

**CITY OF WEST ALLIS
ORDINANCE O-2021-0057**

**ORDINANCE TO CONVERT SITE PLAN IMPROVEMENT SURETIES FROM
MANDATORY TO OPTIONAL**

AMENDING SECTION 12.13(14)

WHEREAS, certain projects that require a site plan for improvements do not need to also require a security bond, letter of credit, or cash deposit to guarantee completion of the improvements;

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

SECTION 1: **AMENDMENT** “12.13 Site, Landscaping And Architectural Review Procedures” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

12.13 Site, Landscaping And Architectural Review Procedures

1. Purpose. The purpose of this Section is to establish site and architectural standards for development projects in the city in order to provide for adequate and convenient open space for recreation, light and air; to promote aesthetically compatible development; to promote stability and improvement in and avoid substantial depreciation in property values; to avoid population congestion; to maintain and promote pedestrian and vehicular circulation; to promote the long term health, safety and general welfare and happiness of the community; and, to otherwise promote the purposes and intent of this Subchapter.
2. Approval Required. No building permit for the construction of any building, structure or project to which this section applies shall be issued until a site and architectural plans therefore have been reviewed and approved pursuant to this section. Site improvements not requiring a building permit but subject to site plan approval shall not be commenced until approved pursuant to this section.
3. Application. [**Ord. 6502, amend, 2/15/2000; Ord. O-2003-0019, 2/18/2003; Ord. O-2007-0014, 9/4/2007**]
 - a. Architectural Review. This section applies to:
 - i. Multi-family residential, mixed-use residential/commercial, commercial, manufacturing, or institutional and public uses, and their respective accessory structures, when one or more of the following occurs:
 - (1) New construction;
 - (2) Conversions of such uses;
 - (3) Additions to existing buildings;

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

- (2) Conversions of such uses;
 - (3) Change of use of any premises;
 - (4) Additions to existing buildings;
 - (5) Exterior alterations or repairs to existing buildings for which a building permit is required;
 - (6) A special use permit is required for such uses; or
 - (7) Site changes.
- ii. Off-street parking and loading areas and manufactured home park uses when one or more of the following occurs:
 - (1) Site changes.
 - iii. Two-family residential, when the following occurs:
 - (1) New construction and their respective accessory structures;
 - (2) Conversions of such uses.
 - (A) Conversions of such uses may be approved by the Department of Development staff.
 - (B) If the staff and applicant are unable to come to an agreement on the proposed design, the applicant may file a request for a variance with the Plan Commission by submitting a written request to the Department of Development not less than 20 days before the next regularly scheduled Plan Commission meeting. At the time that a request for a variance is made, the applicant shall pay the required fee in accordance with development review fees in Chapter **12** of the Revised Municipal Code.
 - iv. Single-family residential site standards, when the following occurs:
[Ord. O-2010-0040, 11/16/2010]
 - (1) New construction.
 - (A) Single-family construction will be exempt from landscaping review requirements and may be approved by the Department of Development staff.
 - (B) A minimum of twenty-five percent (25%) of the lot shall be devoted to natural pervious area, such as a grassed lawn, and shall include the required front yard of the property. No front, side or rear yard may be fully covered in nonpervious materials. If the applicant is unable to satisfy the twenty-five-percent natural pervious area requirement, the applicant may file a request for variance with the Plan Commission by submitting a written request to the Department of Development. At the time that a request for a variance is made, the applicant shall pay the required fee in accordance with development review fees in Chapter **12** of the Revised Municipal Code.
 - (C) If the Plan Commission and applicant are unable to

come to an agreement on the twenty-five-percent natural pervious area requirement, the applicant may file a request for a variance with the Common Council by submitting a written request to the Department of Development. At the time that a request for a variance is made, the applicant shall pay the required fee in accordance with development review fees in Chapter 12 of the Revised Municipal Code.

(D) Single-family construction will be exempt from the security bond requirements noted in Subsection 12.13(14).

- c. Development of Large Retail Site. This section applies to: **[Ord. O-2007-0023, 8/7/2007]**
- i. All parcels or development sites with 50,000 or more square feet of retail development, as defined in the City's Large Retail Development.
 - ii. In addition to the requirements of this subsection, any large retail development shall require a special use permit, and must be approved in the same manner as those uses described in Section 12.13.
 - iii. At the time of submission of application for a large retail development, the applicant must provide to the City a community impact statement as described in Community Impact Statement section of the City's Large Retail Development Requirements.

4. Authority for Approval.

- a. Site and architectural plans will be subject to review and approval by the Plan Commission, as provided in this section.
- b. In approving any site and architectural plans, the Plan Commission shall have the authority to stipulate those conditions it deems necessary to protect the public interest and to secure compliance with this section.
- c. The Plan Commission shall have the authority to adopt reasonable rules and regulations relative to the exercise of its powers under this section. Such rules may include specific site and architectural design criteria that serve to implement the general standards set forth in Subsections (9) and (10), below. Rules will become effective only after they have been approved by the Common Council following due notice and public hearing. Publication of this notice will be as required for a Class II notice under Wisconsin Statutes.

5. Basis For Approval. The Plan Commission shall have the power to approve, approve with conditions, or reject a site or architectural plan on the basis of the requirements specified in this section and those rules adopted and approved pursuant to Paragraph (4)(c), above.

6. Submittal of Application. An application for site and/or architectural plan review shall be filed with the Plan Commission in the office of the City Planner. All applications must be signed by all the owners of record of the project premises and accompanied by the filing fee.

7. Plan Commission Decisions.

- a. The Plan Commission may approve, approve with conditions, or reject the

- application. The Plan Commission decision shall be in writing and contain a statement of reasons for its action. Any conditions of approval shall be specifically stated in the decision. A copy of the Plan Commission decision will be mailed to the applicant and owner, if different from the applicant.
- b. The Plan Commission decision on an application shall be issued within sixty (60) days of filing of the application with the office of the City Planner unless the applicant has agreed in writing to an extension.
 - c. Approval will expire one (1) year from the date of approval unless construction is underway or the applicant has been granted a valid building permit. If construction is underway or a building permit has been granted after one (1) year from the date of approval, the approval will expire if construction is not completed within twenty-four (24) months of the Plan Commission decision. **[Ord. O-2007-0033, 9/4/2007]**
 - d. An extension of time of the time limitations may be granted by the Plan Commission with the following criteria: **[Ord. O-2007-0033, 9/4/2007]**
 - i. The applicant requesting the extension shall complete a planning application available from the Department of Development and shall submit a two-hundred-fifty-dollar extension fee. The fee may be waived at the discretion of the Director of the Department of Development.
 - ii. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start.
 - iii. The request for extension shall be submitted within sixty (60) days of the expiration of the Plan Commission approval, and the Plan Commission shall decide on the length of the requested extension of time.
8. Effect of Approval. All plans approved by the Plan Commission pursuant to this Section will serve to limit and control the issuance and validity of building permits and certificates of occupancy and will restrict and limit construction, location and use of all buildings and structures included in any such plan.
9. Site and Building Design Standards. Site and building designs shall:
- a. Site designs shall provide for the placement of all site elements necessary to create a safe, functional, convenient, healthful, durable and attractive environment.
 - b. Site designs shall preserve the positive features of the site to the extent possible and minimize their destruction or harmful alteration.
 - c. Site designs shall ensure that all developments function within the context of the site and the surrounding area. Site designs shall eliminate, or if not possible to eliminate, mitigate potential hazards created by the proposed development.
 - d. Building and structure designs shall avoid alternatives which shall be so similar to, or at variance from, other buildings and structures already constructed or under construction in the area.
 - e. Building materials selected shall be compatible with materials used in the area.
 - f. All sites, buildings and structures shall be designed in accordance with site

and architectural design criteria adopted and approved in accordance with Subsection (4)(c), above.

10. Re-Application. No application which has been wholly, or in part, rejected may be resubmitted until at least one (1) year from the date of the final action of the Plan Commission, except in the case of newly discovered evidence or proof of changed conditions.
11. Revocation of Approval. The Plan Commission shall have the authority to revoke its approval of a site and/or architectural plan if the provisions of that plan are not fully implemented.
12. Appeals. Any person aggrieved by a decision of the Plan Commission under this section may appeal that decision to the Common Council. **[Ord. O-2010-0047, 11/16/2010]**
13. Conditional Occupancy.
 - a. In the event the completion of all required site improvements are delayed due to work stoppages, extraordinary or seasonal weather conditions or damage caused by fire, or other casualty, a conditional occupancy for the project, or any part thereof, may be approved by the Building Inspector. This approval shall be subject to whatever terms and conditions are deemed necessary by the Building Inspector to protect the public interest and promote and secure compliance with the purposes and intent of this section.
 - b. No conditional occupancy will be allowed unless the improvements to be occupied are approved for occupancy by the Building Inspector.
 - c. All required site improvements will be completed within a period of time set by the Building Inspector from the date of approval of the conditional occupancy.
 - d. The approval of a conditional occupancy will not be interpreted as a waiver of any of the applicant's obligations under this section, except to extend the time for completion of the site improvements as provided in Paragraph (c).
14. Security Bond: Site Plans. As a condition of approving a site plan, the Plan Commission ~~will~~ may require that the applicant provide a security bond, letter of credit or cash deposit to ensure the completion of all required site improvements including refuse enclosures, landscaping, and paving, stripping and signage of parking lots. The form of the bond or other security, if any, shall be prescribed by the Plan Commission. The amount of ~~the any~~ bond or other security ~~will~~ may not exceed one hundred twenty-five percent (125%) of the estimated cost of the site improvements and may be reduced over the life of the construction of the project as elements are completed; however, even if the amount is reduced, the bond or other security will remain in force until all required site improvements have been completed and approved by the Building Inspector. The Plan Commission may require more than one (1) estimate from licensed contractors to determine the value of the bond or security.
15. Maintenance. Sites, buildings and structures will be completed and maintained in accordance with the final plans approved pursuant to this section. Approved plans will run with the land and will remain in effect regardless of changes in ownership of the subject property.
16. Amendments. No modification or alteration of any plan approved pursuant to this section will be permitted unless approved in writing by the Plan Commission. An

application for any such alteration or modification shall be filed with the Plan Commission on a form approved by the Plan Commission. Alterations and modifications shall be subject to the same standards and criteria as original applications and shall be in conformance with all the provisions of this section.

17. Plan Review Fee. The following fees must be paid at the time of submittal of an application and no consideration will be given to those plans for which application fees have not been paid: **[Ord. O-2004-0008, 3/2/2004; Ord. O-2005-0035, 7/5/2005; Ord. O-2005-0044, 11/1/2005]**

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

18. Fee Determination Site, Landscaping, Architectural Plan Review. **[Ord. O-2004-0008, 3/2/2004]**
- a. Level 1 Site, Landscaping, Architectural Plan Review. The determination of Level 1 Plan Review in this section shall be made by Development staff on the basis of actual averaged project cost submitted to the Development Department by the owner or agent for the owner. Level 1 Site, Landscaping, Architectural Plan Review shall be applied to any project with an averaged

project cost less than two thousand dollars (\$2,000).

b. Level 2 Site, Landscaping, Architectural Plan Review. The determination of Level 2 Plan Review in this section shall be made by Development staff on the basis of actual averaged project cost submitted to the Development Department by the owner or agent for the owner. Level 2 Site, Landscaping, Architectural Plan Review shall be applied to any project with an averaged project cost between two thousand dollars (\$2,000) and five thousand dollars (\$5,000).

c. Level 3 Site, Landscaping, Architectural Plan Review. The determination of Level 3 Plan Review in this section shall be made by Development staff on the basis of actual averaged project cost submitted to the Development Department by the owner or agent for the owner. Level 3 Site, Landscaping, Architectural Plan Review shall be applied to any project with an averaged project cost in excess of five thousand dollars (\$5,000).

19. Exemptions. Public school facilities construction utilizing school maintenance personnel or volunteer labor shall be exempt from the planning review fees of this Section. **[Ord. O-2004-0008, 3/2/2004]**
20. Other Fees. The following is the planning/development fee schedule for hard copy products produced by the Development Department: **[Ord. O-2004-0008, 3/2/2004]**

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

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

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

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

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL SEPTEMBER 07, 2021.

	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, City Clerk, City Of West Allis



Dan Devine, Mayor City Of West Allis

