

**CITY OF WEST ALLIS
ORDINANCE O-2023-0031-**

**ORDINANCE TO AMEND ZONING CODE BY ADDING ELECTRIC VEHICLE
CHARGING, AMENDING PARKING REGULATIONS, AND MAKING OTHER
EDITS, CORRECTIONS, AND CLARIFICATIONS**

AMENDING VARIOUS SECTIONS

WHEREAS, Pursuant to Wis. Stat. 62.23(7)(am), the council may regulate and restrict by ordinance 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 population, and the location and use of buildings, structures and land for trade, industry, mining, residence or other purposes; and

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** “19.16 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
Adult Day Care Center	The use of a lot in the manner described in <u>Wis. Stat. 49.45(47)(a)</u>

Adult-Oriented Entertainment	The use of a lot in the manner described in WAMC 9.59
Advanced Manufacturing	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.
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 measuring at least 2 feet wide and 6 feet long located inside a building and properly designated for the parking of 1 bicycle
Bicycle Parking Space (outdoor)	An area measuring at least 2 feet wide and 6 feet long located outside a building that includes an anchored structure designed to allow 1 bicycle to be locked to it using common bicycle locks 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)
Class 1 Collocation of Mobile Service Facility	The use of a lot in the manner described in Wis. Stat. 66.0404(1)(d)

Class 2 Collocation of Mobile Service Facility	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
<u>Electric Vehicle Charging</u>	<u>The use of a lot to supply electrical power in excess of 120 volts to charge fully integrated batteries that set vehicles into motion</u>
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
	The use of a lot in the manner described in Wis. Stat.

Funeral Establishment	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
	The use of a lot for creating products by combining or connecting other materials, but only if 1) no noise,

Light Industrial	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)(h)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. 66.0615(1)(dk)
	A document or set of documents that show the physical

Site Plan	layout of a lot, landscaping arrangement and description, and architectural drawings of any structures located on the lot
Sport Shooting Range	The use of a lot in the manner described in Wis. Stat. 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 2: 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.

Light Motor Vehicle Sales

Residential & Lodging	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	I-1	I-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	P	P	P	P				
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	C	C	C	C	C		
Lodging House					C								
Residential Care Service	C	C	C	C	C		C	C	C	C	C		

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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	I-1	I-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 3: **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 industrial district. Common Council may grant exceptions for lots that share a side lot line with a lot adjacent to a commercial or industrial 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, I-1, I-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
<u>Food Production (limited)</u>	<u>C-1, C-2, C-3, C-4, I-1, I-2</u>	<u>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</u>
Restaurant (limited)	C-1, C-2, C-3, C-4, I-1, I-2	Permitted if: - gross floor area is less than 2,000 square feet, - premises are closed between 12 a.m. and 6 a.m. <u>at all times</u> , 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

Principal Use	District(s)	Criteria
Light Industrial	I-1, I-2	Self-storage is permitted only if lot is at least 2 acres and at least 20% of the lot is landscaped
Light Industrial	I-1, I-2	Public warehousing is permitted only if at least 20% of the lot is landscaped
Light Industrial	I-1, I-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, I-1, I-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	I-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	I-1, I-2	Permitted only if at least 20% of the lot is landscaped (See Subch. V) Permitted only if at least 20% of the lot is landscaped (See Subch. V)
Parking Structure	I-1, I-2	

10. Other

Principal Use	District(s)	Criteria

SECTION 4: **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 located within 3,500 feet from any other lot used for pawnbroker sales or secondhand jewelry sales
Secondhand 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

3. Service

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

Principal Use	District(s)	Criteria
Advanced Manufacturing	C-3	No conditional use permit may be issued to allow outdoor storage of materials
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	I-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	I-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

Principal Use	District(s)	Criteria
Car Wash Service	C-3 , C-4, I-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, I-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, I-1, I-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	I-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
Class 1 Collocation of Mobile Service Facility	All	See Wis. Stat. 66.04(4)
Mobile Service Support Structure	All	See Wis. Stat. 66.04(4)
		No conditional use permit may

Public Utility Service Structure	All	be iss ue d if th e str uc tu re is lo ca te d wi thi n a fr on t ya rd of an y lot or a si de ya rd of a co rn er lot
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10. Other

Principal Use	District(s)	Criteria

SECTION 5: **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.

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Wireless Support Structure	L	L	L	L	C	C	C	C	P	P	P	C	P
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SECTION 6: **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, I-1, I-2	Permitted if accessory to principal use of veterinary services
<u>Electric Vehicle Charging</u>	<u>RA-1, RA-2, RA-3, RB, RC</u>	<u>Permitted only if: - Vehicles served are owned or operated by occupants of that lot or their guests, and - No consideration is paid for the service</u>
<u>Electric Vehicle Charging</u>	<u>C-1, C-2, C-3, C-4, I-1, I-2, P, SF</u>	<u>Permitted only if designed in compliance with accessible guidelines per ICC A117.1-2009</u>
Home-Based Businesses	RA-1, RA-2, RA-3, RB, RC	Permitted only in a 1- or 2-unit dwelling in compliance with <u>WAMC 19.37(2)</u>

Home-Based Businesses	C-1, C-2, C- 4 ³ , C-4, I-1	Permitted only in a 1- or 2-unit dwelling
Outdoor Dining	All	Permitted upon approval of site plan
Outdoor Storage	I-1, I-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 7: **AMENDMENT** “19.42 Residential Accessory Buildings” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

19.42 Residential Accessory Buildings

No residential accessory 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	<u>Detached Garage</u>	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'
Building Coverage (maximum)	50% of principal building, not to exceed 800 ⁷⁰⁰ 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 8: **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
Dwelling (3 or more units)	2 per dwelling unit
Hotel/Bed and Breakfast	1.5 per guest room
<u>All Medical Uses</u>	<u>5 per 1,000 sq. ft. of gross floor area (except storage rooms)</u>
Residential Care	1 per bed
All Retail Uses	3 per 1,000 sq. ft. of gross floor area (<u>except storage rooms</u>) open to the public
Restaurant	<u>1 per 150 sq. ft. of gross floor area (except storage rooms)</u> 40% of building capacity
All Service Uses (except Restaurant)	3 per 1,000 sq. ft. of gross floor area (<u>except storage rooms</u>) open to the public
Commercial Light Industrial Flex	4 per 1,000 sq. ft. of gross floor area (<u>except storage rooms</u>) open to the public
Automobile Parts Sales	3 per 1,000 sq. ft. of gross floor area (<u>except storage rooms</u>) open to the public
Any conditional use	As stated on the conditional use permit

3. Bicycle Parking Requirements.

a. Outdoor Spaces. ~~No lot may contain fewer bicycle parking spaces than the amount required within the table below without special permission from the common council.~~

i. Minimum Spaces. Each principal use below shall have the minimum number of outdoor bicycle parking spaces for that principal use:

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Principal Use	y c l e P a r k i n g S p a c e s (0 ut d o o r) (m i n i m u m)	Bicycle Parking Spaces (indoor) (minimum)
Dwelling (5 or more units)	1 p er 3 0 d w el li n g u ni ts	1 per 5 dwelling units
	1	

All Retail Uses

per 3,000 sq. ft. gross floor area, not to exceed 10 spaces per 3,000 sq. ft. gross

-

All Service Uses

square feet of space

-

School

per classroom

-

per 1000 sq. ft. gross

All Civic & Institutional Uses
(except school)

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	exceeded 20 spaces	
Automobile Parts Sales	1 per 3,000 sq. ft. gross floor area, not to exceed 10 spaces	-

Any conditional use	As s st at e d o n th e c o n di ti o n al us e p er m it	As stated on the conditional use permit
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ii. Spaces Counted. The minimum number for outdoor bicycle parking spaces shall be computed by totaling all outdoor parking spaces located:

- (1) On the lot within 50 feet of the main entrance of the principal building
- (2) On the public right-of-way within 50 feet of the main entrance of the principal building.
- (3) Adjacent to other outdoor bicycle parking spaces if at least one of those adjacent spaces is located within 50 feet of the main entrance of the principal building.

b. Indoor Spaces. All dwellings of 5 or more units shall have at least 1 indoor bicycle parking space for every 5 units. Only indoor bicycle parking spaces that are accessible without using stairs shall count toward this minimum number. At least 1 indoor bicycle parking space shall have an electrical outlet within 2 feet.

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 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 into a garage.
 - b. Garages
 - i. No lot may contain more than 1 garage.
 - ii. No attached garage may exceed 1,000 square feet.

SECTION 9: **AMENDMENT** “19.51 Overlay Districts” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

19.51 Overlay Districts

1. P~~D~~UD Authorized. The city and the owners of any number of contiguous lots may jointly establish a planned unit development ~~district~~ over those lots. Any lots subject to a planned unit development ~~district~~ shall be zoned P~~D~~UD in addition to any other zoning district.
2. Effect. Regulations in each P~~D~~UD 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 10: **AMENDMENT** “7.035 Noise Control Regulations” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

7.035 Noise Control Regulations

1. Statement of Purpose. The City of West Allis recognizes that excessive noise and vibration are serious threats to the public health and welfare, public safety, quality of life and property values. Current science and technology permit abatement of noise and vibration sources which were not available in the past. Therefore, it is the policy of the City to prevent and abate excessive noise and vibration which may jeopardize the public health, safety or welfare or which would cause harm to property values or which would impair the quality of life within the City.
2. Definitions. All terminology used in this section, not defined below or elsewhere within the West Allis Revised Municipal Code, shall be given the definitions provided by applicable publications of the American National Standards Institute (hereinafter "ANSI") or its successor body.

- a. "A-Weighted Sound Level" means the sound pressure level in decibels as measured on a sound level meter using the "A" weighting network. The level so read is designated as db(A) or dB(A).
- b. "Ambient Noise" means the sound level of the all-encompassing sound associated with a given environment, being usually a composite of sounds from many sources from near and far.
- c. "Authorized Emergency Vehicle" means the definition of this term as set forth in Sec. 340.01(3), Wis. Stats., and any subsequent modification, revision, or amendment of that term as set forth in that section of the Wisconsin Statutes.
- d. "Commercial District" means any area of the City designated on the official West Allis Zoning Map, as ~~commercial~~C-1, C-2, C-3, or C-4-2.
- e. "Construction" means any activity necessary or incidental to the erection, demolition, assembling, altering, installing, repairing or equipping of buildings, roadways, or utilities, including land clearing, grading, excavating and filling.
- f. "Day" means the hours between 7:00 a.m. and 9:59 p.m.
- g. "dB(A)" means the symbol designation of a noise level, reported in decibels, using the A-weighting network of a sound level meter, as defined in ANSI S1.4, Specification for Sound Level Meters. For example, noise will be reported as seventy-two (72) dB(A). For purposes of this section, the noise shall be measured using the slow exponential time weighting characteristic of the sound level meter unless otherwise noted.
- h. "Decibel" means a unit of measure of the volume of a sound.
- i. "Emergency Work" means short-term operations which are necessary to protect the public health, safety and welfare of the citizens, including emergency utility and public works operations.
- j. "Impulse Noise" means any sound of short duration, usually less than one (1) second, with an abrupt increase, rapid decay, and a peak value that exceeds the ambient noise level by more than ten (10) dB(A). Examples of sources of impulse noise include explosions, drop forge impacts, and the discharge of firearms.
- k. "~~Manufacturing~~Industrial District" means any area of the City designated on the official West Allis Zoning Map, ~~pursuant to Chapter 12 of this Code~~, as ~~industrial~~M-1.
- l. "Maximum Sound Level" (hereinafter "Lmax") means the maximum sound level over a measurement interval determined by using a sound level meter set to "fast" response time.
- m. "Motor Vehicle" means any vehicle, including a combination of two (2) or more vehicles or an articulated vehicle, that is self-propelled, except a vehicle operated exclusively on a rail.
- n. "Night" means the hours between 10:00 p.m. and 6:59 a.m.
- o. "Noise Disturbance" means any sound or vibration which:
 - i. May disturb or annoy reasonable persons of normal sensitivities; or
 - ii. Causes, or tends to cause, an adverse effect on the public health and welfare; or

- iii. Endangers or injures people; or
 - iv. Endangers or injures personal or real property.
- p. "Person" means any individual, association, partnership, joint venture, company, or corporation.
- q. "Place of Public Entertainment" means any building that is open to the public for entertainment purposes.
- r. "Plainly Audible Sound" means any sound for which the information content is unambiguously communicated to the listener, such as, but not limited to, understandable speech, comprehension of whether a voice is raised or normal, repetitive bass sounds, or comprehension of musical rhythms, without the aid of any listening device.
- s. "Power Tool" means any device powered mechanically, by electricity, by gasoline, by diesel fuel, or by any other fuel, which is intended to be used, or is actually used for, but shall not be limited to, the performance of such functions as cutting, nailing, stapling, sawing, vacuuming or drilling.
- t. "Real Property Boundary" means an imaginary line along the ground surface and its vertical extension which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.
- u. "Residential District" means any area of the City, designated on the official West Allis Zoning Map, ~~pursuant to Chapter 12 of this Code~~, as ~~residentialRE, RA-1, RA-2, RA-3, RA-4, RB-1, RB-2, RC-1, RC-2, or PDD-1.~~
- v. "Root Mean Square" (hereinafter "RMS") means the square root of the mean-square value of an oscillating waveform, where the mean-square value is obtained by squaring the value of amplitudes at each instant of time and then averaging these values over the sample time.
- w. "Sound" means a temporal and spatial oscillation in pressure, or other physical quantity, in a medium resulting in compression and rarefaction of that medium and which propagates at finite speed to distant locations. The description of sound may include any characteristics of such sound, including duration, intensity, and frequency.
- x. "Sound Level Meter" means an instrument, either Type I or Type II, as defined by the most current ANSI specifications. A sound level meter for purposes of this section shall contain at least an A-scale and both fast and slow response.
- y. "Sound Pressure" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space as produced by sound energy.
- z. "Sound Reproduction Device" means any device, instrument, mechanism, equipment or apparatus for the amplification of any sounds from any radio, computer, stereo, CD player, musical instrument, television, loudspeaker or other sound-making or sound-producing device or any device or apparatus for the reproduction or amplification of the human voice or other sound.
- aa. "Stationary Noise" means noise the source of which is either affixed to or operated upon a fixed point of land, building, or other real property.
- ab. "VdB" means the vibration level as measured in decibels. The reference

velocity in the United States is one (1) micro-inch per second. It is calculated as $V_{dB} = 20 \times \log_{10}(v / (1 \times 10^{-6} \text{ in./sec.}))$, where "v" is the RMS velocity amplitude, calculated as the average of the squared amplitude of the vibration, measured in inches per second.

- ac. "Vibration" means a temporal and spatial oscillation of displacement, velocity, and acceleration in a solid material.
 - ad. "Vibration Velocity Level" (hereinafter "Lv") means ten (10) times the common logarithm of the ratio of the square of the amplitude of the RMS vibration velocity to the square of the amplitude of the reference RMS vibration velocity.
3. Scope and Enforcement. This section, in addition to other ordinances and statutes, shall apply to the control of noise and vibration originating within the City of West Allis. The West Allis Health Department is the primary agency responsible for the enforcement of this section, and the West Allis Police Department may also enforce the provisions of this section. The City of West Allis's policy is to comply with this section in its own operations and in the operations of its contractors and subcontractors.
4. Determining Sound Levels. Sound levels shall be measured using the following procedures:
- a. All persons conducting sound measurements to assess compliance with this section must be trained in the current techniques and principles of sound measurement equipment and instrumentation.
 - b. Sound level shall be measured with a Type 1 or Type 2 sound level meter that shall, as a minimum standard, conform to the specifications of ANSI S1.4-1983 (Revised 2001) with Amendments S1.4A-1995 for Type 1 or Type 2 sound level meters and be capable of both fast and slow meter response.
 - c. The following steps must be followed when preparing to take sound level measurements:
 - i. The sound level meter manufacturer's specific instructions for preparation and use of the sound level meter shall be followed.
 - ii. The sound level meter shall be calibrated periodically, in accordance with the manufacturer's instructions.
 - iii. When outdoor measurements are taken, a windscreen shall be placed over the microphone of the sound level meter in accordance with the manufacturer's instructions.
 - iv. The sound level meter shall be placed at an angle to the sound source, as specified by the manufacturer's instructions, and placed at least four (4) feet above the ground. The meter shall be placed so as not to be interfered with during the taking of sound measurements.
 - v. Impulsive noise shall be measured with the sound level meter set for fast meter response; all other noise shall be measured with the sound level meter set for slow meter response.
 - vi. All sound level measurements shall be made using an "A" weighted network of the sound level meter.
5. Determining Vibration Levels. Vibration levels shall be measured using the following procedures:
- a. All persons conducting vibration measurements to assess compliance with this

section must be trained in the current techniques and principles of vibration measurement equipment and instrumentation.

- b. The instrument manufacturer's specific instructions for preparation and use of the instrument shall be followed.

6. Maximum Permissible Sound Levels.

- a. General Limitations. Except as enumerated in Subsection (8) of this section below, in the following zoning districts, the noise emitted from any source of stationary noise shall not exceed the following dB(A) limits at any point beyond one hundred twenty-five (125) feet outside of the real property boundary of the source of the stationary noise or beyond one hundred twenty-five (125) feet of the noise source on public property:

Sound Pressure Level		
Zone	Time	Decibel (dB(A) Level
Residential, Park District	10:00 p.m. to 6:59 a.m.	55 dB(A)
	7:00 a.m. to 9:59 p.m.	65 dB(A)
Commercial, Manufacturing	10:00 p.m. to 6:59 a.m.	60 dB(A)
	7:00 a.m. to 9:59 p.m.	70 dB(A)

- b. A reduction of five (5) dB(A) will apply to each of the limitations set forth under Subsection (6)(a) for all impulse noises.

- c. When the ambient level is two (2) dB(A) or more above a noise limitation, a source may add no more than three (3) dB(A) to the ambient level.

7. Public Nuisance. Excessive noise and vibration, as defined in this section, is hereby deemed and declared to be a public nuisance and may be subject to summary abatement procedures, as provided in Section 7.03(3) and Section 18.04 of this Code. Such abatement shall be in addition to administrative proceedings, forfeitures, and penalties provided in this section.

8. Noise Disturbance Prohibited. No person shall make, continue, or cause to be made or continued, any noise disturbance. No person shall make, continue, or cause to be made or continued any noise which exceeds the noise limitations as set forth in this section.

Unamplified, noncommercial public speaking and public assembly activities conducted at conversational voice levels on any public property or public right-of-way

shall be exempt from the operation of this article if such sound is not plainly audible beyond one hundred fifty (150) feet or does not infringe on the legitimate rights of others.

- a. Sound Reproduction Devices. No person shall operate, play, or permit the operation of or playing of any sound reproduction device at night that is plainly audible across a real property boundary. No person shall operate, play, or permit the operation of or playing of any sound reproduction device during the day that is plainly audible from one hundred fifty (150) feet beyond the real property line of the premises from which it emanates or from the source if located in a public street, public park, or other public place.
- b. Sound Amplification Device. No person shall use or operate any sound amplification device, loudspeaker, public address system, or similar device at night that is plainly audible across a real property boundary. No person shall use or operate any sound amplification device, loudspeaker, public address system, or similar device during the day that is plainly audible at a distance of one hundred fifty (150) feet.
- c. Loading and Unloading. No person shall load, unload, open, close, or otherwise handle boxes, crates, containers, building materials, garbage cans, or similar objects at night, in a manner that is plainly audible across a real property boundary.
- d. Domestic Power Tools. No person shall operate or permit the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, leaf blower, or similar device at night.
 - i. This subsection does not apply to snowblowers being used to remove snow that has fallen within the past twenty-four (24) hours.
- e. Tampering. No person shall remove or render inoperative any noise control device, element of design, or noise label of any product other than for the purpose of maintenance, repair, or replacement; no person shall modify or replace any noise control device to increase the sound pressure level of the device.
- f. Multifamily dwellings. No person shall make, continue, or cause to be made or continued any noise disturbance at night that is plainly audible in another occupied space within any multifamily dwelling within the real property boundary.
- g. Places of Public Entertainment. No person shall operate, play or permit the operation or playing of any sound reproduction device, sound amplifier, or similar device, or any combination thereof, which produces, reproduces, or amplifies sound in any place of public entertainment at a sound level greater than one hundred (100) dB(A), as read by the slow response on a sound level meter at any point that is normally occupied by a customer, unless a conspicuous and legible sign which is at least two hundred twenty-five (225) square inches in area is placed outside such place, near each public entrance, stating: "WARNING: SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT."
- h. Train Warning Devices. No person owning or operating any railroad, or any

of its agents and employees, shall cause the ringing of any bell or the blowing of any whistle or horn within the City limits on any locomotive under his/her control, except in the event of an emergency to avoid an impending accident or where otherwise permitted by state or federal law.

i. Motor Vehicles.

- i. Light Motor Vehicles. No person shall create or cause or permit noise levels from the operation of any motor vehicle of ten thousand (10,000) pounds' gross vehicle weight rating or less, including but not limited to passenger automobiles, light trucks or motorcycles, in excess of eighty (80) dB(A) at any location within the corporate limits of the City of West Allis. Measurement shall be made at a distance of fifteen (15) feet or more from the closest approach of the vehicle.
- ii. Heavy Motor Vehicles. No person shall create or cause or permit noise levels from the operation of any motor vehicle of more than ten thousand (10,000) pounds' gross vehicle weight rating in excess of eighty-six (86) dB(A) in a zone with a speed limit of more than thirty-five (35) miles per hour. Measurement shall be made at a distance of fifty (50) feet from the closest approach of the vehicle in use.

iii. Stationary Testing.

- (1) Light Motor Vehicles. Motor vehicles of ten thousand (10,000) pounds' gross vehicle weight rating or less shall not

exceed ninety-five (95) dB(A) at twenty (20) inches in a stationary run-up test. Such tests shall conform to the Society of Automotive Engineers Recommended Practices SAE J1169, a copy of which is on file in the office of the Health Commissioner.

- (2) Heavy Motor Vehicles. Motor vehicles of more than ten thousand (10,000) pounds' gross vehicle weight rating shall not exceed eighty-eight (88) dB(A) measured at fifty (50) feet in a stationary run-up test. Stationary run-up tests shall conform to the Society of Automotive Engineers SAE Standard J366b, a copy of which is on file in the office of the Health Commissioner.

j. Refuse Collection Vehicles and Compacting Equipment.

- i. No person shall collect refuse or permit the collection of refuse with a refuse collection truck at night.
- ii. No person shall operate or permit the operation of the compacting equipment mechanism of any motor vehicle which compacts refuse at night.

- k. Vibration. No person shall operate or permit the operation of any device or combination of devices that creates vibration which exceeds the amounts listed in the table below, as measured at or across a real property boundary of the premises from which it emanates or from the source if located in a public street, public park, or other public place.
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Event Frequency	L_v (VdB)
Frequent (more than 70 events per day)	72
Occasional	75
Infrequent (less than 30 events per day)	80

9. Exemptions. The provisions of this section shall not apply to the following:
- The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work, or the emission of sound brought about by emergency conditions where such sound is a byproduct of activities necessary for the preservation of public safety or the protection of the health, safety and welfare of any person or property.
 - Warning devices necessary for the protection of public safety, the emission of any noise necessary for the protection of the health, safety, or welfare of person or property or to any noise which is either necessary or required by law.
 - The operation of authorized emergency vehicles.
 - Public works projects, at or adjacent to the construction site, as authorized by the United States government, the State of Wisconsin, and/or other political subdivisions.
 - Limited Exemptions for Construction Noise. The provisions of this section shall not apply to equipment used in commercial construction activities when such equipment has sound control devices no less effective than those provided in the original equipment, a muffled exhaust, and are in compliance with the pertinent standards of the United States Environmental Protection Agency.
 - No person shall operate or permit the operation of any equipment used in construction work at night or on Sunday.
 - Emergency Work. The hour limitations in this subsection shall not apply to emergency work.
 - Special events permitted under section 6.032 of this Code.
 - Aircraft operations.
 - Any fireworks display permitted under and operated in compliance with Wis. Stat. Section 167.10.
 - Any bells or chimes of any building clock, public or private school building, church, synagogue, or other place of religious worship.
10. Notice of Violation.
- When the ambient noise or vibration level of a noise producing device equals or exceeds the decibel limits provided in this section, the Health Commissioner or his/her designee shall serve a notice, by first-class mail, on the owner and occupant of the premises that is creating or maintaining the noise. The notice shall be dated, contain a description of the violation, require the person to remove or abate the condition described in the order within the

time specified therein, and advise such person of the right to apply for a variance permit and the office or person to whom the variance permit application shall be filed.

- b. For violations of Subsection (8)(a) through (g), officers of the West Allis Police Department may issue a citation without prior notice of the violation.

11. Variance.

- a. Application for Variance Permit. The owner or occupant of the premises may seek a variance from the regulations under this section. A new or renewal application for a variance shall be filed with the clerk along with payment of the fee listed on the Fee Schedule. The proper filing of an application shall toll all penalties provided in this section for any such violation until a final decision has been issued on the merits of such application. Such application shall specify the grounds upon which the variance permit is sought and the date by which the source of any excess noise or vibration for which the variance is sought shall be brought into compliance with this section.
- b. Public Hearing. Upon receiving an application under this subsection, the clerk shall schedule the matter for a public hearing before the common council. The clerk shall notify the variance applicant by mail or email of the hearing at least 10 days before the hearing. The clerk shall notify any property owners within 200 feet of the subject property by mail or email at least 10 days before the hearing.

- c. Procedure at Hearing

- i. The mayor or a designee shall describe the variance sought. Then, the variance applicant may provide comments to the council.
 - ii. After the variance applicant has an opportunity to comment, any member of the public may provide comments to the council.
 - iii. Any city staff may provide comments to the common council in writing prior to the public hearing, verbally during the beginning of the hearing as the mayor's designee, or verbally during the public comment portion of the hearing.
 - iv. (Reserved).
 - v. The amount of time for comments by the applicant and the public shall be set by the mayor prior to the beginning of the hearing.
 - vi. (Reserved).
 - vii. (Reserved)

- d. Recommendation to the Common Council.

- i. After the close of the hearing, the Public Safety Committee shall recommend to the council a variance permit should be issued and, if issued, impose any conditions necessary to protect the public health, safety and welfare, including a schedule for achieving compliance with any noise and vibration limitations and an expiration date for the permit. In deciding whether to recommend granting the permit, the Committee shall balance the hardship to the applicant, the community, and other persons; the impact on the health, safety, and welfare of the community; the effect on the property in the area; and any other

- impact that the granting of the variance may have.
- e. Common Council Determination.
 - i. (Reserved).
 - ii. (Reserved).
 - iii. The Common Council shall determine whether to adopt the recommendation of the Committee or make such modification as is deemed appropriate.
 - f. Revocation. Noncompliance with any conditions imposed on the variance shall be grounds to revoke the permit using the same procedure to revoke a license under WAMC 9.51.
 - g. Extension and Modification. Application for extension of time limits or modification of other conditions specified in the variance permit shall be treated like an application for an initial variance.
12. Penalties. Any person violating any provision of this section shall, upon conviction, be subject to a forfeiture of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each offense, together with the costs of prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each day that any violation continues shall be considered a separate offense.
13. Severability. If any provision, clause, sentence, paragraph, or phrase of this section or the application thereof to any person or circumstances is held, for any reason, by a court of competent jurisdiction, to be invalid or unconstitutional, such decision shall not affect the validity of other provisions or applications of the provisions of this section which can be given effect without the invalid provision or application, and to this end, the provisions of this section are declared to be severable.

SECTION 11: **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 JUNE 06, 2023.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Vince Vitale	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Ray Turner	<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

