

**CITY OF WEST ALLIS
ORDINANCE O-2022-0142**

ORDINANCE UPDATING ZONING CODE

AMENDING CH. 19

WHEREAS, the common council may adopt amendments to an existing zoning ordinance after first submitting the proposed amendments to the city plan commission for recommendation and report and after providing a class 2 notice of the proposed amendments and hearings thereon; and

WHEREAS, a hearing was held on the proposed amendments by the common council;

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

SECTION 1: **AMENDMENT** “19.14 Conditional Use Review” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

19.14 Conditional Use Review

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~~conditional 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 2: **AMENDMENT** “19.16 Definitions” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

19.16 Definitions

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

Term	Definition
Accessory Building	Any building other than the principal building
Accessory Dwelling Unit	A dwelling unit other than the principal dwelling unit

Accessory Structure	Any structure other than a principal building
Accessory Use	A subordinate use which is clearly and customarily incidental to the principal use on the lot
<u>Adult Day Care Center</u>	<u>The use of a lot in the manner described in Wis. Stat. 49.45(47)(a)</u>
Adult-Oriented Entertainment	The use of a lot in the manner described in WAMC 9.59
<u>Advanced Manufacturing</u>	<u>The act of converting raw materials into finished products by using manual or mechanized transformational techniques in a manner that does not produce any vibration, odor, emission, or noise outside of a building.</u>
Alcohol Beverage Sales	The retail sale of alcohol beverages in the manner described in Wis. Stat. 125.25 and 125.51(2)
Ambulance Services	The use of a lot in the manner described under Wis. Stat. 256.01(2)
Animal Boarding	The boarding, breeding, or training of animals for compensation
Automobile Part Sales	The retail sale of automobile components or accessories
Bed and Breakfast	The use of a lot in the manner described in Wis. Stat. 97.01(1g)
Bicycle Parking Space (indoor)	An area inside a building designated for the parking of 1 bicycle
Bicycle Parking Space (outdoor)	An area outside a building designated for the parking of 1 bicycle
Bicycle Rack	A structure used to provide bicycle parking space
Building	A structure that shields persons or property from the elements
Building Height	The vertical distance measured from the average established grade at the front lot line to the highest point of a building, including all appurtenances
Building Area	The total area of a building bounded by its exterior walls
Building Coverage	The sum of all building areas on a lot
Car Wash Service	The washing and cleaning of motor vehicles for compensation
Child Care Center	The use of a lot in the manner described in Wis. Stat. 49.136(1)(ad)
<u>Class 1 Collocation of Mobile</u>	<u>The use of a lot in the manner described in Wis. Stat.</u>

<u>Service Facility</u>	66.0404(1)(d)
<u>Class 2 Collocation of Mobile Service Facility</u>	The use of a lot in the manner described in Wis. Stat. 66.0404(1)(e)
Civic Institution	Unless more specifically defined, the use of a lot by a governmental entity
Commercial Light Industrial Flex	The light industrial use of a lot to distribute goods that are also sold in an on-site retail space
Community Living Arrangement	The use of a lot in the manner described in Wis. Stat. 46.03(22) , 48.743(1) , 48.02(6) , or 50.01(1)
Conditional Use	A use that is allowed upon meeting all conditions specified in the code and those imposed by the common council
Crematory	The use of a lot in the manner described in Wis. Stat. 440.70(8)
Donation Center	The receiving of donated goods from the public for redistribution to the public at no cost
Drive-Through Service	The delivery of products or services to customers while the customer is inside a vehicle
Dry Cleaning	The use of a lot in the manner described in Wis. Stat. 77.996(2)
Dwelling Unit	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
Employment Agency	The use of a lot in the manner described in Wis. Stat. 111.32(7)
Event Space	The use of a lot for the gathering of individuals at a specific time for direct or indirect compensation
Family Child Care Home	The use of a lot in the manner described in Wis. Stat. 66.1017(1)(a)
Floor Area Ratio	The numerical value obtained through dividing the gross floor area by the total area of the lot (diagram)
Food Production (limited)	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
Fuel Sales	The retail sale of vehicle fuel
Funeral Establishment	The use of a lot in the manner described in Wis. Stat. 445.01(6)

General Retail	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
General Service	Unless more specifically defined, the sale of services within a building that has a gross floor area of 8,000 square feet or greater
Gross Floor Area	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
Heavy Motor Vehicle Sales	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
Heavy Motor Vehicle Service	The maintenance, repair, or enhancement of motor vehicles having a gross vehicle weight rating of 10,001 pounds or greater for compensation
Home-Based Business	The use of a lot in the manner described in Wis. Adm. Code SPS 361.04(3m) , except a home office
Home Office	The accessory use of a dwelling unit to carry on that occupation to carry on an occupation for which clients do not meet at the dwelling unit and no packages are sent from the dwelling unit
Hospital	The use of a lot in the manner described in Wis. Stat. 50.33(2)
Hotel	The use of a lot in the manner described in Wis. Stat. 97.01(7)
Industrial	Unless more specifically defined, the use of a lot for creating products by combining or connecting other materials
Instruction/Training	The use of a lot for teaching one particular skill or conducting a class on one subject
Large Retail Development	The use of a lot or combination of lots for retail sales with a display area of 50,000 square feet or more
Laundry (self-service)	The use of a display area laundry services performed by the customer through the use of self-service machines
Light Industrial	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
Light Motor Vehicle Sales	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
Light Motor Vehicle Sales (indoor)	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
Light Motor Vehicle Service	The maintenance, repair, or enhancement of motor vehicles having a gross vehicle weight rating of 10,000 pounds or less for compensation
Limited Use	A use that is allowed upon meeting all conditions specified in the code
Lodging House	Conducting the activities described in Wis. Stat. 779.43(1)(b)
Lot	A distinct parcel, tract, or area of land established by plat, subdivision, or other instrument recorded in the office of the register of deeds
Lot Coverage	The percentage of the lot which is occupied by buildings (diagram)
Lot Line, Front	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
Lot Line, Rear	The portion of a lot that borders an alley. If no alley exists, the portion of a lot opposite a front lot line.
Lot Line, Side	The portion of a lot that is not a front or rear lot line
Lot Width	The shortest distance between side lot lines at a point midway between the front and rear lot lines
Massage Therapy	The use of a lot in a manner described in Wis. Stat. 460.01(4) for compensation
Medical Clinic	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
Mobile Service Support Structure	The use of a lot in a manner described in Wis. Stat. 66.0404(1)(n)
Narcotic Treatment Service	The use of a lot in a manner described in Wis. Stat.

	51.4224(1)(a) outside of a hospital
Medical Services	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
Neighborhood Retail	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
Neighborhood Service	Unless more specifically defined, the sale of services within a building that has a gross floor area of less than 8,000 square feet
Nicotine Sales	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
Nominal Price Retail	The retail sale of primarily inexpensive general merchandise at a price of \$10.00 per item or less
Outdoor Dining	The use of a lot for consumption of food outside of a building on the premises of a restaurant
Outdoor Display	The presentation outside of a building of goods offered for retail sale or examples of goods offered for retail sale
Outdoor Storage	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
Parking Lot	A structure that is not a building which is built at grade and used to facilitate the ingress, egress, and parking of motor vehicles
Parking Structure	A building used to facilitate the ingress, egress, and parking of motor vehicles
Pawnbroker	The purchasing and selling of articles or jewelry in a manner described in Wis. Stat. 134.71(1)(e)
Payday Lender	The use of a lot in a manner described in Wis. Stat. 62.23(7)(hi)1.b.
Permitted Use	A use that is allowed without any specified conditions
Principal Building	The building on a lot in which a principal use is primarily conducted
Principal Dwelling Unit	The dwelling unit or units located within the principal building
Principal Use	A primary or predominant use of a premises

Production/Repair	The accessory use of a lot to produce or service items similar to those sold on-site at retail as a principal use
Public Park	A lot that is primarily used for recreational activity and open to the public at no cost
Public Utility Service Structure	A structure that is exclusively used to provide public utilities
Recreation	The use of a lot for conducting live sports, activities, or games of skill for the entertainment of participants
Recreation (indoor)	The use of a lot for conducting live sports, activities, or games of skill for the entertainment of participants entirely within a building
Religious Institution	The use of a lot for the assembly of persons for religious purposes and related use for religious ceremonies, purposes, and events
Research Laboratory	The use of a lot for testing, investigation, development, or verification of scientific processes to advance technology
Residential Care Service	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
Restaurant	The use of a lot in the manner described in Wis. Stat. 97.01(14g)
Restricted Manufacturing	The preparation, processing, assembling, or packing of a product that may be lawfully advertised as blind-made under Wis. Stat. 47.03(3)(a)
School	The use of a lot for teaching more than one skill or conducting classes on more than one subject
Secondhand Article or Jewelry Sales	The purchasing and selling of articles or jewelry in the manner described in Wis. Stat. 134.71(1)(g) or (h)
Self-Service Storage	A type of light industrial use of a lot in a manner described in Wis. Stat. 704.90(1)(g)
Setback	The distance between a lot line and a building or structure
Short-Term Rental	The use of a lot in a manner described in Wis. Stat. 66.1014(1)(c)
Site Plan	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
	The use of a lot in the manner described in Wis. Stat.

Sport Shooting Range	66.0409(1)(c)
State Fair Use	The use of a lot in a manner authorized under Wis. Stat. 42.01
Structure	Any object that is affixed to the ground and not created by nature
Substation	A structure used for the transmission or distribution of electrical power, light, heat, water, gas, sewer, telegraph or telecommunication services
Tavern	The retail sale of alcohol beverages in the manner described in Wis. Stat. 125.26 and 125.51(3)
Theater	The use of a lot for the exhibition of a motion picture or performing arts to the public
Thrift Retail	The receiving of donated goods from the public for on-site sale of those goods to the public
Use	A constant, occasional, or isolated act taking place with or without the knowledge of any person occupying a lot
Utility Pole	A structure described in Wis. Stat. 66.0414(1)(x) or any structure designed solely for the collocation of small wireless facilities
Veterinary Services	The use of a lot for the practice of veterinary medicine under Wis. Stat. 89.02(6)
Warehousing, Private	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
Warehousing, Public	A type of light industrial use of a lot in the manner described in Wis. Stat. 99.01(3)
Waste Services	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)
Wireless Support Structure	A structure described in Wis. Stat. 66.0414(1)(zp) that actually used to support small wireless facilities
Yard	Any part of a lot that is not within a building
Yard, Front	The part of a lot from the front lot line to the principal building and any adjacent land (see image)
Yard, Rear	The part of a lot from the rear lot line to the principal building and any adjacent land (see image)
Yard, Side	The part of a lot that is not a rear or front yard

SECTION 3: AMENDMENT “19.21 Zoning Districts” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

19.21 Zoning Districts

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

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

P	Intended to provide areas for open space, recreation, and preservation of natural resources
SF	Intended for State Fair grounds

SECTION 4: AMENDMENT “19.32 Principal Uses” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

19.32 Principal Uses

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.

Residential & Lodging	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	MI- 1	MI- 2	P	SF
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	EP	PE	PE	PE				
Dwelling with 5 Units				C	P	C	C	C	C				
Bed and Breakfast	C	C	C	C	C								
Community Living Arrangement (8 or fewer persons)	P	P	P	P	P		P	P	P				
Community Living Arrangement (9 or more persons)				C	C		C	C	C				
Hotel						C	<u>C</u>	C	C	C	C		
Lodging House					C								
Residential Care Service	C	C	C	C	C		C	C	C	C	C		
Short-Term Rental	P	P	P	L	L	L	L	L	L	L			
Retail													
Retail	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	MI- 1	MI- 2	P	SF
Neighborhood Retail						P	P	P	P	P	P		
General Retail								P	P	P	P		

Large Retail Development									C	C	C	C		
Alcohol Beverage Sales								P	P	P	P	P		
Nicotine Sales									L	L	L	L		
Nominal Price Retail										L				
Pawnbroker Sales										C				
Secondhand Article or Jewelry Sales										C				
Thrift Retail										C				
Service	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	MI- 1	MI- 2	P	SF	
Neighborhood Service						P	P	P	P	P	P			
General Service								P	P	P	P			
Tavern						P	P	P	P	P	P			
Restaurant (limited)						L	L	L	L	L	L			
Restaurant						C	C	C	C	C	C			
Animal Boarding										C	P			
Dry Cleaning								C	C	C	C			
Employment Agency						L	L	L	L	P	P			
Food Production (limited)						C	C	C	C	P	P			
Laundry (self-service)						C	P	P	P	P	P			
Massage Therapy						C	C	C	C	C	C			
Payday Lender									C	C	C			
Civic & Institutional	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	MI- 1	MI- 2	P	SF	
<u>Adult Day Care Center</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>		
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	
Parks & Recreation	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	MI- 1	MI- 2	P	SF	
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			
ManufacturingIndustrial	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	MI- 1	MI- 2	P	SF	
Advanced Manufacturing								<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>			
Commercial Light Industrial Flex								C	C	C	P			
Light Industrial										L	L			
Heavy Industrial											C			
Restricted Manufacturing								C	C	C	C			
Medical	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	MI- 1	MI- 2	P	SF	
Ambulance Services										C	P			
Hospital					C			C	C	C	C			
Medical Clinic						P	P	P	P	P	P			
Medical Service							P	P	P	P	P			
Narcotic Treatment Service									L	L	L			
Veterinary Services						C	C	C	C	P	P			

Automotive	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	MI- 1	MI- 2	P	SF
Automobile Parts Sales								P	P	P	P		
Car Wash Service								C	C	C	L		
Fuel Sales							C	C	C	C	C		
Heavy Motor Vehicle Sales										C	P		
Heavy Motor Vehicle Service											C		
Light Motor Vehicle Sales (indoor)								C	C	C	P		
Light Motor Vehicle Sales									C	C	P		
Light Motor Vehicle Service							C	C	C	C	C		
Infrastructure													
Infrastructure	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	MI- 1	MI- 2	P	SF
<u>Class 1 Collocation of Mobile Service Facility</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>C</u>
<u>Class 2 Collocation of Mobile Service Facility</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>P</u>	<u>P</u>
<u>Mobile Service Support Structure</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>C</u>
Parking Lot										L	L		
Parking Structure										L	L		
Public Utility Service Structure (less than 25 sq. ft. and less than 6 feet above grade)	P	P	P	P	P	P	P	P	P	P	P	C	
Public Utility Service Structure (at least 25 sq. ft. or at least 6 feet above grade)	C	C	C	C	C	C	C	C	C	C	C	C	
Substation										C	P	C	
Utility Pole										C	C		

Other	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	MI- 1	MI- 2	P	SF
Adult-Oriented Entertainment								C	C	C	C		
Donation Center								C	C	C	C		
Research Laboratory								C	C	C	P		
State Fair Use													P

SECTION 5: **AMENDMENT** “19.33 Limited Use Criteria” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

19.33 Limited Use Criteria

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

1. Residential & Lodging

Principal Use	District(s)	Criteria
1-Unit Dwelling	C-1	Permitted if located above the grade-level floor
1-Unit Dwelling	C-2, C-3, C-4	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
1-Unit Dwelling	C-2, C-3, C-4	Permitted if located on a lot that has another principal use
2-Unit Dwelling	RA-1, RA-2	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 industrial district. Common Council may grant exceptions for lots that share a side lot line with a lot adjacent to a commercial or industrial manufacturing district
2-Unit Dwelling	C-1	Permitted if located above the grade-level floor
2-Unit Dwelling	C-2, C-3, C-4	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
2-Unit Dwelling	C-2, C-3, C-4	Permitted if located on a lot that has another principal use
Short-Term Rental	RB, RC, C-1, C-2, C-3, C-4	Permitted if structure is a 1-Unit, 2-Unit, or 3-4 Unit Dwelling

2. Retail

Principal Use	District(s)	Criteria
Nicotine Sales	C-3, C-4, MI-1 , MI-2	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
Nominal Price Retail	C-4	Permitted if the lot is located more than 1,000 feet from any lot where another Nominal Price Retail use is located

3. Service

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

4. Civic & Institutional

Principal Use	District(s)	Criteria

5. Parks & Recreation

Principal Use	District(s)	Criteria

6. ~~Industrial~~ ~~Manufacturing~~

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

7. Medical

Principal Use	District(s)	Criteria
Narcotic Treatment Service	C-4, IM-1 , IM-2	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

8. Automotive

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

9. Infrastructure

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

10. Other

Principal Use	District(s)	Criteria

SECTION 6: AMENDMENT “19.34 Conditional Use Criteria” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

19.34 Conditional Use Criteria

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

1. Residential & Lodging

Principal Use	District(s)	Criteria

2. Retail

Principal Use	District(s)	Criteria
Pawnbroker Sales	C-4	No conditional use permit may be issued if the lot is is located within 3,500 feet from any other lot 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

Principal Use	District(s)	Criteria
Payday Lender	C-4, IM-1 , IM-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

Principal Use	District(s)	Criteria

5. Parks & Recreation

Principal Use	District(s)	Criteria

6. ~~Industrial~~ ~~Manufacturing~~

Principal Use	District(s)	Criteria
<u>Advanced Manufacturing</u>	<u>C-3</u>	<u>No conditional use permit may be issued to allow outdoor storage of materials</u>
Commercial Light Industrial Flex	C-3	No conditional use permit may be issued unless at least 30% of the gross floor area is accessible to the public
Commercial Light Industrial Flex	C-4	No conditional use permit may be issued unless at least 20% of the gross floor area is accessible to the public
Heavy Industrial	MI-2	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
Heavy Industrial	MI-2	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

Principal Use	District(s)	Criteria

8. Automotive

aere

Principal Use	District(s)	Criteria
Car Wash Service	C-3, C-4, IM-1	No conditional use permit may be issued unless no lot zoned for residential purposes is located adjacent to the lot

Light Motor Vehicle Sales	C-4, IM -1	No conditional use permit may be issued unless at least 20% of the lot is landscaped and the lot is at least 1 acre
Light Motor Vehicle Service	C-2, C-3, C-4, IM -1, IM -2	No conditional use permit may be issued unless no lot zoned for residential purposes is located adjacent to the lot
Heavy Motor Vehicle Sales	MI -1	No conditional use permit may be issued unless at least 20% of the lot is landscaped and the lot is at least 1 acre

9. Infrastructure

Principal Use	District(s)	Criteria
<u>Class 1 Collocation of Mobile Service Facility</u>	<u>All</u>	<u>See Wisconsin Stat. 66.04(4)</u>
<u>Mobile Service Support Structure</u>	<u>All</u>	<u>See Wisconsin Stat. 66.04(4)</u>
		No condition

Public Utility Service Structure

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10. Other

Principal Use	District(s)	Criteria

SECTION 7: **AMENDMENT** “19.35 Accessory Uses” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

19.35 Accessory Uses

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.

Solar Energy System	P	P	P	P	P	P	P	P	P	P	P	P	P
Wind Energy System	C	C	C	C	C	C	C	C	C	C	C	C	C
Wireless Support Structure	L	L	L	L	C	C	C	C	P	P	P	C	P

SECTION 8: AMENDMENT “19.36 Accessory Use Criteria” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

19.36 Accessory Use Criteria

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

Accessory Use	District (s)	Criteria
Accessory Dwelling Unit	All	Permitted up to 1 accessory dwelling unit per lot
Animal Boarding	C-3, C-4, MI-1 , MI-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, MI-1	Permitted only in a 1- or 2-unit dwelling
Outdoor Dining	All	Permitted upon approval of site plan

Outdoor Storage	MI-1, MI-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.

Accessory Use	District(s)	Criteria
Class 1 Collocation of Mobile Service Facility	All	See Wis. Stat. 66.0404(4)
Mobile Service Support Structure	All	See Wis. Stat. 66.0404(4)

SECTION 9: **AMENDMENT** “19.37 Other Use Regulations” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

19.37 Other Use Regulations

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. The home-based business may not be any activity licensed by the State of Wisconsin under [Wis. Stat. Chs. 441-480](#).
 - i. No vehicle shall be used in connection with the business unless owned by the permittee and legally parked on the premises.
- 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.

5. Mobile Tower Siting

a. Application Process.

- i. Any person seeking to site and construct a new mobile service support structure or engage in the substantial modification of an existing support structure or mobile service facility shall submit an application to the planning and zoning manager that conforms to Wis. Stat. 66.0404(2)(b) and pay a fee of \$3,000. Any person seeking to engage in a class 2 collocation shall submit an application to the planning and zoning manager that conforms to Wis. Stat. 66.0404(3)(b).
- ii. The planning and zoning manager shall notify the applicant in writing if the application is not complete and specify in detail the required information that was incomplete within:
 - (1) 10 days of receiving an application under Wis. Stat. 66.0404(2)
 - (2) 5 days of receiving an application under Wis. Stat. 66.0404(3)
- iii. The City shall complete the actions required by Wis. Stat. 66.0404(2)(d) and Wis. Stat. 66.0404(3)(c) within the time limit imposed by those paragraphs.

b. Regulations

- i. Setback. No mobile service support structure may be constructed or undergo substantial modification of facilities and support structures within a distance equal to the height of the proposed mobile service support structure away from a lot line if that structure is located on or adjacent to a parcel of land that is zoned to permit single-family residential use. This provision does not apply if the City receives an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area and there is not substantial evidence that the engineering certification is flawed.
- ii. Height. No mobile service support structure may exceed 200 feet in height.

SECTION 10: AMENDMENT “19.41 Structure Size And Location” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

19.41 ~~Structure~~Building Size And Location

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

Buildable Space (click link for diagram)	<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>MI-</u> <u>1</u>	<u>MI</u> <u>-2</u>	P	S F
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'						See e (1)	See (1)	10'		
Density	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	MI- 1	MI -2	P	S F	
Floor Area Ratio (maximum)										1.5	1.5			
Lot Coverage (maximum)	40 %	40 %	50 %	60 %										
Lot Size	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	MI- 1	MI -2	P	S F	
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 11: AMENDMENT “19.42 Residential Accessory Structures” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

19.42 Residential Accessory ~~Structures~~Buildings

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

	Accessory Dwelling Unit	Detached Garage	Other Accessory Building
Exterior Wall Height (maximum)	20'	10'	10'
Height (maximum)	Height of principal building, not to exceed 20'	Height of principal building, not to exceed 18'	15'
	50% of principal		

Building Coverage (maximum)	building, not to exceed 700 sq. ft.	1,000 sq. ft.	150 sq. ft.
Setback from Principal Building (minimum)	10'	10'	10'
Front Setback (minimum)	60'	60'	60'
Rear Setback - abutting alley (minimum)	5'	5'	5'
Rear Setback - not abutting alley (minimum)	3'	3'	3'
Side Setback (minimum)	3'	3'	3'

SECTION 12: **AMENDMENT** “19.43 Structures In Yards” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

19.43 Structures In Yards

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)
Animal Enclosure			See (2)
Apiary		P	P
Basketball Hoop	P	P	P
Canopy	P	P	P
Cistern	P	P	P
Compost		P	P
Fence	See (5)	P	P
Landscaping	P	P	P
Parking Lot/Structure	P	P	P
Patio	P	P	P

Planter Box	P	P	P
Play Equipment		P	P
Porch	See (3)	See (3)	See (3)
Refuse Container Enclosure		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.
5. [Fences are allowed in front yards of commercial and industrial districts in accordance with an approved site plan.](#)

SECTION 13: **AMENDMENT** “19.44 Vehicle Parking” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

19.44 Vehicle Parking

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.

Type of Use	Maximum Parking Spaces
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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)	3 per 1,000 sq. ft. of gross floor area open to the public
Commercial Light Industrial Flex	4 per 1,000 sq. ft. of gross floor area open to the public
Automobile Parts Sales	3 per 1,000 sq. ft. of gross floor area open to the public
Any conditional use	As stated on the conditional use permit

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.

Principal Use	B i c y c l e P a r k i n g S p a c e s (o u t d o o	Bicycle Parking Spaces (indoor) (minimum)
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	r) (m i n i m u m)	
Dwelling (5 or more units)	1 p e r 3 0 0 d w e l l i n g u n i t s	1 per 5 dwelling units
All Retail Uses	1 p e r 3, 0 0 0 sq .ft. gr os s fl o o r a r e a <u>n</u>	

	<u>o</u> <u>t</u> <u>e</u> <u>x</u> <u>c</u> <u>e</u> <u>d</u> <u>1</u> <u>0</u> <u>s</u> <u>p</u> <u>a</u> <u>c</u> <u>e</u>	
<p>All Service Uses</p>	1 p er 3, 0 0 0 sq .ft. gr os s fl o or ar ea . <u>n</u> <u>o</u> <u>t</u> <u>e</u> <u>x</u> <u>c</u> <u>e</u> <u>d</u> <u>1</u> <u>0</u> <u>s</u> <u>p</u> <u>a</u> <u>c</u> <u>e</u>	

School	1 p er cl as sr o o m	
All Civic & Institutional Uses (except school)	1 p er 1 0, 0 0 0 sq .ft. gr os s fl o or ar ea n ot to e x ce e d 2 0 sp ac es	
	1	

All Medical Uses	p er 1 0, 0 0 0 sq .ft. gr os s fl o or ar ea <u>n</u> <u>ot</u> <u>to</u> <u>e</u> <u>x</u> <u>ce</u> <u>e</u> <u>d</u> <u>2</u> <u>0</u> <u>sp</u> <u>ac</u> <u>es</u>	
	1 p er 3, 0 0 0 sq .ft. gr os	

<p>Automobile Parts Sales</p>	<p>s f l o o r a r e a a n o t t o e x c e d 1 0 s p a c e s</p>	
<p>Any conditional use</p>	<p>A s s t a t e d o n t h e c o n d i t i o n a l u s e p e r m i t</p>	<p>As stated on the conditional use permit</p>

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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. Private Roads and Driveways. A private road or driveway ~~or parking area~~ serving a 1- or 2-unit dwelling shall be:
 - i. Graded and drained to prevent run off onto adjacent properties.
 - ii. 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.
 - iii. Located outside the front yard, unless any of the following applies:
 - (1) The private road or driveway is located in that part of a front yard between the front lot line and a garage or side yard (diagram).
 - (2) The private road or driveway is located in a front yard only to the extent necessary to provide vehicle ingress and egress to a garage.
 - b. Garages
 - i. No lot may contain more than 1 garage.
 - ii. No attached garage may exceed 1,000 square feet.

SECTION 14: **AMENDMENT** “19.52 Procedures” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

19.52 Procedures

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. 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 [Wis. Stat. Ch. 985](#).
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 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.
 - 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 industrial**). 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 15: **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 OCTOBER 18, 2022.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Vince Vitale	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Tracy Stefanski	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Marty Weigel	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Suzzette Grisham	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Danna Kuehn	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Thomas Lajsic	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Ald. Dan Roadt	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Rosalie Reinke	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Kevin Haass	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Attest

Presiding Officer

Rebecca Grill

 Rebecca Grill, City Clerk, City Of
 West Allis

Dan Devine

 Dan Devine, Mayor, City Of West
 Allis

