

Ordinance O-21-17

ORDINANCE AMENDING MULTIPLE SECTIONS OF CHAPTER 24, WAUWATOSA ZONING CODE, TO MODIFY AND CLARIFY ZONING REGULATIONS

The Common Council of the City of Wauwatosa do hereby ordain as follows:

Part I. Section 24.03.040 of the Wauwatosa Municipal Code of Ordinances is hereby amended by the addition of a new subsection I., to read in its entirety as follows:

I. Outdoor storage activities in the C districts require conditional use approval in accordance with Section 24.16.040.

Part II. Subsection 24.06.080 A. of the Wauwatosa Municipal Code of Ordinances is hereby amended by replacing the words “C-1 district” with the term “C (commercial) districts”.

Part III. The Use Table contained within Section 24.07.030 of the Wauwatosa Municipal Code of Ordinances is amended by the addition of a new specific use called “Carry-out only” under the “Food & Beverage Retail Sales” general category, with the designation ”P” being placed in the C1, C2, MID-TRN and MID-MIX zoning district columns.

Part IV. The Use Table contained within Section 24.07.030 of the Wauwatosa Municipal Code of Ordinances is amended by amending the designation applicable to the specific use “Warehousing, Wholesaling & Freight Movement, General” in the M2 zoning district column from “C” to “P”.

Part V. The Use Table contained within Section 24.07.030 of the Wauwatosa Municipal Code of Ordinances is amended by amending the designation applicable to the specific use “General Recreation Park/Playground” in the SP-POS zoning district column from “C” to “P”.

Part VI. The Use Table contained within Section 24.07.030 of the Wauwatosa Municipal Code of Ordinances is amended by amending the designation applicable to the specific use “General Recreation Park/Playground” in the SP-POS zoning district column from “C” to “P”.

Part VII. The Use Table contained within Section 24.07.030 of the Wauwatosa Municipal Code of Ordinances is amended by adding a reference to footnote [5] in the column header/label for the C0, C1 and C2 districts, and by amending footnote [5] to the table to read in its entirety as follows:

[5] See Subsections 24.03.040 I and 24.04.040 F - Outdoor storage activities require a Conditional Use.

Part VIII. Subsection 24.08.040 K. of the Wauwatosa Municipal Code of Ordinances is amended to read in its entirety as follows:

K. Retail sale of food and beverages for home consumption. Typical uses include groceries, liquor stores, wine stores, and carry-out establishments.

Part IX. Subsections 2, 3 and 4 of subsection 24.12.020 A. of the Wauwatosa Municipal Code of Ordinances are amended to read in their entirety as follows (the graphic depiction following subsection 24.12.020 A.4. remains unchanged):

2. Parking areas that are rehabilitated, reconstructed, reconfigured or renovated are required to comply with current requirements of this ordinance. This includes any construction activity that alters the base course material and/or addition of curb that is not currently in place. Maintenance shall not be subject to this requirement and includes re-stripping, patching, and resurfacing of an existing lot.
3. When an existing vehicular use area is expanded by more than 1,750 square feet of additional paved area, in which case the requirements of this ordinance apply only to the expanded area if the original portion is only undergoing re-stripping, patching, resurfacing or other construction activity that does not alter the base course in any way.
4. When an existing approved parking lot is expanded by 50 percent or more, based on square footage, or 50 percent or more is renovated, reconfigured, or base material altered, the entire parking area shall be brought into compliance with the requirements of this ordinance. All expanded areas or renovated areas are considered cumulative.

Part X. Subsections 2, 3 and 4 of subsection 24.12.030 A. of the Wauwatosa Municipal Code of Ordinances are amended to read in their entirety as follows:

2. Parking areas that are rehabilitated, reconstructed, reconfigured or renovated are required to comply with current requirements of this ordinance. This includes any construction activity that alters the base course material and/or addition of curb that is not currently in place. Maintenance shall not be subject to this requirement and includes re-stripping, patching, and resurfacing of an existing lot.
3. When an existing vehicular use area is expanded by more than 1,750 square feet of additional paved area, in which case the requirements of this ordinance apply only to the expanded area if the original portion is only undergoing re-stripping, patching, resurfacing or other construction activity that does not alter the base course in any way.
4. When an existing approved parking lot is expanded by 50 percent or more, based on square footage, or 50 percent or more is renovated, reconfigured, or base material altered, the entire parking area shall be brought into compliance with the requirements of this ordinance. All expanded areas or renovated areas are considered cumulative.

Part XI. Subsection 24.12.030 A.1, of the Wauwatosa Municipal Code of Ordinances is amended to read in its entirety as follows:

1. Ground-mounted Mechanical Equipment. All ground-mounted mechanical equipment over 30 inches in height, other than air conditioning units, solar panels, wind-energy or similar renewable energy devices, is subject to principal building setbacks and must be screened from view of all R- and C-zoned properties by a solid fence, solid wall, dense hedge, or combination of such features. The hedge, fence, or wall must be tall enough to screen the equipment. See Section 15.04.040 C.2.a. for air conditioning unit requirements.

Part XII. Subsection 24.12.070 C., of the Wauwatosa Municipal Code of Ordinances is amended by adding at the end of said subsection "The establishment period is one year for trees, shrubs and perennials

that are larger than one quart. The establishment period is three years for landscapes grown from seed, including prairie, wildflower and no mow turf mixes.”

Part XIII. The definition of “Structure” within section 24.18.020, of the Wauwatosa Municipal Code of Ordinances is amended to read in its entirety as follows:

Structure. Anything erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, pergolas, arbors, sheds, playhouses, outdoor fireplaces, and equipment.

Part XIV. The table of “Features Allowed to Encroach in Required Setbacks” for Residential Zoned Districts contained within subsection 24.18.030 F.1. of the Wauwatosa Municipal Code of Ordinances is hereby amended in the following ways:

All columns relating to “Breezeways” are amended from “P” to “-“

A new feature “Outdoor Fireplaces” is added and a designation of “P [1]” is added under the “Rear” column for this feature

A new feature “Pergolas/Arbors” is added and a designation of “P [1]” is added under the “Rear” column for this feature

The feature “Solar or wind energy systems, building-mounted” is amended by adding “(see also sec. 24.10.030)” to the feature description in the first column

The feature “Solar or wind energy systems, ground-mounted” is amended by adding “(see also sec. 24.10.030)” to the feature description in the first column

The feature “Stoops and patio” is renamed “Patio, at grade”

The feature titled "Tennis Courts" (not "Swimming pools and Tennis Courts") is deleted from the table

A new feature titled "Exiting stairs and landing, minimum required by building code" is added with a designation of "P" in all columns


Part XV. The table of "Features Allowed to Encroach in Required Setbacks" for Nonresidential Districts contained within subsection 24.18.030 F.2. of the Wauwatosa Municipal Code of Ordinances is hereby amended in the following manner:

The feature "Solar or wind energy systems, building-mounted" is amended by adding "(see also sec. 24.10.030)" to the feature description in the first column

The feature "Solar or wind energy systems, ground-mounted" is amended by adding "(see also sec. 24.10.030)" to the feature description in the first column

Part XVI. This ordinance shall become effective on and after its dates of passage and publication.

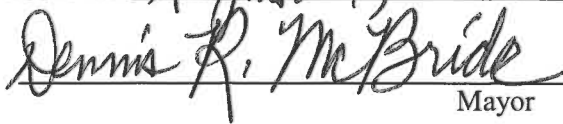
Passed and Dated August 3, 2021



City Clerk

Introduced:
Referred to originating committee

Approved August 4, 2021



Mayor

Adopted: 08/03/2021