawnbroker sales or secondhand article or jewelry sales
Secondhand Article or Jewelry Sales	C-4	No conditional use permit may be issued if the lot is located within 3,500 feet from any other lot used for pawnbroker sales or secondhand article or jewelry sales

3. Service

<b>Principal Use</b>	<b>District(s)</b>	<b>Criteria</b>
Payday Lender	C-4, M-1, M-2	No conditional use permit may be issued if the lot is located within 3,500 feet from any other lot used for payday lender

4. Civic & Institutional

<b>Principal Use</b>	<b>District(s)</b>	<b>Criteria</b>

5. Parks & Recreation

<b>Principal Use</b>	<b>District(s)</b>	<b>Criteria</b>

6. Manufacturing

<b>Principal Use</b>	<b>District(s)</b>	<b>Criteria</b>
<u>Commercial</u> <u>Light Industrial</u> <u>Flex</u>	C-3	No conditional use permit may be issued unless at least 30% of the gross floor area is accessible to the public
<u>Commercial</u> <u>Light Industrial</u> <u>Flex</u>	C-4	No conditional use permit may be issued unless at least 20% of the gross floor area is accessible to the public
<u>Heavy Industrial</u>	<u>M-2</u>	No conditional use permit may be issued for asphalt, cement, or stone processing, mixing, or crushing unless at least 20% of the lot is landscaped and no lot used for nonindustrial purposes is located within 500 feet of the lot
<u>Heavy Industrial</u>	<u>M-2</u>	No conditional use permit may be issued for waster services unless at least 20% of the lot is landscaped and no lot used or zoned for residential purposes is located within 500 feet of the lot

7. Medical

<b>Principal Use</b>	<b>District(s)</b>	<b>Criteria</b>

8. Automotive

<b>Principal Use</b>	<b>District(s)</b>	<b>Criteria</b>
<u>Car Wash Service</u>	<u>C-3, C-4, M-1</u>	<u>No conditional use permit may be issued unless no lot zoned for residential purposes is located adjacent to the lot</u>
<u>Light Motor Vehicle Sales</u>	<u>C-4, M-1</u>	<u>No conditional use permit may be issued unless at least 20% of the lot is landscaped and the lot is at least 1 acre</u>
<u>Light Motor Vehicle Service</u>	<u>C-2, C-3, C-4, M-1, M-2</u>	<u>No conditional use permit may be issued unless no lot zoned for residential purposes is located adjacent to the lot</u>
<u>Heavy Motor Vehicle Sales</u>	<u>M-1</u>	<u>No conditional use permit may be issued unless at least 20% of the lot is landscaped and the lot is at least 1 acre</u>

9. Infrastructure

<b>Principal Use</b>	<b>District(s)</b>	<b>Criteria</b>
<u>Public Utility Service Structure</u>	All	<u>No conditional use permit may be issued if the structure is located within a front yard of any lot or a side yard of a corner lot</u>

10. Other

<b>Principal Use</b>	<b>District(s)</b>	<b>Criteria</b>

**SECTION 22:** **ADOPTION** “19.35 Accessory Uses” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.35 Accessory Uses(*Added*)

The following table identifies the accessory uses allowed in each zoning district. Each use is given one of the following designations: P (Permitted Use), L (Limited Use), or C (Conditional Use). Uses without a designation are not permitted.

<u>Accessory Use</u>	<u>RA-1</u>	<u>RA-2</u>	<u>RA-3</u>	<u>RB</u>	<u>RC</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>M-1</u>	<u>M-2</u>	<u>P</u>	<u>SF</u>
<u>Accessory Dwelling Unit</u>	L	L	L	L	L		L	L	L				
<u>Animal Boarding</u>						C	C	L	L	L	L		
<u>Drive-Through Service</u>						C	C	C	C	C	C		
<u>Home-Based Business</u>	L	L	L	L	L	L	L	L	L	L			
<u>Home Office</u>	P	P	P	P	P	P	P	P	P	P			
<u>Instruction/Training (15 or fewer persons at one time)</u>						P	P	P	P	P	P		
<u>Instruction/Training (16 or more persons at one time)</u>						C	C	C	C	C	C		
<u>Outdoor Dining</u>						L	L	L	L	L	L		
<u>Outdoor Sales/Displays</u>						C	C	C	C	C	C		
<u>Outdoor Storage (including vehicles)</u>								C	C	L	L		
<u>Parking Lot/Structure</u>					P	P	P	P	P	P	P	P	P
<u>Production/Repair (less than 5,000 sq. ft.)</u>						P	P	P	P	P	P		
<u>Solar Energy System</u>	P	P	P	P	P	P	P	P	P	P	P	P	P
<u>Wind Energy System</u>	C	C	C	C	C	C	C	C	C	C	C	C	C
<u>Wireless Support Structure</u>	L	L	L	L	C	C	C	C	P	P	P	C	P

**SECTION 23:** **ADOPTION** “19.36 Accessory Use Criteria” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.36 Accessory Use Criteria(*Added*)

- Limited Uses. The following limited uses shall be permitted as accessory uses upon satisfying the criteria below.

<u>Accessory Use</u>	<u>District (s)</u>	<u>Criteria</u>
Accessory Dwelling Unit	All	Permitted up to 1 accessory dwelling unit per lot
Animal Boarding	C-3, C-4, M-1, M-2	Permitted if accessory to principal use of veterinary services
Home-Based Business	RA-1, RA-2, RA-3, RB, RC	Permitted only in a 1- or 2-unit dwelling in compliance with WAMC 19.37(2)
Home-Based Business	C-1, C-2, C-4, C-4, M-1	Permitted only in a 1- or 2-unit dwelling
Outdoor Dining	All	Permitted upon approval of site plan
Outdoor Storage	M-1, M-2	Permitted if stored materials are screened from the view of adjacent lots, located in a side or rear yard, and at least 5 feet from any lot line or setback specified by zoning district regulation, whichever is greater
Wireless Support Structure	RA-1, RA-2, RA-3, RB	Permitted if no more than 6' above a principal building to which it is attached, 35' above the ground if on a freestanding pole, and 15' above the ground if the facility is a satellite dish

2. Conditional Uses. No conditional use permit may be issued unless the accessory use satisfies the criteria below.

<u>Accessory Use</u>	<u>District(s)</u>	<u>Criteria</u>

**SECTION 24:** **ADOPTION** “19.37 Other Use Regulations” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.37 Other Use Regulations(*Added*)

1. Residential Parking. Any person allowing parking of vehicles outside of a building on a lot that contains a 1- or 2-unit dwelling shall comply with all the following:
  - a. Motor vehicles shall be parked on a paved surface, except on the dates on which the Wisconsin State Fair is taking place.
  - b. No motor vehicle may have more than 2 axles.
  - c. No motor vehicle may have more than 4 wheels.
  - d. No trailer may exceed 12 feet in length.
2. Home-Based Business Regulations. Any person operating a home-based business in a residential district shall comply with all the following:
  - a. The operator shall obtain a home-based business permit.
  - b. Services or sales on premises shall be conducted by appointment only.
  - c. No more than 1 client may be on the premises at any time and no more than 4 clients may enter the premises per day.
  - d. No appointments shall occur between 8 pm and 8 am.
  - e. The business shall be conducted solely within either the principal building or an accessory building.
  - f. The business may not utilize a shipping service from the dwelling unit.
  - g. The business may not employ any person who does not reside on the premises.
  - h. No vehicle shall be used in connection with the business unless owned by the permittee and legally parked on the premises.
  - i. The home-based business may not be any activity licensed by the State of Wisconsin under Wis. Stat. Chs. 441-480.
3. C-1 and C-2 Warehousing. For any building located in a C-1 or C-2 district and used for the storage of goods intended for retail sale, the maximum interior area of the building used for the storage of goods intended for retail sale shall not exceed 25% of the gross floor area.
4. C-1 and C-2 Public Floor Area. For any building located in a C-1 or C-2 district and used for commercial purposes, other than a home office or home-based business, the minimum interior area of the building that must be accessible to the public shall be at least 10% of the gross floor area.

**SECTION 25:** **ADOPTION** “19.41 Structure Size and Location” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.41 Structure Size and Location(*Added*)

No structure, except a residential accessory structure, may exceed the minimum and maximum standards set forth in the table below. If any cell is blank, no limit is imposed.

<b>Buildable Space</b>	<u>RA</u> <u>-1</u>	<u>RA</u> <u>-2</u>	<u>RA</u> <u>-3</u>	<u>RB</u>	<u>R</u> <u>C</u>	<u>C-</u> <u>1</u>	<u>C-</u> <u>2</u>	<u>C-</u> <u>3</u>	<u>C-</u> <u>4</u>	<u>M-</u> <u>1</u>	<u>M-</u> <u>2</u>	<u>P</u>	<u>S</u> <u>F</u>
Height (maximum)	35'	35'	35'	40'	85'	65'	85'	85'	10 5'				
Front Setback (maximum)			40'	30'	20'	0'	10'	20'					
Front Setback (minimum)	30'	25'	20'	10'					10'	20'	30'		
Rear Setback (minimum)	25'	25'	10'	10'					Se e (1)	10'	20'		
Side Setback (minimum)	8'	5'	3'	3'					Se e (1)	See (1)	10'		
<b>Density</b>													
<b>Density</b>	<u>RA</u> <u>-1</u>	<u>RA</u> <u>-2</u>	<u>RA</u> <u>-3</u>	<u>RB</u>	<u>R</u> <u>C</u>	<u>C-</u> <u>1</u>	<u>C-</u> <u>2</u>	<u>C-</u> <u>3</u>	<u>C-</u> <u>4</u>	<u>M-</u> <u>1</u>	<u>M-</u> <u>2</u>	<u>P</u>	<u>S</u> <u>F</u>
Floor Area Ratio (maximum)										1.5	1.5		
Lot Coverage (maximum)	40 %	40 %	50 %	60 %									
<b>Lot Size</b>													
<b>Lot Size</b>	<u>RA</u> <u>-1</u>	<u>RA</u> <u>-2</u>	<u>RA</u> <u>-3</u>	<u>RB</u>	<u>R</u> <u>C</u>	<u>C-</u> <u>1</u>	<u>C-</u> <u>2</u>	<u>C-</u> <u>3</u>	<u>C-</u> <u>4</u>	<u>M-</u> <u>1</u>	<u>M-</u> <u>2</u>	<u>P</u>	<u>S</u> <u>F</u>
Lot Width (maximum)		150 '	100 '	80'									
Lot Width (minimum)	75'	50'	40'	30'									

1. If the lot is adjacent to a 1- or 2-unit dwelling that conforms to the underlying zoning district, the minimum setback is 10 feet.
2. (Reserved)

**SECTION 26: ADOPTION** “19.42 Residential Accessory Structures” of the City Of West Allis Municipal Code is hereby *added* as follows:

**ADOPTION**

19.42 Residential Accessory Structures(*Added*)

No residential accessory structure may exceed the minimum and maximum standards set forth in the table below. If any cell is blank, no limit is imposed.

	<u>Accessory Dwelling Unit</u>	<u>Detached Garage</u>	<u>Other Accessory Building</u>
Exterior Wall Height (maximum)	<u>20'</u>	<u>10'</u>	<u>10'</u>
Height (maximum)	<u>Height of principal building, not to exceed 20'</u>	<u>Height of principal building, not to exceed 18'</u>	<u>15'</u>
Building Coverage (maximum)	<u>50% of principal building, not to exceed 700 sq. ft.</u>	<u>1,000 sq. ft.</u>	<u>150 sq. ft.</u>
<u>Setback from Principal Building (minimum)</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>
<u>Front Setback (minimum)</u>	<u>60'</u>	<u>60'</u>	<u>60'</u>
<u>Rear Setback - abutting alley (minimum)</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>
<u>Rear Setback - not abutting alley (minimum)</u>	<u>3'</u>	<u>3'</u>	<u>3'</u>
<u>Side Setback (minimum)</u>	<u>3'</u>	<u>3'</u>	<u>3'</u>

**SECTION 27:** **ADOPTION** “19.43 Structures in Yards” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.43 Structures in Yards(*Added*)

No structure may be located in a front, side, or rear yard except as permitted (P) in the table below. If any cell is blank, the structure is prohibited.

Structure	Front Yard	Side Yard	Rear Yard
Accessory Building	P	P	P
Air Conditioning Equipment		See (1)	See (1)
<u>Animal Enclosure</u>			<u>See (2)</u>
Apiary		P	P
Basketball Hoop	P	P	P
Canopy	P	P	P
Cistern	P	P	P
Compost		P	P
Fence		P	P
Landscaping	P	P	P
<del>Vehicle</del> Parking Lot/Structure Surface	P	P	P
Patio	P	P	P
<u>Planter Box</u>	<u>P</u>	<u>P</u>	<u>P</u>
Play Equipment		P	P
Porch	See (3)	<u>See (3)</u>	<u>See (3)</u>
Refuse <u>Container Enclosure</u> <del>Container</del>		P	P
Retaining Wall	P	P	P
Sign	P	P	P
Sporting Equipment (except Basketball Hoop)		P	P
Swimming Pool		See (4)	See (4)
Wireless Communication Structure		P	P
Decorations	P	P	P

1. Air conditioning equipment is permitted up to 1' away from a lot line.
2. Kennels are permitted up to 5' away from a lot line.
3. Porches are permitted up to 10' away from a front lot line and 3' away from a side lot line, and only if the porch area does not exceed 15% of the total yard area.
4. Swimming pools are permitted up to 3' away from a lot line.

**SECTION 28:** **ADOPTION** “19.44 Vehicle Parking” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.44 Vehicle Parking(*Added*)

1. Permit Required. No person may provide motor vehicle access between a vehicle parking area and a public way without first obtaining a driveway permit from the Board of Public Works.
2. Motor Vehicle Parking Limits. No lot may contain more motor vehicle parking spaces than the amount allowed within the table below without special permission from the common council.

<b>Type of Use</b>	<b>Maximum Parking Spaces</b>
Dwelling (3 or more units)	2 per dwelling unit
Hotel/Bed and Breakfast	1.5 per guest room
Residential Care	1 per bed
All Retail Uses	3 per 1,000 sq. ft. of gross floor area open to the public
Restaurant	40% of building capacity
All Service Uses (except Restaurant)	<u>3 per 1,000 sq. ft. of gross floor area open to the public</u>
Commercial Light Industrial Flex	<u>4 per 1,000 sq. ft. of gross floor area open to the public</u>
Automobile Parts Sales	<u>3 per 1,000 sq. ft. of gross floor area open to the public</u>
<u>Any conditional use</u>	<u>As stated on the conditional use permit</u>

3. Bicycle Parking Requirements. No lot may contain fewer bicycle parking spaces than the amount required within the table below without special permission from the common council.

<b>Principal Use</b>	<b><u>Bicycle Parking Spaces (outdoor) (minimum)</u></b>	<b><u>Bicycle Parking Spaces (indoor) (minimum)</u></b>
Dwelling (5 or more units)	1 per 30 dwelling units	<u>1 per 5 dwelling units</u>
All Retail Uses	1 per 3,000 sq. ft. gross floor area	
All Service Uses	<u>1 per 3,000 sq. ft. gross floor area</u>	
School	1 per classroom	
All Civic & Institutional Uses (except school)	<u>1 per 10,000 sq. ft. gross floor area</u>	
<u>All Medical Uses</u>	<u>1 per 10,000 sq. ft. gross floor area</u>	
Automobile Parts Sales	<u>1 per 3,000 sq. ft. gross floor area</u>	
Any conditional use	<u>As stated on the conditional use permit</u>	<u>As stated on the conditional use permit</u>

4. Parking Lot/Structure Design. Any parking lot or parking structure shall be constructed in the following manner:
  - a. The parking lot or parking structure shall comply with Wis. Stat. 346.503.
  - b. Curbing or other approved method shall be installed so that no part of any vehicle shall extend beyond the lot line. Poured curbing, fencing, landscaping, or other method shall be required where a parking lot and/or loading facility abuts a street, public right-of-way or building, or as deemed appropriate by the Plan Commission.
  - c. Grading and drainage shall provide for the collection of storm water on site with proper discharge to available public storm sewer or retention area and to prevent runoff onto adjacent lots and right-of-way. Paved areas and other site areas may be sheet drained to public right-of-way if approved by the City Engineer.
  - d. A visual buffer, enclosure, or screening shall surround any parking lot or parking structure to the extent required by the plan commission.
  - e. Landscaping shall be included within any parking lot to the extent required by the plan commission.
  - f. Lighting used for illumination shall be so arranged to not reflect, direct, or splay lighting beyond the lot that is the source of the light.
  - g. Parking surfaces shall be constructed of macadam, concrete, sealcoat, paver blocks, permeable asphalt or concrete (subject to approval of the City Engineer), or similar suitable surface to eliminate dust, dirt, and mud.
5. 1- and 2-Unit Dwelling Parking. A driveway or parking area serving a 1- or 2-unit dwelling shall be:
  - a. Graded and drained to prevent run off onto adjacent properties.
  - b. Constructed of macadam, concrete, sealcoat, paver blocks, permeable asphalt or concrete (subject to approval of the City Engineer), or similar suitable surface to eliminate dust, dirt, and mud.

**SECTION 29:**        **ADOPTION** “19.51 Overlay Districts” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.51 Overlay Districts(*Added*)

1. PDD Authorized. The city and the owners of any number of contiguous lots may jointly establish a planned development district over those lots. Any lots subject to a planned development district shall be zoned PDD in addition to any other zoning district.
2. Effect. Regulations in each PDD may deviate from the underlying permanent zoning. Any adjustments shall promote the maximum benefit from coordinated area site planning, diversified location of structures, and mixed compatible uses. Such regulations shall provide for a safe and efficient system for pedestrian and vehicular traffic, attractive recreation and landscaped open spaces, economic design and location of public and private utilities and common facilities, and ensure adequate standards of construction and planning.

**SECTION 30:        ADOPTION** “19.52 Procedures” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.52 Procedures(*Added*)

1. Pre-Application. Prior to the formal submission of an application for a Planned Development, the developer and/or property owner shall confer with the Development Department to obtain information and direction on development plan requirements and procedures. The Development Department may also initiate the request for a Planned Development.
2. Application. Applications for a Planned Development shall be made in writing to the Common Council by filing with the City Clerk and shall include the following:
  - a. Name, address, and signatures of the applicant and/or owner, architect, planner, and professional engineer.
  - b. Preliminary development plan including maps, preliminary building plans, and a written statement showing enough of the surrounding area to demonstrate the relationship of the proposed development to adjoining uses, both existing and proposed. The maps shall contain the following information:
    - i. Plat of survey prepared by registered land surveyor.
    - ii. Existing topographic features of the land and proposed grading changes.
    - iii. Existing and proposed land uses.
    - iv. Site plan.
    - v. Elevation and perspective drawings of all proposed structures and improvements.
  - c. Written statement which shall contain the following information:
    - i. Statement of present ownership of all lands in the proposed project.
    - ii. Statement of proposed financing.
    - iii. Statement restricting the project to be constructed, as proposed, with written agreement that the City does have the right to hold building permits for any or all of the project if it does not conform to the original proposal, unless changes have been mutually agreed upon.
  - d. Development schedule which shall contain the following information:
    - i. Approximate construction start date.
    - ii. Construction stages and approximate start and completion dates.
    - iii. Agreements, provisions, or covenants which govern the use.

maintenance, and continued operation of the planned development and any of its common open areas.

3. Review. Upon the formal submission of the application and fee for a Planned Development, the Common Council shall refer the application to the Plan Commission for review and recommendation. As a result of this recommendation, the Common Council shall establish a date for a public hearing. Public hearing shall be held prior to any final action by the Common Council. Notice of public hearing shall be published as a Class II notice under Chapter 985 of the Wisconsin Statutes.
4. Determination. The Common Council may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions. Such approval shall constitute approval of the zoning change to impose this Overlay District and of the specific project development plan.
  - a. The approval of an application and consequent amending of the Zoning Map by overlay of this Overlay District shall be based on, and include as conditions thereto, the building, site, and operational plans for the development, as approved, as well as all other commitments offered or required as regard to project value, character, or other factors pertinent to an assurance the proposed development will be carried out basically as presented in the official submittal plan. Detailed construction and engineering plans are conditioned upon the subsequent submittal to, and approval by, the Building Inspector.
  - b. A subdivision development agreement relative to improvements shall be agreed with by the developer and the Board of Public Works.
5. Contract. The developer shall enter an appropriate contract with the City to guarantee the implementation of the development according to the terms of the conditions established as part of the development plan approval.
  - a. If no construction has begun or no permanent use has been established in the Planned Development within one year from the approval of the final development plan, the final development plan and related restrictions and conditions shall lapse and be no further effect. In its discretion and for good cause, the Common Council may extend, for not more than one additional year, the period for the beginning of construction on the establishment of a permanent use. If a final development plan and related restrictions and conditions lapse under the provisions of this Section, the City Clerk shall file a notice of revocation with the Register of Deeds of Milwaukee County.
  - b. After approval of the Planned Development by the Common Council, the developer shall, at the time of application for building permits, pay a fee to the City Treasurer computed on the basis of \$300 per unit (residential, commercial or manufacturing). In the event the development consists of more than one billing or more than one phase, the fee shall be for those units for which a building permit is being requested and any credits due for fees previously tendered shall be on a proportional basis.
6. Failure to Begin Planned Development. If no construction has begun or no permanent use has been established in the Planned Development within one year from the approval of the final development plan, the final development plan and related restrictions and conditions shall lapse and be of no further effect. The Common Council may extend the period to begin construction or establish the permanent use up to 1 additional year. If a final development plan and related restrictions and conditions lapse under the provisions of this Section, the City Clerk shall file a notice of revocation with the Register of Deeds of Milwaukee County.
7. Changes and Amendments
  - a. No changes shall be made in the approved final development plan and related restrictions and conditions during construction, except upon application under the procedures provided.
  - b. Minor changes in location, setting, and height of structures may be authorized by the Plan Commission if required by circumstances not foreseen at the time

of the final development plan.

- c. All other changes in use, rearrangement of lots, blocks, and building tracts, any changes in the provision of open spaces, and all other changes must be authorized by Common Council under the procedures authorized for approval of a Planned Development. No amendments may be made in the approved final development plan or related restrictions and conditions unless they are shown to be required by changes that have occurred in conditions since the final development plans and related restrictions and conditions were approved or by a change in the development policy of the City.
8. Subdivision and Resale. A Planned Development shall not be subdivided or re-subdivided for purposes of sale or lease without the approval of the Common Council, as required in this Subchapter. All sections of a subdivided Planned Development shall comply with the final development plan and related restrictions and conditions, as approved by the Common Council, unless changes thereto have been approved in accordance with this Section.?
9. Compliance. Upon any question related to compliance of an approved Planned Development, with the conditions and regulations as herein established and made specifically applicable to such development, the appropriate responsible party shall be given at least 15 days' notice to appear before the Plan Commission to answer such charge of noncompliance. If the Plan Commission finds the change substantiated and does not receive adequate assurance that the situation will be corrected within a reasonable time, as determined by the Plan Commission, it shall then recommend to the Common Council appropriate action to secure compliance or to revoke the approval of the development plan. Upon such revocation, no further building permits shall be issued within the project until approval has been reinstated in whole or part. In the case of failure to resolve the problem or to complete the development for any reason, the Common Council may require revision of the development plan to whatever degree is deemed necessary to achieve modified development with consideration of the specific problems of adjustment to the surrounding neighborhood consistent with the spirit and intent of the basic zoning regulations and of the original grant of the planned unit development approval.

**SECTION 31:       ADOPTION** “19.53 Review And Approval” of the City Of West Allis Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 19.53 Review And Approval(*Added*)

1. Consistency. The proposed development is consistent with the spirit and intent of this chapter, is in conformity with the general character of the City and would not be contrary to the general welfare and economic prosperity of the City or of the immediate neighborhood. The benefits from improved design of the development justifies the variation from the normal requirements of this chapter through the application of a Planned Development.
2. Demonstrated Competent Planning. The proponents of the proposed development demonstrated that they intend to start and complete construction within a reasonable time period, have the financial capacity to carry out the project, and the project appears economically sound.
3. Compatibility with Surrounding Area. The size, quality, and architectural design of all buildings in the project will be compatible with the general character of the City and specifically the surrounding neighborhood. The following criteria shall be applied:
  - a. No building shall be permitted an unorthodox, abnormal, unsightly, or

- offensive design or exterior appearance in relation to the surroundings.
        - b. No individual building shall be permitted the design or exterior appearance that is so identical with the adjoining buildings that it creates excessive monotony and drabness.
        - c. No building shall be permitted without an exposed façade that is aesthetically compatible with other facades and presents an attractive appearance.
        - d. No building shall be permitted to be sited on the property in a manner which would unnecessarily destroy or damage the natural beauty of the area, particularly if it would adversely impact values incident to land ownership or the beauty and enjoyment of existing residence on adjoining properties.
- 4. Landscaping and Screening Bond. A surety bond or other form of security in the amount of 125% of the estimated cost of the landscaping and screening warranting and guaranteeing the landscape and screening plan as submitted and approved by the Plan Commission as part of the development. The bond shall be approved by the City Attorney prior to issuance of any building permits.
- 5. Commercial Developments
  - a. The economic practicality can be justified based on purchasing potential, competitive relationship, and demonstrated tenant interest.
  - b. The proposed development will be appropriately served by off-street parking and truck service facilities.
  - c. The locations for vehicular entrances and exits are designed to prevent unnecessary interference with the site, efficient movement of traffic, safety, accessibility for all road users, and will not create an adverse effect upon the general traffic pattern of the area.
  - d. The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not substantially adversely impacting property values of the surrounding neighborhood.
- 6. Industrial Developments
  - a. The operational character, physical plant arrangement, and architectural design of buildings will be compatible with contemporary performance standards and industrial development design and will not produce an effect upon the property values of the surrounding neighborhood substantially incompatible with that anticipated under the City's Comprehensive Plan for development.
  - b. The proposed development will have appropriate provisions for off-street parking and truck service areas and will be adequately served by rail or highway facilities.
  - c. The proposed development is properly related to the total transportation system of the community and will not produce an effect on the safety and efficiency of the public streets substantially incompatible with that anticipated under the City's traffic plans.
- 7. Mixed Use Developments
  - a. That the proposed mixture of uses produces a unified composite which is compatible within itself and is substantially compatible with the surrounding neighborhood and consistent with the general objectives of this Section.
  - b. That the various types of uses conform to the general requirements applicable to projects of such use character.

**SECTION 32: REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**SECTION 33: SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 34: 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

\_\_\_\_\_.

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