



# City of West Allis

## Legislation Details (With Text)

**File #:** O-2008-0006 **Version:** 2

**Type:** Ordinance **Status:** Passed

**File created:** 2/5/2008 **In control:** Safety and Development Committee (INACTIVE)

**On agenda:** **Final action:** 2/5/2008

**Title:** Ordinance to amend Sections 12.30, 12.31, 12.37, 12.40 and 12.41 of the Revised Municipal Code relative to permitting certain public utility service structures as a permitted use, and to amend Sections 12.31 and 12.41 relative to permitting certain public utility service structures, electric substations, water pumping stations and other similar uses as a special use.

**Sponsors:** Safety and Development Committee (INACTIVE)

**Indexes:**

**Code sections:**

**Attachments:** 1. O-2008-0006 Packet Doc

| Date     | Ver. | Action By                                   | Action | Result |
|----------|------|---|--------|--------|
| 2/5/2008 | 1    | Common Council                              |        |        |
| 2/5/2008 | 2    | Common Council                              | Passed | Pass   |
| 2/5/2008 | 1    | Common Council                              |        |        |
| 2/5/2008 | 1    | Safety and Development Committee (INACTIVE) |        |        |
| 2/5/2008 | 2    | Safety and Development Committee (INACTIVE) |        | Pass   |

Ordinance to amend Sections 12.30, 12.31, 12.37, 12.40 and 12.41 of the Revised Municipal Code relative to permitting certain public utility service structures as a permitted use, and to amend Sections 12.31 and 12.41 relative to permitting certain public utility service structures, electric substations, water pumping stations and other similar uses as a special use.

The Common Council of the City of West Allis do ordain as follows:

PART I. Subsection 12.30(1)(b) of the Revised Municipal Code of the City of West Allis is hereby created to read:

12.30 RE RESIDENTIAL ESTATE DISTRICT.

\* \* \*

(1) Permitted Uses.

\* \* \*

(b) Public utility service structures not larger than six (6) feet tall and 25 sq. ft. in surface area, conditioned upon the following:

1. Site, landscaping and screening, and architectural review of the public utility service structure

and the immediate area surrounding the structure, by the Department of Development staff. Public utility service structures shall be effectively screened from any abutting lot(s) and City right of way by landscaping or other means, as necessary, as approved by the Department of Development staff.

a. If the staff and applicant are unable to come to an agreement on the proposed location and screening, the applicant may file a request for a variance with the Plan Commission by submitting a written request to the Department of Development not less than 20 days before the next regularly scheduled Plan Commission meeting. At the time that a request for a variance is made, the applicant shall pay the required fee in accordance with Development Review fees in Chapter 12 of the Revised Municipal Code.

2. Public utility service structures shall not be located within any front yard or corner side yard on private property.

\* \* \*

PART II. Subsection 12.31(1)(b) of the Revised Municipal Code of the City of West Allis is hereby created to read:

12.31 RA-1 RESIDENCE DISTRICT.

\* \* \*

(1) Permitted Uses.

\* \* \*

(b) Public utility service structures not larger than six (6) feet tall and 25 sq. ft. in surface area, to be reviewed by the Plan Commission, and conditioned upon the following:

1. Site, landscaping and screening, and architectural review of the public utility service structure and the immediate area surrounding the structure, by the Department of Development staff. Public utility service structures shall be effectively screened from any abutting lot(s) and City right of way by landscaping or other means, as necessary, as approved by the Department of Development staff;

a. If the staff and applicant are unable to come to an agreement on the proposed location and screening, the applicant may file a request for a variance with the Plan Commission by submitting a written request to the Department of Development not less than 20 days before the next regularly scheduled Plan Commission meeting. At the time that a request for a variance is made, the applicant shall pay the required fee in accordance with Development Review fees in Chapter 12 of the Revised Municipal Code.

2. Public utility service structures shall not be located within any front yard or corner side yard on private property.

\* \* \*

PART III. Subsection 12.37(1)(c) of the Revised Municipal Code of the City of West Allis is hereby created to read:

12.37 RC-1 RESIDENCE DISTRICT.

\* \* \*

(1) Permitted Uses.

\* \* \*

(c) Public utility service structures not larger than six (6) feet tall and 25 sq. ft. in surface area, to be reviewed by the Plan Commission, and conditioned upon the following:

1. Site, landscaping and screening, and architectural review of the public utility service structure and the immediate area surrounding the structure, by the Department of Development staff. Public utility service structures shall be effectively screened from any abutting lot(s) and City right of way by landscaping or other means, as necessary, as approved by the Department of Development staff; and,

a. If the staff and applicant are unable to come to an agreement on the proposed location and screening, the applicant may file a request for a variance with the Plan Commission by submitting a written request to the Department of Development not less than 20 days before the next regularly scheduled Plan Commission meeting. At the time that a request for a variance is made, the applicant shall pay the required fee in accordance with Development Review fees in Chapter 12 of the Revised Municipal Code.

2. Public utility service structures shall not be located within any front yard or corner side yard on private property.

\* \* \*

PART IV. Subsection 12.40(1)(qq) of the Revised Municipal Code of the City of West Allis is hereby created to read:

12.40. C-1 CENTRAL BUSINESS DISTRICT.

\* \* \*

(1) Permitted Uses.

\* \* \*

(qq) Public utility service structures not larger than six (6) feet tall and 25 sq. ft. in surface area, to be reviewed by the Plan Commission, and conditioned upon the following:

1. Site, landscaping and screening, and architectural review of the public utility service structure and the immediate area surrounding the structure, by the Department of Development staff. Public utility service structures shall be effectively screened from any abutting lot(s) and City right of way by landscaping or other means, as necessary, as approved by the Department of Development staff; and,

a. If the staff and applicant are unable to come to an agreement on the proposed location and screening, the applicant may file a request for a variance with the Plan Commission by submitting a written request to the Department of Development not less than 20 days before the next regularly scheduled Plan Commission meeting. At the time that a request for a variance is made, the applicant shall pay the required fee in accordance with Development Review fees in Chapter 12 of the Revised Municipal Code.

2. Public utility service structures shall not be located within any front yard or corner side yard on private property.

\* \* \*

PART V. Subsection 12.41(1)(pp) of the Revised Municipal Code of the City of West Allis is hereby created to read:

12.41 C-2 NEIGHBORHOOD COMMERCIAL DISTRICT.

\* \* \*

(1) Permitted Uses.

\* \* \*

(pp) Public utility service structures not larger than six (6) feet tall and 25 sq. ft. in surface area, to be reviewed by the Plan Commission, and conditioned upon the following:

1. Site, landscaping and screening, and architectural review of the public utility service structure and the immediate area surrounding the structure, by the Department of Development staff. Public utility service structures shall be effectively screened from any abutting lot(s) and City right of way by landscaping or other means, as necessary, as approved by the Department of Development staff; and,

a. If the staff and applicant are unable to come to an agreement on the proposed location and screening, the applicant may file a request for a variance with the Plan Commission by submitting a written request to the Department of Development not less than 20 days before the next regularly scheduled Plan Commission meeting. At the time that a request for a variance is made, the applicant shall pay the required fee in accordance with Development Review fees in Chapter 12 of the Revised Municipal Code.

2. Public utility service structures shall not be located within any front yard or corner side yard on private property.

\* \* \*

PART VI. Subsection 12.31(3)(e) of the Revised Municipal Code of the City of West Allis is hereby amended to read:

12.31 RA-1 RESIDENCE DISTRICT.

\* \* \*

(3) Special Uses.

\* \* \*

(e) Public utility service structures larger than six (6) feet tall and 25 sq. ft. in surface area (excluding antenna towers for radio, TV and television, and telephone transmission), electric substations, water pumping stations and other similar uses.

\* \* \*

PART VII. Subsection 12.41(2)(p) of the Revised Municipal Code of the City of West Allis is hereby amended to read:

12.41 C-2 NEIGHBORHOOD COMMERCIAL DISTRICT.

\* \* \*

(2) Special Uses.

\* \* \*

(p) Public utility service structures larger than six (6) feet tall and 25 sq. ft. in surface area (excluding antenna towers for radio, TV and television, and telephone transmission), electric substations, water pumping stations and other similar uses.

\* \* \*

PART VIII. All ordinances or parts of ordinance contravening the provisions of this ordinance are hereby repealed.

PART IX. This ordinance shall take effect and be in force from and after its passage and publication.

cc: Department of Development  
City Attorney's Office  
Department of Building Inspections