



Wauwatosa, WI

Plan Commission

Meeting Agenda - Final

7725 W. North Avenue
Wauwatosa, WI 53213

Monday, November 10, 2025

6:00 PM

Common Council Chambers and Zoom:
<https://servetosa.zoom.us/j/83599194279>,
Meeting ID: 835 9919 4279

Regular Meeting

HYBRID MEETING INFORMATION

Members of the public may observe and participate in the meeting in-person or via Zoom at the link above. To access the Zoom meeting via phone, call 1-312-626-6799 and enter the Meeting ID.

CALL TO ORDER

ROLL CALL

NEW BUSINESS

1. Consideration of a Conditional Use Permit in the Neighborhood/Village Trade (C1) district at 7603 W. State Street to operate a drinking establishment/bar, Jordan Cole, applicant [25-1733](#)
2. Consideration of a Conditional Use Permit in the Neighborhood/Village Trade (C1) district at 7754 Harwood Avenue to establish a day care, Michael Stefan, applicant [25-1735](#)
3. Consideration of a Conditional Use Permit in the Special Purpose - Research Park and Mayfair Overlay (SP-RP/MAY) zone at 10499 Innovation drive to convert an existing hotel into a multi-unit residential development, Waterfair Apartments LLC, applicant [25-1739](#)
4. Consideration of a Land Division via Certified Survey Map at 10499 Innovation Drive, Waterfair Apartments LLC., applicant [25-1740](#)
5. Consideration of a proposed ordinance to amend various sections of Title 24 (Zoning) primarily related to Tosa Tomorrow 2045 Comprehensive Plan [25-1938](#)

ADJOURNMENT

NOTICE TO PERSONS WITH A DISABILITY

Persons with a disability who need assistance to participate in this meeting should call the City Clerk's office at (414) 479-8917 or send an email to tclerk@wauwatosa.net, with as much advance notice as possible.



Wauwatosa, WI

7725 W. North Avenue
Wauwatosa, WI 53213

Staff Report

File #: 25-1733

Agenda Date: 11/10/2025

Agenda #: 1.

Consideration of a Conditional Use Permit in the Neighborhood/Village Trade (C1) district at 7603 W. State Street to operate a drinking establishment/bar, Jordan Cole, applicant

Submitted by:

Art Piñon

Department:

Development

A. Background/Options

The applicant is proposing a conditional use permit to operate a craft cocktail and beer bar at 7603 W. State Street in the Neighborhood/Village Trade (C1) zone.

The submitted floor plan shows a bar area with seating, men and woman's restrooms, and a cooler. The proposed hours of operation are Mon - Thurs from 12 pm to 1:00 am, Friday and Saturday from 12:00 pm to 2:30 am, and Sunday from 12 pm to 10 pm.

The required public hearing for this item occurred at the October 28, 2025 Common Council meeting. The applicant appeared at the meeting and spoke in favor of the proposal. No one spoke in opposition. The council meeting video is attached.

B. Staff Comments

Planning/Zoning Division

No additional parking is required as parking requirements in the C1 District are uniform for office, retail, and eating/drinking uses. Bike parking is required since the use of the building is changing.

Building Division

Design Review Board approval is required for any exterior changes. Architectural supervision, plan review, and all applicable building permits are also required. A final occupancy inspection and approval must be obtained prior to occupancy.

City Assessor's Office

Provide detailed costs of any alterations and/or new construction as well as income and expense information as requested by the Assessor's Office

City Clerk's Office

No comments.

Public Works Department

See Engineering comments.

Engineering Division

Per City Code 13.30.030, any building project in excess of \$100,000 shall have the sanitary sewer lateral replaced or inspected and pressure tested per BPW requirements. If the existing sanitary sewer lateral is to be re-used, a televised report of the existing lateral from the building to the City main must be provided to Engineering. If Engineering identifies any defects in the existing lateral, the defects must be corrected and another televised report provided to Engineering to verify results. Note that if the existing lateral is made out of clay, the lateral must be lined. This requirement must be met prior to final building occupancy.

City records show that this building is served by an existing 3/4-inch lead water lateral from the building to the curb stop in State Street. Staff strongly recommends that this lead piping is replaced.

Fire Department

No comments.

Health Department

No comments.

Police Department

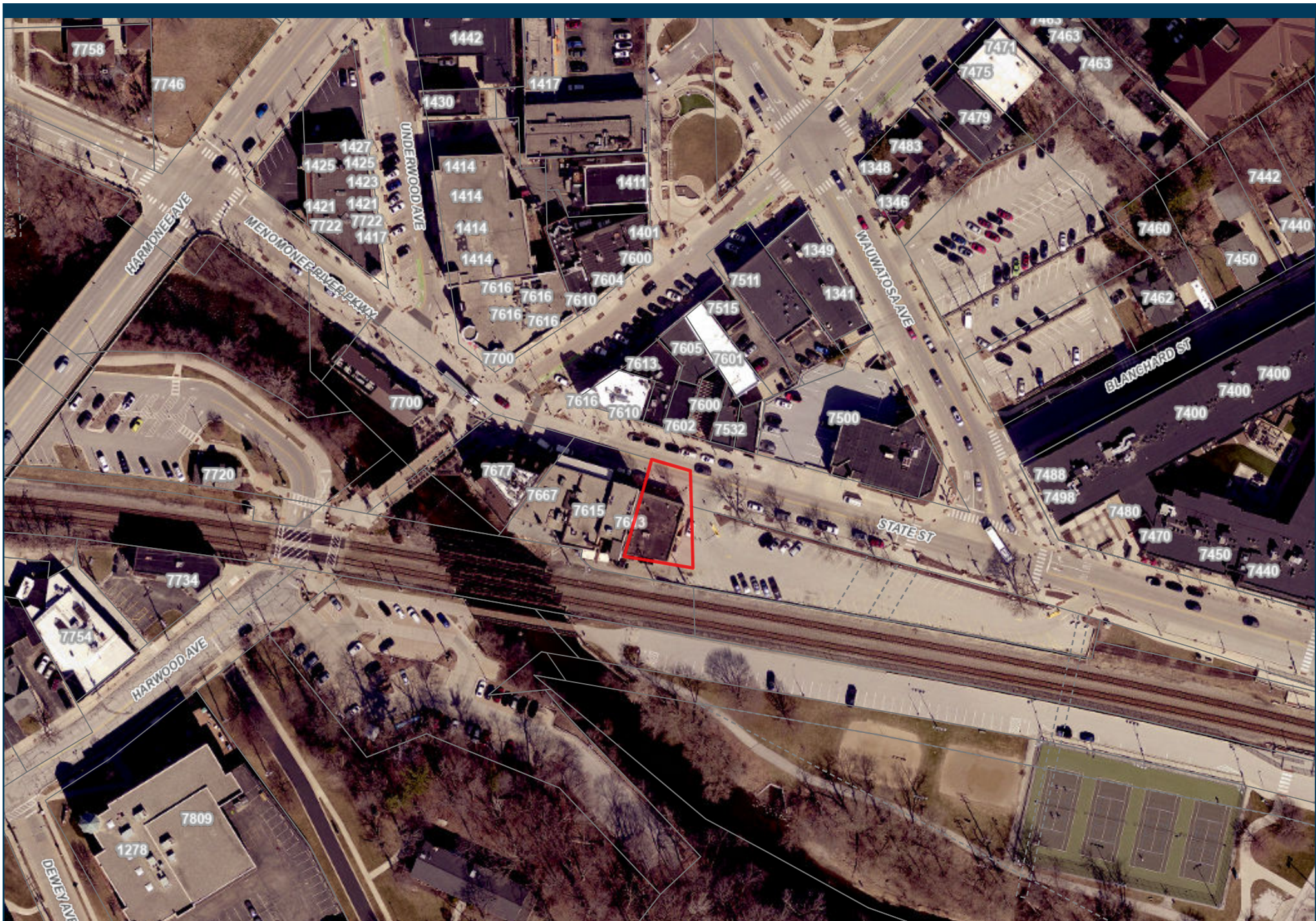
No comments.

C. Recommendation

Staff recommends approval subject to:

1. Establishing hours of operation. If noise complaints or late-night disturbance complaints are received, the applicant shall take corrective action to resolve those complaints. This may include but is not limited adjusting hours of operation. Issues must be resolved to the satisfaction of the Planning Division Manager.
2. The subject property and building are located in the floodplain and is subject to the requirements and procedures in WMC 24.13.010.
3. Short- and long-term bike parking must be provided in compliance with WMC 24.11.080.
4. Per WMC 24.12.040.A.2, roof-mounted mechanical equipment (e.g., air conditioning, heating, cooling, ventilation, exhaust and similar equipment, but not solar panels, wind energy or similar renewable energy devices) over 30 inches in height must be screened from ground-level view of all R- and C-zoned properties.
5. Per WMC 24.12.040.A.1, 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 much 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.
6. Providing detailed costs of any alterations and/or new construction, as well as income & expense as requested by the Assessor's office.
7. Under WMC 24.16.040I., a Conditional Use will lapse and have no further effect one year after it is approved by the Common Council, unless a building permit has been issued (if required); the use or structure has been lawfully established; or unless a different lapse of approval period or point of expiration has been expressly established by the Common Council.
8. Obtaining other required licenses, permits, and approvals. This includes but is not limited to Design Review Board approval, plan review, site plan approval, building permits and DSPS plan approvals, and Final

Occupancy inspection and approval.



7603 W. State St.

City of
Wauwatosa



North 48 MKE LLC is the third location in the North 48° family of craft cocktail and beer bars. Building on the success of our Cedarburg and Oconomowoc locations, the Wauwatosa venue will deliver the same high-quality experience with a locally tailored twist. Our brand is known for its welcoming atmosphere, expertly crafted drinks, and strong community engagement. Our goal is to create a vibrant, community driven bar experience that blends exceptional hospitality with bold, creative branding. North 48 MKE will serve as a neighborhood hub for connection, celebration, and craft excellence.

Hours of operation

Monday through Friday 12pm to 2am

Saturday 11am to 230am

Sunday 11am to 12am

Hours may change with seasons or special events

Employees

Owner Jordan Cole

General manager Heather Loving

5 to 8 bartenders depending on their availability

We would also like to note that although we don't offer food we do welcome food being brought in or delivered by other businesses close by like we do at both other locations. We donate and support local charities, schools and non profits as well as fundraising for great causes! As a higher end establishment we do not have any issues at either existing location including customers nor employees, so feel free to contact both police departments in Cedarburg and Oconomowoc for reference.

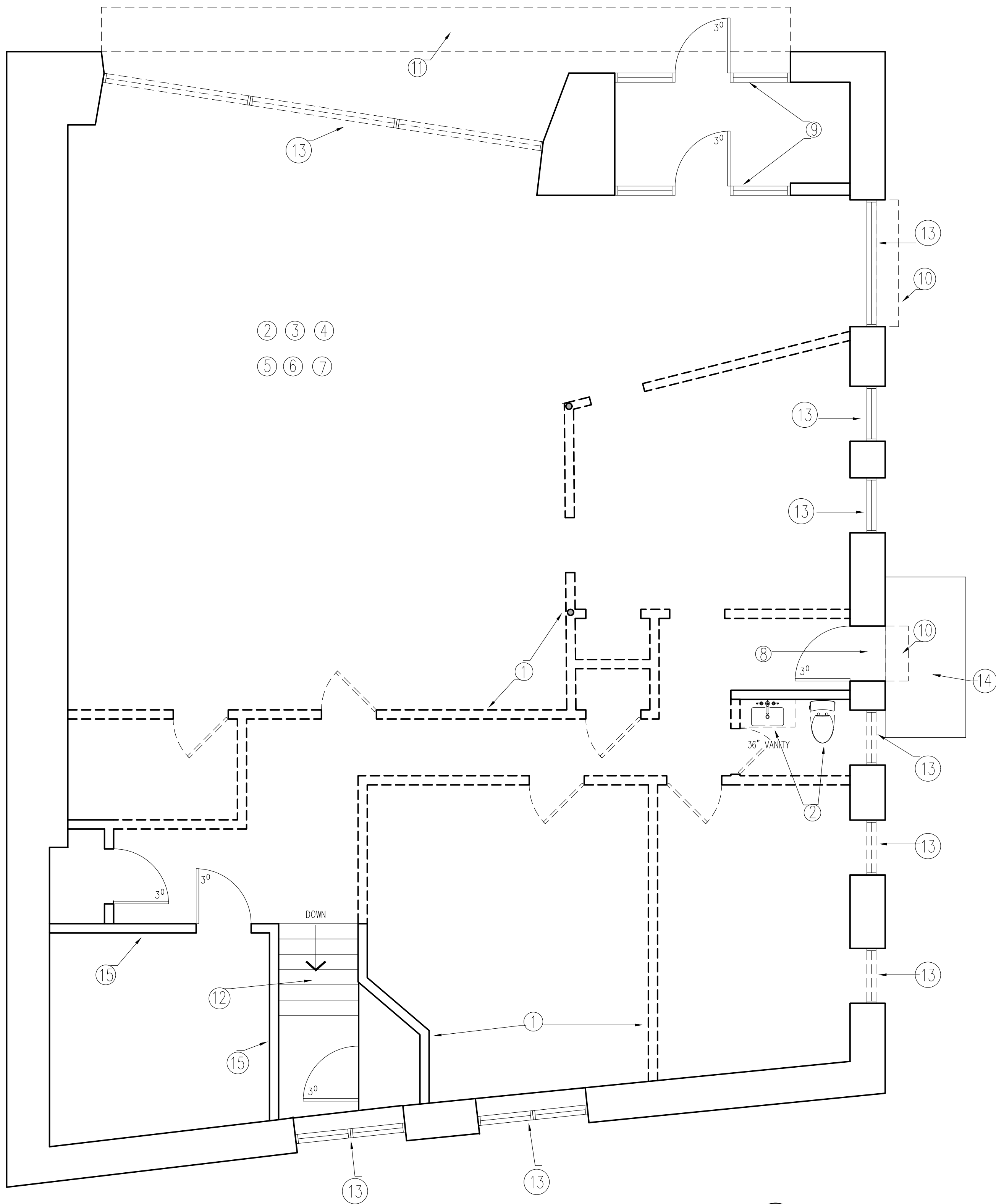
Thank you again for your help and support

Jordan Cole

North 48 Inc.

414.405.3773

north48bar@gmail.com



1
A001
EXISTING PLAN
SCALE: 1/4"=1'-0"

DEMOLITION EXHIBIT NOTES:

- 1 LANDLORD TO REMOVE ALL EXISTING FRAMED WALLS INCLUDING DOORS & FRAMES BACK TO EXISTING EXTERIOR WALL GYP BOARD FINISH. ALL GYPSUM WALLBOARD SHALL BE TAPED, SANDED, AND READY FOR PRIMER AS REQUIRED PER WORK LETTER. (LEVEL 5 FINISH). NOTE: REMOVE EXISTING WALL FINISHES ON REMAINING WALLS BACK TO GYP BOARD.
- 2 LANDLORD TO REMOVE ALL EXISTING PLUMBING FIXTURES AND CAP AS REQUIRED.
- 3 LANDLORD TO REMOVE ALL CEILINGS & SOFFIT FRAMING. PATCH AS REQUIRED.
- 4 LANDLORD TO REMOVED ALL FLOORING BACK TO ORIGINAL FLOOR. REMOVE ALL ADHESIVE, GROUT, ETC. TO PROVIDE FLOOR READY FOR TENANT FINISH.
- 5 ALL DUCTWORK/DIFFUSERS TO BE REMOVED BY LANDLORD & CAPPED AS REQUIRED.
- 6 ALL ELECTRICAL & LIGHTING TO BE REMOVED BY LANDLORD BACK TO ELECTRICAL PANELS.
- 7 ALL PLUMBING WATER LINES, WASTE & VENT LINES TO BE REMOVED BACK TO POINT OF CONNECTION SHOWN ON UTILITY EXHIBIT. CAP AS REQUIRED.
- 8 EXISTING SIDE DOOR TO REMAIN
- 9 EXISTING STOREFRONT/DOORS TO BE REMOVED AND REPLACES PER TENANTS DRAWINGS
- 10 LANDLORD TO REMOVE FABRIC AWNING AND FRAME. PATCH AS REQUIRED.
- 11 LANDLORD TO REMOVE EXTERIOR CANOPY AND REPLACE PER LL DRAWINGS.
- 12 REMOVE EXISTING STAIR AS REQUIRED TO INFILL EXISTING STAIR OPENING.
- 13 REMOVED EXISTING STOREFRONT & WINDOWS AND REPLACE WITH NEW STOREFRONT.
- 14 REMOVED EXISTING CONCRETE STOOP & STAIR. REPLACE WITH ACCESSIBLE LANDING & STAIR/RAMP.
- 15 LANDLORD TO REMOVED EXISTING BANK VAULT WALLS.

1
of 2
Drawn by: K.S.
Checked by: K.D.

DATE: 8/26/25	REV:
REV:	REV:
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REV:	REV:

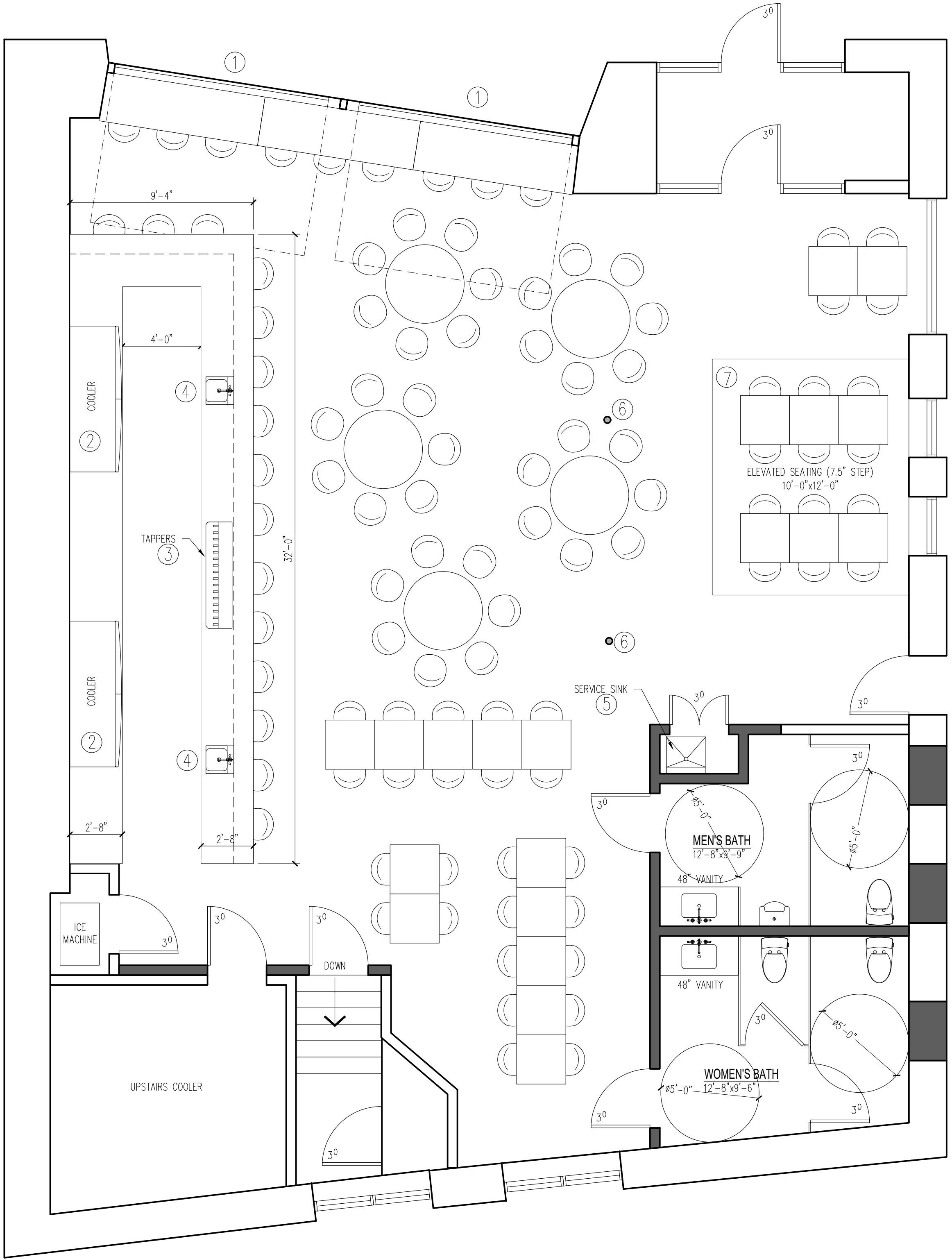
JOB # 25-213-001
PROJECT FOR:
KRANICH, DARYL - NORTH 48 BAR
7603 W STATE ST
WAUWATOSA WI, 53213

1/4"=1'-0"



PRELIMINARY

- EST. 1904 -
Bliffert
LUMBER & DESIGN
Visit us at:
1218 Center Ave.
Oostburg, WI 53070
Phone: (920) 564-2378
Fax: (920) 564-3040
Web: www.bliffertlumber.com
E-mail to:
kristin.dedering@bliffertlumber.com



- 1 OPERABLE OVERHEAD DOOR
- 2 COOLER
- 3 TAPPERS
- 4 SINK
- 5 SERVICE SINK
- 6 STRUCTURAL COLUMN – WRAPPED
FIELD VERIFY LOCATION
- 7 ELEVATED SEATING – 7.5” UP.

AREA: 2319 SQ. FT.

1
A002

NEW FLOOR PLAN

SCALE: 1/4"=1'-0"

CODE SUMMARY

GOVERNING CODES:

WISCONSIN COMMERCIAL BUILDING CODE
2015 INTERNATIONAL BUILDING CODE
2015 INTERNATIONAL ENERGY CONSERVATION CODE (IECC)
2009 A NSI A 117.1

OCCUPANCY GROUP (IBC CHAPTER 3):

GROUP A: ASSEMBLY

OCCUPANCY LOAD (IBC TABLE 1004.1.2):

SEE ASSOCIATED LIFE SAFETY PLAN FOR INDIVIDUAL LOAD COUNTS
AND EGRESS PATHS FROM EACH SPACE. OVERALL OCCUPANT LOAD IS
CALCULATED AT 99 PERSONS.

MINIMUM PLUMBING FIXTURES (IBC TABLE 2902.1):

REQUIRED:

WATER CLOSETS:

GROUP A: 99 PPL / 2 = 50 MALE / 50 FEMALE
1 PER 25 FOR THE FIRST 50 AND 1 PER 50 FOR THE
REMAINDER EXCEEDING 50

= 1.0 MALE WATER CLOSETS REQUIRED
= 1.0 URINAL REQUIRED
= 2.0 FEMALE WATER CLOSETS REQUIRED

LAVATORIES:

GROUP A: 99 PPL / 2 = 50 MALE / 50 FEMALE
1 PER 40 FOR THE FIRST 80 AND 1 PER 80 FOR THE
REMAINDER EXCEEDING 80

= 0.625 MALE LAVATORIES REQUIRED
= 0.625 FEMALE LAVATORIES REQUIRED

PROVIDED:

MALE WATER CLOSETS: 1
MALE URINAL: 1
FEMALE WATER CLOSETS: 2
MALE LAVATORIES: 1
FEMALE LAVATORIES: 1
WATER BOTTLE FILLER WITH CUPS: 1
SERVICE SINKS: 1

*ALTERNATIVE TO DRINKING FOUNTAIN PER SPS 362.2902(1)(a)2.
GLASSES PROVIDED ADJACENT TO SINK

Page:
2

DATE: 8/26/25

REV:

REV:

JOB # 25-213-001

of

2

REV:

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REV:

PROJECT FOR:

Drawn by: K.S.

REV:

REV:

REV:

KRANICH, DARYL - NORTH 48 BAR
7603 W STATE ST
WAUWATOSA WI, 53213

Checked by: K.D.

REV:

REV:

REV:

PROJECT FOR:

PRELIMINARY

1/4"=1'-0"

0 2' 4' 8'

- EST. 1904 -

™

Bliffert
LUMBER & DESIGN

Visit us at:
1218 Center Ave.
Oostburg, WI 53070
Phone: (920) 564-2378
Fax: (920) 564-3040
Web: www.bliffertlumber.com
E-mail to:
kristin.dedering@bliffertlumber.com



Staff Report

File #: 25-1735

Agenda Date: 11/10/2025

Agenda #: 2.

Consideration of a Conditional Use Permit in the Neighborhood/Village Trade (C1) district at 7754 Harwood Avenue to establish a day care, Michael Stefan, applicant

Submitted by:

Art Piñon

Department:

Development

A. Background/Options

The applicant is requesting a Conditional Use Permit to operate a daycare facility at 7754 Harwood Avenue, located in the Neighborhood/Village Trade (C1) zoning district.

The facility will serve up to 148 children, ranging from infancy to five years of age. Interior day care space is 11,400 square feet and a 3,100 square foot outdoor play area is proposed at the rear of the property. Hours of operation are Monday through Friday, from 7:30 a.m. to 5:30 p.m.

Attached to this report are project plans, project description, site survey, traffic impact analysis, and parking study.

The required public hearing for this item occurred at the October 28, 2025 Common Council meeting. The applicants appeared at the meeting and spoke in favor of the proposal. No one spoke in opposition. The council meeting video is attached.

B. Staff Comments

Planning/Zoning Division

See parking recommendations in Engineering section of this report. Bike parking is required since the use of the building is changing.

Building Division

Design Review Board approval is required for any exterior changes. Architectural supervision, plan review, and all applicable building permits are also required. A final occupancy inspection and approval must be obtained prior to occupancy.

City Assessor's Office

Provide detailed costs of any alterations and/or new construction as well as income and expense information as requested by the Assessor's Office

City Clerk's Office

No comments

Public Works Department

No comments

Engineering Division

Site plans subject to approval by the Engineering Division.

Per City Code 13.30.030, any building project in excess of \$100,000 shall have the sanitary sewer lateral replaced or inspected and pressure tested per BPW requirements. If the existing sanitary sewer lateral is to be re-used, a televised report of the existing lateral from the building to the City main must be provided to Engineering. If Engineering identifies any defects in the existing lateral, the defects must be corrected and another televised report provided to Engineering to verify results. Note that if the existing lateral is made out of clay, the lateral must be lined. This requirement must be met prior to final building occupancy.

Applicant shall work with Engineering in establishing a water main easement for the existing onsite water main. The water main easement must be recorded prior to final building occupancy.

A playground, gate and fence are proposed to be located within the future easement area. An encroachment agreement is subject to approval by the Board of Public Works and Common Council.

A traffic impact and parking study has been included in the application. The study was prepared to determine the number of trips generated by the proposed use and their distribution. The study also analyzes existing parking demand and occupancy. Staff has reviewed the study and agrees with the following recommendations:

- Provide a 15-minute parking zone from 7:30-8:30 AM along the southeast side of Harwood Avenue from Dewey Avenue to Hart's Mill Lot to minimize long term parking and promote in-and-out parking for both St. John's Lutheran School, Early Elementary Center, and the Proposed Daycare. This proposed parking zone is subject to approval by the Transportation Affairs Committee.
- Reconstruct the existing driveway at the west corner of the proposed daycare to provide an additional parking space on the north side of Harwood Avenue.
- All staff shall be required to park in the Red Store Lot where there are no parking time restrictions and ample capacity.

Street parking on the north side of Harwood Avenue, adjacent to the proposed day care, is currently posted as three-hour time limit, between the hours of 9 am to 6 pm. Staff recommends that the parking regulations should be changed to 15-minute parking, similar to what is recommended for the south side of the road. Changes to parking regulations are subject to approval by the Transportation Affairs Committee.

Fire Department

No comments.

Health Department

No comments.

Police Department

No comments.

C. Recommendation

Staff recommends approval subject to:

1. Compliance with all conditions and recommendations in the Engineering section of this report.

2. Establishing hours of operation.
3. Short- and long-term bike parking must be provided in compliance with WMC 24.11.080.
4. Per WMC 24.12.040.A.2, roof-mounted mechanical equipment (e.g., air conditioning, heating, cooling, ventilation, exhaust and similar equipment, but not solar panels, wind energy or similar renewable energy devices) over 30 inches in height must be screened from ground-level view of all R- and C-zoned properties.
5. Per WMC 24.12.040.A.1, 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.
6. Providing detailed costs of any alterations and/or new construction, as well as income & expense as requested by the Assessor's office.
7. Under WMC 24.16.040I., a Conditional Use will lapse and have no further effect one year after it is approved by the Common Council, unless a building permit has been issued (if required); the use or structure has been lawfully established; or unless a different lapse of approval period or point of expiration has been expressly established by the Common Council.
8. Obtaining other required licenses, permits, and approvals. This includes but is not limited to Design Review Board approval, plan review, site plan approval, building permits and DSPS plan approvals, and Final Occupancy inspection and approval.

Project Description – Casa de Corazón, Wauwatosa

Mission and Vision

Casa de Corazón is dedicated to providing high-quality, culturally rich early childhood education that nurtures the whole child. Our vision is to build a community where children grow in an environment of love, learning, and inclusivity while gaining the benefits of bilingual Spanish immersion. By instilling values of diversity, empathy, and curiosity, we aim to prepare children for lifelong success.

Proven Success in Wisconsin

Casa de Corazón is not a new concept. Our centers in Shorewood and Glendale have already established themselves as trusted resources for families and strong contributors to their communities. These franchises are thriving, with full enrollment, long waitlists, and overwhelmingly positive parent feedback.

The success of our nearby locations demonstrates both the demand for high-quality, bilingual childcare and the ability of Casa de Corazón to deliver consistently excellent programming. By expanding into Wauwatosa, we are building on this proven model to meet growing childcare needs while strengthening Wauwatosa's reputation as a family-centered, forward-thinking city.

Program Overview

Casa de Corazón of Wauwatosa will be a licensed childcare center serving up to 148 children from infancy through pre-kindergarten. Our age-appropriate programming will include:

- Infant (6 weeks – 16 months): 40 children
- Toddler (16 months – 33 months): 36 children
- Preschool A (33 months – 4 years): 32 children
- Preschool B (33 months – 4 years): 20 children
- Pre-K (4 – 5 years): 20 children

The center will operate Monday through Friday, from 7:30 AM to 5:30 PM, providing full-day programming designed to support working families.

Curriculum and Approach

Our curriculum integrates play-based learning, bilingual Spanish immersion, and structured educational programming. Children will engage in activities that promote:

- Cognitive and language development
- Social and emotional skills
- Creativity through art, music, and play
- Physical well-being through daily movement and outdoor activity
- Cultural awareness and inclusivity

This unique approach not only ensures kindergarten readiness but also fosters adaptability and appreciation for diversity in a global society.

Community Impact

Casa de Corazón will be an important addition to the Wauwatosa community by:

- **Expanding Access to Childcare:** Addressing the increasing demand for quality early childhood education in the area.
- **Creating Jobs:** Employing approximately 40–50 staff members, including teachers, classroom assistants, administrators, and support staff, contributing directly to the local economy.
- **Supporting Working Families:** Providing dependable, enriching childcare that enables parents to remain in or return to the workforce, pursue higher education, or build businesses.
- **Fostering Inclusivity:** Promoting bilingual education and cultural exchange, enriching both children and the broader community.

Facilities and Operations

The center will be thoughtfully designed to meet the highest standards of safety, accessibility, and child development needs. Features will include:

- Secure entry systems and age-appropriate classrooms
- Outdoor play spaces designed for multiple age groups
- Nutritious organic meal and snack programs
- Compliance with all state and city licensing requirements

1. Public health, safety, and general welfare

- The center will be designed, constructed, and operated in full compliance with all state and city health, safety, and building codes.
 - Secure entry systems, age-appropriate classrooms, staff background checks, and organic food service all promote a healthy and safe environment for children, staff, and the surrounding community.
-

2. Uses, values, and enjoyment of surrounding properties

- Casa de Corazón centers have a proven record of being good neighbors, maintaining attractive, well-landscaped facilities that complement surrounding land uses.
 - The Wauwatosa location will enhance neighborhood vitality and provide a needed community service without negatively impacting adjacent property values or enjoyment.
-

3. Normal and orderly development of surrounding properties

- The project is compatible with the existing zoning and surrounding uses, which include residential and institutional/community-serving properties.

- The center will not hinder the normal and orderly development of nearby properties for uses already permitted in the district.
-

4. Adequate utilities, access roads, drainage, and other improvements

- The site is served by existing municipal water, sewer, stormwater drainage, and public utilities, which will be used or upgraded as required.
 - All necessary infrastructure improvements will be coordinated with and approved by the City prior to occupancy.
-

5. Ingress, egress, and traffic congestion

- The site plan includes adequate off-street parking and a dedicated drop-off/pick-up area designed to keep vehicle queues off public streets.
-

6. Compliance with applicable zoning regulations

- The facility will comply with all applicable zoning regulations, including setbacks, parking ratios, signage, occupancy limits, and landscaping requirements.
- All required permits and inspections will be obtained prior to opening to ensure full compliance with the subject zoning district.

Conclusion

Casa de Corazón of Wauwatosa represents more than a childcare facility—it is an investment in the future of our children and our community. By combining early education, cultural enrichment, and economic opportunity, this project will help strengthen Wauwatosa as a family-friendly, forward-thinking city.

We respectfully request the board's support in bringing Casa de Corazón to Wauwatosa, where it will serve as a cornerstone for family growth, community vitality, and educational excellence

PLAT OF SURVEY

CLIENT

Kriti Behl Stefan and Michael Stefan

SITE ADDRESS

7754 Harwood Avenue, City of Wauwatosa, Milwaukee County, WI 53226

LEGAL DESCRIPTION

Lot 1 of Certified Survey Map No. 9405, being a division of Lot 4 and 5, part of Lot 1 and Lot 3, in Assessor's Plat No. 26, being a part of the Southeast 1/4 of the Southeast 1/4 of Section Twenty-One (21), Township Seven (7) North, Range Twenty-One (21) East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin.

BASIS OF BEARINGS

Bearings are referenced to the Wisconsin State Plane Coordinate System, South Zone, NAD83 (2011), in which the East line of the SE 1/4 of Section 21 bears S01°29'13"E.

VERTICAL DATUM

Vertical Datum is based on National Geodetic Vertical Datum of 1929

705.82 Benchmark on National Geodetic Vertical Datum of 1929 elevation
-580.28 Conversion to City of Wauwatosa Datum.
125.54 City of Wauwatosa Datum

REFERENCE BENCHMARK: 125.54

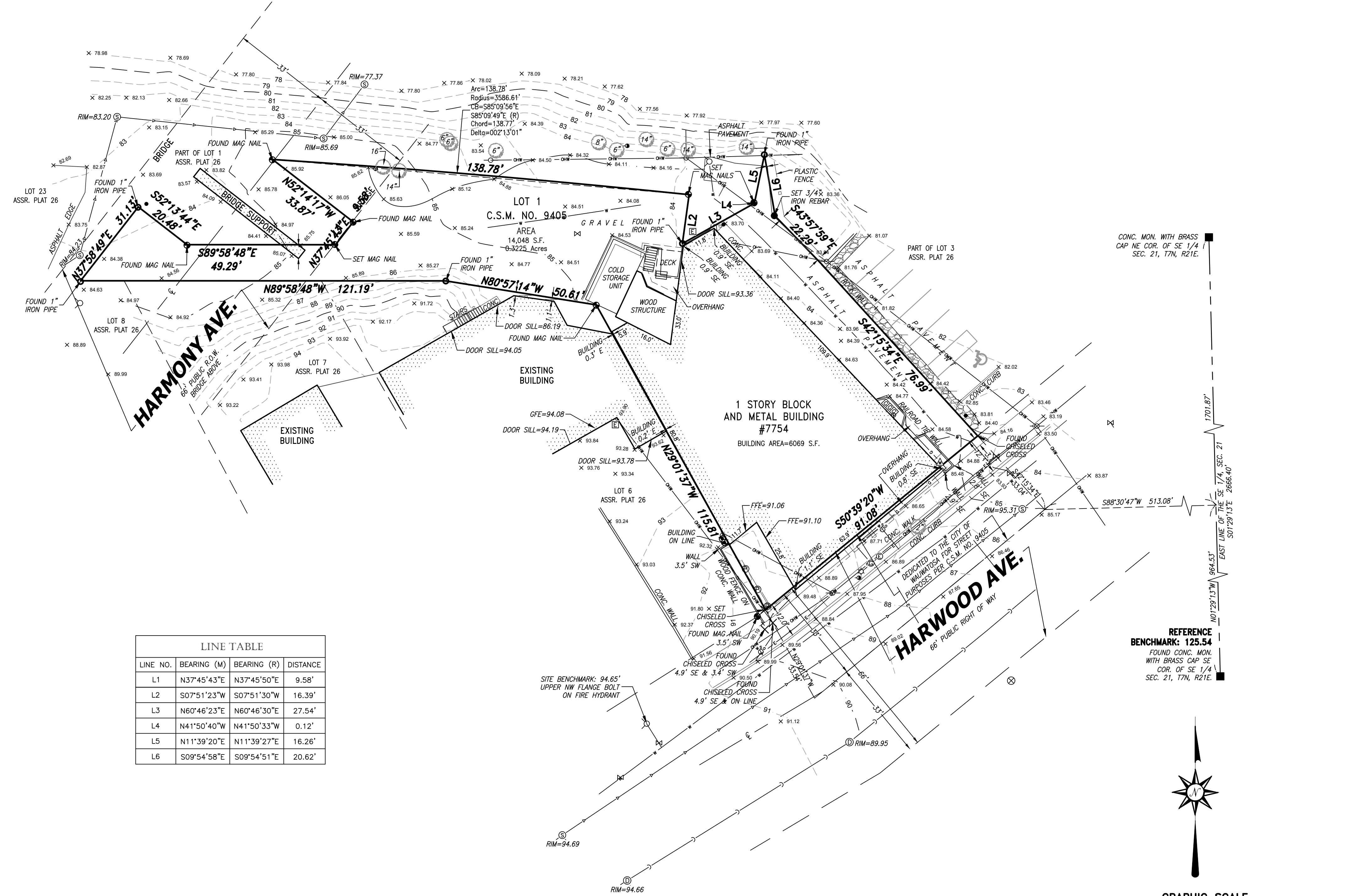
REFERENCE MARK AND REFERENCE BENCHMARK
CONC. MON. WITH SEWRPC BRASS CAP AT THE
SE COR. OF THE SE 1/4 OF SEC. 21

LAND AREA

The Land Area of the subject property is 14,048 square feet or 0.3225 acres.

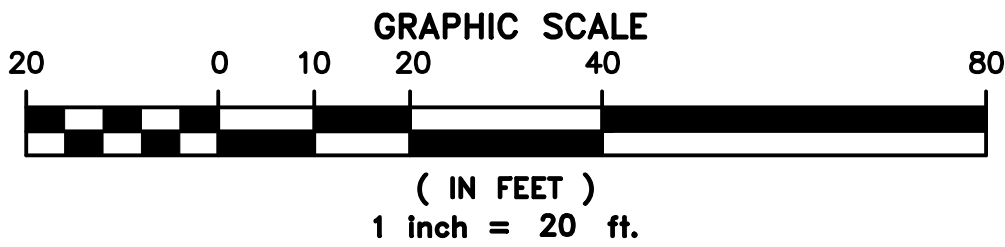
NOTE:

Evidence of underground utilities existing on or serving the surveyed property as determined by markings requested by the surveyor pursuant to a Diggers Hotline One-call center utility locate. Ticket Number 20253623033 and 20253623039. However, lacking excavation, the exact location of underground features cannot be accurately, completely, and reliably depicted. Client understands only utility lines with imbedded electric tracer wires or utilities made of materials capable of electric connectivity can be marked at the surface and located. Depth of utilities may prohibit their location even with electric connectivity.



LEGEND OF SYMBOLS & ABBREVIATIONS

⊙	SANITARY MANHOLE	⚠	FIBER OPTIC MARKER	—	SIGN	—	SANITARY SEWER	CL	=CENTERLINE
⊙	STORM MANHOLE	⊙	FIBER OPTIC MANHOLE/VAULT	—	MAIL BOX	—	SANITARY SEWER PER PLAN	CONC.	=CONCRETE
⊙	CLEANOUT	⊙	TELEPHONE PEDESTAL	—	FLAG POLE	—	STORM SEWER	EL	=ELEVATION
⊙	CURB INLET	⊙	TELEPHONE MANHOLE/VAULT	—	BOLLARD	—	STORM SEWER PER PLAN	EXT.	=EXISTING
⊙	STORM INLET	⊙	TELEPHONE MARKER	—	CROSS CUT	—	WATER MAIN	INV.	=INVERT
⊙	CATCH BASIN	⊙	TRANSFORMER	—	IRON PIPE	—	WATER MAIN PER PLAN	MON.	=MONUMENT
⊙	LATERAL	⊙	ELECTRIC METER/PEDESTAL	—	IRON REBAR/ROD	—	FIBER OPTIC LINE	P.O.B.	=POINT OF BEGINNING
⊙	UNKNOWN MANHOLE	⊙	ELECTRIC MANHOLE/VAULT	—	MAG NAIL	—	FIBER OPTIC PER PLAN	P.O.C.	=POINT OF COMMENCEMENT
⊙	WELL	⊙	CABLE TV RISER/BOX CABLE	—	SECTION MONUMENT	—	TELEPHONE LINE	R.O.W.	=RIGHT OF WAY
⊙	HYDRANT	⊙	TV MANHOLE/VAULT	—	BENCH MARK	—	TELEPHONE PER PLAN	SEC.	=SECTION
⊙	WATER VALVE	⊙	GAS VALVE	—	CONIFER TREE	—	ELECTRIC LINE	SQ. FT.	=SQUARE FEET
⊙	DOWN SPOUT	⊙	GAS METER	—	DEODIOUS TREE	—	ELECTRIC LINE PER PLAN	(D)	=DEEDED AS
⊙	SPRINKLER VALVE	⊙	GAS MARKER	—	BUSH	—	OVERHEAD WIRES	W/	=WITH
⊙	WATER SHUT OFF	⊙	AIR CONDITIONING UNIT	—	WETLAND SYMBOL	—	CABLE TELEVISION	(R)	=RECORDED AS
⊙	STANDPIPE	⊙	VENT	—	DIRECTIONAL ARROW	—	CABLE TELEVISION PER PLAN		
⊙	WATER MANHOLE	⊙	UTILITY POLE	—	SPOT ELEVATION	—	GAS MAIN		
⊙	FLOOD LIGHT	⊙	GUY WIRE	—	HANDICAP STALL	—	GAS MAIN PER PLAN		
⊙	LIGHT POLE	⊙	TRAFFIC SIGNAL POLE	—	DUMPSTER	—	TRAFFIC CONDUIT PER PLAN		
				—		—	TREE LINE		
				—		—	NO ACCESS		



VICINITY MAP



Date: September 23, 2025



John P. Konopacki
Professional Land Surveyor
Registration Number S-2461

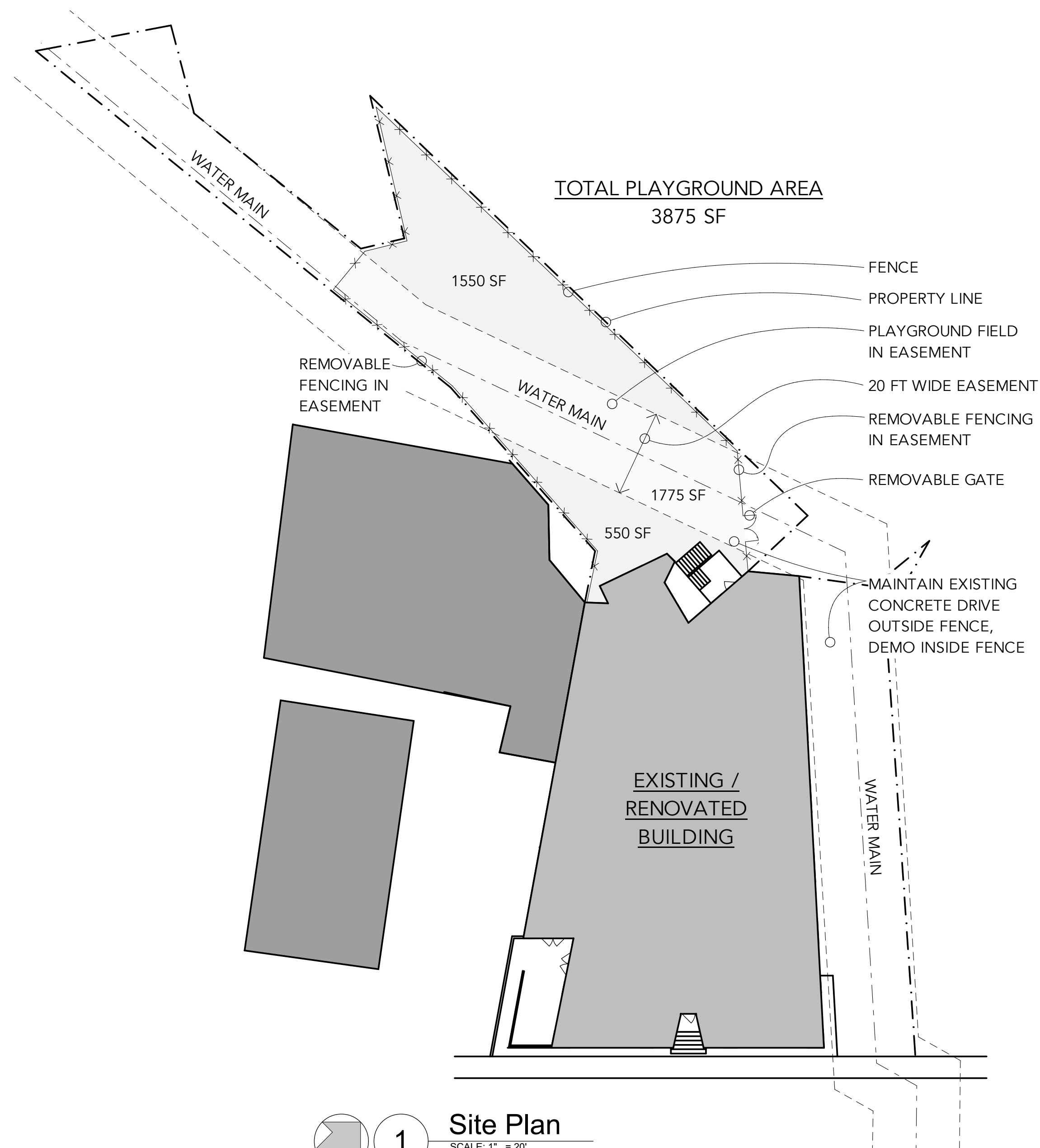
CHAPUT
LAND SURVEYS

234 W. Florida Street
Milwaukee, WI 53204

414-224-8068
www.chaputlandsurveys.com

This document is an instrument of professional service, and may be protected by the surveyor work product doctrine or surveyor / client privilege. The information shown hereon is intended solely for the use of the client and client directed third parties. Chaput Land Surveys is a division of Pinnacle Engineering Group.
DRAFTED BY: KGD Drawing No. 3228.40A

Date	Revision description



1

Site Plan

SCALE: 1" = 20'

C1

Notice:

These drawings and design there in are the exclusive property of CNChambliss Architecture, Ilc

Project:

La Casa Daycare
Wauwatosa, WI

Issue:

☐ Design Review Set Sept 16, 2025

Not for Construction

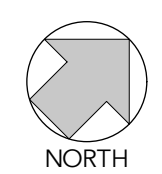
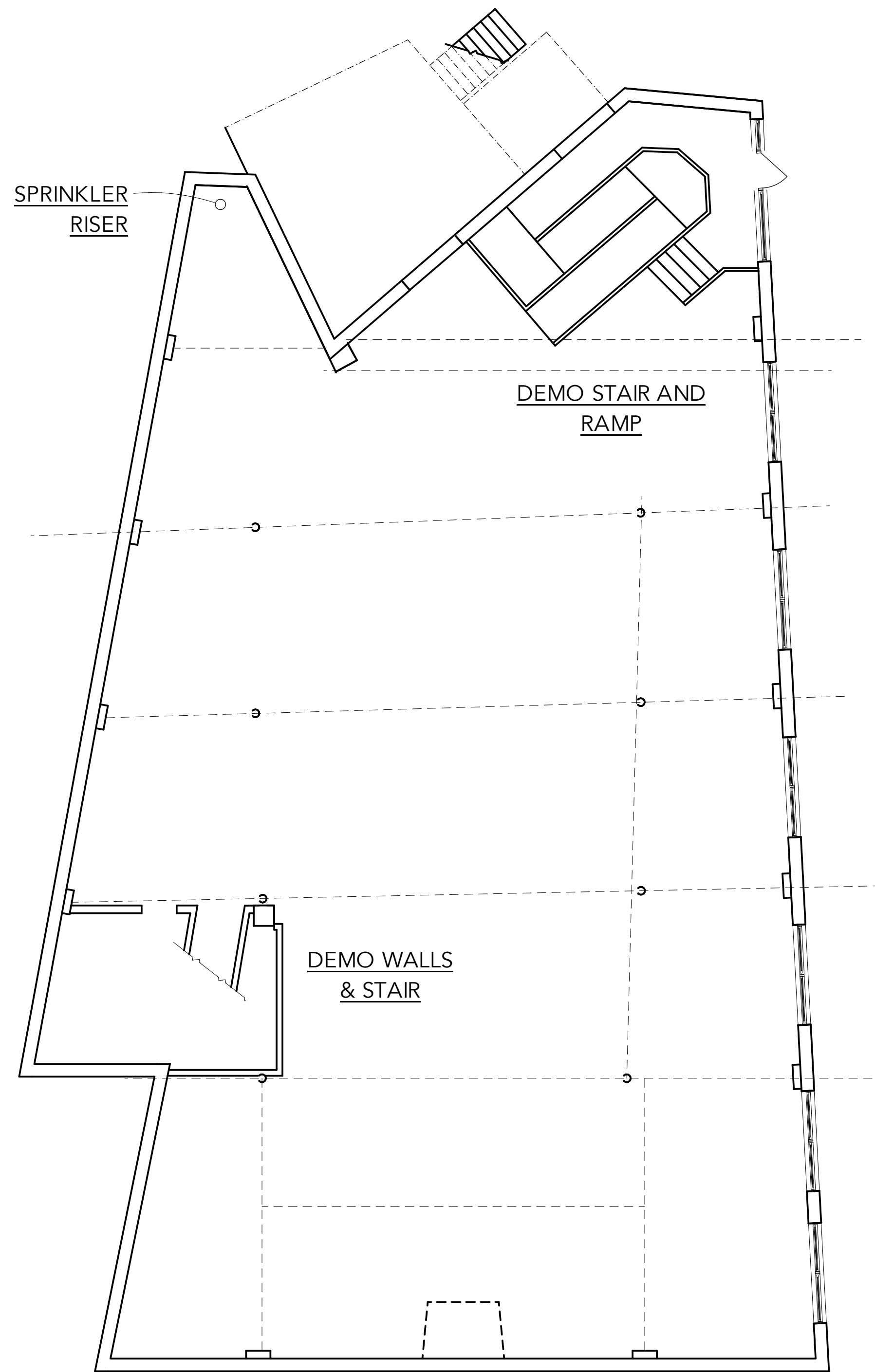
Drawing Title:

Site Plan

Sheet:

Caution: Do not scale drawings. These are the property of the designer and may only be used in conjunction with this proect.

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1

Lower Level Demolition Plan

SCALE: 1/8" = 1'-0"

D0

Notice:

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Project:

La Casa Daycare
Wauwatosa, WI

Issue:

☐ Design Review Set Sept 16, 2025

Not for Construction

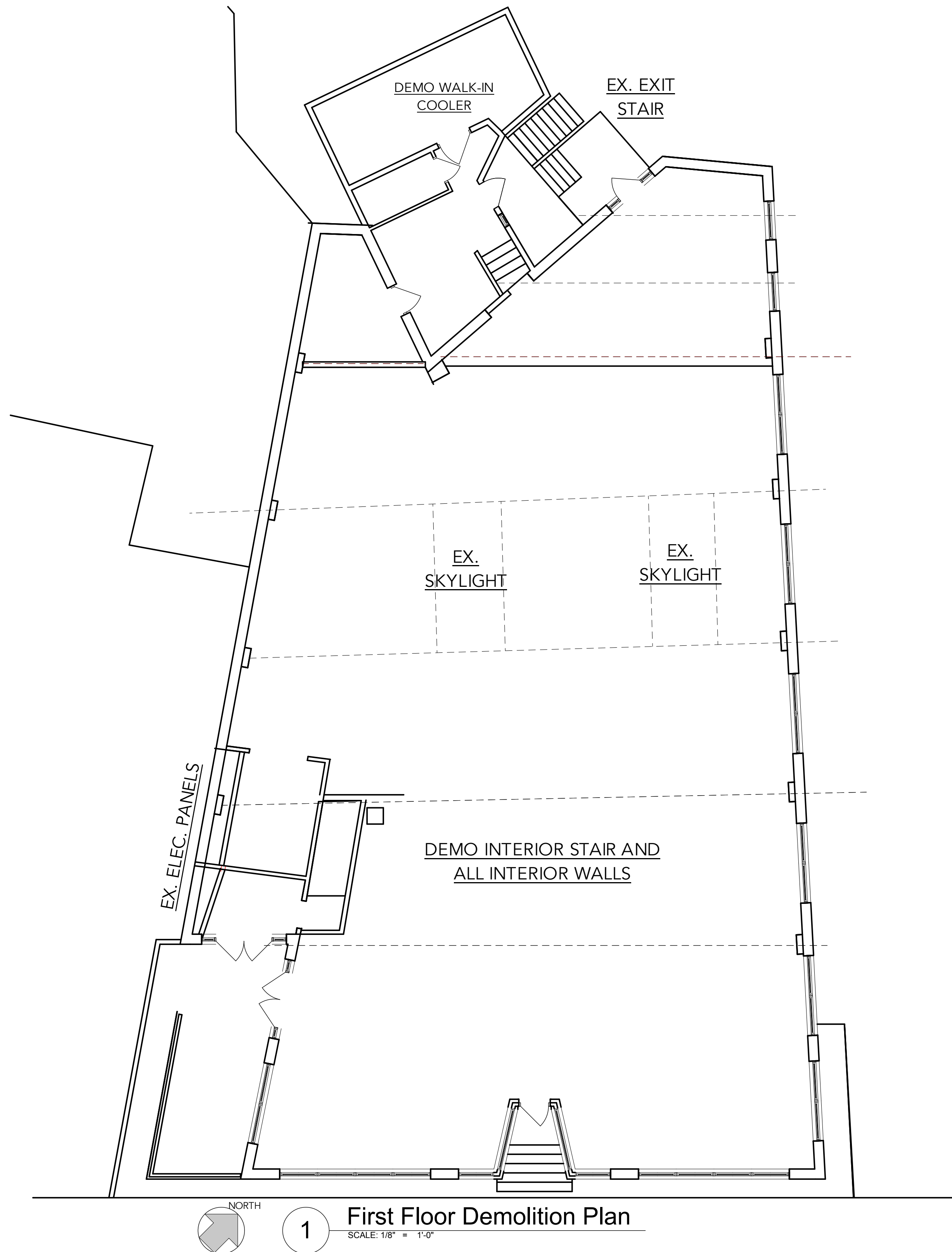
Drawing Title:

Lower Level Demo Plan

Sheet:

Caution: Do not scale drawings. These are the property of the designer and may only be used in conjunction with this proect.

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D1

Notice:

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Project:

La Casa Daycare
Wauwatosa, WI

Issue:

☐ Design Review Set Sept 16, 2025

Not for Construction

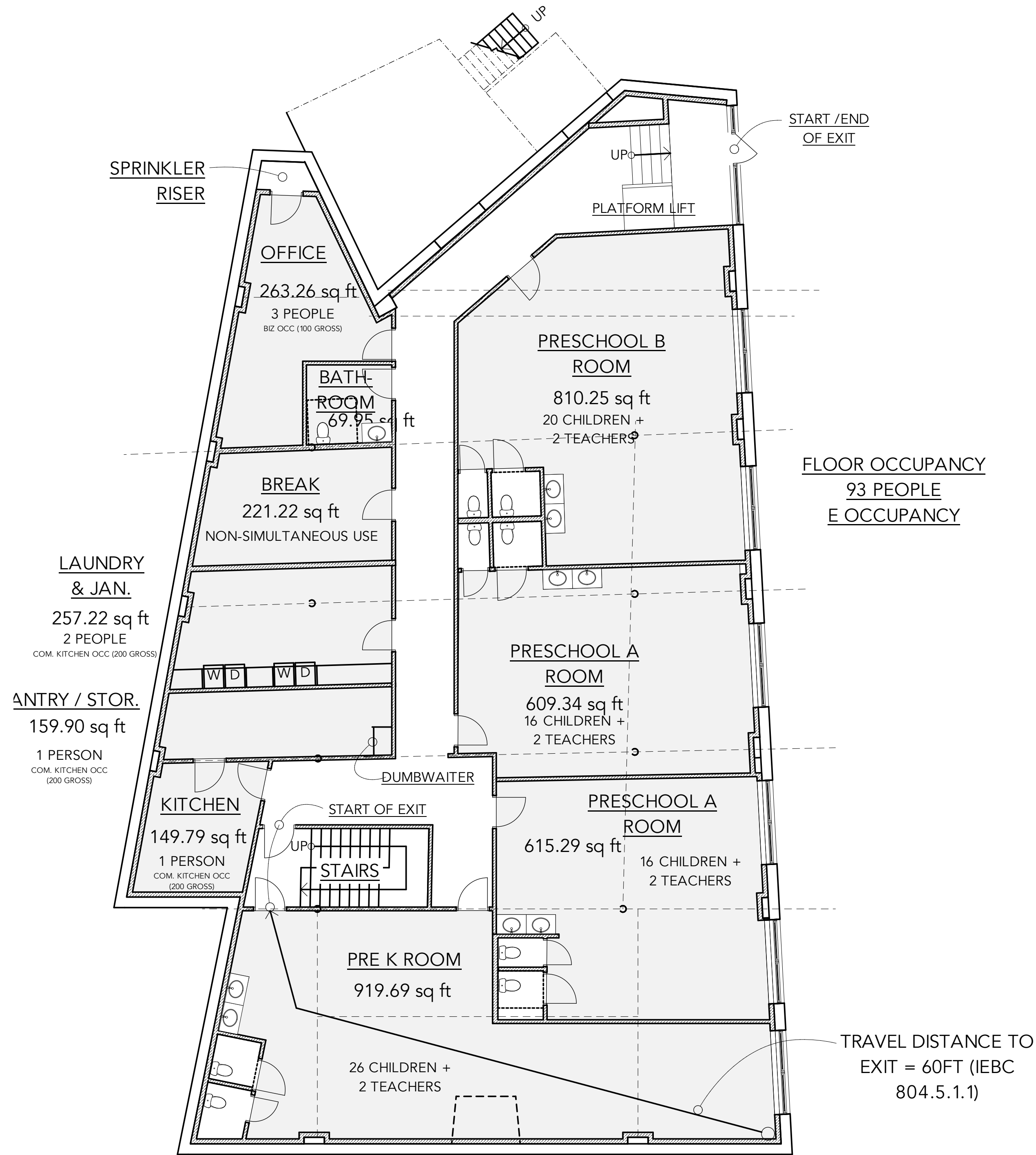
Drawing Title:

First Floor Demo Plan

Sheet:

Caution: Do not scale drawings. These are the property of the designer and may only be used in conjunction with this proect.

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1

Lower Level Floor Plan

SCALE: 1/8" = 1'-0"

A0

Notice:

These drawings and design there in are the exclusive property of CNChambliss Architecture, llc

Project:

La Casa Daycare
Wauwatosa, WI

Issue:

☐ Design Review Set Sept 16, 2025

Not for Construction

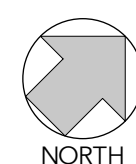
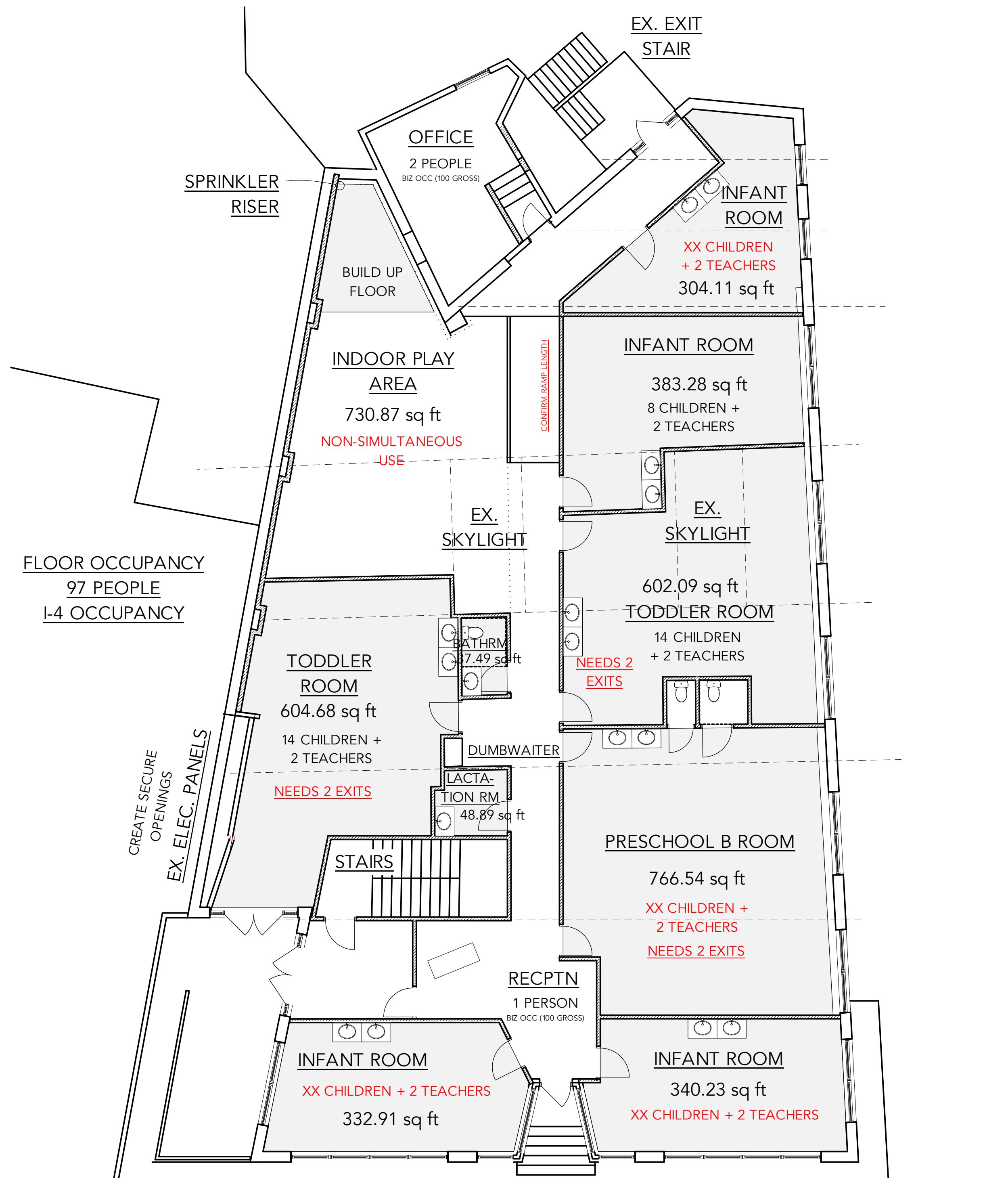
Drawing Title:

Lower Level Floor Plan

Sheet:

Caution: Do not scale drawings. These are the property of the designer and may only be used in conjunction with this proect.

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1

First Floor Plan

SCALE: 1/8" = 1'-0"

A1

Notice:

These drawings and design there in are the exclusive property of CNChambliss Architecture, llc

Project:

La Casa Daycare
Wauwatosa, WI

Issue:

☐ Design Review Set Sept 16, 2025

Not for Construction

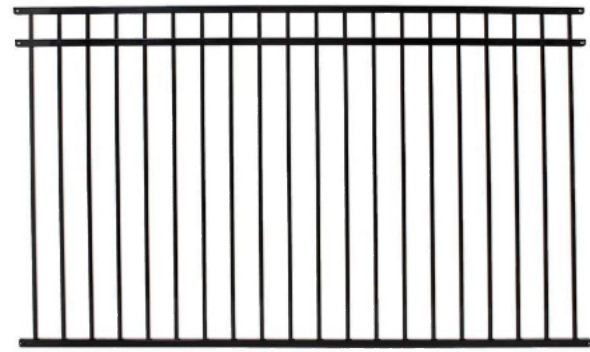
Drawing Title:

First Floor Plan

Sheet:

Caution: Do not scale drawings. These are the property of the designer and may only be used in conjunction with this proect.

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PLAYGROUND FENCING



PLAYGROUND BIKE RACK



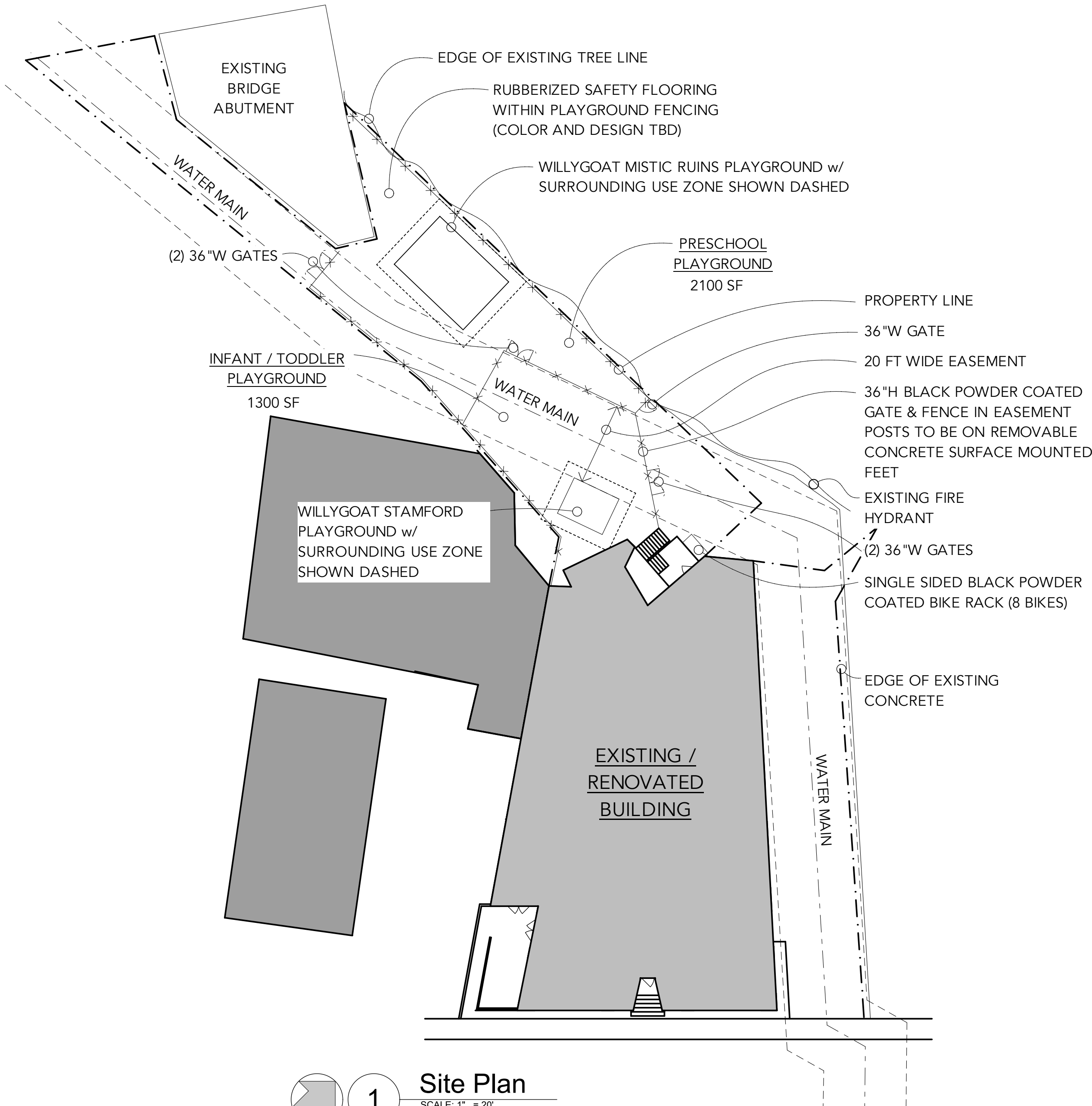
INFANT / TODDLER PLAY STRUCTURE



PRESCHOOL PLAY STRUCTURE



RUBBERIZED SAFETY FLOORING
(COLOR / DESIGN TBD)



Site Plan

SCALE: 1" = 20'

C1

Notice:

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Project:

La Casa Daycare
Wauwatosa, WI

Issue:

☐ Design Review Set Sept 22, 2025

Not for Construction

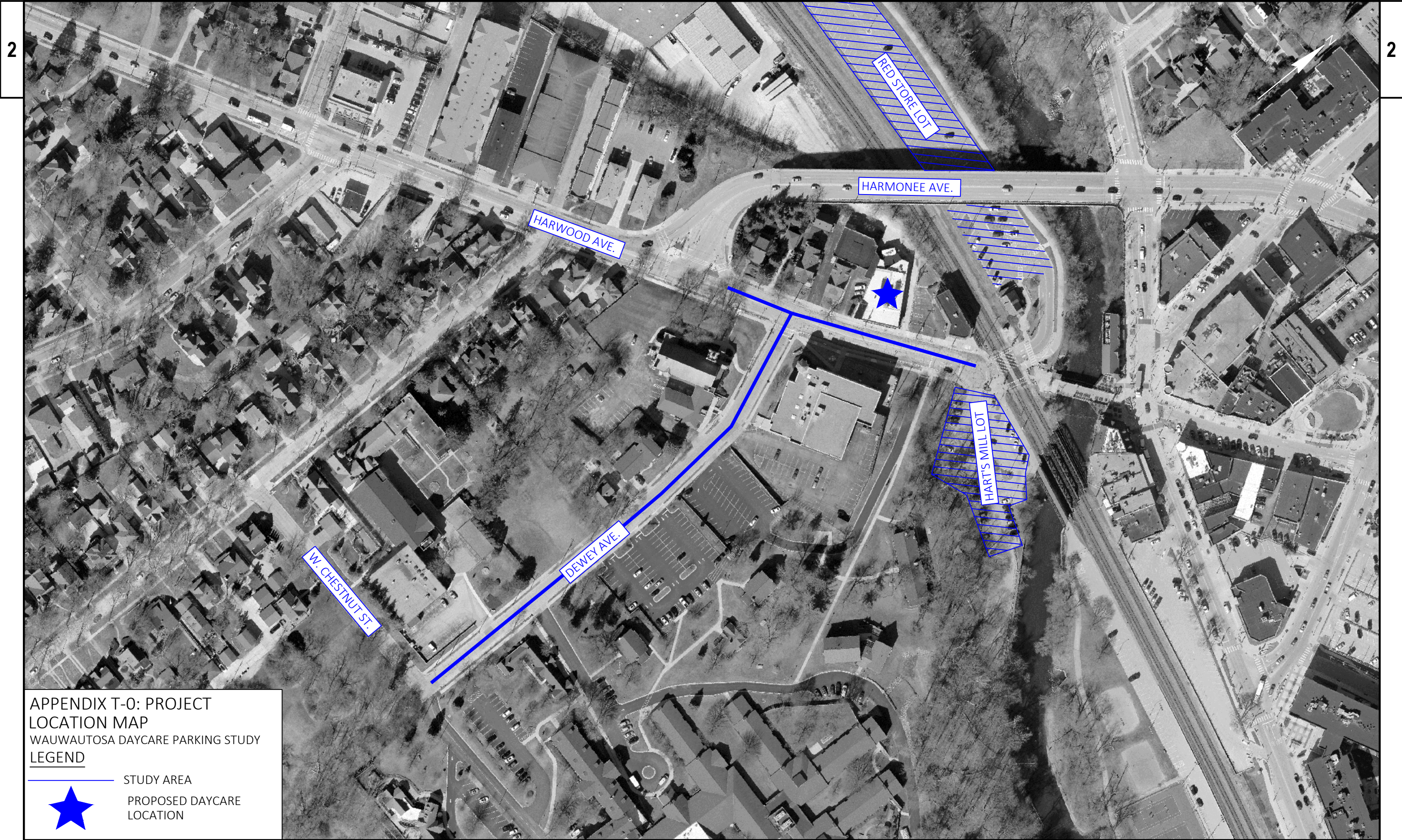
Drawing Title:

Site Plan

Sheet:

Caution: Do not scale drawings. These are the property of the designer and may only be used in conjunction with this project.

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APPENDIX T-0: PROJECT
LOCATION MAP
WAUWATOSA DAYCARE PARKING STUDY
LEGEND



STUDY AREA
PROPOSED DAYCARE
LOCATION

Day Care Center (565)

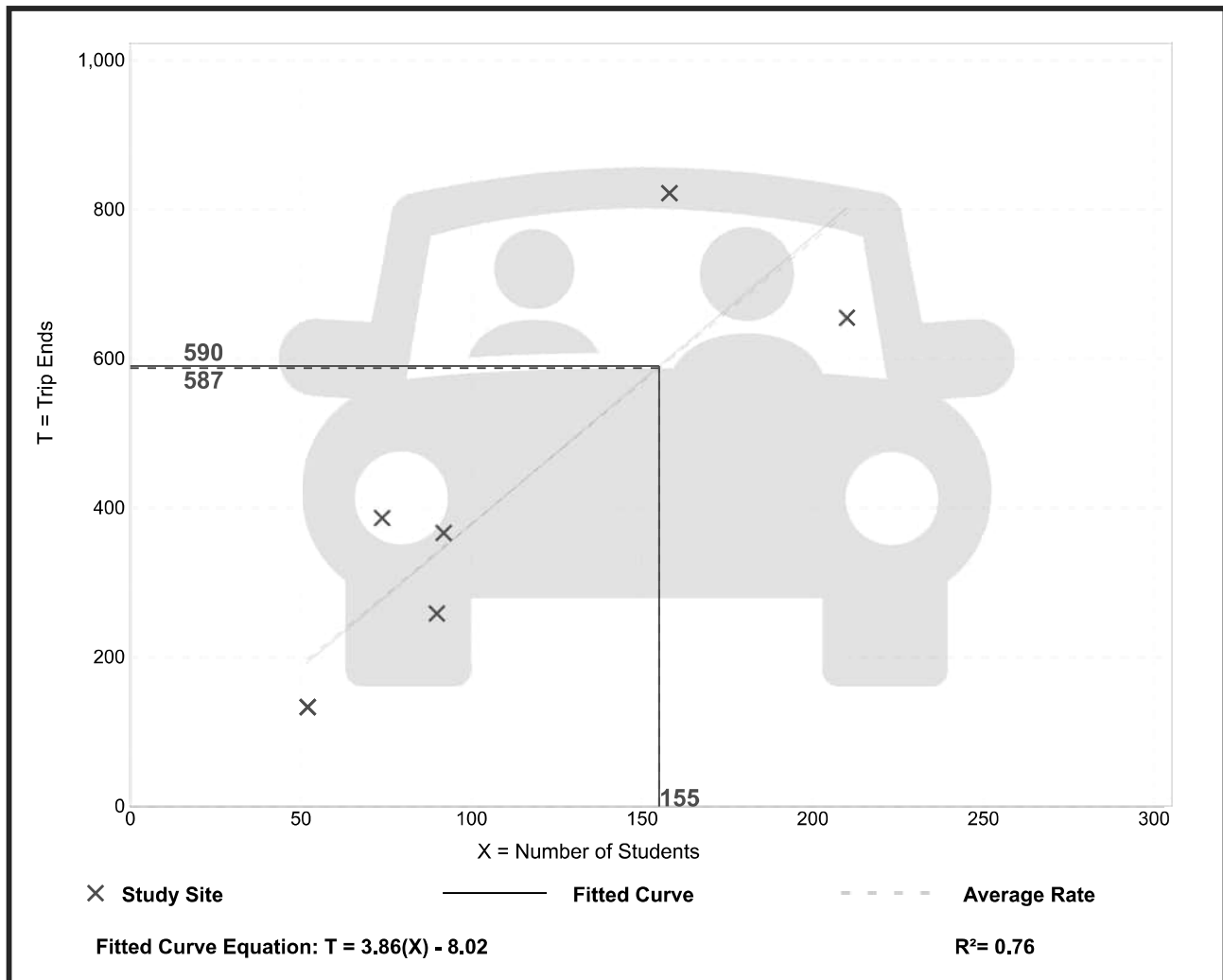
Vehicle Trip Ends vs: **Students**
On a: **Weekday**

Setting/Location: **General Urban/Suburban**
Number of Studies: 7
Avg. Num. of Students: 104
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Student

Average Rate	Range of Rates	Standard Deviation
3.79	2.56 - 5.23	1.13

Data Plot and Equation



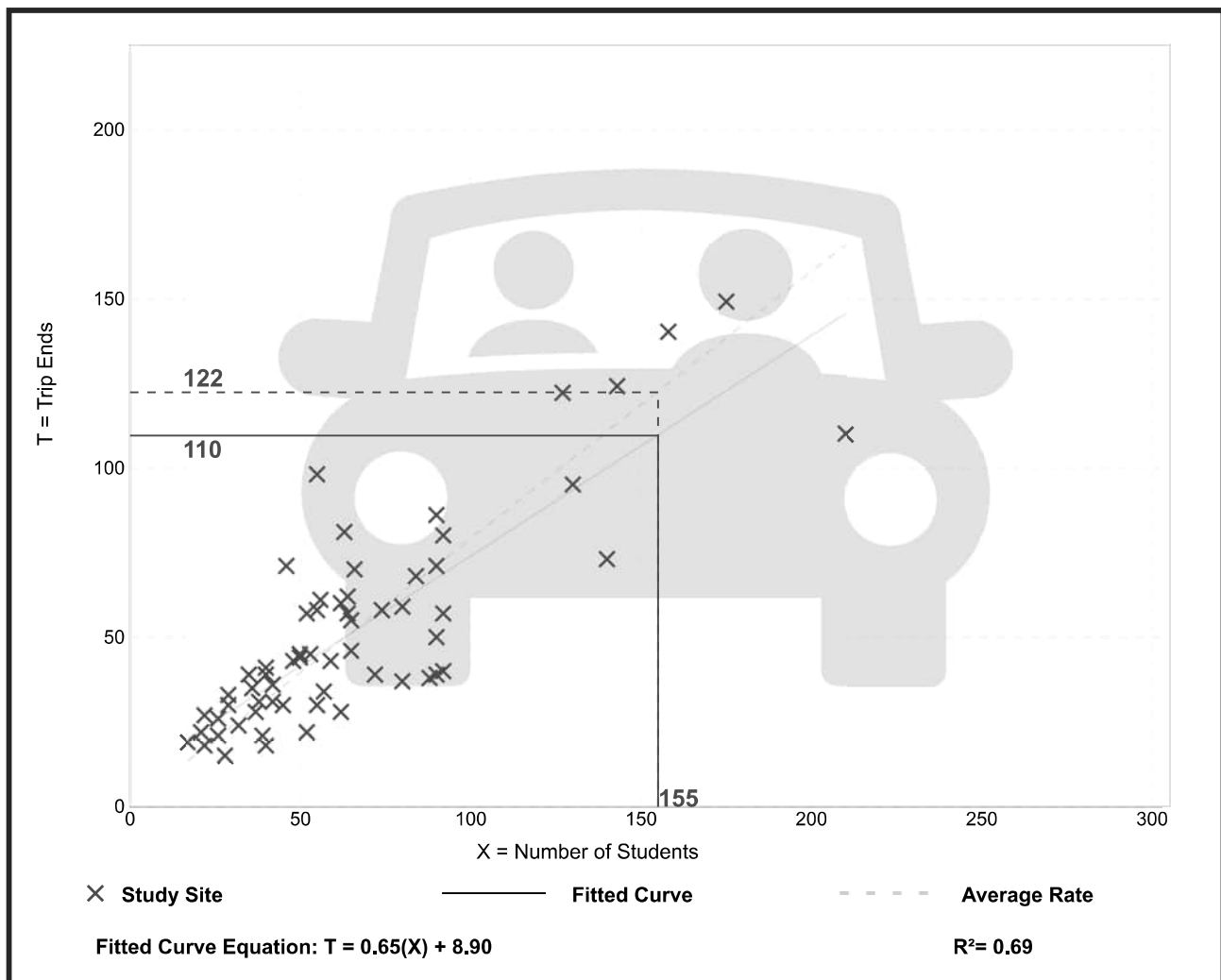
Day Care Center (565)

Vehicle Trip Ends vs: Students
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 63
 Avg. Num. of Students: 66
 Directional Distribution: 53% entering, 47% exiting

Vehicle Trip Generation per Student

Average Rate	Range of Rates	Standard Deviation
0.79	0.42 - 1.78	0.26

Data Plot and Equation



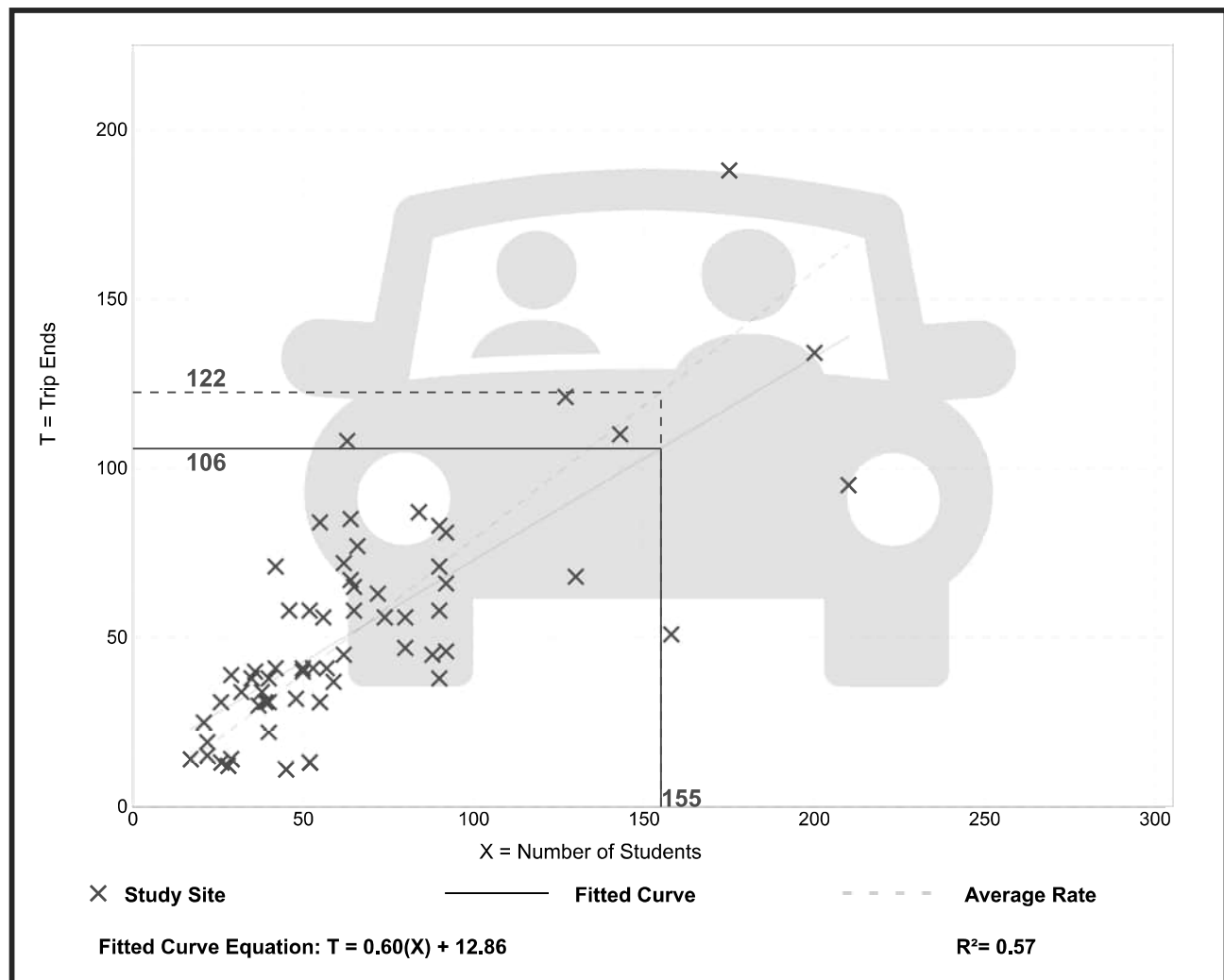
Day Care Center (565)

Vehicle Trip Ends vs: **Students**
 On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
 Setting/Location: **General Urban/Suburban**
 Number of Studies: 63
 Avg. Num. of Students: 67
 Directional Distribution: 47% entering, 53% exiting

Vehicle Trip Generation per Student

Average Rate	Range of Rates	Standard Deviation
0.79	0.24 - 1.71	0.31

Data Plot and Equation



Wisconsin Department of Transportation

Hourly Traffic Volume Report

2023-Sep-11 to 2023-Sep-13

Coverage Count

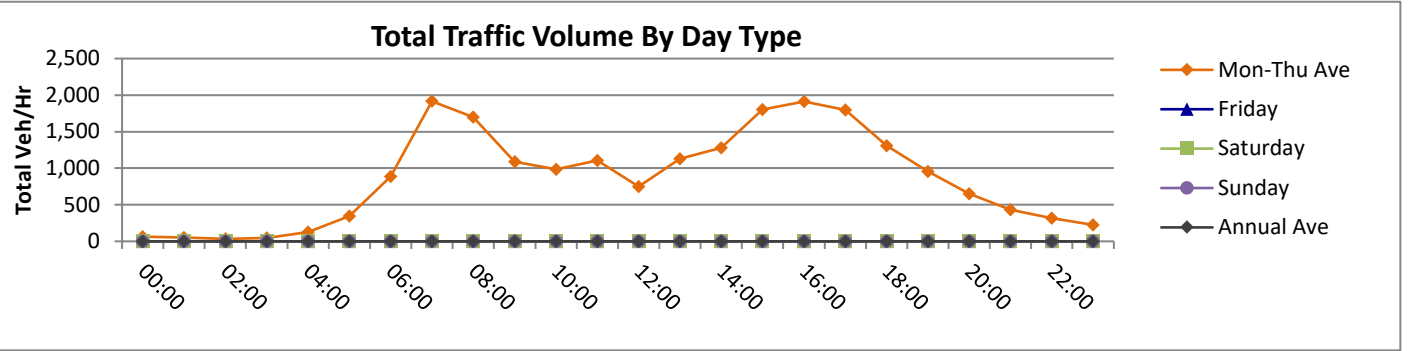
49 Hour Count - Averages and Graphs Do Not Include All Days

Location	STH 181 HARMONEE AVE N OF HARWOOD AVE WAUWATOSA										Segment ID	5609
Site #	401438										Seasonal Factor Group	2
Region	SE										Daily Factor Group	2
County	MILWAUKEE										Axle Factor Group	5
Funct. Class	U Principal Arterial - Other										Growth Factor Group	1

Hour	Sun			Mon 2023-09-11			Tues 2023-09-12			Wed 2023-09-13			Thur			Fri			Sat		
	Pos Dir	Neg Dir	Total	Pos Dir	Neg Dir	Total	Pos Dir	Neg Dir	Total	Pos Dir	Neg Dir	Total	Pos Dir	Neg Dir	Total	Pos Dir	Neg Dir	Total	Pos Dir	Neg Dir	Total
00:00-00:59			-			-	53	23	76	31	17	48			-			-			-
01:00-01:59			-			-	39	20	59	30	19	49			-			-			-
02:00-02:59			-			-	24	11	35	14	17	31			-			-			-
03:00-03:59			-			-	22	26	48	21	24	45			-			-			-
04:00-04:59			-			-	38	88	126	42	81	123			-			-			-
05:00-05:59			-			-	96	262	358	89	241	330			-			-			-
06:00-06:59			-			-	274	615	889	255	630	885			-			-			-
07:00-07:59			-			-	734	1,236	1,970	654	1,207	1,861			-			-			-
08:00-08:59			-			-	638	963	1,601	641	1,153	1,794			-			-			-
09:00-09:59			-			-	463	591	1,054	519	609	1,128			-			-			-
10:00-10:59			-			-	432	476	908	503	554	1,057			-			-			-
11:00-11:59			-			-	566	529	1,095	552	564	1,116			-			-			-
12:00-12:59			-	262	263	525	548	535	1,083	354	283	637			-			-			-
13:00-13:59			-	548	585	1,133	558	570	1,128			-			-			-			-
14:00-14:59			-	612	637	1,249	640	669	1,309			-			-			-			-
15:00-15:59			-	1,014	799	1,813	957	837	1,794			-			-			-			-
16:00-16:59			-	1,061	814	1,875	1,119	829	1,948			-			-			-			-
17:00-17:59			-	1,018	736	1,754	1,041	799	1,840			-			-			-			-
18:00-18:59			-	741	517	1,258	793	560	1,353			-			-			-			-
19:00-19:59			-	512	383	895	588	435	1,023			-			-			-			-
20:00-20:59			-	355	239	594	395	311	706			-			-			-			-
21:00-21:59			-	215	173	388	268	212	480			-			-			-			-
22:00-22:59			-	205	125	330	175	129	304			-			-			-			-
23:00-23:59			-	170	69	239	150	56	206			-			-			-			-
Daily Total	-	-	-	-	-	-	10,611	10,782	21,393	-	-	-	-	-	-	-	-	-	-	-	-

AM Peak	-	-	-	-	-	-	734	1,236	1,970	654	1,207	1,861	-	-	-	-	-	-	-	-	-
Hour	-	-	-	-	-	-	07:00	07:00	07:00	07:00	07:00	07:00	-	-	-	-	-	-	-	-	-
MD Peak	-	-	-	-	-	-	640	669	1,309	-	-	-	-	-	-	-	-	-	-	-	-
Hour	-	-	-	-	-	-	14:00	14:00	14:00	-	-	-	-	-	-	-	-	-	-	-	-
PM Peak	-	-	-	-	1,061	814	1,875	1,119	837	1,948	-	-	-	-	-	-	-	-	-	-	-
Hour	-	-	-	-	16:00	16:00	16:00	16:00	15:00	16:00	-	-	-	-	-	-	-	-	-	-	-
Daily Peak	-	-	-	-	-	-	1,119	1,236	1,970	-	-	-	-	-	-	-	-	-	-	-	-
Hour	-	-	-	-	-	-	16:00	07:00	07:00	-	-	-	-	-	-	-	-	-	-	-	-
% of Total	-	-	-	-	-	-	10.5%	11.5%	9.2%	-	-	-	-	-	-	-	-	-	-	-	-
Daily Ave	-	-	-	-	-	-	442	449	891	-	-	-	-	-	-	-	-	-	-	-	-

Seasonal Fctr																					
Daily Fctr																					
Axle Factor																					
Pulse Fctr																					
Overall Fctr	0.000	0.000		0.000	0.000		0.000	0.000		0.000	0.000		0.000	0.000		0.000	0.000		0.000	0.000	



Hour	Mon-Thurs Average			Mon-Fri Average			7 Day Average			Estimated Annual Ave		
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00:00-00:59	42	20	62	-	-	-	-	-	-	0	0	0
01:00-01:59	35	20	54	-	-	-	-	-	-	0	0	0
02:00-02:59	19	14	33	-	-	-	-	-	-	0	0	0
03:00-03:59	22	25	47	-	-	-	-	-	-	0	0	0
04:00-04:59	40	85	125	-	-	-	-	-	-	0	0	0
05:00-05:59	93	252	344	-	-	-	-	-	-	0	0	0
06:00-06:59	265	623	887	-	-	-	-	-	-	0	0	0
07:00-07:59	694	1,222	1,916	-	-	-	-	-	-	0	0	0
08:00-08:59	640	1,058	1,698	-	-	-	-	-	-	0	0	0
09:00-09:59	491	600	1,091	-	-	-	-	-	-	0	0	0
10:00-10:59	468	515	983	-	-	-	-	-	-	0	0	0
11:00-11:59	559	547	1,106	-	-	-	-	-	-	0	0	0
12:00-12:59	388	360	748	-	-	-	-	-	-	0	0	0
13:00-13:59	553	578	1,131	-	-	-	-	-	-	0	0	0
14:00-14:59	626	653	1,279	-	-	-	-	-	-	0	0	0
15:00-15:59	986	818	1,804	-	-	-	-	-	-	0	0	0
16:00-16:59	1,090	822	1,912	-	-	-	-	-	-	0	0	0
17:00-17:59	1,030	768	1,797	-	-	-	-	-	-	0	0	0
18:00-18:59	767	539	1,306	-	-	-	-	-	-	0	0	0
19:00-19:59	550	409	959	-	-	-	-	-	-	0	0	0
20:00-20:59	375	275	650	-	-	-	-	-	-	0	0	0
21:00-21:59	242	193	434	-	-	-	-	-	-	0	0	0
22:00-22:59	190	127	317	-	-	-	-	-	-	0	0	0
23:00-23:59	160	63	223	-	-	-	-	-	-	0	0	0
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AM Peak	694	1,222	1,916	-	-	-	-	-	-	0	0	0
Hour	07:00	07:00	07:00	-	-	-	-	-	-	00:00	00:00	00:00
MD Peak	626	653	1,279	-	-	-	-	-	-	0	0	0
Hour	14:00	14:00	14:00	-	-	-	-	-	-	10:00	10:00	10:00
PM Peak	1,090	822	1,912	-	-	-	-	-	-	0	0	0
Hour	16:00	16:00	16:00	-	-	-	-	-	-	15:00	15:00	15:00
Daily Peak	1,090	1,222	1,916	-	-	-	-	-	-	0	0	0
Hour	16:00	07:00	07:00	-	-	-	-	-	-	00:00	00:00	00:00
% of Total	10.6%	11.5%	9.2%	-	-	-	-	-	-	#DIV/0!	#DIV/0!	#####
Daily Ave	430	441	871	-	-	-	-	-	-	0	0	0

Wisconsin Department of Transportation

Hourly Traffic Volume Report

2023-Sep-11 to 2023-Sep-13

Coverage Count

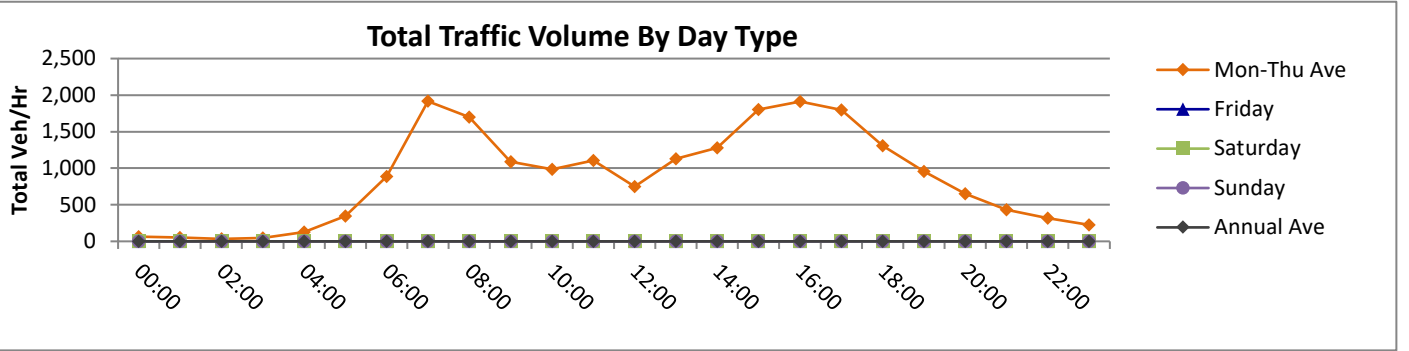
49 Hour Count - Averages and Graphs Do Not Include All Days

Location	STH 181 HARMONEE AVE N OF HARWOOD AVE WAUWATOSA					Segment ID	5609
Site #	401438					Seasonal Factor Group	2
Region	SE					Daily Factor Group	2
County	MILWAUKEE					Axle Factor Group	5
Funct. Class	U Principal Arterial - Other					Growth Factor Group	1

Hour	Sun			Mon 2023-09-11			Tues 2023-09-12			Wed 2023-09-13			Thur			Fri			Sat		
	Pos Dir	Neg Dir	Total	Pos Dir	Neg Dir	Total	Pos Dir	Neg Dir	Total	Pos Dir	Neg Dir	Total	Pos Dir	Neg Dir	Total	Pos Dir	Neg Dir	Total	Pos Dir	Neg Dir	Total
00:00-00:59			-			-	53	23	76	31	17	48			-			-			-
01:00-01:59			-			-	39	20	59	30	19	49			-			-			-
02:00-02:59			-			-	24	11	35	14	17	31			-			-			-
03:00-03:59			-			-	22	26	48	21	24	45			-			-			-
04:00-04:59			-			-	38	88	126	42	81	123			-			-			-
05:00-05:59			-			-	96	262	358	89	241	330			-			-			-
06:00-06:59			-			-	274	615	889	255	630	885			-			-			-
07:00-07:59			-			-	734	1,236	1,970	654	1,207	1,861			-			-			-
08:00-08:59			-			-	638	963	1,601	641	1,153	1,794			-			-			-
09:00-09:59			-			-	463	591	1,054	519	609	1,128			-			-			-
10:00-10:59			-			-	432	476	908	503	554	1,057			-			-			-
11:00-11:59			-			-	566	529	1,095	552	564	1,116			-			-			-
12:00-12:59			-	262	263	525	548	535	1,083	354	283	637			-			-			-
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15:00-15:59			-	1,014	799	1,813	957	837	1,794			-			-			-			-
16:00-16:59			-	1,061	814	1,875	1,119	829	1,948			-			-			-			-
17:00-17:59			-	1,018	736	1,754	1,041	799	1,840			-			-			-			-
18:00-18:59			-	741	517	1,258	793	560	1,353			-			-			-			-
19:00-19:59			-	512	383	895	588	435	1,023			-			-			-			-
20:00-20:59			-	355	239	594	395	311	706			-			-			-			-
21:00-21:59			-	215	173	388	268	212	480			-			-			-			-
22:00-22:59			-	205	125	330	175	129	304			-			-			-			-
23:00-23:59			-	170	69	239	150	56	206			-			-			-			-
Daily Total	-	-	-	-	-	-	10,611	10,782	21,393	-	-	-	-	-	-	-	-	-	-	-	-

AM Peak	-	-	-	-	-	-	734	1,236	1,970	654	1,207	1,861	-	-	-	-	-	-	-	-	-
Hour	-	-	-	-	-	-	07:00	07:00	07:00	07:00	07:00	07:00	-	-	-	-	-	-	-	-	-
MD Peak	-	-	-	-	-	-	640	669	1,309	-	-	-	-	-	-	-	-	-	-	-	-
Hour	-	-	-	-	-	-	14:00	14:00	14:00	-	-	-	-	-	-	-	-	-	-	-	-
PM Peak	-	-	-	-	1,061	814	1,875	1,119	837	1,948	-	-	-	-	-	-	-	-	-	-	-
Hour	-	-	-	-	16:00	16:00	16:00	16:00	15:00	16:00	-	-	-	-	-	-	-	-	-	-	-
Daily Peak	-	-	-	-	-	-	1,119	1,236	1,970	-	-	-	-	-	-	-	-	-	-	-	-
Hour	-	-	-	-	-	-	16:00	07:00	07:00	-	-	-	-	-	-	-	-	-	-	-	-
% of Total	-	-	-	-	-	-	10.5%	11.5%	9.2%	-	-	-	-	-	-	-	-	-	-	-	-
Daily Ave	-	-	-	-	-	-	442	449	891	-	-	-	-	-	-	-	-	-	-	-	-

Seasonal Fctr																					
Daily Fctr																					
Axle Factor																					
Pulse Fctr																					
Overall Fctr	0.000	0.000		0.000	0.000		0.000	0.000		0.000	0.000		0.000	0.000		0.000	0.000		0.000	0.000	



Hour	Mon-Thurs Average			Mon-Fri Average			7 Day Average			Estimated Annual Ave		
	Pos Dir	Neg Dir	Total	Pos Dir	Neg Dir	Total	Pos Dir	Neg Dir	Total	Pos Dir	Neg Dir	Total
00:00-00:59	42	20	62	-	-	-	-	-	-	0	0	0
01:00-01:59	35	20	54	-	-	-	-	-	-	0	0	0
02:00-02:59	19	14	33	-	-	-	-	-	-	0	0	0
03:00-03:59	22	25	47	-	-	-	-	-	-	0	0	0
04:00-04:59	40	85	125	-	-	-	-	-	-	0	0	0
05:00-05:59	93	252	344	-	-	-	-	-	-	0	0	0
06:00-06:59	265	623	887	-	-	-	-	-	-	0	0	0
07:00-07:59	694	1,222	1,916	-	-	-	-	-	-	0	0	0
08:00-08:59	640	1,058	1,698	-	-	-	-	-	-	0	0	0
09:00-09:59	491	600	1,091	-	-	-	-	-	-	0	0	0
10:00-10:59	468	515	983	-	-	-	-	-	-	0	0	0
11:00-11:59	559	547	1,106	-	-	-	-	-	-	0	0	0
12:00-12:59	388	360	748	-	-	-	-	-	-	0	0	0
13:00-13:59	553	578	1,131	-	-	-	-	-	-	0	0	0
14:00-14:59	626	653	1,279	-	-	-	-	-	-	0	0	0
15:00-15:59	986	818	1,804	-	-	-	-	-	-	0	0	0
16:00-16:59	1,090	822	1,912	-	-	-	-	-	-	0	0	0
17:00-17:59	1,030	768	1,797	-	-	-	-	-	-	0	0	0
18:00-18:59	767	539	1,306	-	-	-	-	-	-	0	0	0
19:00-19:59	550	409	959	-	-	-	-	-	-	0	0	0
20:00-20:59	375	275	650	-	-	-	-	-	-	0	0	0
21:00-21:59	242	193	434	-	-	-	-	-	-	0	0	0
22:00-22:59	190	127	317	-	-	-	-	-	-	0	0	0
23:00-23:59	160	63	223	-	-	-	-	-	-	0	0	0
Daily Total	10,321	10,580	20,901	-	-	-	-	-	-	0	0	0

AM Peak	694	1,222	1,916	-	-	-	-	-	-	0	0	0
Hour	07:00	07:00	07:00	-	-	-	-	-	-	00:00	00:00	00:00
MD Peak	626	653	1,279	-	-	-	-	-	-	0	0	0
Hour	14:00	14:00	14:00	-	-	-	-	-	-	10:00	10:00	10:00
PM Peak	1,090	822	1,912	-	-	-	-	-	-	0	0	0
Hour	16:00	16:00	16:00	-	-	-	-	-	-	15:00	15:00	15:00
Daily Peak	1,090	1,222	1,916	-	-	-	-	-	-	0	0	0
Hour	16:00	07:00	07:00	-	-	-	-	-	-	00:00	00:00	00:00
% of Total	10.6%	11.5%	9.2%	-	-	-	-	-	-	#DIV/0!	#DIV/0!	#####
Daily Ave	430	441	871	-	-	-	-	-	-	0	0	0

Day Care Center (565)

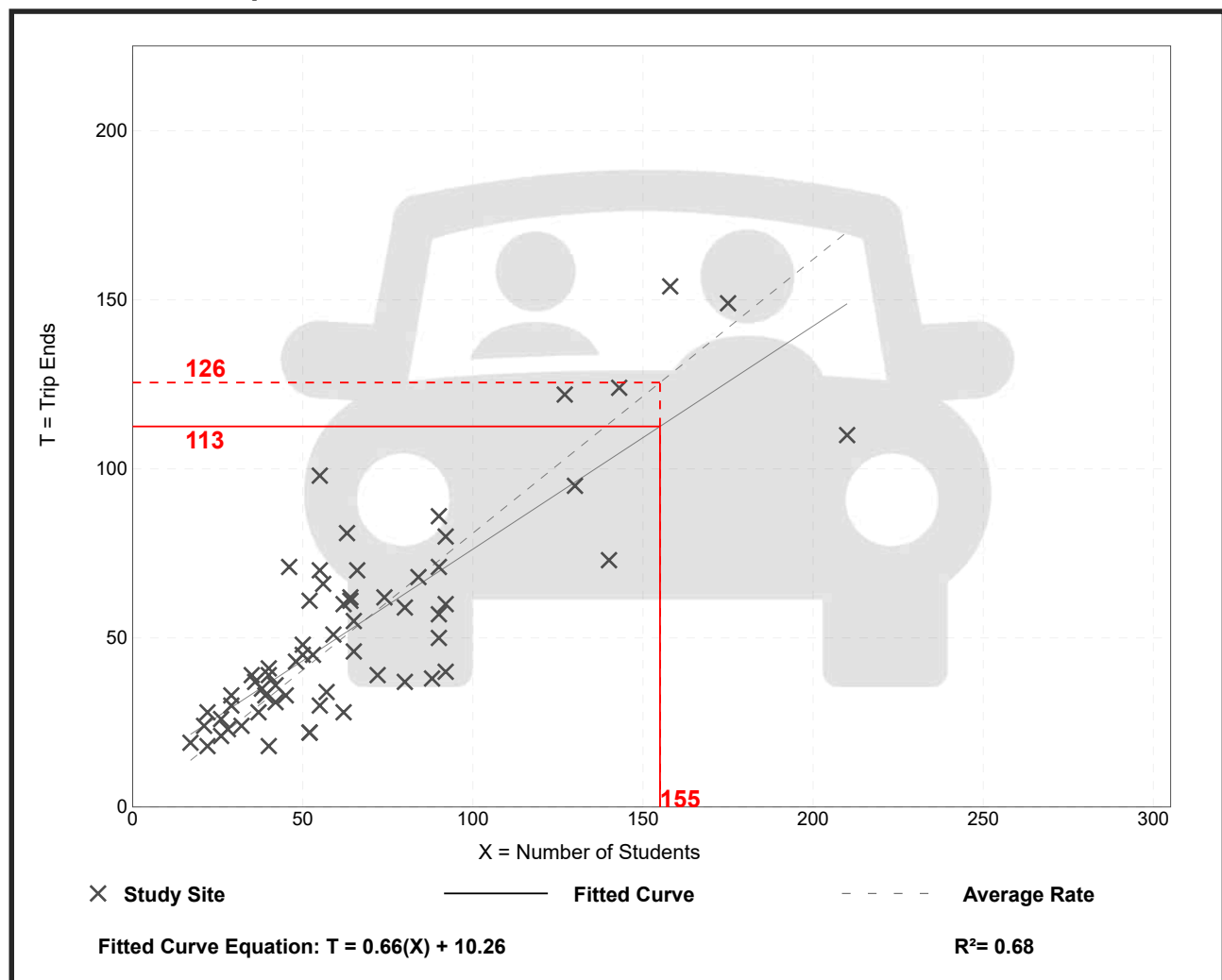
Vehicle Trip Ends vs: **Students**
On a: **Weekday,**
AM Peak Hour of Generator

Setting/Location: **General Urban/Suburban**
Number of Studies: 63
Avg. Num. of Students: 66
Directional Distribution: 53% entering, 47% exiting

Vehicle Trip Generation per Student

Average Rate	Range of Rates	Standard Deviation
0.81	0.42 - 1.78	0.26

Data Plot and Equation



Day Care Center (565)

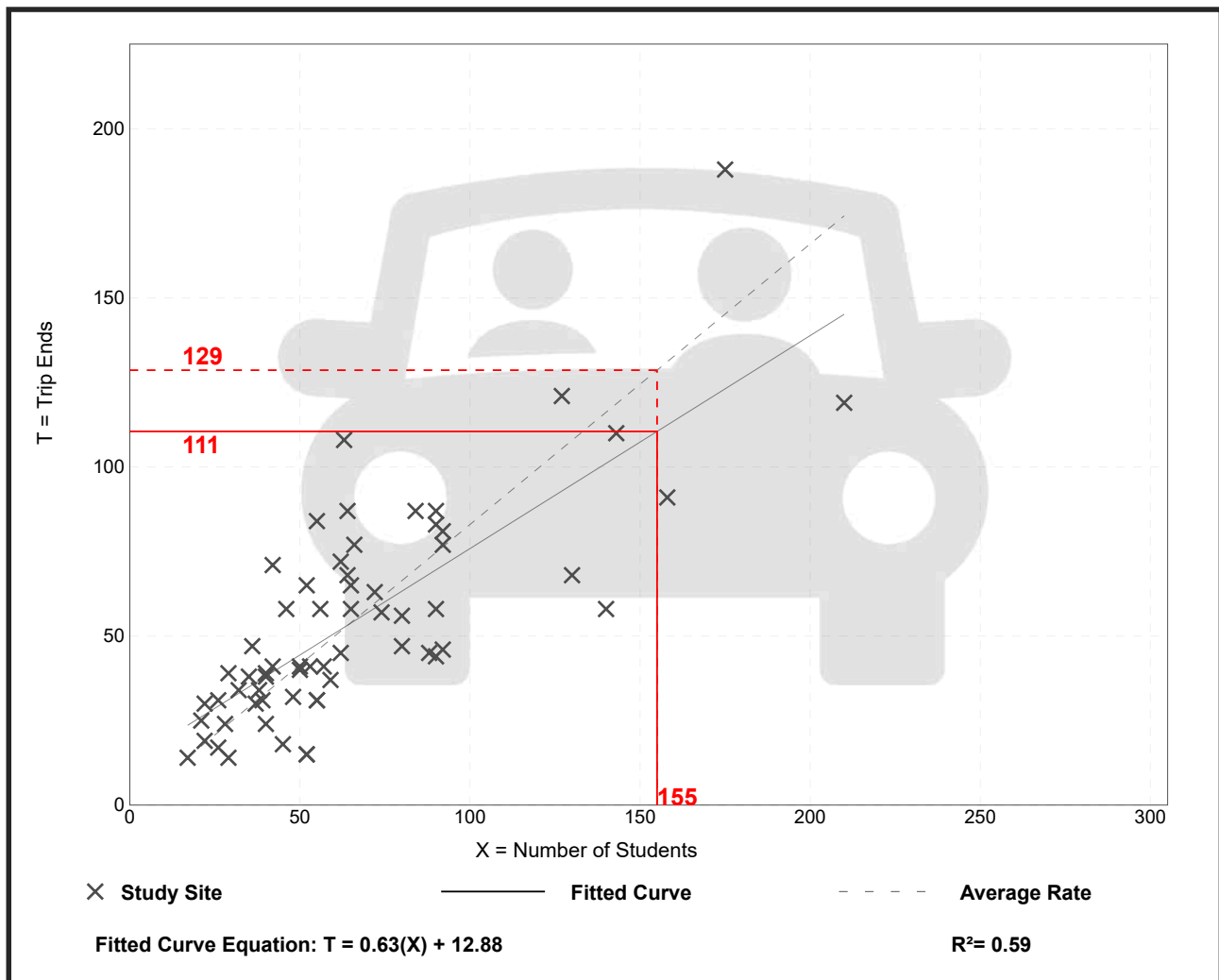
Vehicle Trip Ends vs: **Students**
On a: **Weekday,**
PM Peak Hour of Generator

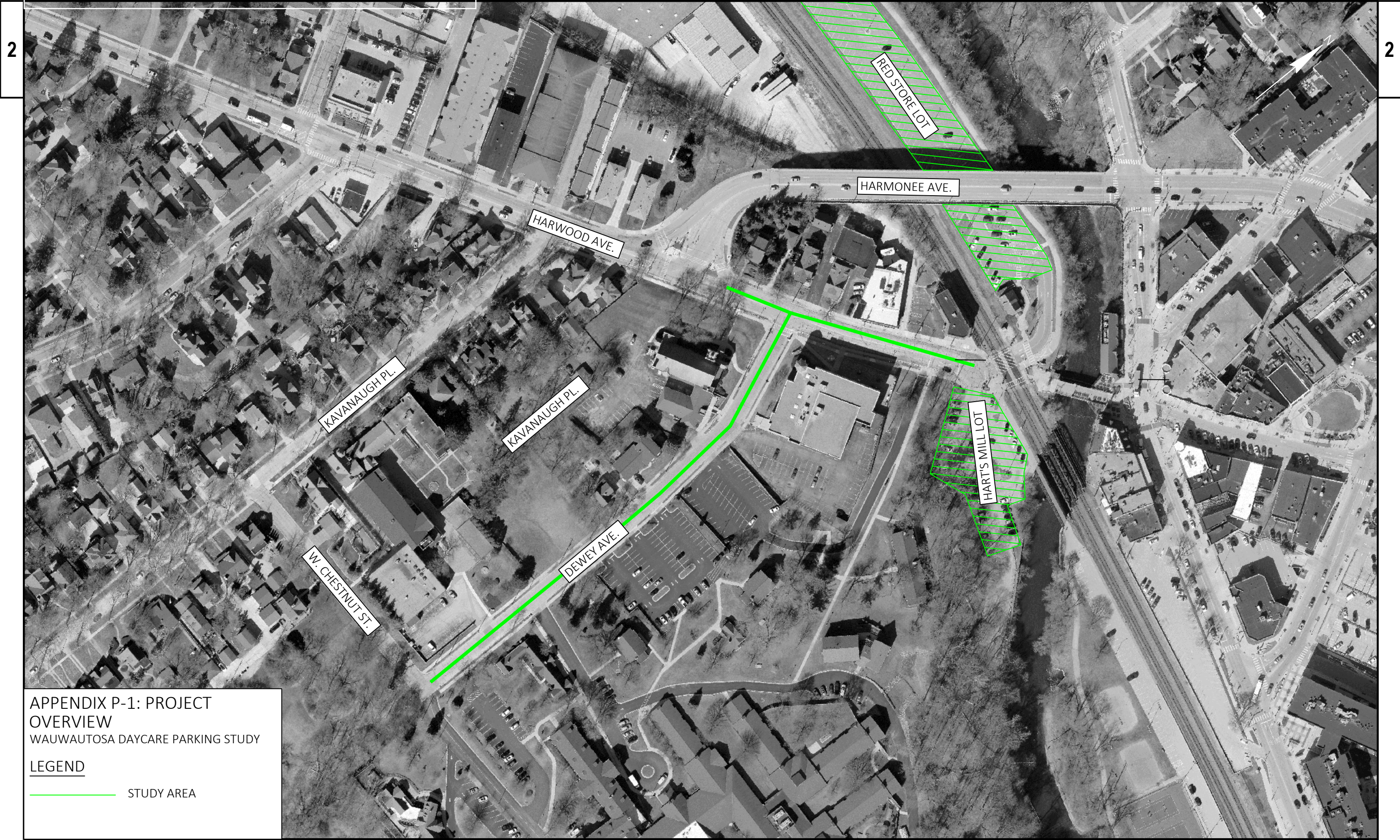
Setting/Location: **General Urban/Suburban**
Number of Studies: 63
Avg. Num. of Students: 66
Directional Distribution: 47% entering, 53% exiting

Vehicle Trip Generation per Student

Average Rate	Range of Rates	Standard Deviation
0.83	0.29 - 1.71	0.30

Data Plot and Equation







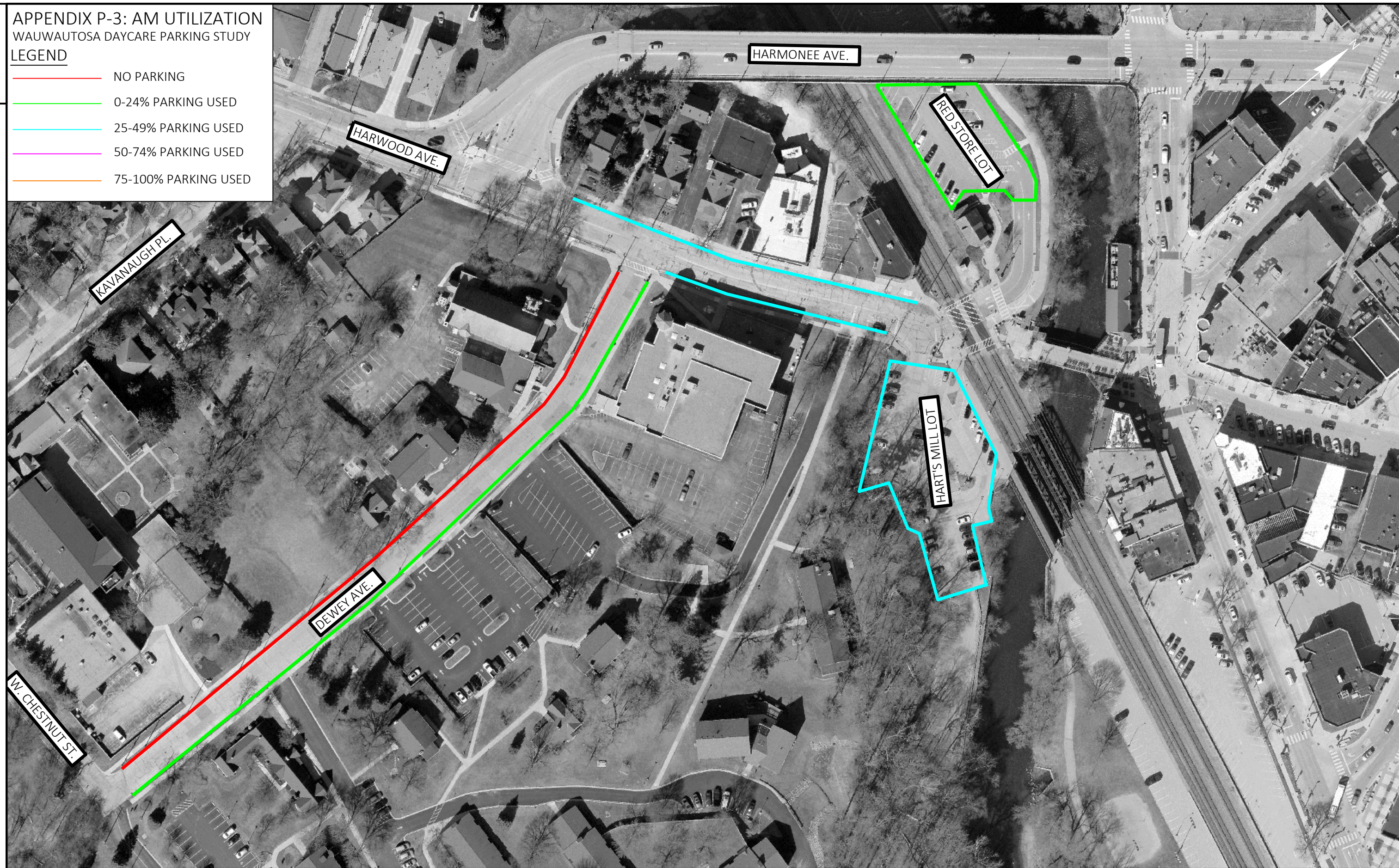
**APPENDIX P-2: EXISTING
CAPACITY**
WAUWATOSA DAYCARE PARKING STUDY
LEGEND

- PARKABLE SEGMENT
- NO PARKING ZONE
- APPROXIMATE DRIVEWAY LOCATION
- X APPROXIMATE HYDRANT LOCATION



APPENDIX P-3: AM UTILIZATION
WAUWATOSA DAYCARE PARKING STUDY
LEGEND

- NO PARKING
- 0-24% PARKING USED
- 25-49% PARKING USED
- 50-74% PARKING USED
- 75-100% PARKING USED



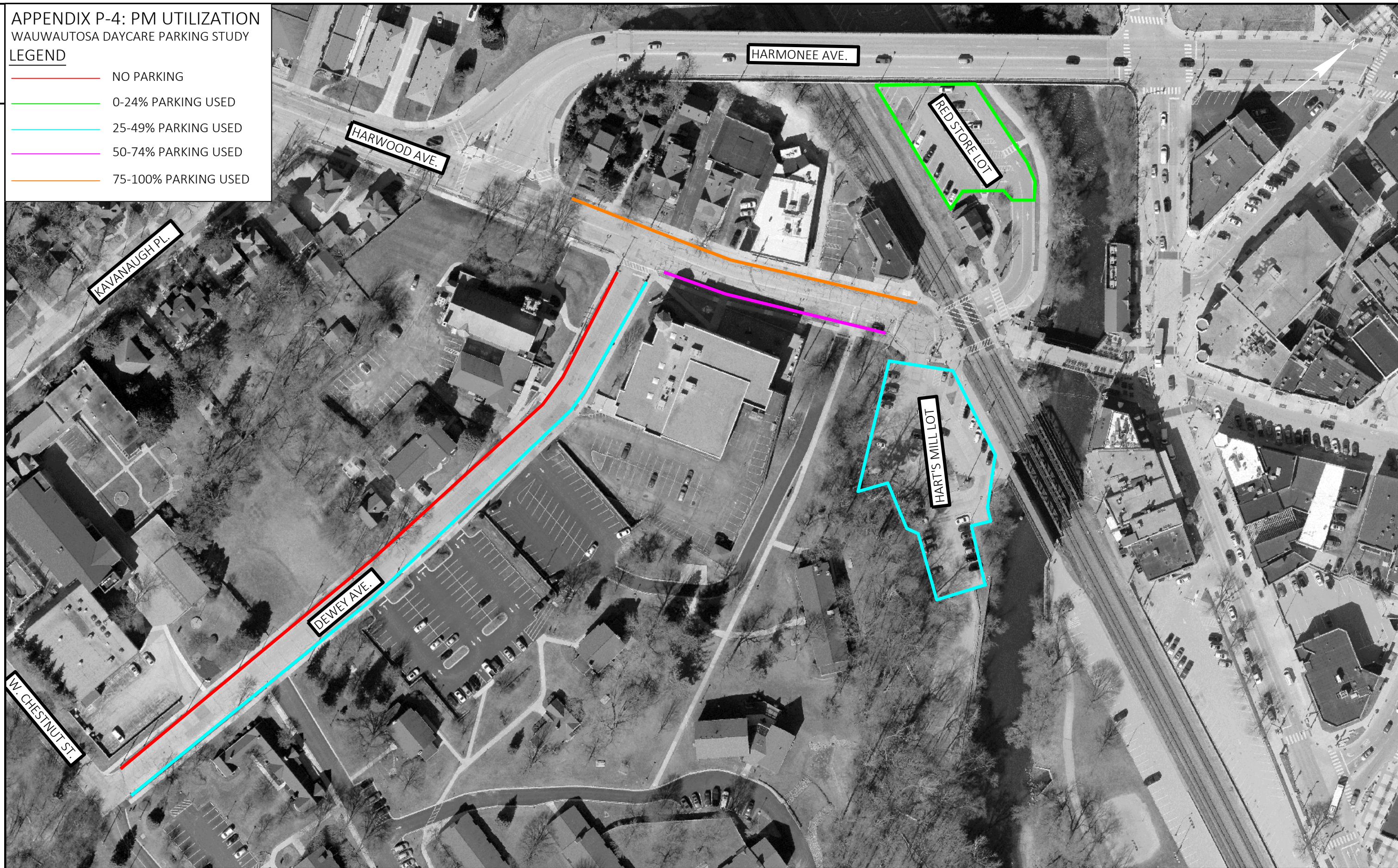
AM PARKING UTILIZATION

SHEET

E

APPENDIX P-4: PM UTILIZATION
WAUWATOSA DAYCARE PARKING STUDY
LEGEND

- NO PARKING
- 0-24% PARKING USED
- 25-49% PARKING USED
- 50-74% PARKING USED
- 75-100% PARKING USED

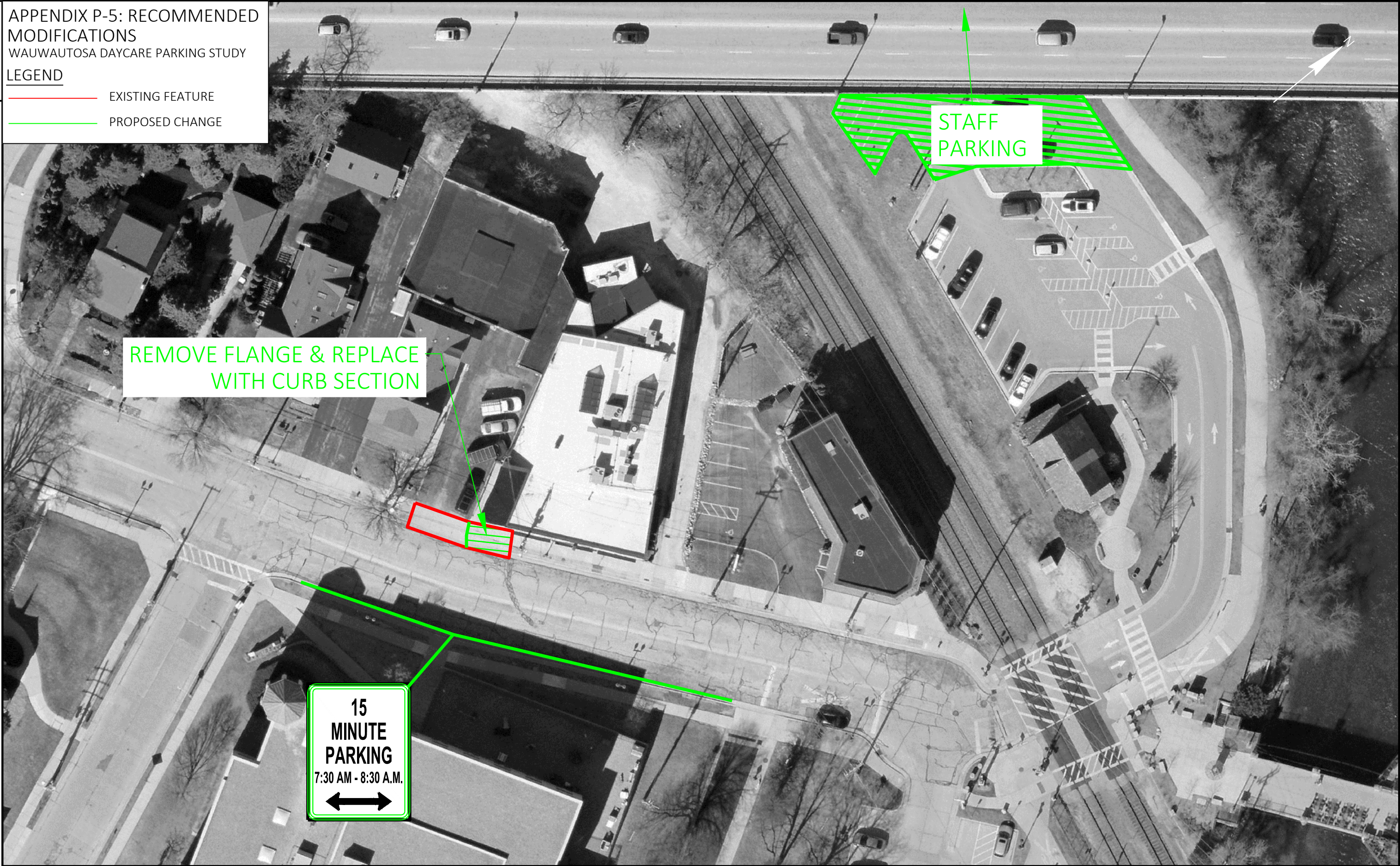


2

APPENDIX P-5: RECOMMENDED MODIFICATIONS
WAUWATOSA DAYCARE PARKING STUDY
LEGEND

EXISTING FEATURE

PROPOSED CHANGE



HARWOOD N/W SIDE A.M. PERIOD 9/11/2025 -- 7 A.M. TO 9 A.M.										
PLATE	PERIOD								TOTAL TIME PARKED (HRS)	</= 15 MINS
	7-7:15 A.M.	7:15-7:30 A.M.	7:30-7:45 A.M.	7:45-8 A.M.	8-8:15 A.M.	8:15-8:30 A.M.	8:30-8:45 A.M.	8:45-9 A.M.		
6794									0.25	--
4560									0.25	--
YUU									0.25	--
4755									0.25	--
5788									0.25	--
8658									0.25	--
PILOT									0.25	--
9613									0.25	--
9248									1.25	--
				Peak Interval						
Capacity	6 Veh									
Veh. Parked	0	0	2	7	1	1	1	1		
% Utilization	0.00%	0.00%	33.3%	117%	16.7%	16.7%	16.7%	16.7%		
Avg. % Utilization	27.08%									
% Parked </= 15min	88.89%									

HARWOOD S/E SIDE A.M. PERIOD										
9/11/2025 -- 7 A.M. TO 9 A.M.										
PLATE	PERIOD								TOTAL TIME PARKED (HRS)	</= 15 MINS
	7-7:15 A.M.	7:15-7:30 A.M.	7:30-7:45 A.M.	7:45-8 A.M.	8-8:15 A.M.	8:15-8:30 A.M.	8:30-8:45 A.M.	8:45-9 A.M.		
6945									0.25	┐
KAMP2									2.0	┐
2688									0.25	┐
UTU									0.25	┐
8614									0.25	┐
6299									0.25	┐
3255									0.25	┐
7696									0.25	┐
8718									0.25	┐
3786									0.25	┐
JAW									0.25	┐
UVK									0.25	┐
9555									0.25	┐
552									0.25	┐
V21									0.25	┐
4823									0.25	┐
T22									0.25	┐
ROSEN									0.25	┐
JTJ									0.5	┐
148									0.25	┐
VBJ									0.25	┐
WJJ									0.25	┐
8181									0.25	┐
VYR									0.25	┐
4273									0.25	┐
O66									0.75	┐
9757									0.25	┐
492									0.25	┐
1315									0.25	┐
				Peak Interval						
Capacity	14 Veh									
Veh. Parked	2	1	9	13	5	4	2	3		
% Utilization	14.3%	7.1%	64.3%	93%	35.7%	28.6%	14.3%	21.4%		
Avg. % Utilization	34.82%									
% Parked </= 15min	89.66%									

DEWEY W SIDE A.M. PERIOD 9/11/2025 -- 7 A.M. TO 9 A.M.											
PLATE	PERIOD								TOTAL TIME PARKED (HRS)	</= 15 MINS	
	7-7:15 A.M.	7:15-7:30 A.M.	7:30-7:45 A.M.	7:45-8 A.M.	8-8:15 A.M.	8:15-8:30 A.M.	8:30-8:45 A.M.	8:45-9 A.M.			
									0		
									0	--	
									0		
									0	-	
			NO VEHICLES PRESENT						0	--	
									0		
									0		
									0	--	
									0		
Capacity	0 Veh										
Veh. Parked	0	0	0	0	0	0	0	0			
% Utilization	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
Avg. % Utilization	0.00%										
% Parked </= 15min	0.00%										

DEWEY E SIDE A.M. PERIOD 9/11/2025 -- 7 A.M. TO 9 A.M.											
PLATE	PERIOD									TOTAL TIME PARKED (HRS)	</= 15 MINS
	7-7:15 A.M.	7:15-7:30 A.M.	7:30-7:45 A.M.	7:45-8 A.M.	8-8:15 A.M.	8:15-8:30 A.M.	8:30-8:45 A.M.	8:45-9 A.M.			
T1457										0.25	
3716										0.25	
VVK										1.5	-
3387										0.25	-
3810										0.25	-
1534										1.25	
3355										0.25	-
8725										0.25	
RVR2C										1	
5077										0.5	-
Capacity	13 Veh										
Veh. Parked	0	1	3	4	5	3	4	4			
% Utilization	0.0%	7.7%	23.1%	30.8%	38.5%	23.1%	30.8%	30.8%			
Avg. % Utilization	23.08%										
% Parked </= 15min	60.00%										

APPENDIX P-8: PM PARKING
UTILIZATION DATA: HARWOOD
AVENUE
WAUWATOSA DAYCARE PARKING STUDY

HARWOOD N/W SIDE P.M. PERIOD 9/11/2025 -- 3 P.M. TO 5 P.M.										
PLATE	PERIOD								TOTAL TIME PARKED (HRS)	</= 15 MINS
	3-3:15 P.M.	3:15-3:30 P.M.	3:30-3:45 P.M.	3:45-4 P.M.	4-4:15 P.M.	4:15-4:30 P.M.	4:30-4:45 P.M.	4:45-5 P.M.		
1315									2.0	-
7778									2.0	
4333									2.0	-
1909									0.25	-
2055									0.25	-
AVG									1.25	-
3192									1.0	
UNI									0.25	
					Peak Interval					
Capacity	6 Veh									
Veh. Parked	5	3	3	4	6	5	5	5		
% Utilization	83.3%	50.0%	50.0%	67%	100%	83.3%	83.3%	83.3%		
Avg. % Utilization	75.00%									
% Parked </= 15min	37.50%									

HARWOOD S/E SIDE P.M. PERIOD 9/11/2025 -- 3 P.M. TO 5 P.M.										
PLATE	PERIOD								TOTAL TIME PARKED (HRS)	</= 15 MINS
	3-3:15 P.M.	3:15-3:30 P.M.	3:30-3:45 P.M.	3:45-4 P.M.	4-4:15 P.M.	4:15-4:30 P.M.	4:30-4:45 P.M.	4:45-5 P.M.		
YGX									2.0	□
9248									2.0	□
XZR									2.0	▢
YWJ									0.25	□
ZXH									0.5	□
YMA									0.25	□
5330									0.5	□
VET									0.5	□
KAMP2									2.0	▢
4595									0.25	▢
YVV									0.25	□
PILOT									0.5	□
5831									0.25	▢
VYR									0.25	□
1517									0.25	□
59A									0.25	▢
VZI									0.25	□
WCZ									0.25	□
9757									0.25	□
4323									0.5	□
9228									0.5	□
8436									0.25	□
TRK									0.25	▢
YBJ									0.25	□
Capacity	14 Veh									
Veh. Parked	9	10	5	6	6	6	7	9		
% Utilization	64.3%	71.4%	35.7%	43%	42.9%	42.9%	50.0%	64.3%		
Avg. % Utilization	51.79%									
% Parked <= 15min	58.33%									

APPENDIX P-9: PM PARKING
UTILIZATION DATA: DEWEY
AVENUE
WAUWATOSA DAYCARE PARKING STUDY

DEWEY W SIDE A.M. PERIOD 9/11/2025 -- 3 P.M. TO 5 P.M.										
PLATE	PERIOD								TOTAL TIME PARKED (HRS)	</= 15 MINS
	3-3:15 P.M.	3:15-3:30 P.M.	3:30-3:45 P.M.	3:45-4 P.M.	4-4:15 P.M.	4:15-4:30 P.M.	4:30-4:45 P.M.	4:45-5 P.M.		
FLATBED									0.25	--
6378									0.25	--
Capacity	0 Veh									
Veh. Parked	1	0	0	0	0	1	0	0		
% Utilization	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
Avg. % Utilization	0.00%									
% Parked </= 15min	100.00%									

DEWEY E SIDE A.M. PERIOD 9/11/2025 -- 3 P.M. TO 5 P.M.										
PLATE	PERIOD								TOTAL TIME PARKED (HRS)	</= 15 MINS
	3-3:15 P.M.	3:15-3:30 P.M.	3:30-3:45 P.M.	3:45-4 P.M.	4-4:15 P.M.	4:15-4:30 P.M.	4:30-4:45 P.M.	4:45-5 P.M.		
VYJ									2.0	-
5077									0.75	
TSR									1.0	--
1742									1.0	--
9625									1.0	--
9215									1.0	
12159									0.25	--
3387									0.25	
					Peak Interval					
Capacity	13 Veh									
Veh. Parked	2	2	2	1	6	5	6	5		
% Utilization	15.4%	15.4%	15.4%	7.7%	46.2%	38.5%	46.2%	38.5%		
Avg. % Utilization	27.88%									
% Parked </= 15min	25.00%									

RED STORE LOT						
9/11/2025 -- 7 A.M. TO 9 A.M.						
	PERIOD					TOTAL VEHICLES
	7-7:30 A.M.	7:30-8 A.M.	8-8:30 A.M.	8:30-9 A.M.	9 A.M. +	
# OF VEHICLES	20	26	26	31	32	135
					Peak Interval	
Capacity	142 Veh.					
% Utilization	14.1%	18.3%	18.3%	21.8%	22.5%	
Avg. % Utilization	19.0%					

RED STORE LOT						
9/11/2025 -- 3 P.M. TO 5 P.M.						
	PERIOD					TOTAL VEHICLES
	3-3:30 P.M.	3:30-4 P.M.	4-4:30 P.M.	4:30-5 P.M.	5 P.M. +	
# OF VEHICLES	35	28	19	21	19	122
	Peak Interval					
Capacity	142 Veh.					
% Utilization	24.6%	19.7%	13.4%	14.8%	13.4%	
Avg. % Utilization	17.2%					

HART'S MILL LOT						
9/11/2025 -- 7 A.M. TO 9 A.M.						
	PERIOD					TOTAL VEHICLES
	7-7:30 A.M.	7:30-8 A.M.	8-8:30 A.M.	8:30-9 A.M.	9 A.M. +	
# OF VEHICLES	19	23	30	37	40	149
					Peak Interval	
Capacity	86 Veh.					
% Utilization	22.1%	26.7%	34.9%	43.0%	46.5%	
Avg. % Utilization	34.7%					

HART'S MILL LOT						
9/11/2025 -- 3 P.M. TO 5 P.M.						
	PERIOD					TOTAL VEHICLES
	3-3:30 P.M.	3:30-4 P.M.	4-4:30 P.M.	4:30-5 P.M.	5 P.M. +	
# OF VEHICLES	40	37	36	37	39	189
	Peak Interval					
Capacity	86 Veh.					
% Utilization	46.5%	43.0%	41.9%	43.0%	45.3%	
Avg. % Utilization	44.0%					

TRAFFIC IMPACT STUDY FOR:

Wauwatosa Village Daycare Center

City of Wauwatosa, WI

September 23rd, 2025



PREPARED FOR:

For Tosh, LLC

17145 W Bluemound Road

PMB 152

Brookfield, WI 53005

Contact Persons: Kriti Behl Stefan and Michael Stefan

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Milwaukee, WI 53217

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(WisDOT TIA Certification #SE17-804-270)

"I certify that this Traffic Impact Analysis has been prepared by me or under my immediate supervision and that I have experience and training in the field of traffic and transportation engineering."

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List of Exhibits

- Exhibit 2-1Trip Generation Table
Exhibit 2-2Trip Distribution Table
Exhibit 2-3Sensitivity Analysis of Trip Generation Methods

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Chapter 1 – Introduction

Part A – Purpose of the Report and Study Objectives

The former Firefly Restaurant in the City of Wauwatosa is being proposed to be renovated and converted to a daycare facility. The daycare facility will have a maximum student enrollment of 155 students with 30 staff members anticipated. The property is located at 7754 N Hardwood Avenue in Wauwatosa, Wisconsin. The daycare will not have any off-street parking. Parking demand will be served by on-street parking and 2 nearby municipal parking lots.

This report was prepared to determine the number of trips generated and their distribution as well as existing parking demand and occupancy. No off-site development traffic is included in the traffic study. The report evaluates the weekday AM, weekday midafternoon (school dismissal time), and weekday PM peak hour trip generations and parking demand.

Part B - Study Area & Methodology

The study roadways evaluated in this TIA and parking study include:

- Harwood Avenue east of Harmonee Avenue to the railroad crossing
- Dewey Avenue from Harwood Avenue to W. Chestnut Street

The roadways and parking lots studied in this report for parking analysis include:

- Harwood Avenue east of Harmonee Avenue to the railroad crossing
- Dewey Avenue from Harwood Avenue to W. Chestnut Street
- Hart's Mills Parking Lot
- Little Red Store Parking Lot

Trip generation and distributions were calculated using the ITE Trip Generation Manual, 12th Edition and from field observations.

The parking study was conducted by side of street and block in 15-minute increments between 7AM to 9:00AM and 3:00PM to 5:00PM.

Additionally, the total number of vehicles parked in the Hart's Mill Parking Lot and Red Store Parking Lot were collected at least once an hour to determine occupancy rates in the parking lots.

B2. Proposed Development

A street map illustrating the location of the proposed development site with respect to the surrounding roadway system is shown in Appendix T-0.

The proposed daycare facility will have 155 students with 30 employees.

The buildout will generate 590 weekday daily trips, 110 weekday AM peak hour trips (53% in and 47% out), and 105 weekday PM peak hour trips (53% out and 47% in).

Chapter 2 – Trip Generation and Distribution

Part A – Weekday AM Peak Hour

Trips were calculated using the ITE Trip Generation Manual (TGM) version 12 using the maximum number of students of 155 (See Appendix T-1). The proposed daycare facility will generate 110 trips in the AM peak hour with approximately 60 trips in and 50 trips out (53% in and 47% out) (see [Exhibit 2-1](#)). Based on field observations the AM peak hour appeared to be from approximately 7:30-8:30AM. Much of the traffic at this time of day was vehicles dropping students off at St. John's Lutheran School. Older students were dropped off in the school parking lot along Dewey Avenue while the students that are 2–5-year-old range were dropped off along Harwood Avenue because the doors to St. John's Early Learning Center where they go to school face Harwood Avenue. This is directly across the street from the proposed daycare. During this time, it is expected that the largest conflict between vehicles dropping students off at St. John's Lutheran School and Early Learning Center and the proposed daycare will be. The Parking Study portion of the report below makes some recommendations to improve parking turnover in this area to ensure that spots are used for drop-off and pickup and not long-term parking.

Part B – Weekday Midday Peak Hour (school dismissal time)

The proposed daycare during the midday peak during the school dismissal time is unlikely to generate a significant number of trips. Trips in the period would be for deliveries and a few parents picking up their children early. Typically, peak daycare pickup time is between 4:30PM and 6:00PM which coincides with once parents are done with work.

St. John's Lutheran School and Early Learning Center releases their students at 3:00PM. It was observed that parents started queuing in the parking lot and on Dewey Avenue the 3:00PM dismissal and all the school traffic had left by 3:15PM. The Early Learning Center has extended care hours which can begin at 7:00AM before the normal hours begin at 7:50AM and the extended care hours go until 5:45PM. Because some families will choose to use the afternoon extended care option the volume of vehicles in the afternoon is lower than the number in the morning.

There is adequate parking and queuing space to accommodate St. John's Lutheran School and Early Learning Center currently. The daycare is not expected to add many additional vehicle trips during this time period so parking and operations around the St. John's are expected to be similar to today.

Part C – Weekday PM Peak Hour

During the PM Peak Hour of Adjacent Roadway which was considered to be the 4PM to 5 PM Hour based on the peak hour of nearby WisDOT traffic counts including a site on Glenview Avenue (STH 181) between Harwood Avenue and Chestnut Street and another count side on Harwood Avenue just north of Harwood Avenue (see Appendix T-4 and T-5. Based on the ITE Trip Generation Manual, the total volume for the hour would be 105 vehicles with 50 coming in and 55 leaving (47% in and 53% out) (see Appendix T-2). Based on observations during the parking study vehicles parked in the area that had been in the area all day were leaving, and new vehicles came for dinner and shopping in the Village as the time approached 5:00 PM. There was available parking in front of the proposed daycare as well as in front of St. John's Lutheran Early Childhood Center.

Exhibit 2-1 - Trip Generation Table

Wauwatosa Day Care

Land Use	ITE LUC	Size	Daily	Weekday AM Peak Hour of Adjacent Street			Weekday PM Peak Hour of Adjacent Street		
				In	Out	Total	In	Out	Total
Day Care Center	565	155 Students	590	60	50	110	50	55	105
				53%	47%		47%	53%	
Total New Vehicle Trips			590	60	50	110	50	55	105

Part D - Influence Area and Trip Distributions

The primary influence area for the daycare facility at this site is expected to be from the local neighborhoods to the south, north, and east of the development as the Milwaukee Regional Medical Center (MRMC) is to the west of the site and has relatively little housing development in that direction compared to the other directions. Given this information, field observations, and the difficulty it is to navigate through the intersection of Harwood Avenue and Harmonee Avenue it is expected that 60% of trips will be from/to Dewey Avenue and 40% on Harwood Avenue (see [Exhibit 2-2](#)).

Exhibit 2-2- Trip Distribution Table

To/From Dewey Avenue	60%
To/From Harwood Avenue	40%

Part E – Sensitivity Analysis

The ITE Trip Generation Manual offers multiple ways to calculate the number of proposed trips depending. Two other methods of calculating the number of vehicle trips were evaluated. They are using the number of employees instead of students and looking at the peak hour of generator instead of peak hour of adjacent street. The trip generations for the different methods can be seen in [Exhibit 2-3](#). There is very little difference between the two methods to calculate trips using students as the input. This suggests that the original method of calculating trips by using the students with the peak hour of adjacent roadway is nearly the same as the maximum number of trips the daycare would generate based on using the number of students.

Exhibit 2-3

Sensitivity Analysis - Total Trips Generated by Different Input Methods		
	# of Students Peak Hour of Adjacent Street	# of Students Peak Hour of Generator
Weekday	590	
AM	110	113
PM	105	111

Chapter 3 – Parking

Part A – Physical Characteristics

A transportation detail showing the existing parking spaces is shown in Appendix P-2.

Part B – Existing Parking Demand and Occupancy

B.1 Data Collection & Observations

Parking supply was documented along Harwood Avenue between Harmonie Avenue & Hart's Mill Parking Lot, Dewey Avenue between West Chestnut Street & Harwood Avenue, and within the Hart's Mill & Red Store Parking Lots (see Appendix P-1). The existing parking availability (see Appendix P-2) was determined by walking each segment, documenting posted parking restrictions, the locations of hydrants, and the locations of driveway entrances. When this data was combined, it created an accurate map that accounted for all the items that determine a legal parking space. Each parked vehicle was assumed to require 20 feet of space to legally park. It was assumed that vehicles could not park within 4-feet of driveway aprons, 10-feet of fire hydrants, 15-feet of unmarked or marked crosswalks, 15-feet of alley aprons, in lanes marked for vehicle travel and in bicycle lanes. The approach was consistent with the State of Wisconsin parking regulations. The field observations for number of vehicles in each segment and time period can be seen in Appendices P-6 to P-10.

B.2 Peak Hour Parking

Parking occupancy was observed in 15-minute intervals on each segment and 30-minute intervals in each lot during two time periods on a weekday as follows:

❖ Weekday Morning:

- Thursday, September 11th, 7:00AM to 9:00AM (see Appendices P-6, P-7 & P-10)
- Parking occupancy was observed to be heaviest from 7:45-8:15 AM or the school drop-off period. Occupancy was particularly heavy along the southeast side of Harwood Avenue which abuts St. John's Lutheran School.

❖ Weekday Evening:

- Thursday, September 11th, 3:00 PM to 5:00 PM (see Appendices P-8, P-9 & P-10)
- Parking occupancy was observed to be heavy, 50-75% utilization, along Harwood Avenue throughout the study period. Dewey Avenue saw a peak in utilization after 4:00 PM

A summary of average occupancy rates for the AM and PM periods can be seen in Appendices P-3 & P-4.

B.3 Observations & Notes

- ❖ During the study it was observed that there are a high number of pedestrians, particularly near the Menominee River and Oakleaf trail.
- ❖ It was observed that during the AM count period most vehicles parked for 15 minutes or less along Harwood Avenue and Dewey Avenues. During the PM period, between 75 & 42 percent of vehicles parked for longer than 15 minutes. Similarly, both lots saw longer term parking during both study periods.
- ❖ During the study periods, parking along the West side of Dewey Avenue was prohibited. Only 2 vehicles were observed to be parked in this location and both for less than 15 minutes. Parking is permitted from 6 PM to 8 AM on weekdays, and all day on weekends and holidays.
- ❖ The AM period saw a single peak period, but the PM study period saw an immediate peak at 3 PM before lulling and beginning to rise in occupancy as the study time approached 5 PM. Based on our observations the initial peak was due to school pickup and the rise closer to 5PM was due to a dinner time rush in restaurants nearby on the other side of the river.
- ❖ The expected drop-off time for the proposed daycare sits in line with the school drop-off time, 7-9 AM. For this reason, it is expected there will be occupancy conflict during this time.
- ❖ The expected pickup time for the proposed daycare, 4:30-6:00 PM, is offset from that of the existing peak pickup time, 3:00 PM for St. John's Lutheran. For this reason, it is expected that conflicts in occupancy will be minimal during the PM time period.
- ❖ All legal parking zones within the study area are posted with a 3-hour parking limit with the exception of the Red Store parking lot, which has no restrictions aside for the first 18 spaces in the lot.
- ❖ It is expected that most drop-offs for the proposed daycare will take place along the southeast side of Harwood Avenue due to the low capacity on the northwest side and ease of access.

Part C – Parking Demand and Recommendations with Proposed Daycare Facility

The addition of the proposed daycare facility is expected to bring an additional 60 vehicles coming to the daycare during the AM peak hour to the site based on the ITE 12th generation trip manual. It is assumed that this number does not include staff who arrive before drop-off and leave after pickup times. Given this and the data listed previously in Part B the following changes are recommended (see Appendix P-5):

- ❖ Provide a 15-minute parking zone from 7:30-8:30 AM along the southeast side of Harwood Avenue from Dewey Avenue to Hart's Mill Lot to minimize long term parking and promote in-and-out parking for both St. John's Lutheran School, Early Elementary Center, and the Proposed Daycare.
- ❖ Reconstruct the existing driveway flange and curb abutting the west corner of the proposed daycare to more accurately fit the attached driveway and provide an additional parking space.
- ❖ Instruct all staff to park in the Red Store lot where there is no time restriction and ample capacity.



Staff Report

File #: 25-1739

Agenda Date: 11/10/2025

Agenda #: 3.

Consideration of a Conditional Use Permit in the Special Purpose - Research Park and Mayfair Overlay (SP-RP/MAY) zone at 10499 Innovation drive to convert an existing hotel into a multi-unit residential development, Waterfair Apartments LLC, applicant

Submitted by:

Art Piñon

Department:

Development

A. Background/Options

The applicant is requesting a Conditional Use Permit (CUP) to convert an existing 198-unit hotel into a mixed-use development consisting of 146 affordable residential units and approximately 9,000 square feet of ground-floor commercial space. The property is located at 10499 Innovation Drive within the Special Purpose - Research Park and Mayfair Overlay (SP-RP/MAY) zoning district.

The first floor will include the proposed commercial space as well as a variety of resident amenities, such as a fitness room, media/community space with a pool table, coffee lounge, conference and meeting rooms, and additional rooms designed for business or study use.

The residential component will feature a mix of studio, one-bedroom, and two-bedroom units. No exterior building alterations or site modifications are proposed as part of this request.

The required public hearing for this item occurred at the October 28, 2025 Common Council meeting. The applicants appeared at the meeting and spoke in favor of the proposal along with one member of the public. No one spoke in opposition. The council meeting video is attached.

B. Staff Comments

Planning/Zoning Division

City code requires 149 parking spaces for the development and 186 parking spaces are provided. A certified survey map is also being proposed with the application which will divide off a portion of the subject property. The newer lot contains an additional 107 parking spaces for use.

The facility will also be required to provide bike parking in accordance with WMC 24.11.080.

Building Division

Design Review Board approval is required for any exterior changes. Architectural supervision, plan review, and all applicable building permits are also required. A final occupancy inspection and approval must be obtained prior to occupancy.

City Assessor's Office

Provide detailed costs of any alterations and/or new construction as well as income and expense information as requested by the Assessor's Office

City Clerk's Office

No comments.

Public Works Department

See Engineering comments.

Engineering Division

Per City Code 13.30.030, any building project in excess of \$100,000 shall have the sanitary sewer lateral replaced or inspected and pressure tested per BPW requirements. If the existing sanitary sewer lateral is to be re-used, a televised report of the existing lateral from the building to the City main must be provided to Engineering. If Engineering identifies any defects in the existing lateral, the defects must be corrected and another televised report provided to Engineering to verify results. This requirement must be met prior to final building occupancy.

Fire Department

No comments.

Health Department

No comments.

Police Department

No comments.

C. Recommendation

Staff recommends approval subject to:

1. Short- and long-term bike parking must be provided in compliance with WMC 24.11.080.
2. Per City Code 13.30.030, any building project in excess of \$100,000 shall have the sanitary sewer lateral replaced or inspected and pressure tested per BPW requirements. If the existing sanitary sewer lateral is to be re-used, a televised report of the existing lateral from the building to the City main must be provided to Engineering. If Engineering identifies any defects in the existing lateral, the defects must be corrected and another televised report provided to Engineering to verify results. This requirement must be met prior to final building occupancy.
3. Design Review Board approval is required for any exterior changes. Architectural supervision, plan review, and all applicable building permits are also required. A final occupancy inspection and approval must be obtained prior to occupancy.
4. Per WMC 24.12.040.A.2, roof-mounted mechanical equipment (e.g., air conditioning, heating, cooling, ventilation, exhaust and similar equipment, but not solar panels, wind energy or similar renewable energy devices) over 30 inches in height must be screened from ground-level view of all R- and C-zoned properties.
5. Per WMC 24.12.040.A.1, 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.
6. Providing detailed costs of any alterations and/or new construction, as well as income & expense as requested by the Assessor's office.

7. Under WMC 24.16.040I., a Conditional Use will lapse and have no further effect one year after it is approved by the Common Council, unless a building permit has been issued (if required); the use or structure has been lawfully established; or unless a different lapse of approval period or point of expiration has been expressly established by the Common Council.
8. Obtaining other required licenses, permits, and approvals. This includes but is not limited to Design Review Board approval, plan review, site plan approval, building permits and DSPS plan approvals, and Final Occupancy inspection and approval.



10499 Innovation Dr.

City of
Wauwatosa



Zoning Conditional Use Application

Project Description:

Waterfair Apartments LLC proposes renovation and change of use of the 18-year-old, 198-unit Sonesta Hotel, located at the gateway southeast corner of Watertown Plank and Mayfair Road. The new use would be 146 affordable multifamily apartments with mixed-use tenant amenity space and other commercial mixed-use type uses on the 1st floor. The 1st floor will offer residents added common area features, mail and package center, fitness room, media community space with TV's and pool table, storage, coffee lounge, conference and meeting rooms with soft seating, meeting rooms for business or study. The onsite management office has professional services for resident maintenance and administrative support. The primary site will maintain sufficient surface parking for residents and guests.

The property is currently under contract with Hotel Investment Group LLC, current owner/operators of the Sonesta Hotel, with sale closing first week of December 2025. Renovation work would begin January 2026 and conclude in June 2026 with intended occupancy.

Renovations would include demising of non-load bearing walls to create larger apartment units, construction of new non-load bearing demising walls to create functional spaces, upgrading the interior with new finishes, adding new kitchens, and upgrading common area amenities to support the new housing operational needs. New common area amenities will include on-site management/maintenance office, mail and package retrieval facilities, recreational areas and upgrades including fitness center and semi-private/private work areas. In addition, the first floor and lobby areas will be reconfigured for commercial uses including medical office and food services. Quality of the renovation work would be like our last Wauwatosa project: Watertown Apartments.

The Site includes the hotel, exterior parking, and a perimeter of landscaped areas.

The existing hotel building is an eight-story post tension structure consisting of steel frame construction on a 5" concrete slab on grade foundation, over a 6-mil vapor barrier. Exterior walls consist of metal stud framing with precast concrete panels and brick veneer. The roof consists of stone-ballasted, single-ply EPDM membrane systems. Other than property signage, the exterior and structure of the building would not be altered.

Property Address: 10499 W Innovation Drive, Wauwatosa WI 53226

Parcel Identification Number/Tax Key Number: 3799999059

Proposed Project Development By: Samapa Development Company LLC

Future Owners at Project Completion: Waterfair Apartments LLC

Financing: Conventional Financing

Future Property Operators at Project Completion: Samapa Development Company LLC and Oakbrook Management Company LLC

Current Land Area: 7.55 Acres or 328,878 Sq Ft

Building Square Footage: Current: 126,098 Sq Ft
Proposed: 126,098 Sq Ft

Building Land Use: Current: Hotel with Commercial First Floor
Proposed: Multifamily with Commercial First Floor

Unit Mix / Residential Unit Affordability Data:

Unit Type	# UNITS	Unit Mix	RENT/UNIT	Monthly TOTAL	Avg Sq Ft	Avg Rent /Sq Ft	RENTABLE SF
Studio micro	19	13%	\$975	\$18,525	330	\$2.95	6,270
Studio small	30	21%	\$1,015	\$30,450	360	\$2.82	10,800
Studio medium - Studio King	10	7%	\$1,125	\$11,250	400	\$2.81	4,000
Studio large (5)	7	5%	\$1,175	\$8,225	425	\$2.76	2,975
Studio x large (3&4)	12	8%	\$1,275	\$15,300	500	\$2.55	6,000
1 Bedroom 1 Bath small	7	5%	\$1,275	\$8,925	480	\$2.66	3,360
1 Bedroom 1 Bath large	55	38%	\$1,425	\$78,375	660	\$2.16	36,300
2 Bedroom 2 Bath Large	6	4%	\$2,100	\$12,600	1400	\$1.50	8,400
TOTALS	146			183,650			78,105

Temporary Jobs Created During Project Renovation:

During the renovation period, an estimated \$23M total project will produce approximately 60 full-time jobs. Every full-time job will be at market rate wages, and a majority will include benefits. This includes site-based and supplier-based jobs that contribute materials for the work.

During construction other soft cost consultants including legal, architectural, and engineering will also have more than \$1.5M in contracts employing primarily local Milwaukee area experts.

Permanent Jobs Created After Project Completion:

Property Management on a permanent basis, a 146 unit this type of housing project will typically support:

On Staff Permanent	Avg Hours	Current Market Avg
Property Manager	1 FTE	\$70K
Leasing Agents (1-2) Part Time	1 FTE	\$50K
Plant Manager Maintenance (2)	1.5 FTE	\$55K
Total Approximately	3.5 FTE	Avg Comp \$60K per year

With 1st Floor Commercial Space, we anticipate a general range of 5 to 20 additional full-time positions with Compensation Ranging from 45,000 to \$100,000+ depending on the commercial end users.

Needed added public infrastructure for this project: None

Hours of Operation for Multifamily Units: The Multifamily units are open for resident quiet enjoyment 24 hours per day. First Floor Management Offices are typically daily 730 a.m. to 530pm. Other commercial users

on the 1st floor would typically be 7 a.m. to 8 pm and would be reviewed or granted based on each commercial applicant's normal business operating needs.

Preliminary Site Plan: See attached, our plan will be to modernize the units and interiors but leave the external building footprint and façade in near like kind condition. At a future date if added outlot acreage becomes developed, those future changes would be applied for to Wauwatosa at that time.

We plan to apply for new signs for rebranding Sonesta to Waterfair but that will be done through a sign permit application.

Interior Building Plans: See typical floor section and sample unit plans attached for review.

Project Status: Construction to commence in January 2026 and completed in June 2026

6 Approval Criteria Responses:

1. The establishment, maintenance or operation of the conditional use for Waterfair Apartments will not be detrimental to or endanger the public health, safety or general welfare. In fact, the addition of affordable housing to replace a financially challenged property will enhance and diversify the City's economic base further by replacing a less reliable tax revenue source of a devalued hotel to a much more desirable and tax revenue consistent renovated workforce housing. The Sonesta hotel site is an under-utilized property as it sits on 7.55 acres of desirable City land that is proximate to many of the major employers in the area. Redevelopment to workforce housing is the best use for both employees and employers. The MRMC and Research Park have some of the highest paying and stable jobs in the area. Housing employees of these two entities and other companies in the area will help retain local jobs and attract a diverse educated population that can enjoy all Wauwatosa has to offer.
2. The uses, values and enjoyment of surrounding properties for purposes already permitted in the district will not be substantially impaired or diminished by the establishment, maintenance or operation of Waterfair Apartments. Residents of Waterfair Apartments will certainly benefit from the new development of restaurants like Panera and future park amenities that are being contemplated, ensuring the success of those park businesses and encouraging additional commercial development.
3. Establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the district as there will only be a change of use and no change in the overall footprint of the building. Renovating and redeveloping the Sonesta hotel and its parking lot into the Waterfair Apartments will improve the appearance of the signalized gateway corner of the Research Park and can be the impetus for additional growth and change in the Research Park as more multifamily residential projects are contemplated for the park by the City.
4. Adequate utilities, access roads, drainage and other necessary improvements have been or are being provided already to the existing property. Repurposing of the existing hotel into apartments will not change the needs of property, as there will be no overall change to the footprint of the building and will only require interior renovation and reconfiguration.
5. Adequate measures will be taken to provide ingress and egress that will minimize on- and off-site traffic congestion. Change of use of the building from 198 hotel rooms to 146 apartments should decrease the

overall traffic patterns into and out of the property as residents, unlike hotel guests, will more be permanent occupants reducing transitory traffic. It is our hope that tenants will be working within the surrounding businesses of the MRMC and Research Park and may be able to walk or bike to work. In addition, it is our hope to provide to shuttle services from Waterfair Apartments to these surrounding employers. There is also excellent access to public bus transportation near the property.

6. It is our understanding through preplanning meetings with the City that the conditional use complies with all applicable regulations of the subject zoning district. This is evidenced by the existence of another multifamily apartment complex, Crescent Apartments, within the district and planned future rezoning to allow additional multifamily within the zoning district. In addition, Samapa LLC has requested conditional use for multifamily with the MRIC which oversees the Research Park and has received positive feedback on that application as there is precedent with Crescent Apartments and future plans for additional multifamily units within the park.

Wauwatosa Community Benefits:

Waterfair Apartments fill a needed new niche of more affordability without excessive luxury, at rents 15-20% below current market rates and provides an economical housing solution for the Milwaukee Regional Medical Complex and Research Park workforce. Affordability is achieved through smaller more efficient unit types comprised mostly of studios and 1-bedroom apartments and value engineering the renovation work.

Located within one mile of the medical campus on Watertown Plank Road, this residence will offer its tenants the healthier option of convenient pedestrian and bicycle access for work or study at the MRMC. In addition, a shuttle service from the apartments is also contemplated to further reduce vehicle traffic in an already congested area of the City.

Repurposing of the current hotel to multifamily housing will remove 198 hotel rooms from a financially challenged hospitality industry in the area. Hotel occupancy tax revenue lost through this repurposing of the Sonesta hotel will be made up through higher occupancy of nearby hotels. Additional tax revenue will be generated for the city with Waterfair Apartments' new multifamily use.

Waterfair Apartments meet many of Wauwatosa's Public Purpose Objectives as outlined in City's Economic Development Investment Policy (EDIP):

1. The addition of affordable housing to replace a financially challenged property will enhance and diversify the City's economic base further by replacing a less reliable tax revenue source of a devalued hotel to a much more desirable and tax revenue consistent renovated workforce housing.
2. The Sonesta hotel site is an under-utilized property as it sits on 7.55 acres of desirable City land that is proximate to many of the major employers in the area. Redevelopment to workforce housing is the best use for both employees and employers.
3. The MRMC and Research Park have some of the highest paying and stable jobs in the area. Housing employees of these two entities and other companies in the area will help retain local jobs and attract a diverse educated population that can enjoy all Wauwatosa has to offer.
4. Waterfair Apartments can be the impetus for additional growth and change in the Research Park as additional multifamily projects and a master plan for the park are contemplated by the City. Residents of Waterfair Apartments will certainly benefit from the new development of restaurants like Panera and

future park amenities that are being contemplated, ensuring the success of those park businesses and encouraging additional commercial development.

5. The Sonesta hotel site of 7.55 acres contains a significant amount of aging overparked and underutilized asphalt for parking. This blighted “sea of concrete” could be developed into additional out lots for residential and commercial uses. Separate CSM application outlines possible future excess land, that would be evaluated at a future city application.
6. The City’s most recent Housing Studies indicate a significant need for affordable housing which is the primary mission of Samapa LLC, the developers of the nearby affordable Watertown Apartments and now Waterfair Apartments.
7. Renovating and redeveloping the Sonesta hotel and its parking lot will improve the appearance of the signalized gateway corner of the Research Park as more multifamily residential projects are contemplated for the park.
8. The master plan of the Research Park contemplates many future infrastructure improvements. Waterfair Apartments could catalyze some of those changes including redevelopment of adjacent land, buildings, and roadways.
9. Samapa LLC, the developer of Waterfair Apartments, is partly a minority owned partnership. In addition, the project’s architectural firm, Continuum Architects, is also a minority female owned business. These development partners and the target population of the Waterfair apartments, will improve equity and inclusion within the City of Wauwatosa.
10. Please see below under Proposed Sustainability Features, our goals for energy conservation. In our prior project Watertown Apartments, we have been very active in assisting in the conservation of Sanctuary Woods, both during construction and after occupancy, and plan to have a similarly active role of environmental conservation in the Research Park and surrounding green spaces.
11. Waterfair Apartments could be instrumental in the City’s comprehensive new plan for the Research Park as it would be the first new multifamily project development in an area that could soon allow other multifamily projects.
12. The impact of this development due to its location at a major signalized corner and gateway to the MRMC and freeway could be significant in Wauwatosa’s and other significant stakeholder’s overall future development strategies.

Proposed Sustainability Features:

The building renovation will incorporate energy saving features, such as energy efficient lighting through management of natural light, replacement of artificial lighting sources, and heating and cooling solutions. The apartment unit layout and design will promote use of natural light and energy efficient window solutions including window coverings and possible future window replacements. All units will be refitted with individual electrical meters to meet code requirements and require tenants to actively be engaged in energy efficiency and cost containment. In addition, clean energy sources including possible solar are being evaluated for implementation in future additional renovations. We intend to use the resources of programs such as Focus on Energy’s Energy Design Assistance and our in-house engineering capabilities to enable us to identify other energy-saving technologies. We intend to pass reductions in energy costs for the overall building along to the tenants.

Strategy for City's Procurement Inclusion Policy:

Waterfair Apartments will meet or exceed Wauwatosa's minimum DBE goals for this project. Samapa LLC prides itself on its track record of meeting and exceeding DBE participation goals on our prior Wauwatosa project: Watertown Apartments.

Participation in Targeting DBE

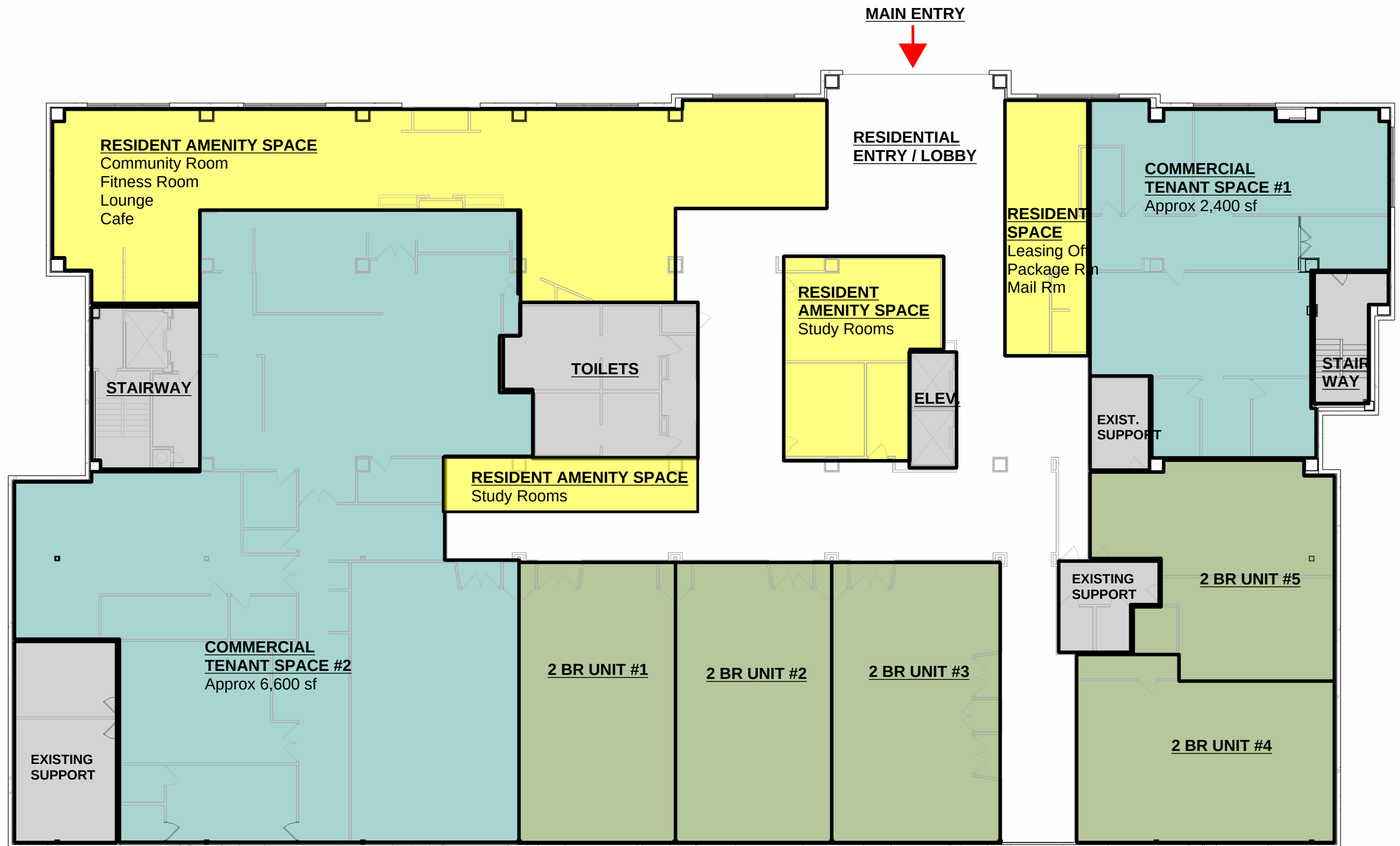
The Development Company (Samapa LLC) and Architectural Firm (Continuum Architects) are qualifying entities, and we anticipate participation in excess of 70+% of our soft costs, and 15+% of our hard costs with good faith efforts to seek DBE participation in the project.

We will submit a final report outlining our targeted participation compliance.

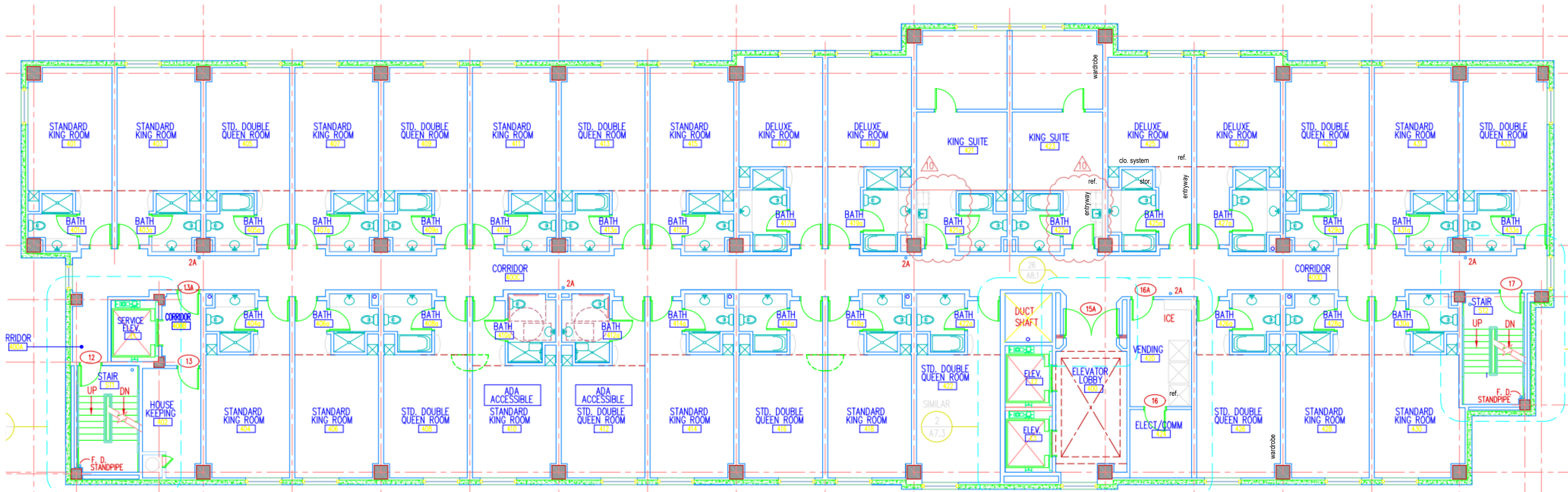
Wauwatosa and Waterfair Mission Alignment:

Samapa LLC is committed to a mission driven approach to provide affordable housing solutions for Wauwatosa. We look forward to partnering and offering a private model through Waterfair Apartments to meet the demand for moderate-priced housing.

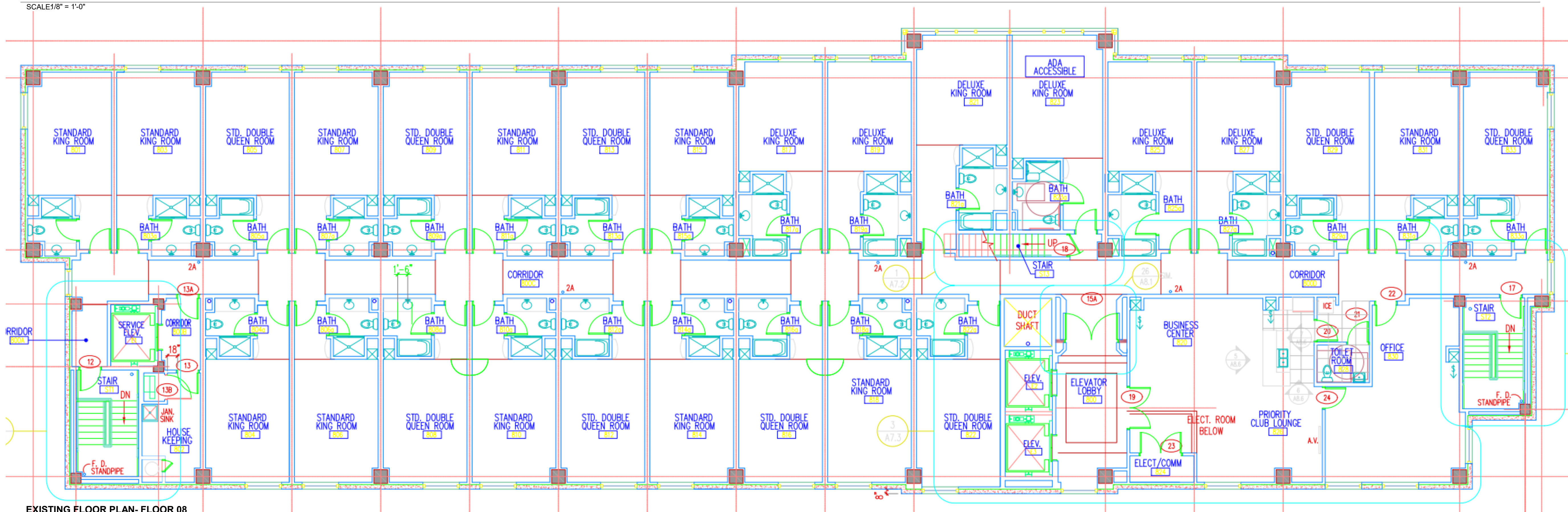
Thank you for considering the Waterfair Apartments project. We look forward to our ongoing collaboration and future meetings. If you have any questions regarding this submission, please feel free to contact.



EXISTING PLAN - LEVEL 01- CONCEPT PLAN
SCALE: 1/16" = 1'-0"



EXISTING FLOOR PLAN- FLOOR 02-07
SCALE 1/8" = 1'-0"



EXISTING FLOOR PLAN- FLOOR 08
SCALE 1/8" = 1'-0"

DEMOLITION PLAN LEGEND	
	EXISTING, TO BE REMOVED
	EXISTING, TO REMAIN

GENERAL DEMOLITION NOTES TO CONTRACTOR	
1.	SALVAGE ALL BATHROOM ACCESSORIES: TP HOLDER, ROBE HOOKS, FAUCETS, SHOWER TRIM AND DOORS, AND CURTAIN RODS.
2.	REMOVE EXISTING CARPET IN ALL FUTURE STUDIO UNITS. REFER TO FLOOR PLAN.
3.	REMOVE EXISTING CARPET IN ALL FUTURE 1 BD LIVING/KITCHEN AND ENTRYWAY AREAS. EXISTING CARPET IN FUTURE BEDROOMS TO REMAIN.

DEMOLITION PLAN KEY NOTES	
SEE PROJECT GENERAL CONDITIONS, GENERAL INFORMATION ON SHEET A001 AND SELECTIVE DEMOLITION, CUTTING AND PATCHING SPECIFICATIONS THAT ARE USED IN ASSOCIATION WITH THESE NOTES.	
DEMOLITION PLAN KEY NOTES APPLY TO ALL NEW WORK DRAWINGS AND MAY NOT BE USED ON EVERY SHEET.	
1	REMOVE DOOR.
2	REMOVE AND SALVAGE VANITY, SINK, WC, AND MIRROR.
3	REMOVE WALLS, DOOR, FIXTURES, AND BATHROOM ACCESSORIES. POTENTIAL DEDUCT BASED ON APPLICATION FOR STATE WAIVER.
4	REMOVE PORTION OF DEMISING WALL.
5	REMOVE PORTION OF WALL FOR NEW BORROWED LITE.
6	REMOVE CASEWORK AND SINK.
7	REMOVE SHOWER.
8	REMOVE WALLS.
9	REMOVE COUNTER, CASEWORK, AND SINK.
10	REMOVE EXISTING TRASH CHUTE. PATCH ALL FLOORS WITH 1 HR FIRE RATED FLOOR/CEILING ASSEMBLY.
11	REMOVE INSWING DOOR AND REPLACE WITH AN OUTSWING DOOR THAT IS DEMOED FROM OTHER LOCATIONS.



TYPICAL DEMOLITION PLAN - FLOOR 02-07
SCALE 1/8" = 1'-0"



TYPICAL DEMOLITION PLAN - FLOOR 08
SCALE 1/8" = 1'-0"

UNIT TYPE LEGEND							TOTAL
UNIT	STU	STU CONV	STU LARGE	STU KING	1BR SMALL	1BR	
GROSS SF NET SF	350 GSF 323 NSF	71,500 GSF 71,475 NSF	370 GSF 333 NSF	463 GSF 424 NSF	500 GSF 465 NSF	702 GSF 655 NSF	
FLOOR 02	0	3	4	0	1	9	17
FLOOR 03	0	3	4	2	1	9	19
FLOOR 04	0	3	4	2	1	9	19
FLOOR 05	0	3	4	2	1	9	19
FLOOR 06	0	3	4	2	1	9	19
FLOOR 07	0	3	4	2	1	9	19
FLOOR 08	19	1	4	2	1	1	28
TOTAL	19	19	28	12	7	55	140

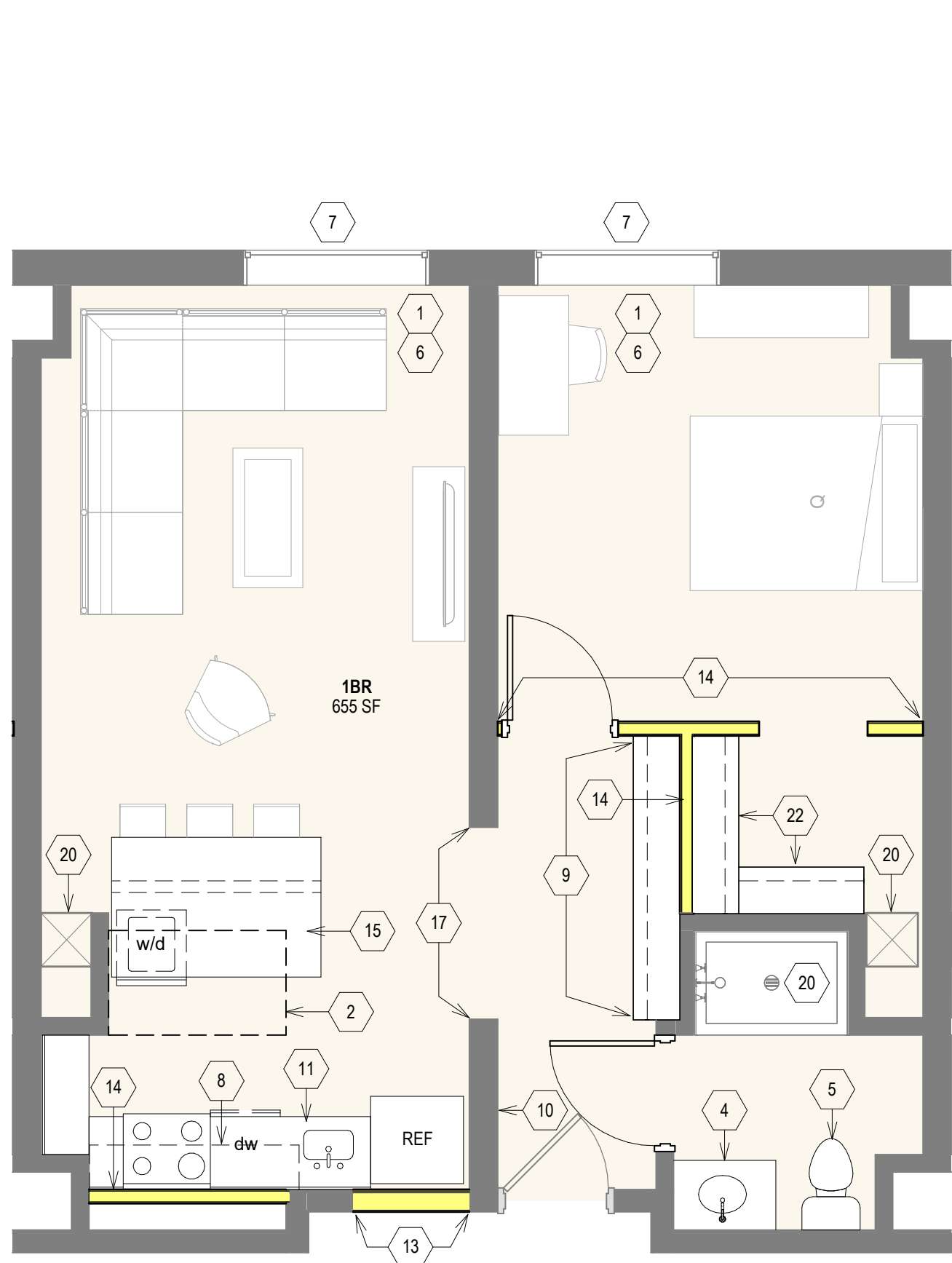


TYPICAL FLOOR PLAN - FLOOR 02-07
SCALE 1/8" = 1'-0"

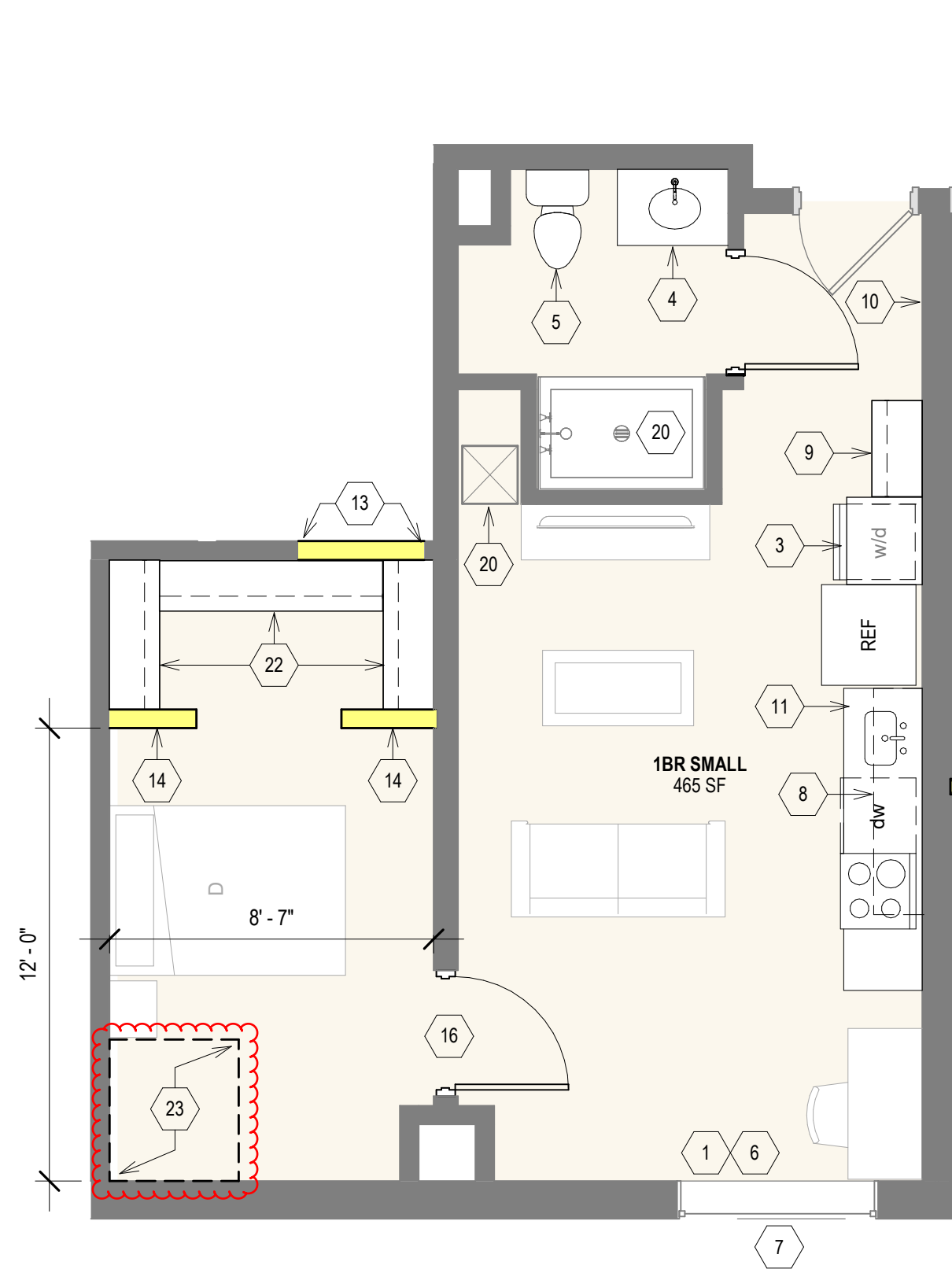
NEW WORK PLAN LEGEND	
	EXISTING, TO REMAIN
	NEW WALL



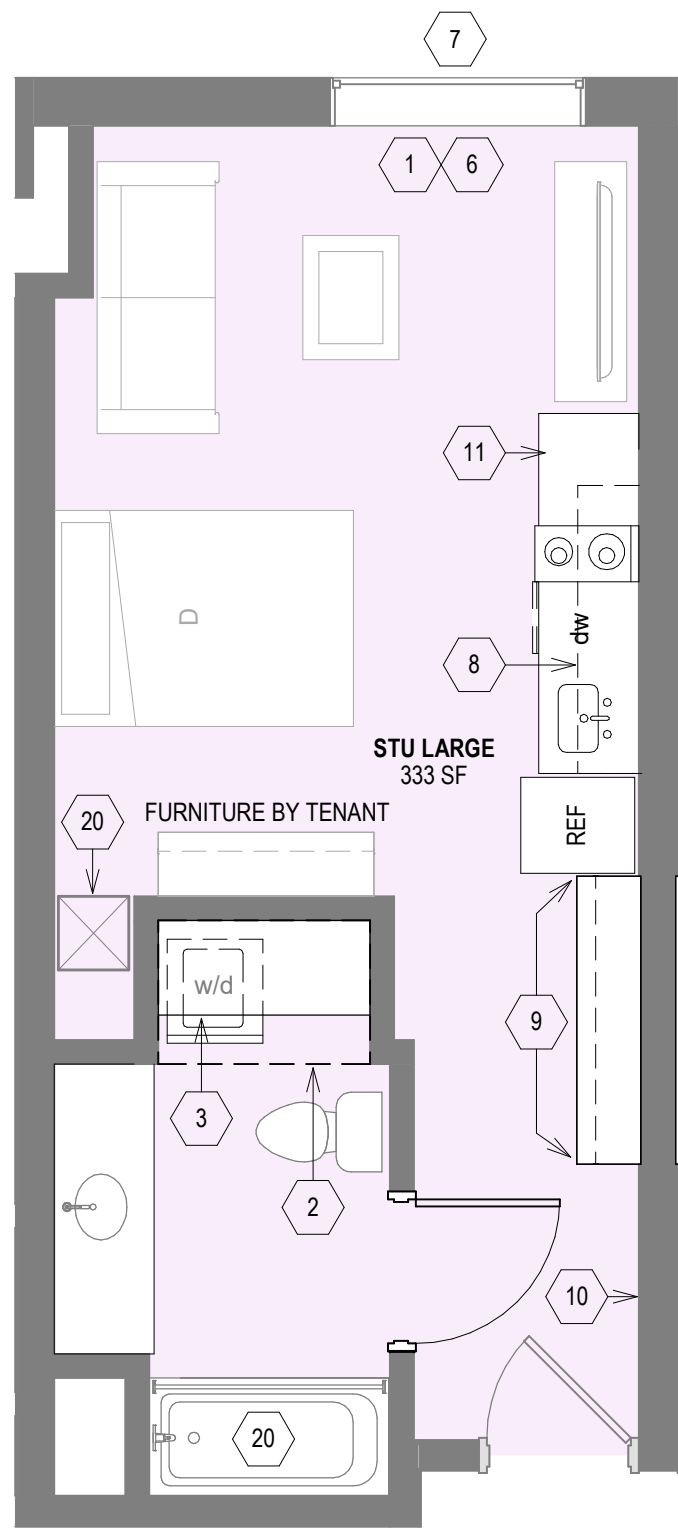
TYPICAL FLOOR PLAN - FLOOR 08
SCALE 1/8" = 1'-0"



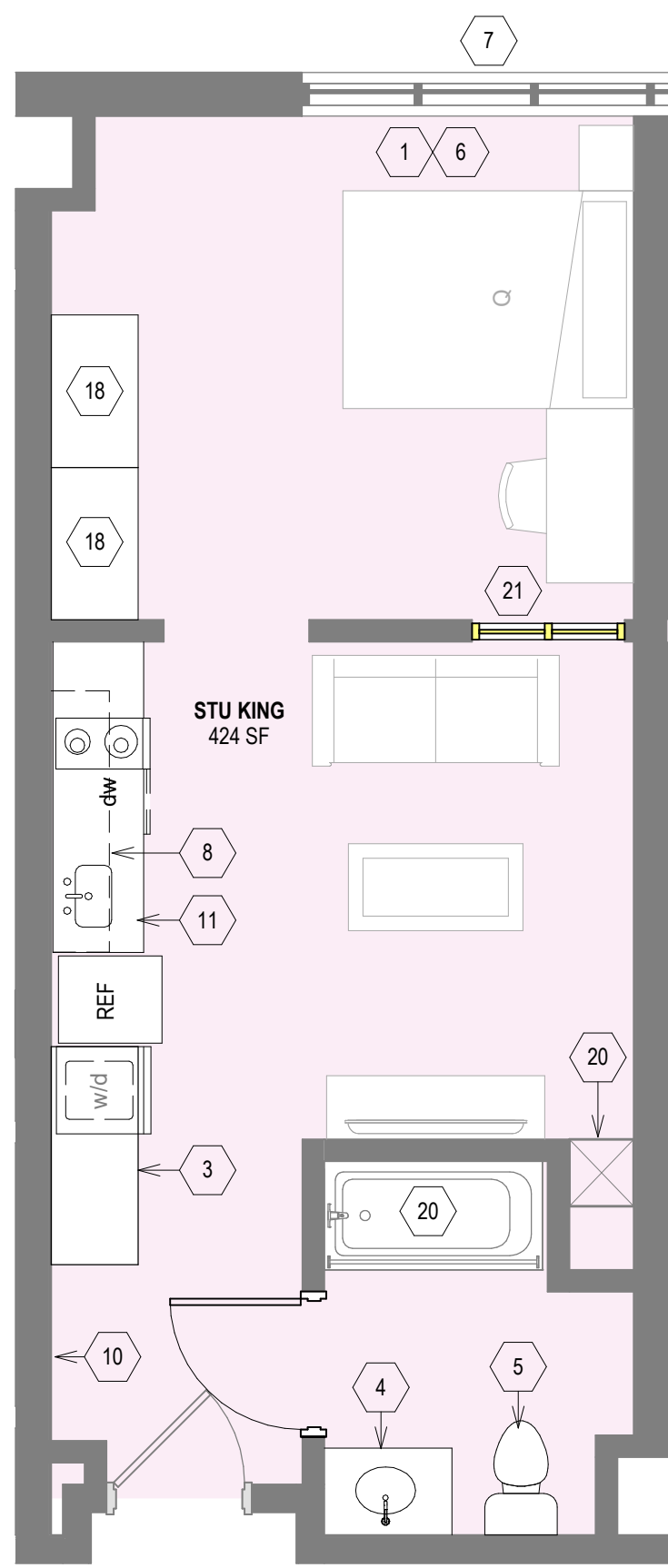
UNIT PLAN - 1BR (702 GROSS SF / 655 NET SF)
SCALE 1/4" = 1'-0"



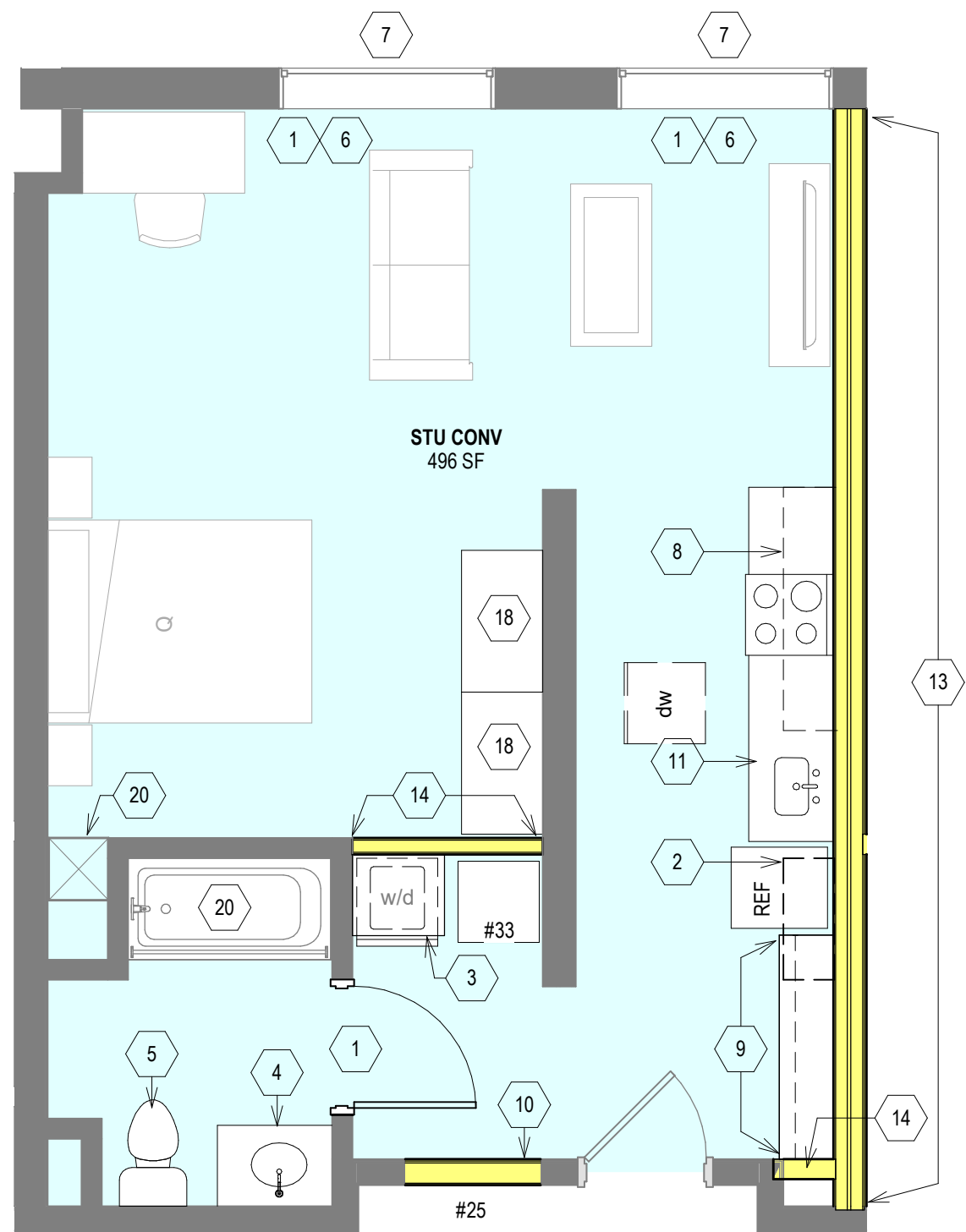
UNIT PLAN - 1BR SMALL (500 GROSS SF / 465 NET SF)
SCALE 1/4" = 1'-0"



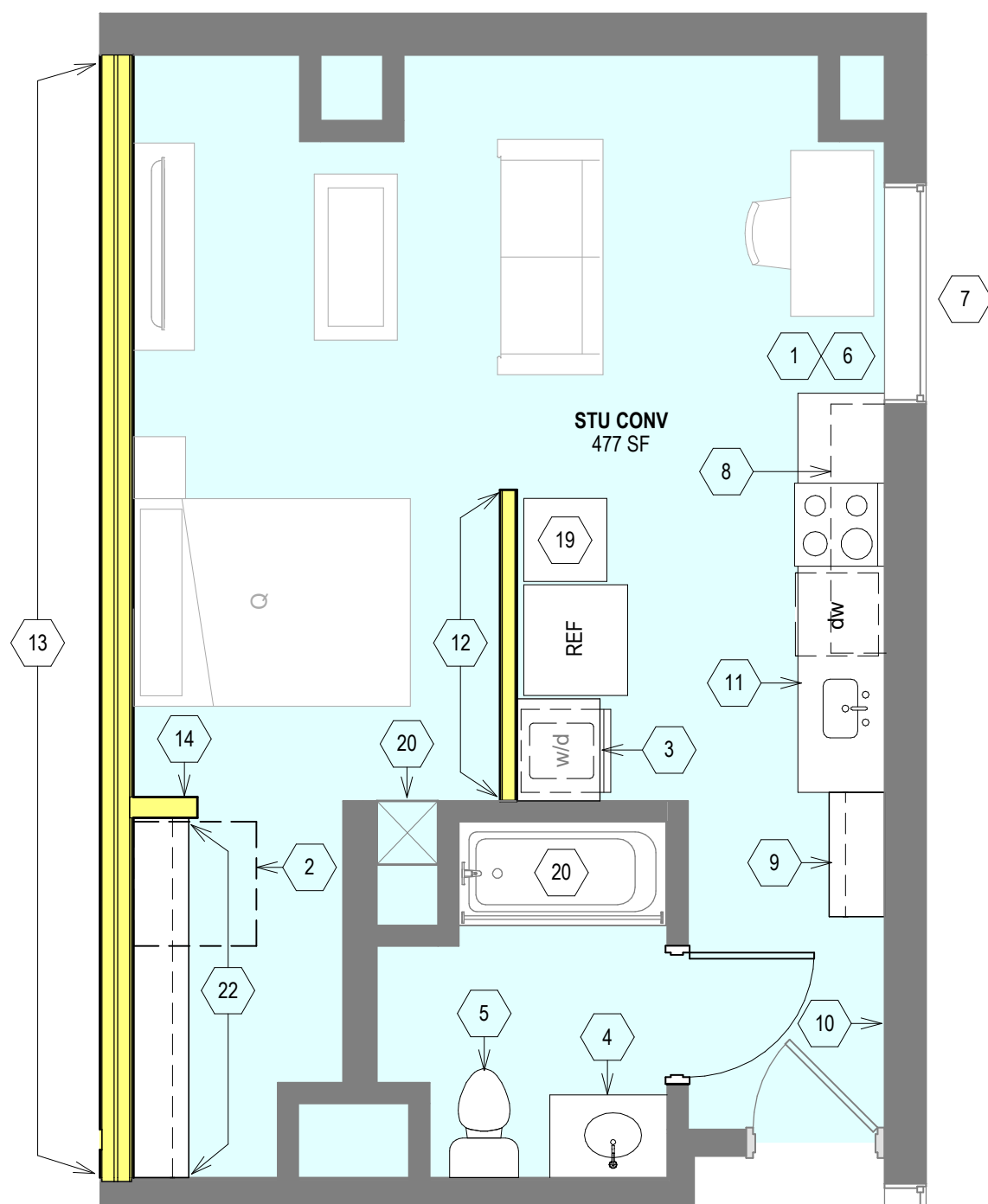
UNIT PLAN - STU LARGE (370 GROSS SF / 333 NET SF)
SCALE 1/4" = 1'-0"



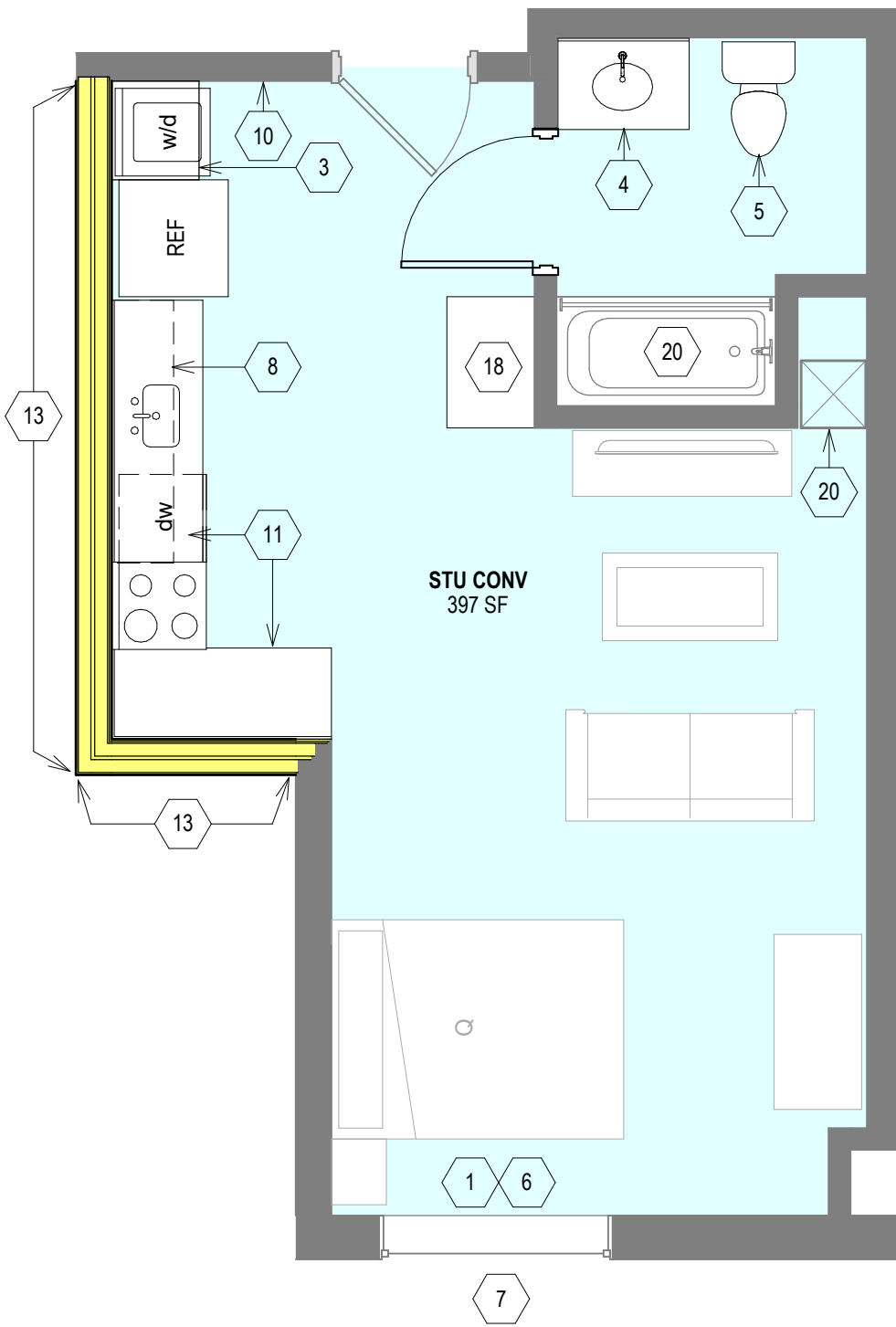
UNIT PLAN - STU KING (463 GROSS SF / 424 NET SF)
SCALE 1/4" = 1'-0"



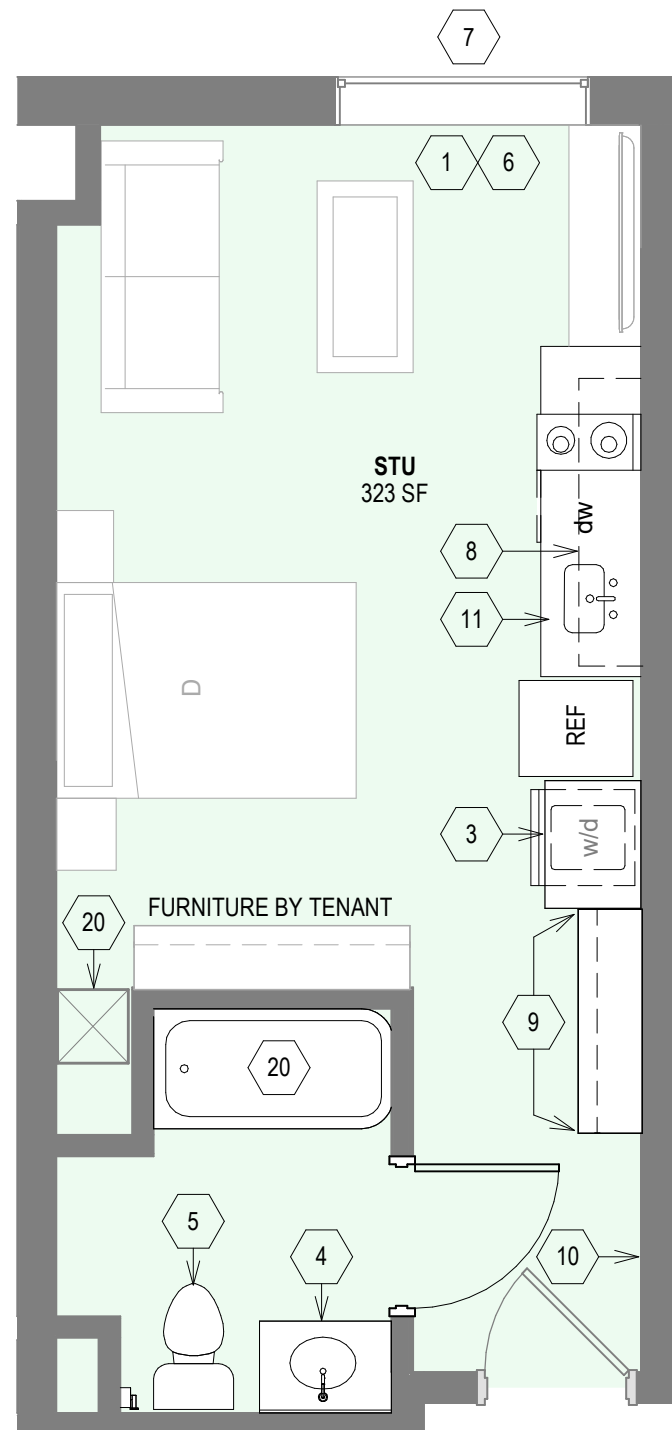
UNIT PLAN - STU CONV 1 (538 GROSS SF / 496 NET SF)
SCALE 1/4" = 1'-0"



UNIT PLAN - STU CONV 2 (501 GROSS SF / 477 NET SF)
SCALE 1/4" = 1'-0"



UNIT PLAN - STU CONV (429 GROSS SF / 397 NET SF)
SCALE 1/4" = 1'-0"



UNIT PLAN - STU (350 GROSS SF / 323 NET SF)
SCALE 1/4" = 1'-0"

GENERAL FLOOR PLAN NOTES TO CONTRACTOR

- CORRIDORS: KEEP EXISTING CARPET AND WOOD BASE. PAINT ALL WOOD BASE.
- CORRIDORS: KEEP EXISTING ACT. REPAIR/REPLACE AS NEEDED. PROVIDE ALTERNATE TO REPLACE THE CEILING WITH NEW ACT.
- UNITS: KEEP ALL EXISTING BASE AND PAINT. REPAIR/REPLACE AND ADD AS NEEDED.
- UNITS: REUSE ALL BATHROOM ACCESSORIES: TP HOLDER, ROBE HOOKS, FAUCETS, SHOWER TRIM AND DOORS, AND CURTAIN RODS.
- UNITS: BATHROOM CERAMIC TILE AND BASE TO REMAIN.
- UNITS: PROVIDE ELECTRIC VENTLESS WASHER/DRYER COMBOS IN ALL UNITS. DESIGN BASIS TO BE COORDINATED WITH OWNER. REFER TO FLOOR PLAN FOR LOCATION.
- STUDIO UNITS: INSTALL LVT IN ALL STUDIO UNITS.
- 1 BD UNITS: INSTALL LVT IN LIVING/KITCHEN AND ENTRYWAY AREAS. EXISTING CARPET TO REMAIN IN BEDROOMS.
- WHOLE BUILDING: LIGHTING SCOPE BY RID.
- WHOLE BUILDING: PAINT ALL NEWS AND CEILINGS AS IS. PROVIDE ALTERNATE FOR REMOVING WALLCOVERING AND PAINTING.
- WHOLE BUILDING: DOOR HARDWARE TO REMAIN. PROVIDE ALTERNATE TO PAINT EXISTING DOORS AND HARDWARE. PROVIDE ALTERNATE TO PROVIDE NEW HARDWARE. PROVIDE ALTERNATE FOR ALTERNATE PAINTER CONCEPTS.
- COORDINATE 1ST FLOOR SCOPE OF WORK WITH CLIENT
- PROVIDE ALTERNATE FOR ONE LAYER OF TYPE X 5/8" GYPSUM BOARD ON CORRIDOR SIDE OF CORRIDOR WALLS. PROVIDE TRIMS AT EXISTING DOOR JAMBS AND HEAD.
- GENERAL STRUCTURAL NOTE: PRIOR TO CONSTRUCTION, ALL NEW CORES THROUGH THE POST-TENSIONED CONCRETE SLABS MUST BE LAID OUT ON THE SLAB AND CONCRETE IMAGING RADAR (CIR) MUST BE USED TO LOCATE POST-TENSIONED TENDONS AND REBAR. THE CORES SHALL BE RELOCATED IF TENDONS OR REBAR ARE PRESENT.
- GENERAL STRUCTURAL NOTE: NEW ATTACHMENTS TO THE SLAB (COLD-FORMED STUD WALL TRACKS) ARE LIMITED TO 3/4" MAXIMUM LENGTH POWER DRIVEN FASTENERS. LONGER FASTENERS CAN ONLY BE USED IF CIR IS USED TO LOCATE TENDONS.
- GENERAL STRUCTURAL NOTE: NEW OPENINGS THOROUGH EXISTING COLD-FORMED METAL STUD WALLS TO NOT REQUIRE A HEADER IF THE OPENING EXTENDS UP TO THE UNDERSIDE OF THE SLAB ABOVE.
- GENERAL NOTE: BUILDING WILL BE R2 MULTIFAMILY.

NEW WORK PLAN KEY NOTES

- | | |
|----|--|
| 1 | REPLACE EXISTING BLINDS WITH OPAQUE ROLLER BLINDS |
| 2 | PROVIDE NEW LVT FLOOR WHERE EXISTING TUB WAS REMOVED. PROVIDE DRAINAGE PAN AND CONNECT TO EXISTING DRAIN. |
| 3 | WASHER AND DRYER TO HAVE (3) 24" DEEP SHELVES MATCHING CABINETS. |
| 4 | TRIM EXISTING VANITY TO 3'-0" LONG AND RELOCATE SINK AND MIRROR. USE EXISTING PLUMBING CONNECTIONS. REMOVE BASE CABINET BELOW SINK AND PROVIDE BRACKETS TO SUPPORT COUNTERTOP. POTENTIAL DEDUCT BASED ON APPLICATION FOR STATE WAIVER. |
| 5 | RELOCATE EXISTING WC TO NEW LOCATION AS SHOWN. PROVIDE REINFORCEMENT IN EXISTING WALLS FOR FUTURE GRAB BAR INSTALLATION. POTENTIAL DEDUCT BASED ON APPLICATION FOR STATE WAIVER. |
| 6 | EXISTING WINDOW SILLS TO REMAIN. PROVIDE ALTERNATE FOR CULTURED MARBLE WINDOW SILL. |
| 7 | PROVIDE ALTERNATE TO REPLACE ALL EXISTING WINDOWS WITH OPERABLE WINDOWS IN EXISTING OPENING. |
| 8 | PROVIDE (2) 6'-0" LONG FLOATING SHELVES IN EACH KITCHEN. |
| 9 | PROVIDE 18" DEEP CLOSET SHELF AND POLE TO MATCH KITCHEN CABINETS. PROVIDE FINISHED END PANEL AT OPEN END. |
| 10 | PROVIDE 3 HOOKS ON WALL AT UNIT ENTRY DOORWAY. |
| 11 | PROVIDE SOLID SURFACE COUNTERTOP AND BASE CABINETS IN ALL KITCHENS. |
| 12 | NEW STEEL STUD WALL 7'-0" HIGH. |
| 13 | NEW STEEL STUD DEMISING WALL. PROVIDE 1 HR FIRE RATED ASSEMBLY. |
| 14 | NEW STEEL STUD PARTITION WALL. |
| 15 | PROVIDE 48" x 72" SOLID SURFACE ISLAND WITH BASE CABINETS. UNDER-COUNTER WASHER/DRYER AND KNEE WALL BELOW. PROVIDE COUNTERTOP BRACKETS AS NEEDED. |
| 16 | NEW DOOR IN EXISTING DEMISING WALL. PROVIDE HEADERS AT NEW OPENING IN EXISTING WALL. |
| 17 | NEW OPENING IN EXISTING DEMISING WALL. PROVIDE HEADERS AT NEW OPENING IN EXISTING WALL. PATCH JAMBS AND HEAD. |
| 18 | WARDROBE CABINET: 42"W x 24"D x 84"H. |
| 19 | CABINET: 24"W x 24"D x 84"H. |
| 20 | EXISTING EQUIPMENT / FIXTURE TO REMAIN. |
| 21 | 3'-0"W x 8'-0"H STOREFRONT IN EXISTING DEMISING WALL. |
| 22 | CLOSET SHELF AND POLE. |
| 23 | INFILL FLOOR AT REMOVED TRASH CHUTE WITH A 1 HR FIRE RATED FLOOR/CEILING ASSEMBLY TO MATCH ADJACENT FLOOR. |

APPLIANCE LEGEND

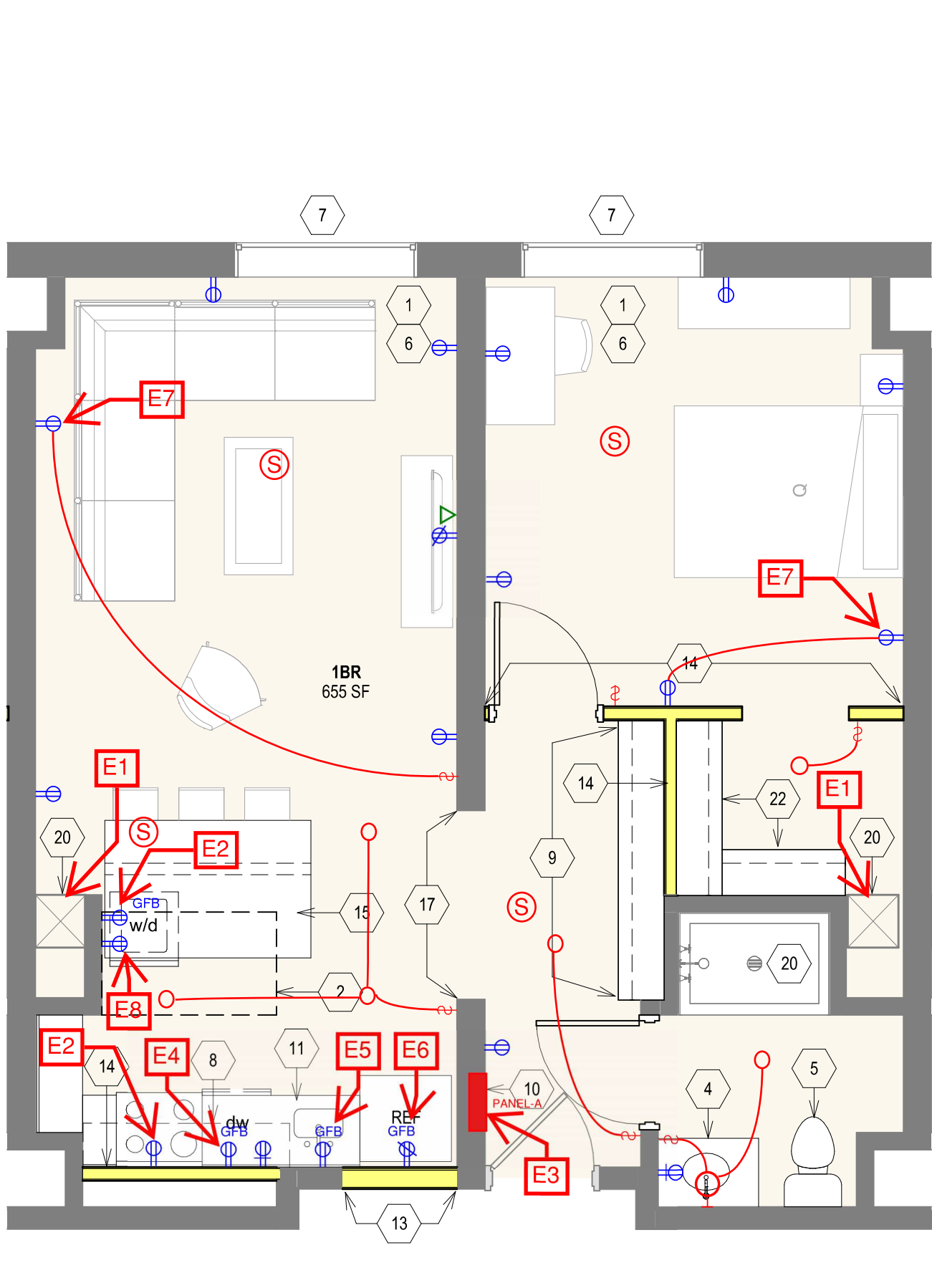
STUDIO UNIT

- 2 BURNER COOKTOP
- COMPACT DISHWASHER (18"W)
- 24" COMPACT CONVECTION OVEN AND MICROWAVE
- COMPACT 24"W REFRIGERATOR
- 34"H ELECTRIC VENTLESS WASHER/DRYER COMBO

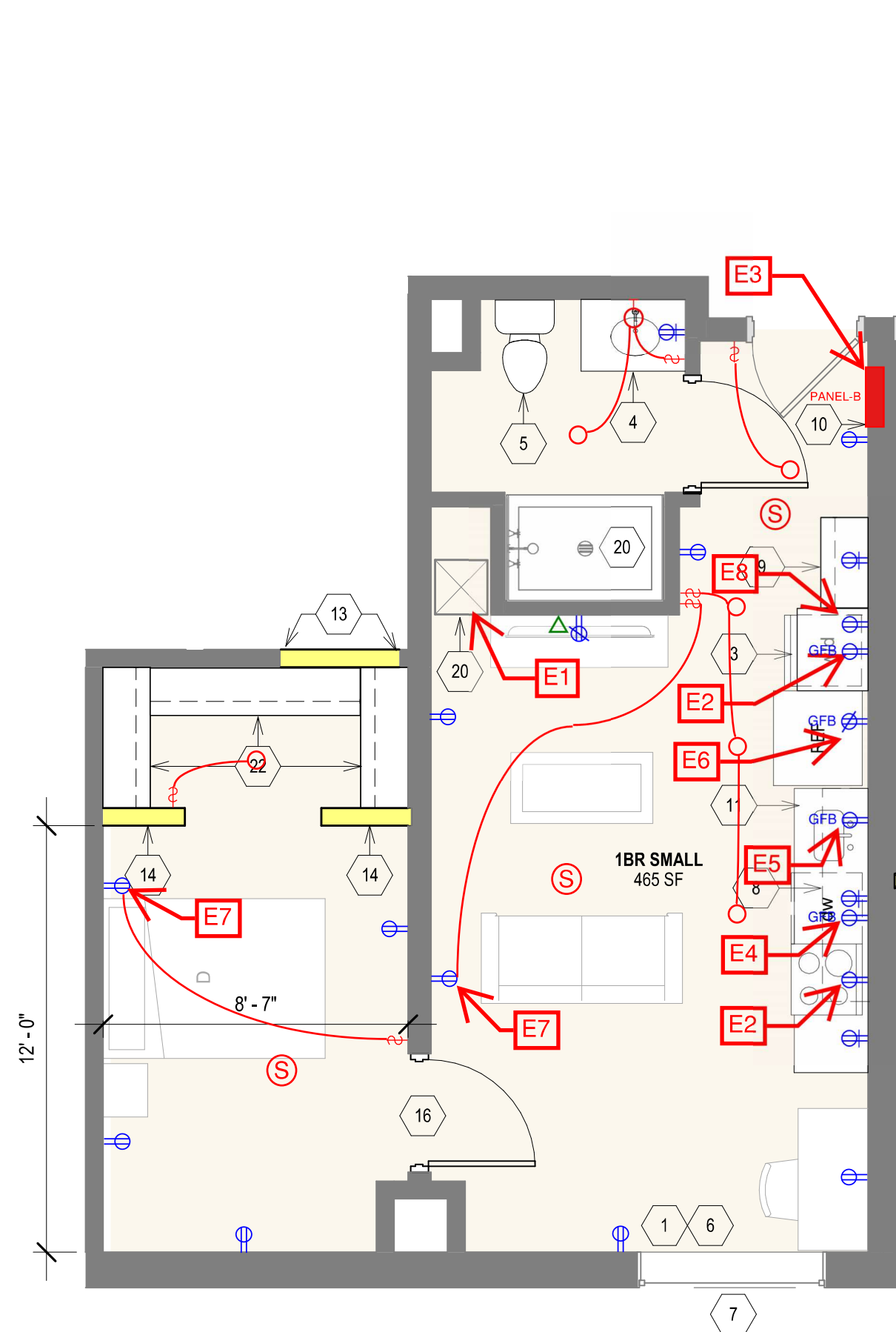
1 BEDROOM UNIT

- 4 BURNER COOKTOP
- REGULAR DISHWASHER
- 24" COMPACT CONVECTION OVEN AND MICROWAVE
- 28"W REFRIGERATOR
- UNDER-COUNTER 34"H ELECTRIC VENTLESS WASHER/DRYER COMBO

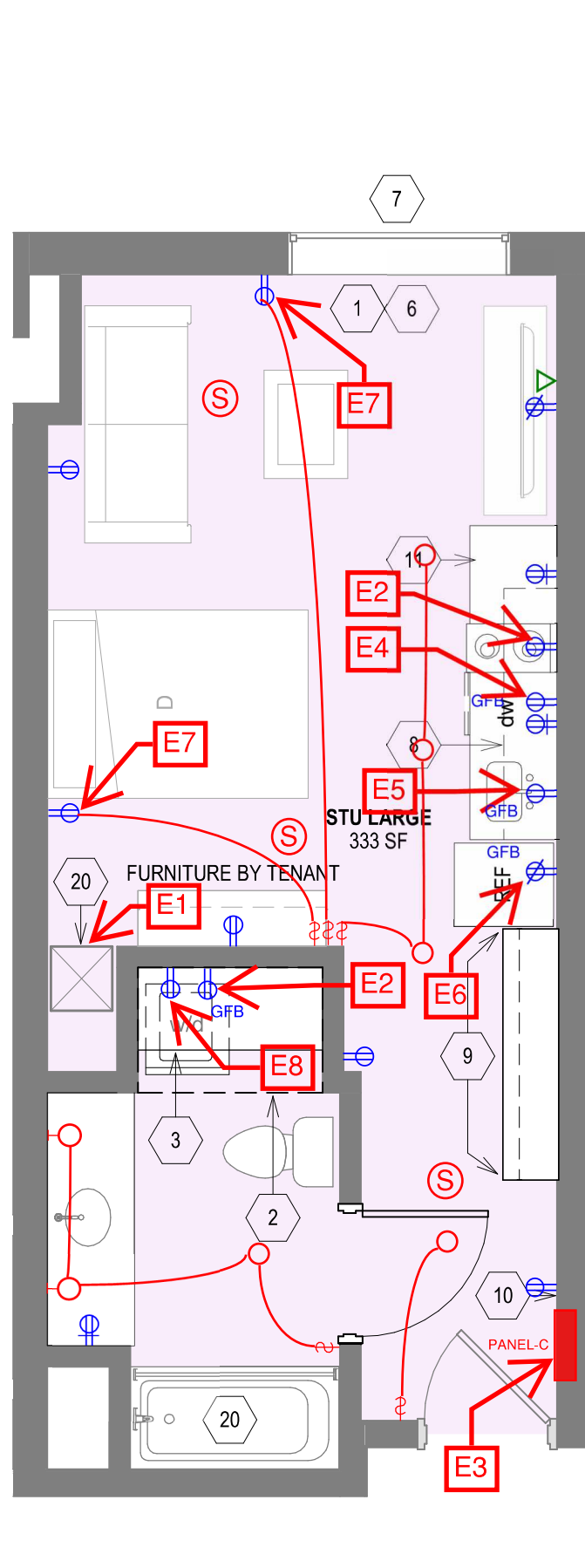
ELECTRICAL COMMENTS



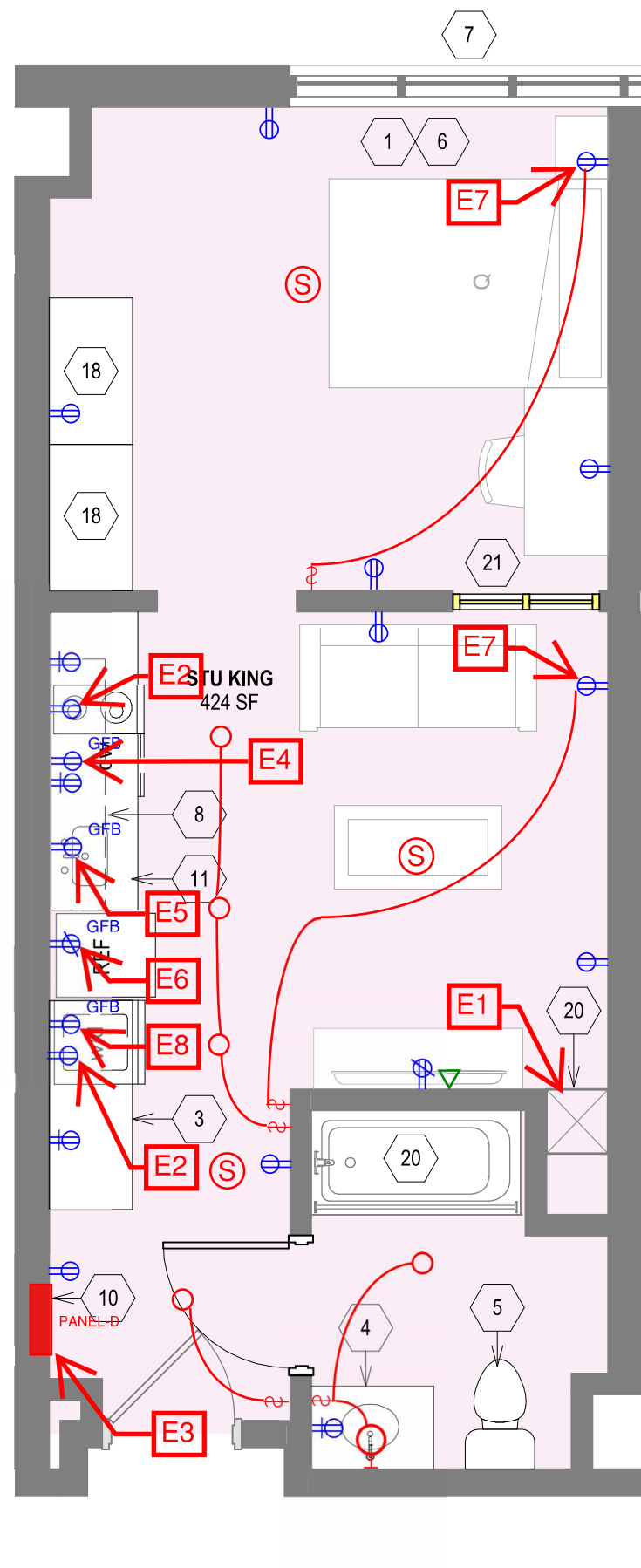
UNIT PLAN - 1 BED LAYOUT 1
SCALE 1/4" = 1'-0"



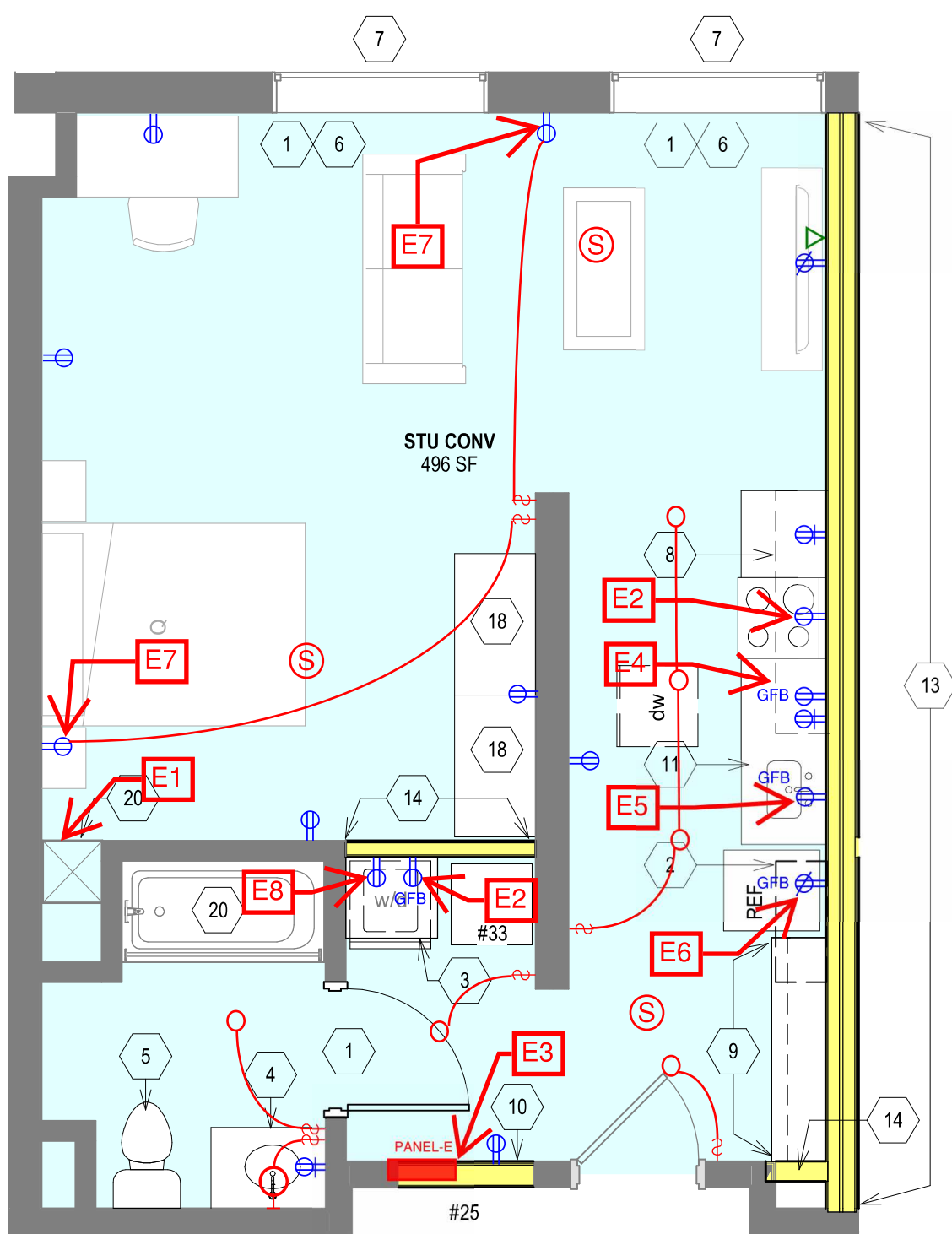
UNIT PLAN - 1 BED LAYOUT 2
SCALE 1/4" = 1'-0"



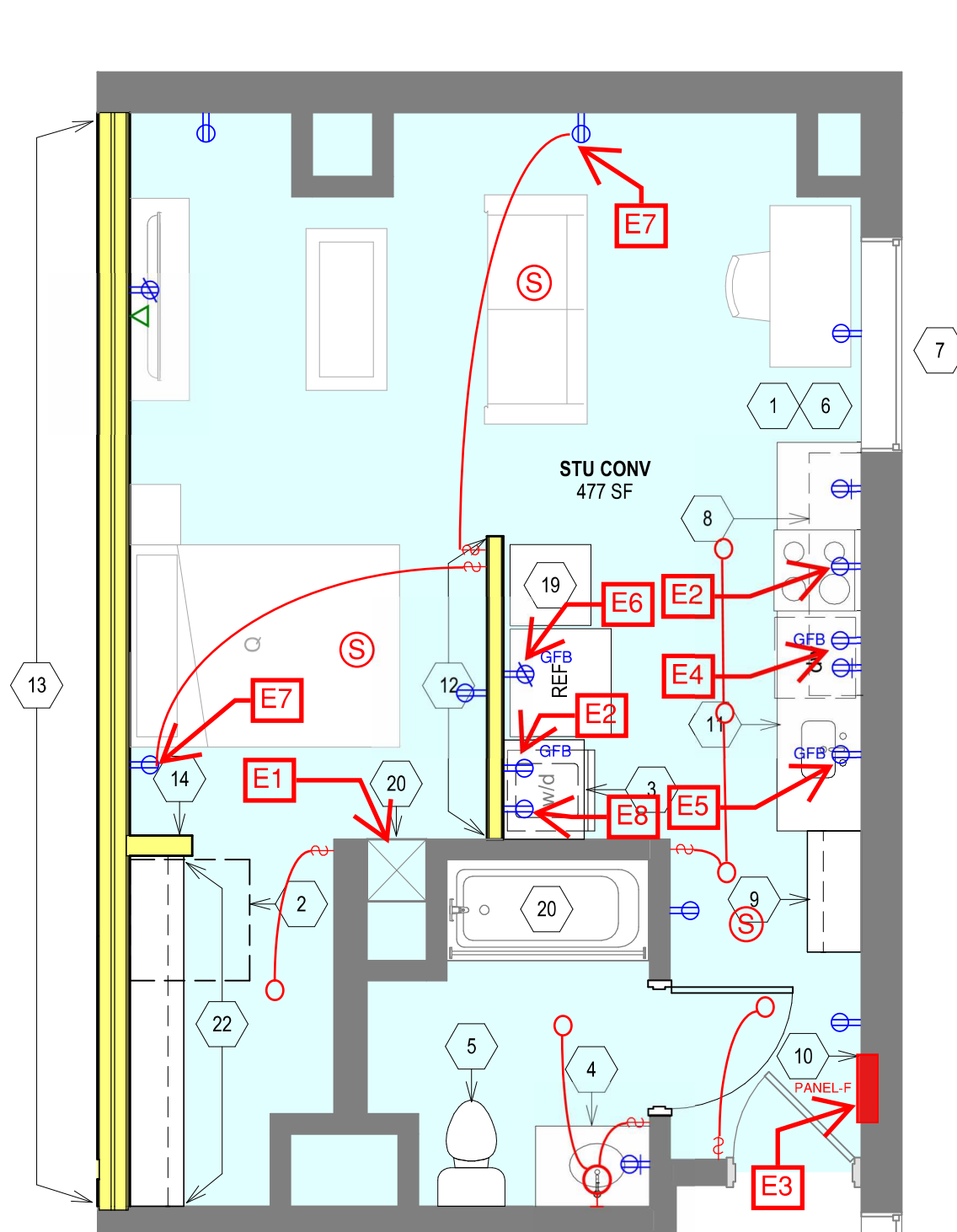
UNIT PLAN - STUDIO LAYOUT 1
SCALE 1/4" = 1'-0"



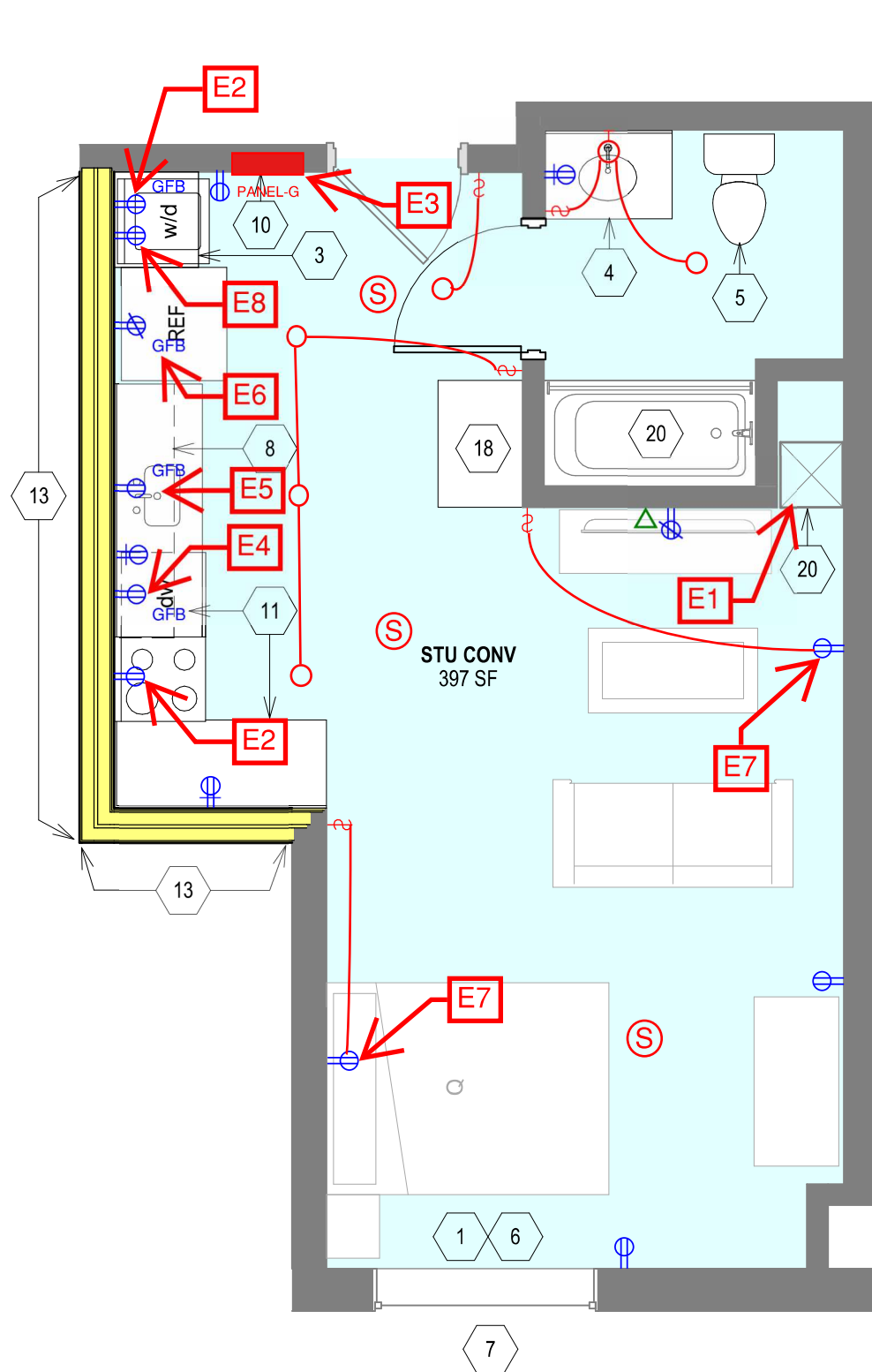
UNIT PLAN - STUDIO KING
SCALE 1/4" = 1'-0"



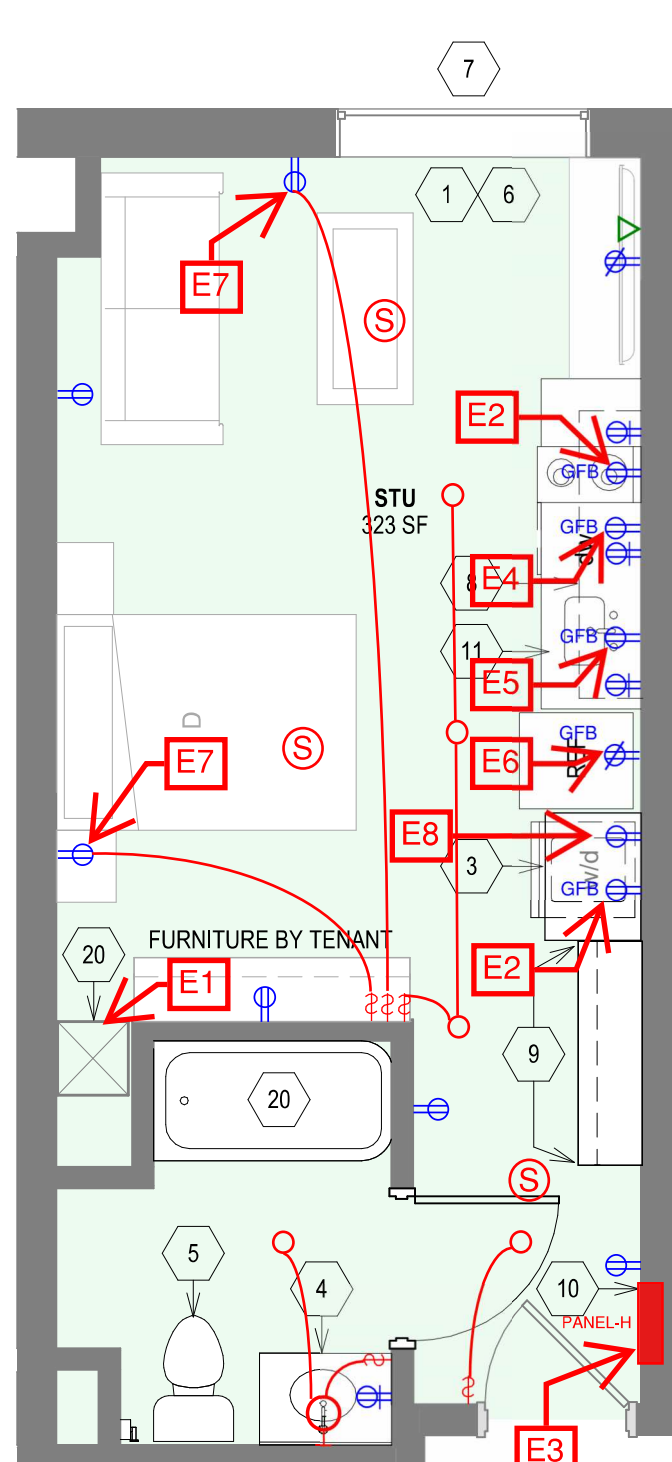
UNIT PLAN - STUDIO LAYOUT 3
SCALE 1/4" = 1'-0"



UNIT PLAN - STUDIO LAYOUT 4
SCALE 1/4" = 1'-0"



UNIT PLAN - STUDIO LAYOUT 5
SCALE 1/4" = 1'-0"



UNIT PLAN - STUDIO FLOOR 08
SCALE 1/4" = 1'-0"

GENERAL FLOOR PLAN NOTES TO CONTRACTOR	
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2	CORRIDORS: KEEP EXISTING ACT. REPAIR/REPLACE AS NEEDED. PROVIDE ALTERNATE TO REPLACE THE CEILING WITH NEW ACT.
3	UNITS: KEEP ALL EXISTING BASE AND PAINT. REPAIR/REPLACE AND ADD AS NEEDED.
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5	UNITS: BATHROOM CERAMIC TILE AND BASE TO REMAIN.
6	UNITS: PROVIDE ELECTRIC VENTLESS WASHER/DRYER COMBOS IN ALL UNITS. DESIGN BASIS TO BE COORDINATED WITH OWNER. REFER TO FLOOR PLAN FOR LOCATION.
7	STUDIO UNITS: INSTALL LVT IN ALL STUDIO UNITS.
8	1 BD UNITS: INSTALL LVT IN LIVING/KITCHEN AND ENTRYWAY AREAS. EXISTING CARPET TO REMAIN IN BEDROOMS.
9	WHOLE BUILDING: LIGHTING SCOPE BY RID.
10	WHOLE BUILDING: PAINT ALL NEWS AND CEILINGS
11	WHOLE BUILDING: DOOR HARDWARE TO REMAIN. PROVIDE ALTERNATE TO PAINT EXISTING DOORS ADN HARDWARE. PROVIDE ALTERNATE TO PROVIDE NEW HARDWARE.
12	COORDINATE 1ST FLOOR SCOPE OF WORK WITH CLIENT
13	PROVIDE ALTERNATE FOR ONE LAYER OF TYPE X 5/8" GYPSUM BOARD ON CORRIDOR SIDE OF CORRIDOR WALLS. PROVIDE J TRIMS AT EXISTING DOOR JAMBS AND HEAD.

NEW WORK PLAN KEY NOTES	
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2	PROVIDE NEW LVT FLOOR WHERE EXISTING TUB WAS REMOVED. PROVIDE DRAINAGE PAN AND CONNECT TO EXISTING DRAIN.
3	WASHER AND DRYER TO HAVE (3) 24" DEEP SHELVES MATCHING CABINETS.
4	TRIM EXISTING VANITY TO 3'-0" LONG AND RELOCATE SINK AND MIRROR. USE EXISTING PLUMBING CONNECTIONS. REMOVE BASE CABINET BELOW SINK AND PROVIDE BRACKETS TO SUPPORT COUNTERTOP.
5	RELOCATE EXISTING WC TO NEW LOCATION AS SHOWN. PROVIDE REINFORCEMENT IN EXISTING WALLS FOR FUTURE GRAB BAR INSTALLATION.
6	EXISTING WINDOW SILLS TO REMAIN. PROVIDE ALTERNATE FOR CULTURED MARBLE WINDOW SILL.
7	PROVIDE ALTERNATE TO REPLACE ALL EXISTING WINDOWS WITH OPERABLE WINDOWS IN EXISTING OPENING.
8	PROVIDE (2) 6'-0" LONG FLOATING SHELVES IN EACH KITCHEN.
9	PROVIDE 18" DEEP CLOSET SHELF AND POLE TO MATCH KITCHEN CABINETS. PROVIDE FINISHED END PANEL AT OPEN END.
10	PROVIDE 3 HOOKS ON WALL AT UNIT ENTRY DOORWAY.
11	PROVIDE SOLID SURFACE COUNTERTOP AND BASE CABINETS IN ALL KITCHENS.
12	NEW STEEL STUD WALL 7'-0" HIGH.
13	NEW STEEL STUD DEMISING WALL. PROVIDE 1 HR FIRE RATED ASSEMBLY.
14	NEW STEEL STUD PARTITION WALL.
15	PROVIDE 48" x 72" SOLID SURFACE ISLAND WITH BASE CABINETS, UNDER-COUNTER WASHER/DRYER AND KNEE WALL BELOW. PROVIDE COUNTERTOP BRACKETS AS NEEDED.
16	NEW DOOR IN EXISTING DEMISING WALL. PROVIDE HEADERS AT NEW OPENING IN EXISTING WALL.
17	NEW OPENING IN EXISTING DEMISING WALL. PROVIDE HEADERS AT NEW OPENING IN EXISTING WALL. PATCH JAMBS AND HEAD.
18	WARDROBE CABINET: 42"W x 24"D x 84"H.
19	CABINET: 24"W x 24"D x 84"H.
20	EXISTING EQUIPMENT / FIXTURE TO REMAIN.
21	3'-0"W x 8'-0"H STOREFRONT IN EXISTING DEMISING WALL.
22	CLOSET SHELF AND POLE.

SHEET NOTES:

- A. PROVIDE ARC FAULT CIRCUIT BREAKERS (AFCI PROTECTION) FOR ALL 120V CIRCUITS EXCEPT BATHROOM CIRCUITS.
- B. PROVIDE GFCI RECEPTACLES IN KITCHENS, BATHROOMS, AND LAUNDRY AREAS UNLESS OTHERWISE NOTED.
- C. CONNECT SMOKE/CARBON MONOXIDE DETECTORS WITHIN EACH UNIT TO DEDICATED CIRCUIT WITH NO AFCI PROTECTION.

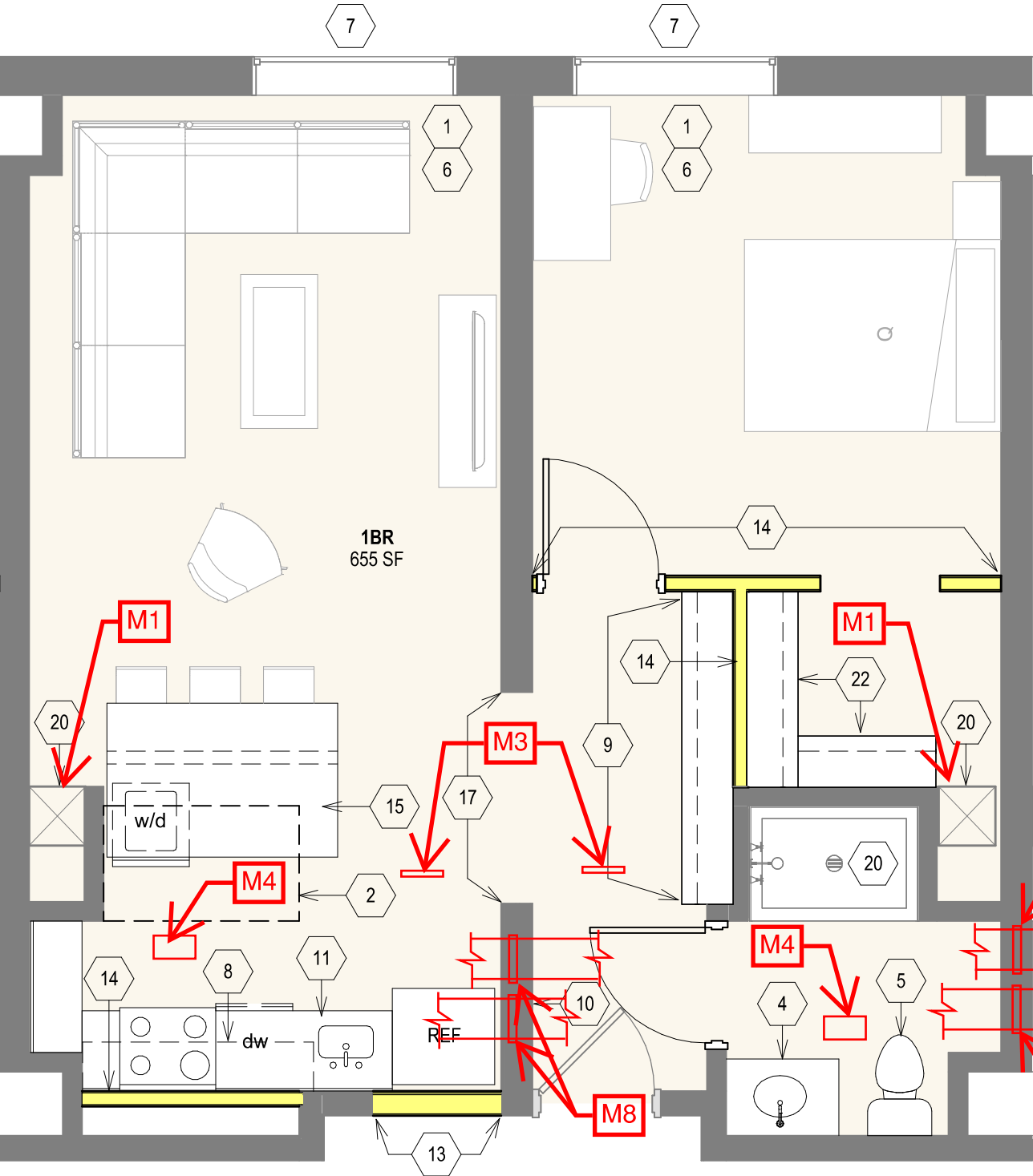
KEYED NOTES:

- E1 FAN WITHIN HEATING/COOLING UNIT TO BE REWIRED TO HOUSE PANEL. PROVIDE DISCONNECT SWITCH FOR FAN. REFER TO HVAC PLAN FOR EXACT POWER CONNECTIONS.
- E2 PROVIDE 208V/1P RECEPTACLE SERVED FROM A 50A/2P GROUND FAULT CIRCUIT BREAKER TO SERVE THE DRYER AND STOVE.
- E3 PROVIDE NEW 120/208V, 100AMP, 24 SPACE LOAD CENTER PANELBOARD. ALL CIRCUITS WITHIN THIS APARTMENT SHALL BE WIRED TO THIS PANELBOARD. PROVIDE SE CABLE FROM PANELBOARD TO METER STACK. LOCATION TBD.
- E4 DISHWASHER CONNECTION.
- E5 GARBAGE DISPOSAL CONNECTION. PROVIDE CONTROL SWITCH.
- E6 REFRIGERATOR CONNECTION MOUNT AT 48" AFF.
- E7 CONNECT BOTTOM HALF OF RECEPTACLE TO SWITCH.
- E8 WASH MACHINE CONNECTION.

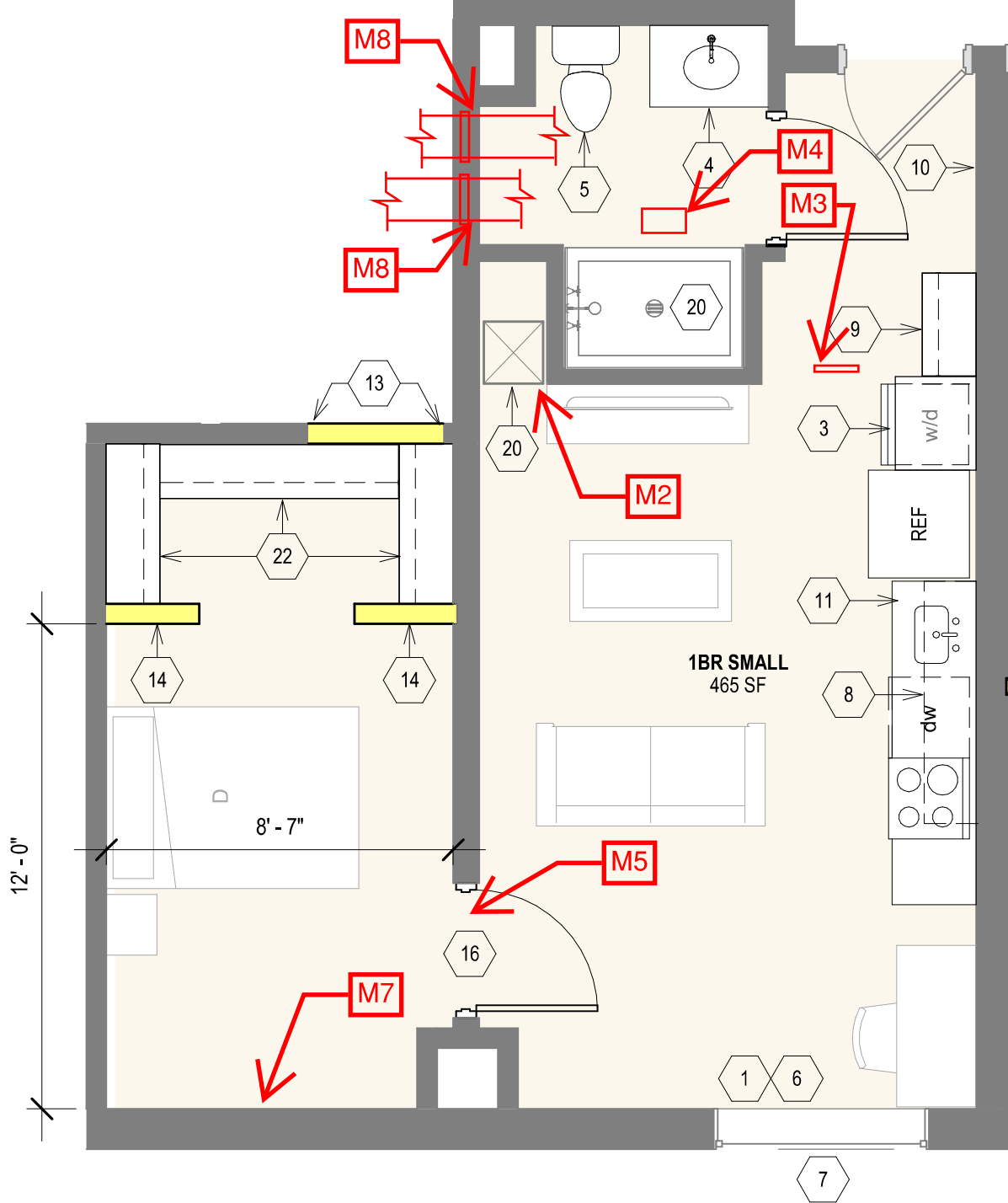
- ⚡ DUPLEX RECEPTACLE (GFB) GROUND FAULT BREAKER (GFCI) GROUND FAULT CIRCUIT INTERRUPTER
- ⚡ DUPLEX RECEPTACLE - MOUNTED AT SPECIAL HEIGHT
- ⚡ DUPLEX RECEPTACLE - MOUNTED ABOVE COUNTER
- △ DATA OUTLET
- LIGHT FIXTURE
- Ⓢ SMOKE/CARBON MONOXIDE DETECTOR

APPLIANCE LEGEND
STUDIO UNIT - 2 BURNER COOKTOP - COMPACT DISHWASHER (18"W) - 24" COMPACT CONVECTION OVEN AND MICROWAVE - COMPACT 24"W REFRIGERATOR - 34"H ELECTRIC VENTLESS WASHER/DRYER COMBO
1 BEDROOM UNIT - 4 BURNER COOKTOP - REGULAR DISHWASHER - 24" COMPACT CONVECTION OVEN AND MICROWAVE - 28"W REFRIGERATOR - UNDER-COUNTER 34"H ELECTRIC VENTLESS WASHER/DRYER COMBO

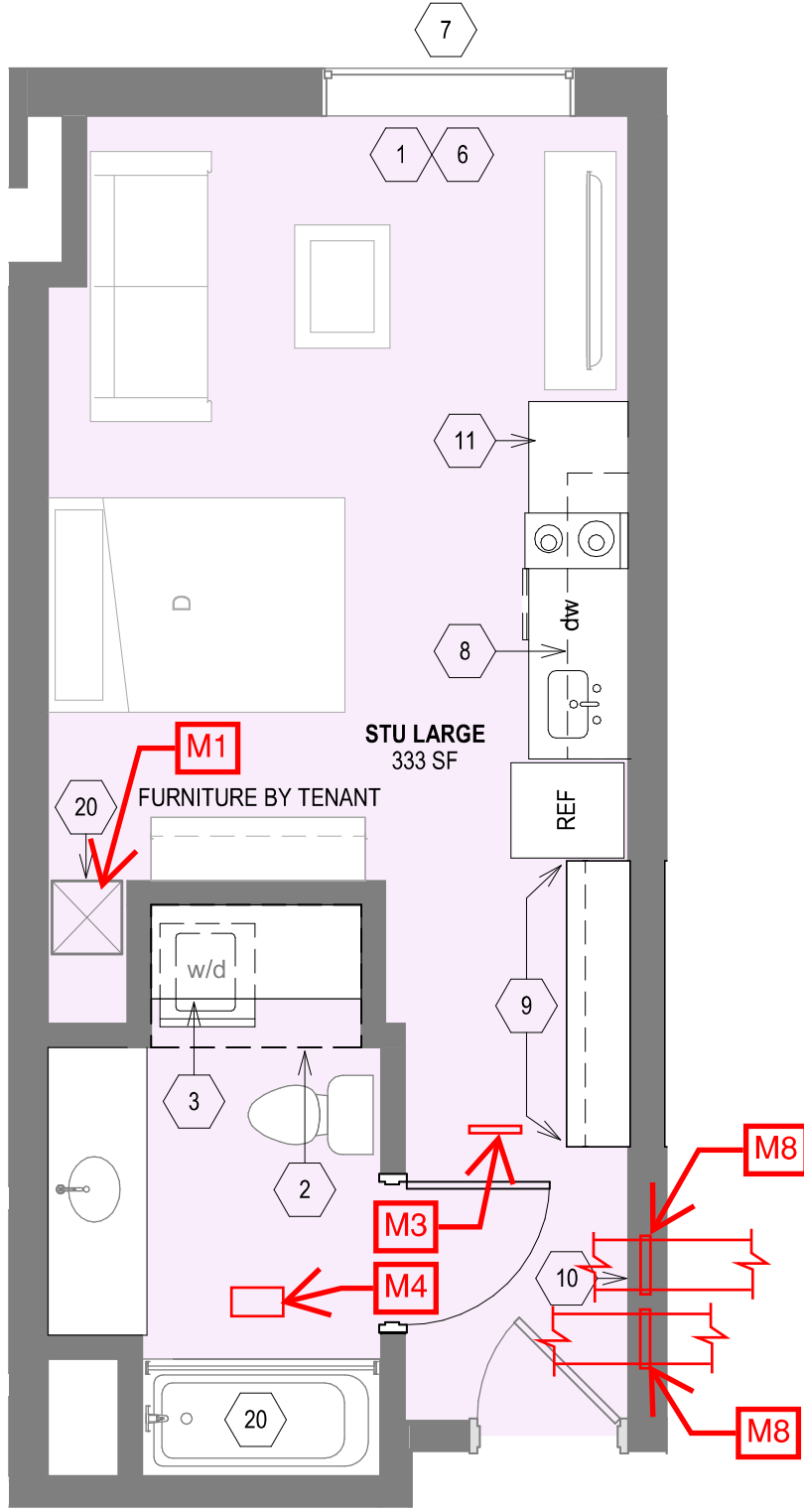
MECHANICAL COMMENTS



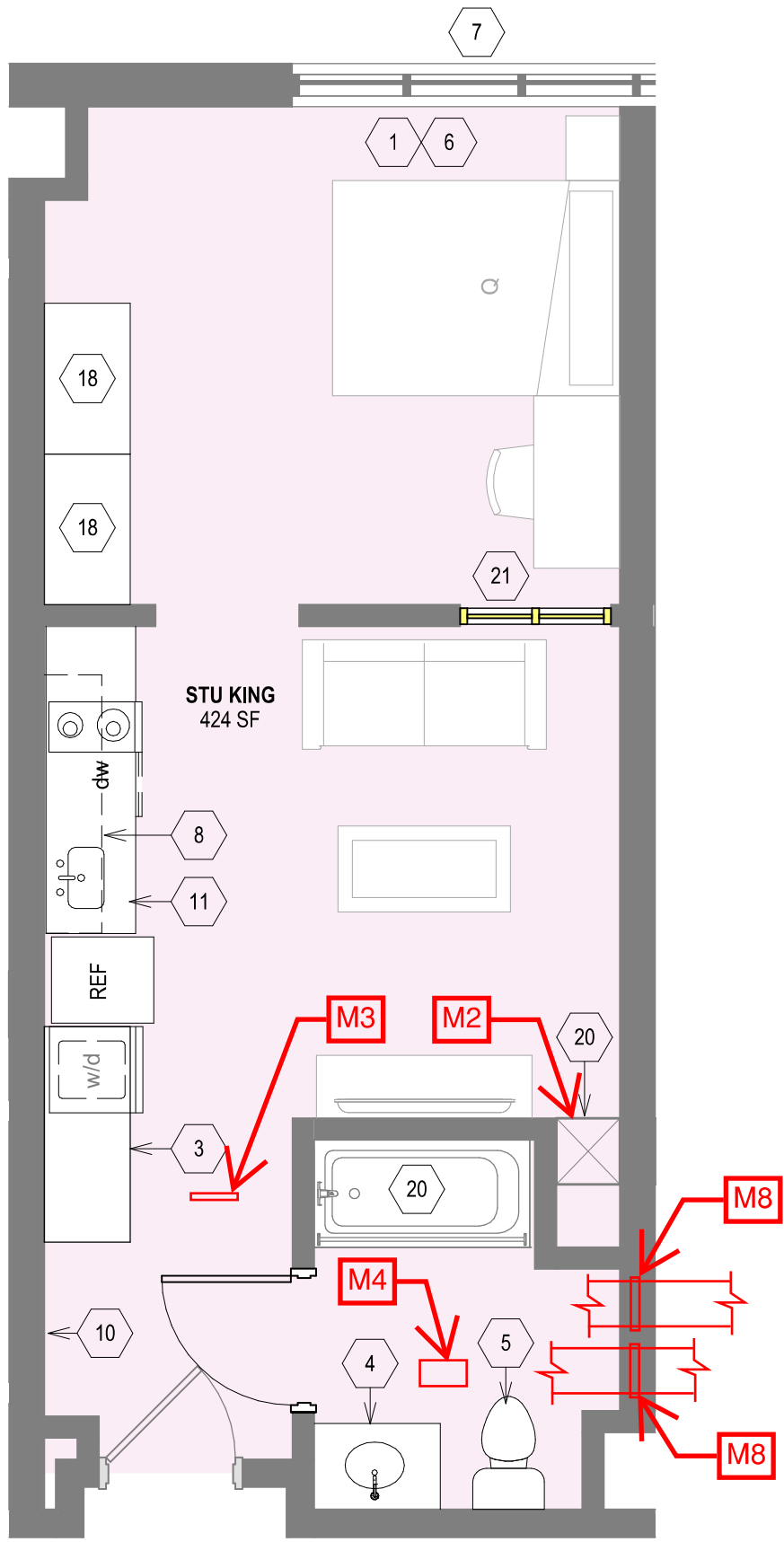
UNIT PLAN - 1 BED LAYOUT 1
SCALE 1/4" = 1'-0"



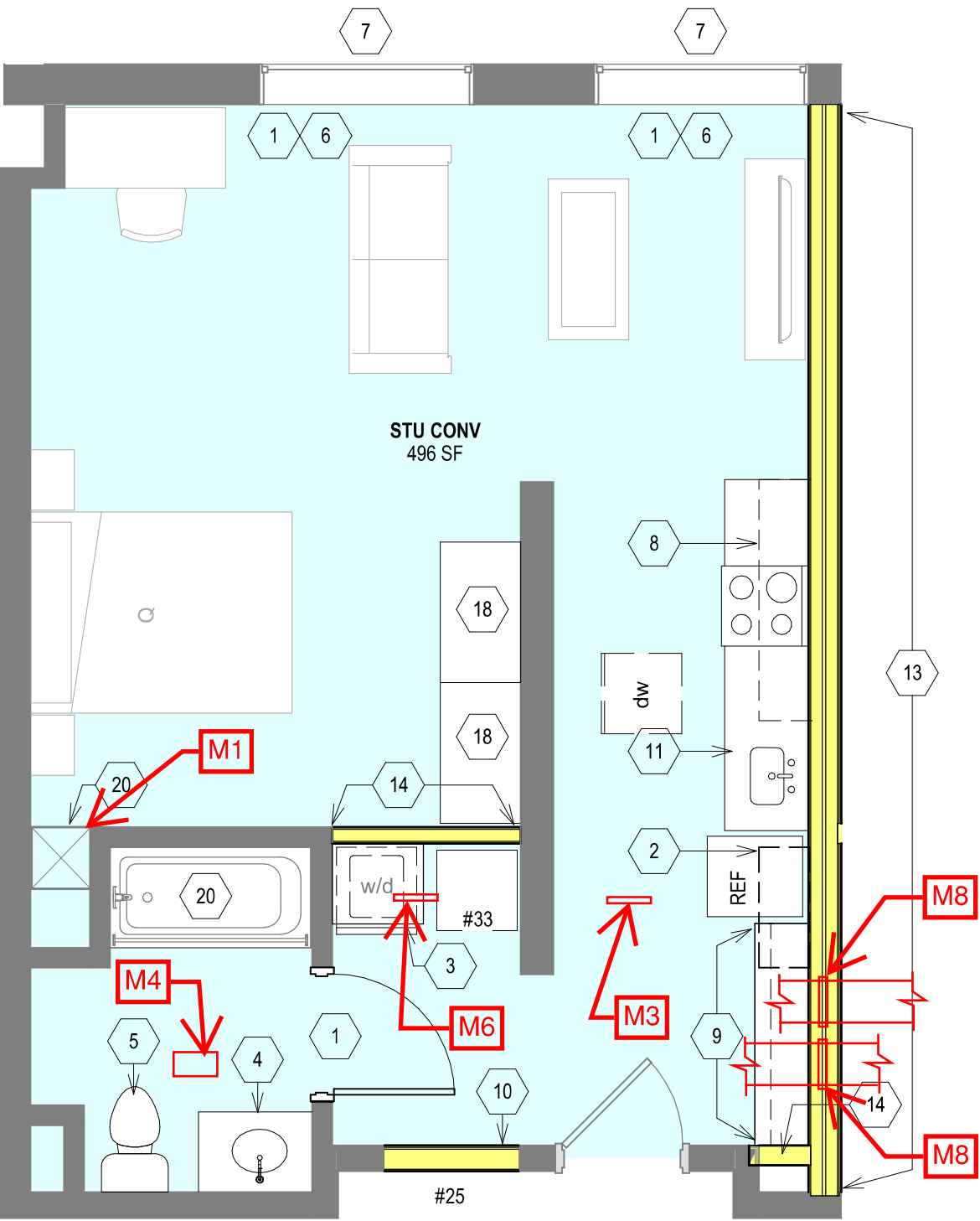
UNIT PLAN - 1 BED LAYOUT 2
SCALE 1/4" = 1'-0"



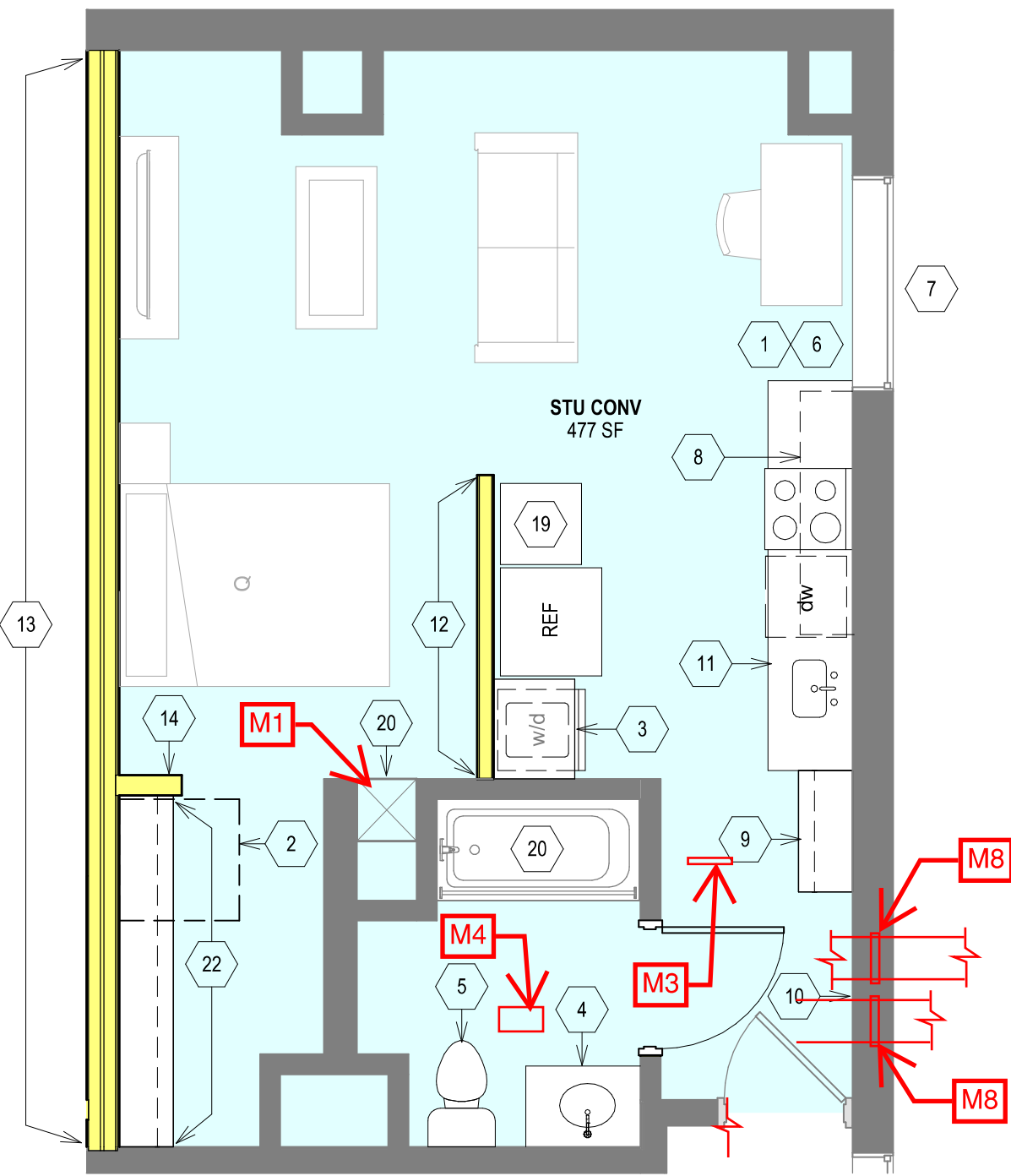
UNIT PLAN - STUDIO LAYOUT 1
SCALE 1/4" = 1'-0"



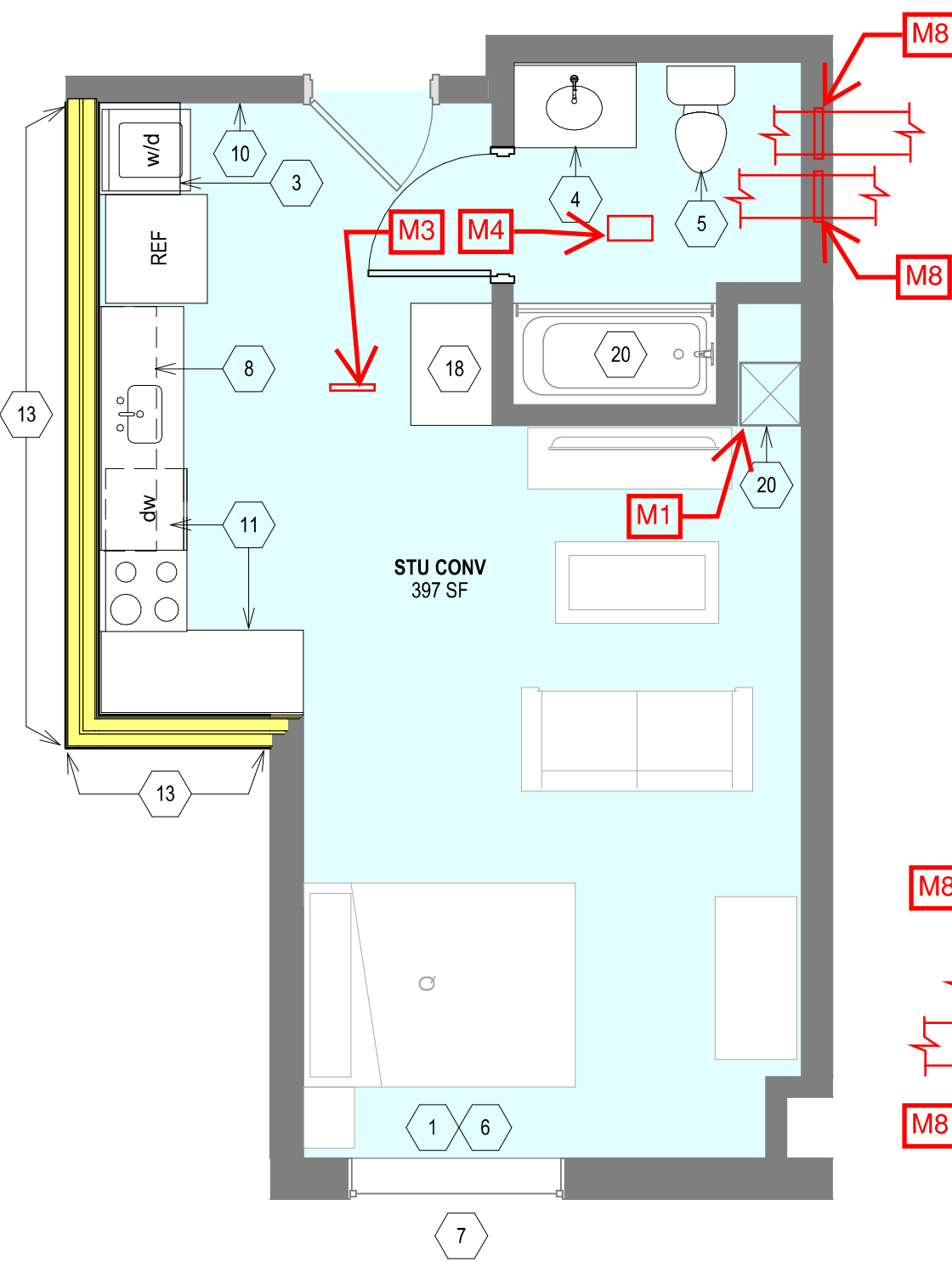
UNIT PLAN - STUDIO KING
SCALE 1/4" = 1'-0"



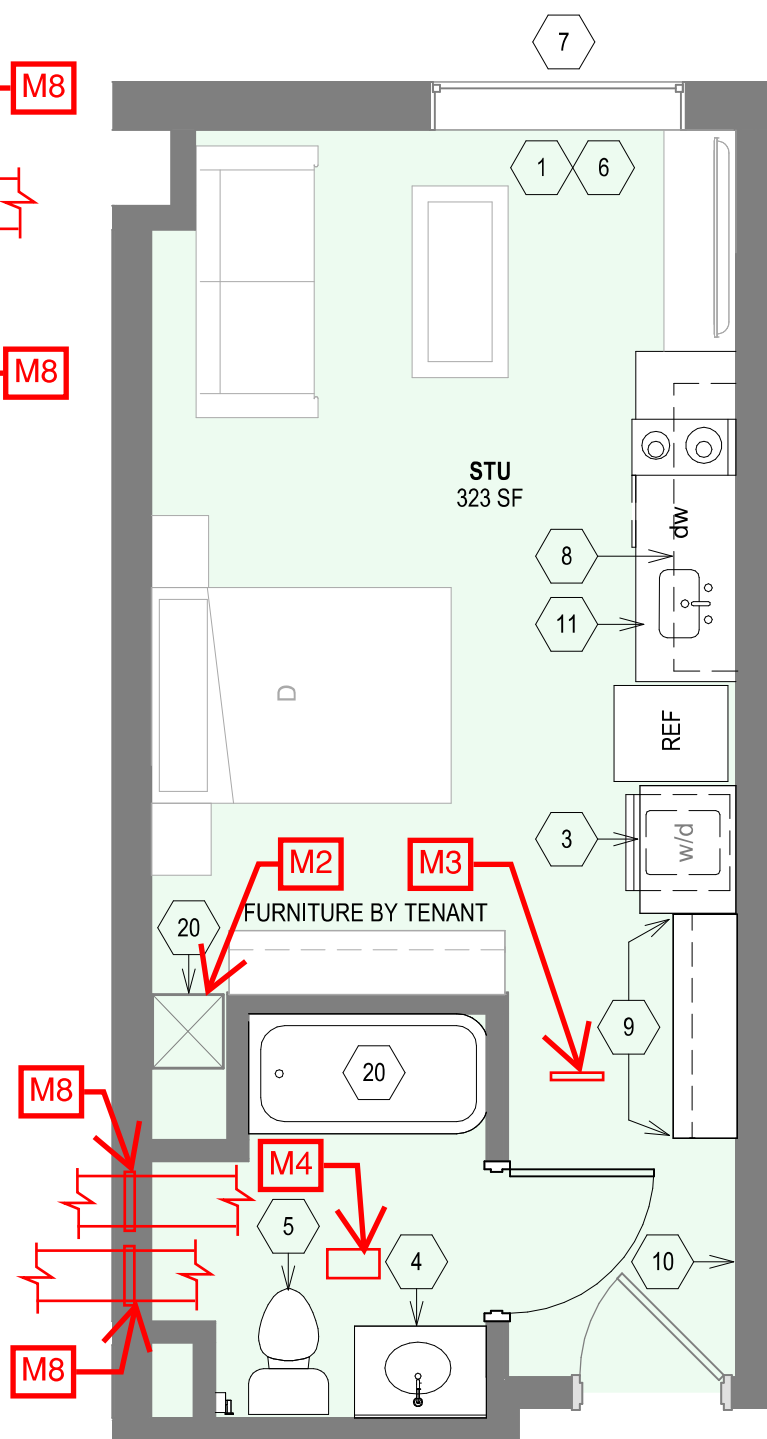
UNIT PLAN - STUDIO LAYOUT 3
SCALE 1/4" = 1'-0"



UNIT PLAN - STUDIO LAYOUT 4
SCALE 1/4" = 1'-0"



UNIT PLAN - STUDIO LAYOUT 5
SCALE 1/4" = 1'-0"



UNIT PLAN - STUDIO FLOOR 08
SCALE 1/4" = 1'-0"

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- CORRIDORS: KEEP EXISTING ACT. REPAIR/REPLACE AS NEEDED. PROVIDE ALTERNATE TO REPLACE THE CEILING WITH NEW ACT.
- UNITS: KEEP ALL EXISTING BASE AND PAINT. REPAIR/REPLACE AND ADD AS NEEDED.
- UNITS: REUSE ALL BATHROOM ACCESSORIES: TP HOLDER, ROBE HOOKS, FAUCETS, SHOWER TRIM AND DOORS, AND CURTAIN RODS.
- UNITS: BATHROOM CERAMIC TILE AND BASE TO REMAIN.
- UNITS: PROVIDE ELECTRIC VENTLESS WASHER/DRYER COMBOS IN ALL UNITS. DESIGN BASIS TO BE COORDINATED WITH OWNER. REFER TO FLOOR PLAN FOR LOCATION.
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NEW WORK PLAN KEY NOTES

- | 1 | REPLACE EXISTING BLINDS WITH OPAQUE ROLLER BLINDS |
|----|--|
| 2 | PROVIDE NEW LVT FLOOR WHERE EXISTING TUB WAS REMOVED. PROVIDE DRAINAGE PAN AND CONNECT TO EXISTING DRAIN. |
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| 4 | TRIM EXISTING VANITY TO 3'-0" LONG AND RELOCATE SINK AND MIRROR. USE EXISTING PLUMBING CONNECTIONS. REMOVE BASE CABINET BELOW SINK AND PROVIDE BRACKETS TO SUPPORT COUNTERTOP. |
| 5 | RELOCATE EXISTING WC TO NEW LOCATION AS SHOWN. PROVIDE REINFORCEMENT IN EXISTING WALLS FOR FUTURE GRAB BAR INSTALLATION. |
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| 7 | PROVIDE ALTERNATE TO REPLACE ALL EXISTING WINDOWS WITH OPERABLE WINDOWS IN EXISTING OPENING. |
| 8 | PROVIDE (2) 6'-0" LONG FLOATING SHELVES IN EACH KITCHEN. |
| 9 | PROVIDE 18" DEEP CLOSET SHELF AND POLE TO MATCH KITCHEN CABINETS. PROVIDE FINISHED END PANEL AT OPEN END. |
| 10 | PROVIDE 3 HOOKS ON WALL AT UNIT ENTRY DOORWAY. |
| 11 | PROVIDE SOLID SURFACE COUNTERTOP AND BASE CABINETS IN ALL KITCHENS. |
| 12 | NEW STEEL STUD WALL 7'-0" HIGH. |
| 13 | NEW STEEL STUD DEMISING WALL. PROVIDE 1 HR FIRE RATED ASSEMBLY. |
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| 15 | PROVIDE 48" x 72" SOLID SURFACE ISLAND WITH BASE CABINETS, UNDER-COUNTER WASHER/DRYER AND KNEE WALL BELOW. PROVIDE COUNTERTOP BRACKETS AS NEEDED. |
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| 17 | NEW OPENING IN EXISTING DEMISING WALL. PROVIDE HEADERS AT NEW OPENING IN EXISTING WALL. PATCH JAMBS AND HEAD. |
| 18 | WARDROBE CABINET: 42"W x 24"D x 84"H. |
| 19 | CABINET: 24"W x 24"D x 84"H. |
| 20 | EXISTING EQUIPMENT / FIXTURE TO REMAIN. |
| 21 | 3'-0"W x 8'-0"H STOREFRONT IN EXISTING DEMISING WALL. |
| 22 | CLOSET SHELF AND POLE. |

NEW WORK PLAN KEY NOTES - MECHANICAL

- | M1 | EXISTING HVAC UNIT TO REMAIN. TEST FOR PROPER OPERATION. REPAIR/REPLACE AS NEEDED. |
|----|--|
| M2 | EXISTING HVAC UNIT TO REMAIN. TEST FOR PROPER OPERATION. REPAIR/REPLACE AS NEEDED. EXTEND NEW INSULATED DUCTWORK TO ONE NEW CEILING OR SIDEWALL SUPPLY GRILLE IN EACH OCCUPIED ROOM. COORDINATE NEED FOR SOFFITS WITH ARCHITECT. |
| M3 | EXISTING SUPPLY GRILLE TO REMAIN FROM CENTRAL HVAC SYSTEM PROVIDING VENTILATION AIR. BALANCE TO ORIGINAL DESIGN AIRFLOW OF 35 CFM. |
| M4 | EXISTING EXHAUST GRILLE TO REMAIN FROM CENTRAL HVAC SYSTEM. BALANCE TO ORIGINAL DESIGN AIRFLOW OF 35 CFM. |
| M5 | COORDINATE WITH ARCHITECT TO UNDERCUT DOOR 3/4" (min.) FOR TRANSFER AIR. |
| M6 | REMOVE SUPPLY GRILLE AND CAP DUCT. PATCH WALL TO MATCH EXISTING. |
| M7 | REPAIR/REPLACE ELECTRIC BASEBOARD HEAT. |
| M8 | LIFE SAFETY DAMPERS SHALL BE INSTALLED IN DUCT PENETRATIONS AT ALL RATED WALLS PER APPLICABLE CODES UNLESS CODE EXCEPTION APPLIES. FIRE DAMPERS SHALL BE 2-HOUR RATED. PROVIDE ACCESS DOOR IN DUCT AND ACCESS PANEL IN DRYWALL CEILING AT EACH DAMPER. |

APPLIANCE LEGEND

- | STUDIO UNIT <ul style="list-style-type: none">- 2 BURNER COOKTOP- COMPACT DISHWASHER (18"W)- 24" COMPACT CONVECTION OVEN AND MICROWAVE- COMPACT 24"W REFRIGERATOR- 34"H ELECTRIC VENTLESS WASHER/DRYER COMBO |
|---|
| 1 BEDROOM UNIT <ul style="list-style-type: none">- 4 BURNER COOKTOP- REGULAR DISHWASHER- 24" COMPACT CONVECTION OVEN AND MICROWAVE- 28"W REFRIGERATOR- UNDER-COUNTER 34"H ELECTRIC VENTLESS WASHER/DRYER COMBO |



Wauwatosa, WI

7725 W. North Avenue
Wauwatosa, WI 53213

Staff Report

File #: 25-1740

Agenda Date: 11/10/2025

Agenda #: 4.

Consideration of a Land Division via Certified Survey Map at 10499 Innovation Drive, Waterfair Apartments LLC., applicant

Submitted by:

Art Piñon

Department:

Development

A. Background/Options

The applicant is proposing a Certified Survey Map (CSM) to divide an existing 7.55 acre parcel located at 10499 Innovation Drive into two (2) separate parcels:

- Lot 1 will be approximately 3.74 acres in size and contains an existing parking and landscape area.
- Lot 2 will be approximately 3.81 acres and contains a hotel building which will be converted into a mixed-use development containing 146 affordable residential units and 9,000 square feet of commercial space.

The division is being requested in order to allow for separate ownership and development of each lot.

B. Staff Comments

Planning/Zoning Division

Ten (10) public notification letters related to the project were sent per City regulations.

No new nonconformities are being created with land division.

Building Division

No comments.

City Assessor's Office

No concerns

City Clerk's Office

No comments.

Public Works Department

See Engineering comments.

Engineering Division

All existing and proposed easements should be included in the CSM. An access easement to Watertown Plank

Road for the benefit of Lot 2 should be provided. Pedestrian access easements to both Watertown Plank Road and Innovation Drive for the benefit of Lot 2 should be provided.

Fire Department

No comments.

Health Department

No comments.

Police Department

No comments.

C. Recommendation

Staff recommends approval subject to:

1. Any technical corrections as identified by the Register of Deeds.
2. Address items identified in Engineer section of this report.
3. Per State Statute 236.34 (2), the CSM is to be recorded within 12 months of the Common Council approval.



10499 Innovation Dr.

City of
Wauwatosa

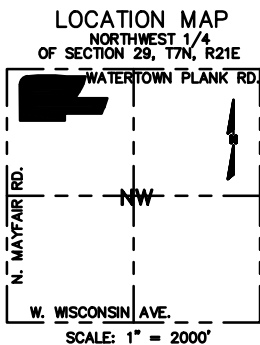
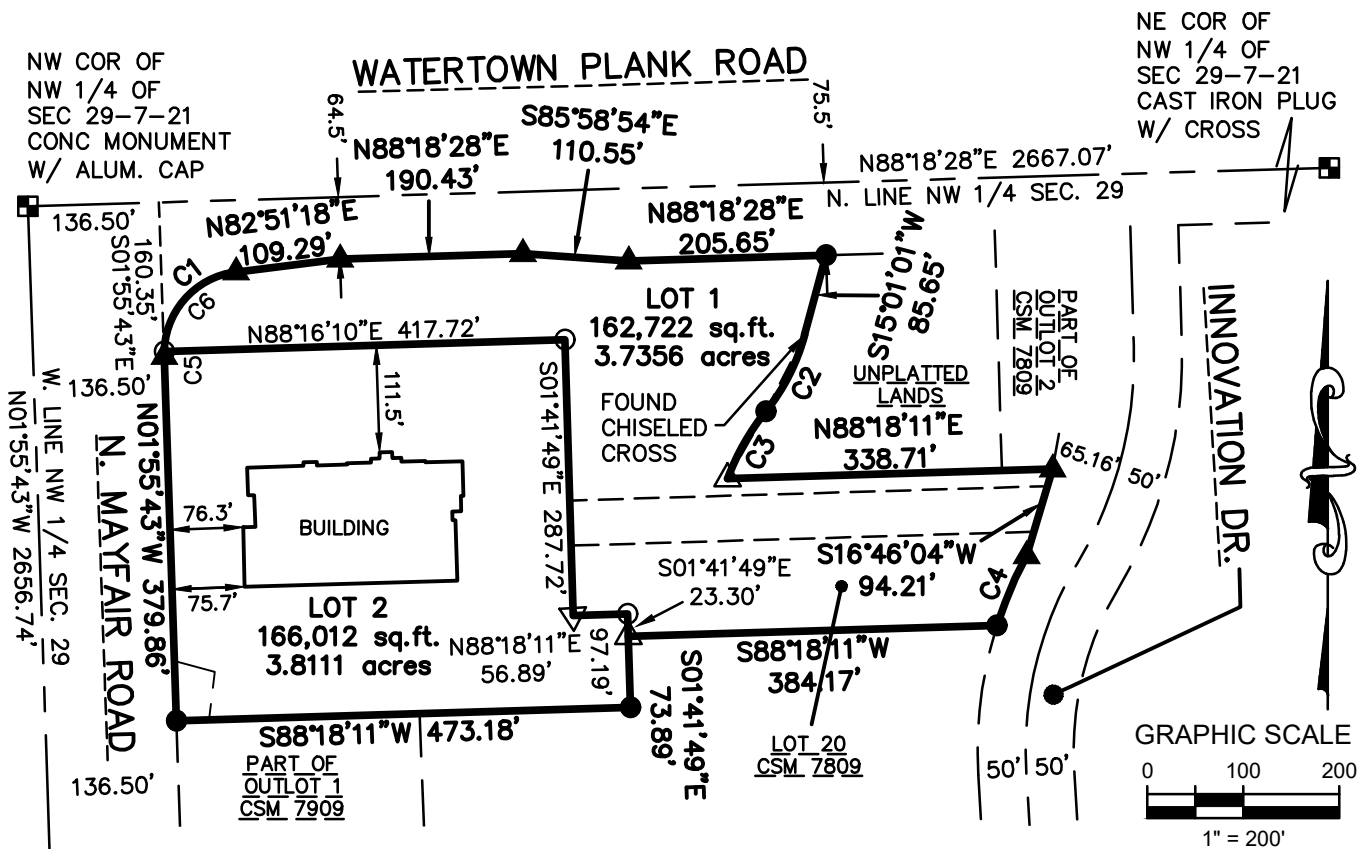


CERTIFIED SURVEY MAP NO. _____

A division of a part of Lot 11, in Certified Survey Map No. 7809, being in the Northwest 1/4 of the Northwest 1/4 of Section 29, in Township 7 North, Range 21 East, in the City of Wauwatosa, Milwaukee County, Wisconsin.

- INDICATES SET 1.315" O.D. IRON PIPE AT LEAST 18" IN LENGTH, 1.68 LBS. PER LINEAL FOOT.
- ▽ INDICATES SET MAG NAIL
- ▲ INDICATES FOUND 3/4" IRON PIPE
- △ INDICATES FOUND MAG NAIL
- INDICATES FOUND 1" IRON PIPE

ALL DIMENSIONS SHOWN ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.
ALL BEARINGS ARE REFERENCED TO THE N. LINE OF THE NW. 1/4 OF SECTION 29, T 7 N, R 21 E, WHICH BEARS N88°18'28"E. PER CERTIFIED SURVEY MAP NO. 7809.



Curve Table							
Curve #	Length	Radius	Chord Bearing	Chord	Tangent In	Tangent Out	Delta
C1	126.52	85.50	N40°27'47"E	115.29	N01°55'43"W	N82°51'18"E	84°47'01"
C2	90.17	218.17	S26°51'26"W	89.53	S15°01'01"W	S38°41'51"W	23°40'50"
C3	81.07	255.42	S29°36'19"W	80.73	S38°41'51"W	S20°30'46"W	18°11'06"
C4	79.04	429.24	S22°54'57"W	78.93	S28°11'27"W	S17°38'27"W	10°33'00"
C5	4.81	85.50	N0°19'06"W	4.81	N01°17'32"E	N01°55'43"W	3°13'15"
C6	121.71	85.50	N42°04'25"E	111.69	N82°51'18"E	N01°17'32"E	81°33'46"

SW COR OF
NW 1/4 OF
SEC 29-7-21
CONC MONUMENT
W/ ALUM. CAP



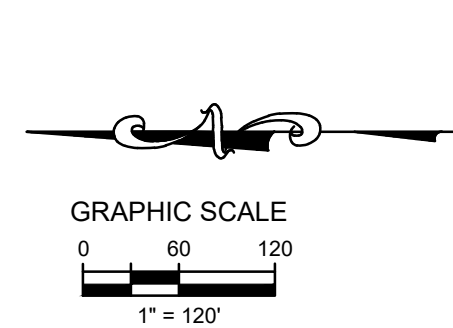
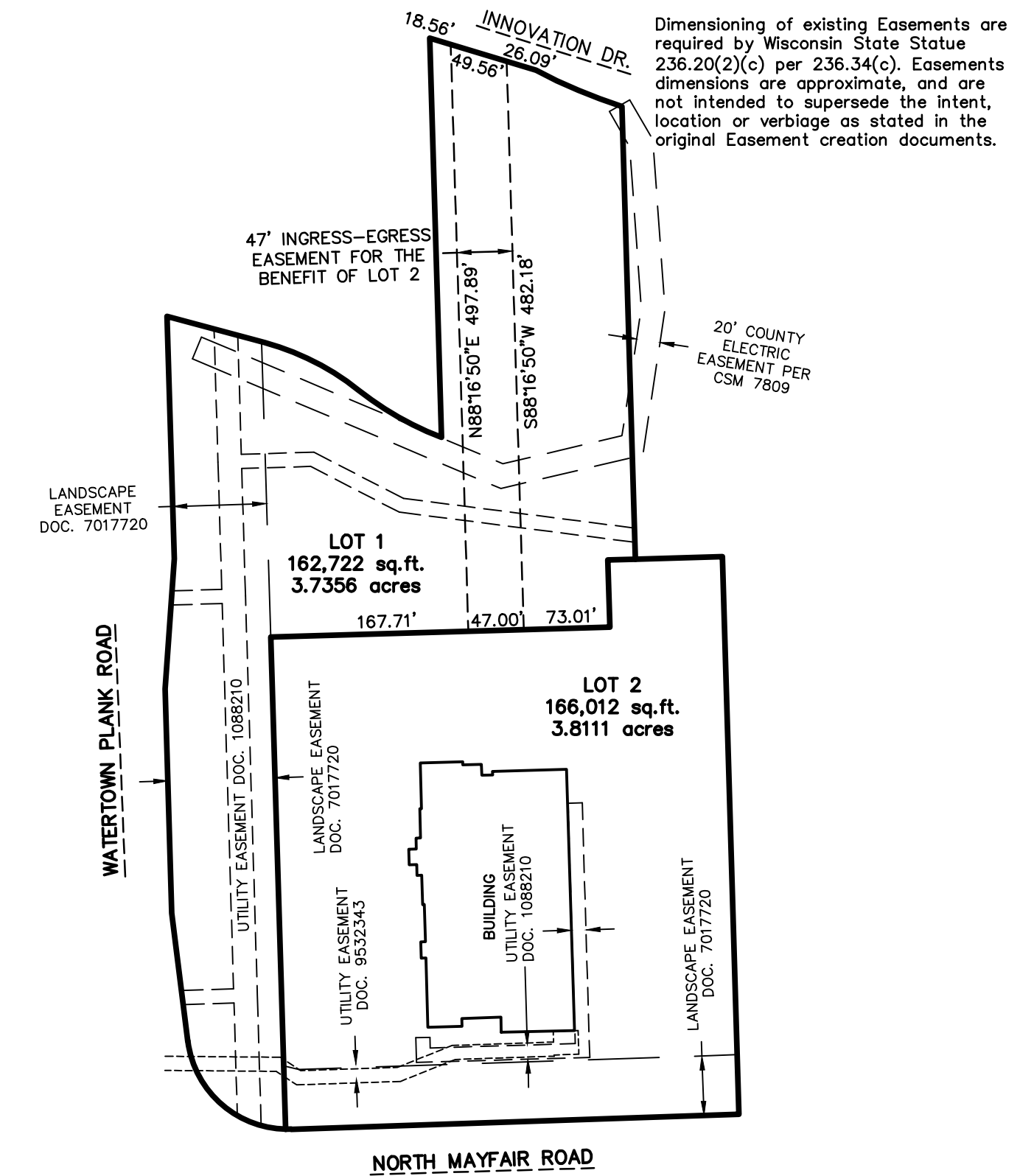
John P. Casucci

raSmith
CREATIVITY BEYOND ENGINEERING

16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000
rasmith.com

CERTIFIED SURVEY MAP NO. _____

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WI CONSIDIN

JOHN P. CASUCCI

S-2055

OCONOMOWOC WI

LAND SURVEYOR

10/20/2025

John P. Casucci

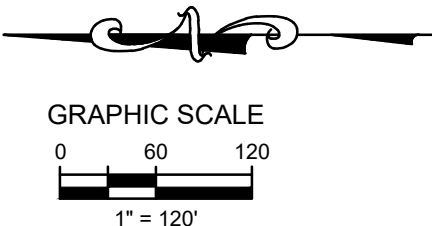
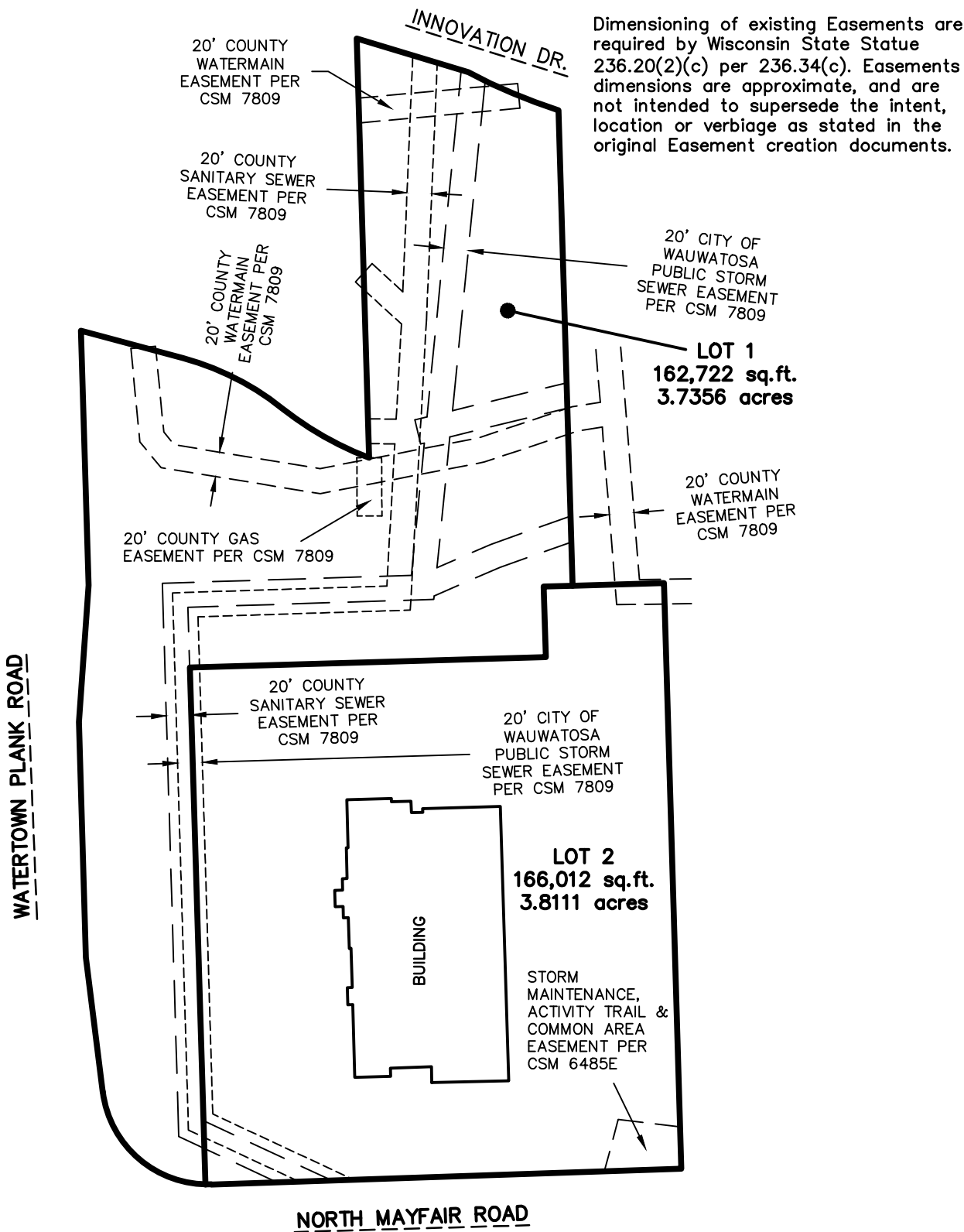
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WISCONSIN
JOHN P. CASUCCI
S-2055
OCONOMOWOC
WI
LAND SURVEYOR

John P. Casucci

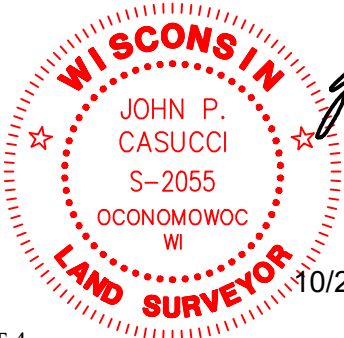
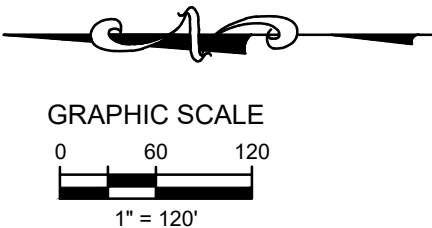
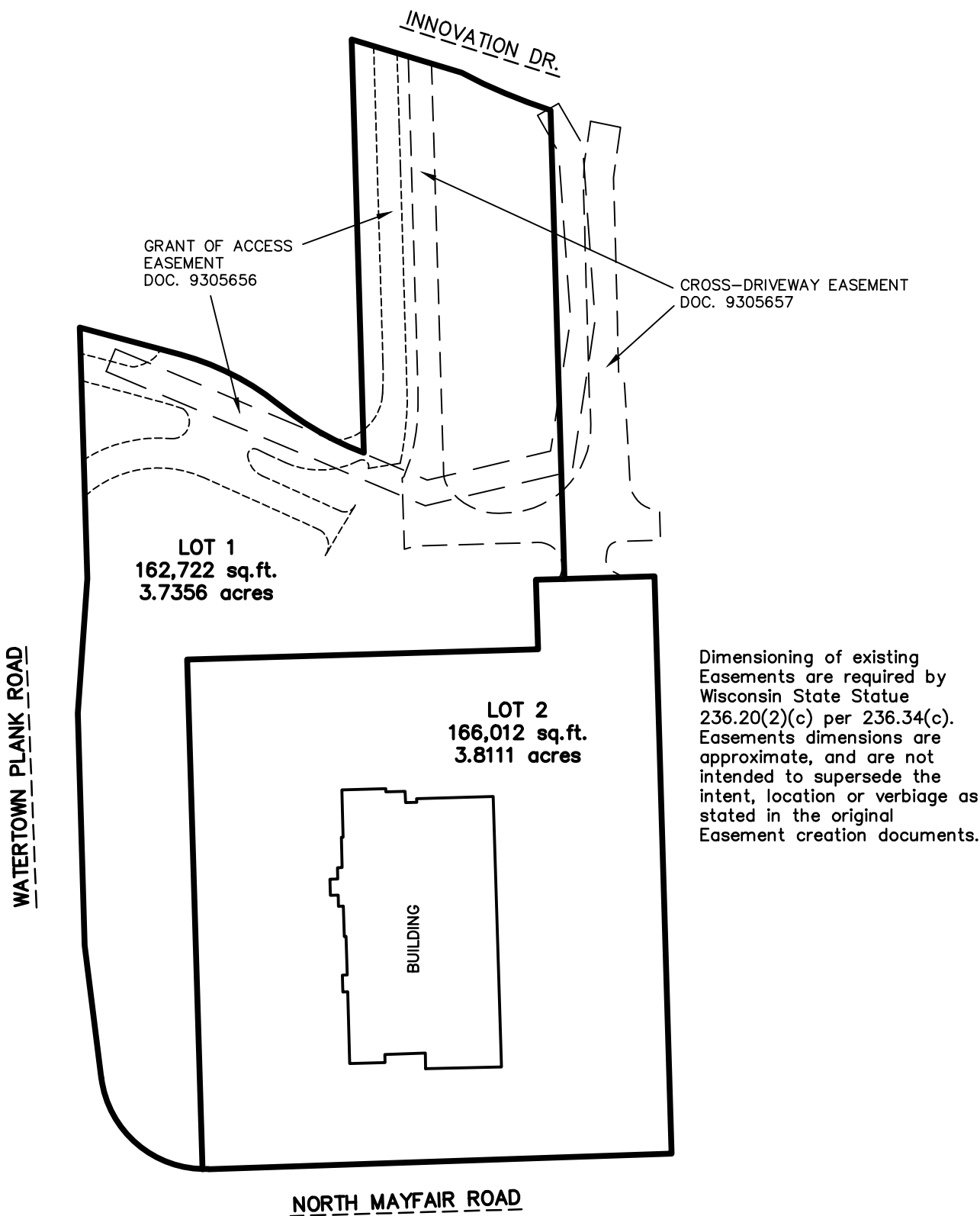
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John P. Casucci

10/20/2025

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SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN }
 :SS
WAUKESHA COUNTY }

I, JOHN P. CASUCCI, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped a division of a part of Lot 11, in Certified Survey Map No. 7809, being in the Northwest 1/4 of the Northwest 1/4 of Section 29, in Township 7 North, Range 21 East, in the City of Wauwatosa, Milwaukee County, Wisconsin, bounded and described as follows:

COMMENCING at the Northwest corner of said 1/4 Section; thence North 88°18'28" East along the North line of said 1/4 Section 136.50 feet to a point; thence South 01°55'43" East 160.35 feet to a point on the Southerly line of Watertown Plank Road, said point also being the point of beginning of the lands to be described;
thence Northeasterly along said Southerly line an arc of a curve to the right with an arc length of 126.52 feet, whose radius is 85.50 feet and whose chord bears North 40° 27' 48" East 115.29 feet to a point; thence North 82° 51' 18" East said Southerly line 109.29 feet to a point; thence North 88° 18' 28" East said Southerly line 190.43 feet to a point; thence South 85° 58' 54" East said Southerly line 110.55 feet to a point; thence North 88° 18' 28" East said Southerly line 205.65 feet to a point; thence South 15° 01' 01" West 85.65 feet to a point; thence Southwesterly along an arc of a curve to the right with an arc length of 90.17 feet, whose radius is 218.17 feet and whose chord bears South 26° 51' 26" West 89.53 feet to a point; thence Southwesterly along an arc of a curve to the left with an arc length of 81.07 feet, whose radius is 255.42 feet and whose chord bears South 29° 36' 19" West 80.73 feet to a point; thence North 88° 18' 11" East 338.71 feet to a point in the Westerly line of Innovation Drive; thence South 16° 46' 04" West along said Westerly line 94.21 feet to a point; thence Southwesterly along said Westerly line and an arc of a curve to the left with an arc length of 79.04 feet, whose radius is 429.24 feet and whose chord bears South 22° 54' 57" West 78.93 feet to a point in the North line of Parcel 12 in Certified Survey Map No. 7809; thence South 88° 18' 11" West along said North line 384.17 feet to a point; thence South 01° 41' 49" East along said North line 73.89 feet to a point; thence South 88° 18' 11" West along said North line and its extension 473.18 feet to a point in the easterly line of Mayfair Road; thence North 01° 55' 43" West along said Easterly line 379.86 feet to the point of beginning.

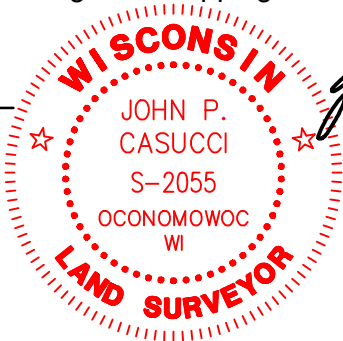
Said land contains 328,734 square feet or 7.5467 acres.

THAT I have made the survey, land division and map by the direction of: Hotel Investment Group, LLC.

THAT the map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

THAT I have fully complied with Chapter 236.34 of the Wisconsin Statutes and the City of Wauwatosa ordinance in surveying, dividing, and mapping the same.

10/20/2025
Field date



John P. Casucci (SEAL)
JOHN P. CASUCCI
PROFESSIONAL LAND SURVEYOR S-2055

raSmith
CREATIVITY BEYOND ENGINEERING

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CERTIFIED SURVEY MAP NO. _____

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OWNER'S CERTIFICATE

HOTEL INVESTMENT GROUP, LLC, a Wisconsin limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, certifies that said corporation has caused the land described on this map to be surveyed, divided, and mapped in accordance with the requirements of Chapter 236.34 of the Wisconsin Statutes and the City of Wauwatosa.

HOTEL INVESTMENT GROUP, LLC, does further certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: City of Wauwatosa.

IN Witness Whereof, HOTEL INVESTMENT GROUP, LLC has caused these presents to be

signed by _____, its _____,

this _____ day of _____, 2025.

HOTEL INVESTMENT GROUP, LLC,
a Wisconsin limited liability company

STATE OF _____ }
 :SS
_____ COUNTY }

PERSONALLY came before me this _____ day of _____, 2025,

_____ of the above named HOTEL INVESTMENT GROUP, LLC, to me known to be the person who executed the foregoing instrument, and to me known to be the _____ of said company, and acknowledged that he executed the foregoing instrument.

(SEAL)

Notary Public, State of _____

My Commission Expires _____



CERTIFIED SURVEY MAP NO. _____

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CONSENT OF CORPORATE MORTGAGEE

ASSOCIATED BANK, NATIONAL ASSOCIATION, a national banking association, mortgagee of that portion of the above-described land identified in this Certified Survey Map, does hereby consent to the surveying, dividing and mapping of the land described in the foregoing affidavit of John P. Casucci, Surveyor, and does hereby consent to the certificate of said owner.

In witness whereof, the said ASSOCIATED BANK, has caused these
presents to be signed by _____, its _____, and by
(name) (title)
_____, its _____, at _____, _____, and
(name) (title)
its corporate seal to be hereunto affixed.
this ____ day of _____, 20__.

STATE OF _____ }
:SS
COUNTY OF _____ }

PERSONALLY came before me this _____ day of _____, 20__,
_____, _____ and _____ of the
(name) (title) (name) (title)
above named organization, to me known as the person(s) who executed the foregoing instrument, and
to me known to be the _____ and the _____ of the organization, and acknowledged that
they executed the foregoing instrument as such officer(s) as the deed of the organization, by its authority.

_____(SEAL)

Notary Public, State of _____

My commission expires _____



CERTIFIED SURVEY MAP NO. _____

A division of a part of Lot 11, in Certified Survey Map No. 7809, being in the Northwest 1/4 of the Northwest 1/4 of Section 29, in Township 7 North, Range 21 East, in the City of Wauwatosa, Milwaukee County, Wisconsin.

PLAN COMMISSION APPROVAL

RESOLVED, that this Certified Survey Map, in the City of Wauwatosa, is hereby approved by the

Plan Commission on this _____, day of _____, 2025.

Date

Dennis McBride, Chairperson

Date

Tamara Szudy, Secretary

COMMON COUNCIL APPROVAL

RESOLVED, that this Certified Survey Map, located in the City of Wauwatosa, is hereby approved

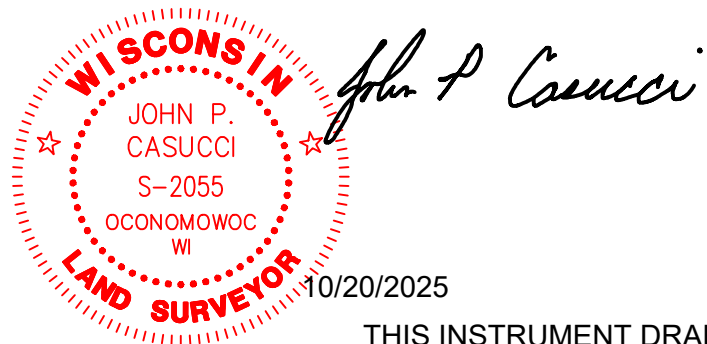
by the Common Council, on this _____, day of _____, 2025.

Date

Dennis McBride, Mayor

Date

Steve Braatz, City Clerk





Staff Report

File #: 25-1938

Agenda Date: 11/10/2025

Agenda #: 5.

Consideration of a proposed ordinance to amend various sections of Title 24 (Zoning) primarily related to Tosa Tomorrow 2045 Comprehensive Plan

Submitted by:

Art Piñon

Department:

Development

A. Background/Options

The City of Wauwatosa is proposing a Zoning Text Amendment to update the City's Zoning Code in order to align it with the recently adopted Comprehensive Plan. The proposed amendments will also bring certain sections of the Code into compliance with State law and include general clean-up and clarification updates.

The proposed zoning code updates are organized into the following three topics:

1. Housing-Related Code Updates
2. Parking Updates
3. Non-Housing-Related Code Updates

Below are summaries of all proposed zoning code changes:

1. Housing-Related Code Updates

- Update zoning district names to be character-based and update purpose statements.
- Update and ease restrictions on bulk and dimensional standards for residential lots.
- Allow residential development in Office Commercial (CO) and General Commercial (C2) zones.
- Delineate and expand allowance of missing middle housing types in additional zoning districts.
- Define Three-Unit/Four-Unit Houses and Attached and Semi-Detached Houses.
- Allow and add supplementary regulations for Cottage Courts, Live-Work Units, and Multi-Unit Residential Buildings.
- Permit mixed-use and multi-family development in the Mayfair Overlay, Special Purpose - Research Park (SP-RP), and Special Purpose - Midtown (SP-MED) Districts.
- Increase allowable building height standards within the SP-MED District.
- Reduce parking requirements for residential development that includes Electric Vehicle (EV) charging spaces.
- Establish educational facility housing as a distinct use within the SP-MED District.
- Ease restrictions for Accessory Dwelling Units (ADUs).
- Add incentives for Cottage Courts, Multi-Unit Buildings, and Mixed-Use Vertical developments when a percentage of units are designated as affordable.

2. Parking Updates

- Reduce parking requirements for residential uses.
- Establish a 25% reduction in minimum parking requirements for mixed-use developments in the C1, C2,

CO, MID-TRN, and MID-MIX districts.

- Eliminate parking requirements for residential uses within ¼ mile of a Connect BRT station.
- Eliminate minimum parking requirements for non-residential uses, while retaining parking design standards.

3. Non-Housing-Related Code Updates

- Modify regulating parameters for split-zoned parcels.
- Remove conditional use permit requirements for parking areas in the Parking Support District.
- Authorize the Zoning Administrator to make exceptions for nonconformities in certain circumstances.
- Extend the lapse of approval period for Conditional Use Permits from 1 year to 18 months.
- Grant the Zoning Administrator authority to approve Final Planned Unit Developments (PUDs) and Minor Amendments, and extend the approval lapse period from 1 year to 2 years.
- Ease and clarify requirements regarding front and street-side setbacks.
- Simplify permit types and processes for certain land uses.
- Ease and clarify standards for vehicle use area landscaping and mechanical equipment screening.
- Ease and clarify pedestrian connection standards between neighboring uses.
- Correct conflicting glazing area square footage standards in the North Avenue Overlay.
- Incorporate the Comprehensive Plan Amendment process into the City Code.
- Remove protest petition provisions for Zoning Map Amendments, Planned Unit Developments, and Historic Overlays/Site Designations.
- Modify definitions for Shelter or Boarding Kennel and Safety Services.

Attached to this report is a strikeout and redline version of the proposed Zoning Code changes.

Public Hearing Comments

A public hearing was held on October 28, 2025 to discuss the proposed zoning code changes. A video of the meeting is attached. During the hearing, one (1) member of the public asked a question, and three (3) members of the public spoke in general support of the changes and also provided comments:

Speaker 1 (Question):

- Is it true duplexes are no longer to be built in Wauwatosa?

Staff Response:

No, duplexes are permitted to be built in certain areas of Wauwatosa but many, especially on the east side, became nonconforming uses when the zoning was changed to single-family. With the proposed code changes, duplexes will be permitted to be built in the Garden Residential (GR), Suburban Residential (SR), Neighborhood Residential (NR), Mixed Residential (MR), Low-density Multi-unit Residential (LDM), Medium-Density, Multi-unit Residential (MDM), Office (CO), Neighborhood/Village Trade (C1), and Special Purpose - Midtown Residential and Transitional (MID-RES and MID-TRN) districts.

Speakers 2 and 3 (In support, with comments):

- Commented that the City's Zoning Map should be modified to match the Comprehensive Plan Map.

Staff Response:

Modifying the boundaries of the zoning map is a step to be taken at a later time and requires notification to all affected property owners and a separate zoning analysis. While the zoning district boundaries remain unchanged, the zoning designations and permitted land uses have been updated to align with the City's Comprehensive Plan. For example, the R-1-6 and R-1-9 districts have been re-designated as Suburban Residential (SR) and Neighborhood Residential (NR), with key changes that include reduced minimum lot sizes and lot widths, more flexible standards for Accessory Dwelling Units (ADUs), introduction of duplexes and

attached housing as permitted uses in the NR, SR, and GR zones, and allowance of small scale multi-family development in more residential zones.

Speakers 2 and 3 (continued):

- Suggested that multi-unit residential development should be permitted on church and school sites, and that areas currently zoned for single-family use should allow 4-plex development.

Staff Response:

Some church sites zoned C1 or C2 will be permitted to have multi-family residential development. With regard to 4-plexes, some areas that allow both single-unit and multi-unit uses, such as the MR, LDM, MDM, and C1 zones allow 4-plexes.

Overall, updates across all new residential zones support the Comprehensive Plan's objectives of increasing housing supply and promoting efficient land use. However, not all densities and land uses outlined in the Comprehensive Plan have been incorporated into this draft, which is intentional. The City is taking an incremental approach implementing gentle densification consistent with a 20-year roadmap that allows for gradual, community-supported growth. Many residents, particularly in established single-family neighborhoods, have expressed concerns about rapid density increases. In response, this amendment proposes a measured and balanced transition, laying the groundwork for future housing opportunities while being mindful of current community sentiment.

Speaker 4 (In support):

- Expressed full support for the proposed changes.

No members of the public spoke in opposition of the proposed changes.

B. Recommendation

Staff recommends adoption of the proposed ordinance.

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

Part I. The “Zoning Map” subsection 24.01.110 of the Wauwatosa Municipal Code of Ordinances is amended by modifying section E to read as follows:

E. Split-Zoned Parcels.

1. The zoning map may not be amended to classify a single parcel into 2 or more base zoning districts with the exception of SP-PKG as one base zoning classification or when included in a Planned Unit Development (PUD) Overlay.
2. The split zoning of any newly created parcel (into more than one base zoning district classification) is prohibited with the exception of SP-PKG as one base zoning classification or when included in a Planned Unit Development (PUD) Overlay.
3. The following regulations apply to existing parcels that are classified in 2 or more base zoning classifications:
 - a. For existing and proposed uses and structures, the zoning district for the majority of the lot area applies to the entire lot, with the following exception:
 - 1) When the base zoning districts are equal, the zoning administrator is authorized to utilize their discretion to determine the base district that applies to the entire parcel.
 - 2) When SP-PKG is one of the base districts, each portion of the parcel is subject to the requirements of the district in which it is located.
 - b. Building setbacks do not apply along base zoning district boundary lines that split a parcel under single ownership with the exception of SP-PKG as one base zoning classification where each portion of the parcel is subject to the requirements of the district in which it is located.
 - c. If any use, building or structure rendered nonconforming by the split-zoned parcel provisions of this section is accidentally damaged or destroyed it may be reestablished, as long as the reestablishment does not increase the extent of nonconformity.

Part II. The “Transitional Provisions” subsection 24.01.120 of the Wauwatosa Municipal Code of Ordinances is hereby amended by modifying section A to read as follows:

- A. Zoning District Map Symbol Conversions. The zoning district names and map symbols in effect before the effective date specified in Section 24.01.020 are converted as follows:

Proposed District Name		Existing District Name	
RESIDENTIAL		RESIDENTIAL	
GR	Garden Residential	R1-15	Single-unit Residential-15
SR	Suburban Residential	R1-9	Single-unit Residential-9
NR	Neighborhood Residential	R1-6	Single-unit Residential-6
MR	Mixed Residential	R2	Two-unit Residential
LDM	Low-Density, Multi-unit Residential	R4	Multi-unit Residential
MDM	Medium-Density, Multi-unit Residential	R8	Multi-unit Residential
COMMERCIAL		COMMERCIAL	

CO	Office	AA	Professional Office
		AA	Medical Clinic
C1	Neighborhood/Village Trade		Trade
			Village Trade
C2	General Commercial	AA	Business
		AA	Commercial
INDUSTRIAL		INDUSTRIAL	
M1	Light Industrial	AA	Light Manufacturing
M2	Heavy Industrial	AA	Industrial
OVERLAY		OVERLAY	
/MAY	Mayfair Road Overlay	None	(/MAY is new overlay)
/NOR	North Avenue Overlay	None	(/NOR is new overlay)
/PUD	Planned Unit Development	None	(/PUD is new overlay)
/HIS	Historic Overlay	None	(/HIS is new overlay)
SPECIAL PURPOSE		SPECIAL PURPOSE	
SP-CON	Conservation		Conservancy
SP-PUB	Public Facilities		Municipal Center & Public Works
SP-RP	Research Park		Research Park Planned Development District
SP-INS	Institutions	AA	Institutions
SP-MED	Medical Center		Medical Ctr. & Institutions

SP-PKG	Parking Support		Off-Street Parking
SP-POS	Parks and Open Space		Parks and Open Space Cemetery
None	(Obsolete District)	RPD	Residential Planned Development
None	(Obsolete District)	BPD	Business Planned Development

Part III. The “General” subsection 24.02.010 of Wauwatosa Municipal Code of Ordinances is hereby repealed and replaced to read as follows:

- A. The Districts. The city's residential zoning districts are listed below. When this zoning ordinance refers to "residential" zoning districts or "R" districts, it is referring to these districts.

Zoning District	Map Symbol	Formerly Known As
Garden Residential	GR	R1-15, Single-unit Residential-15
Suburban Residential	SR	R1-9, Single-unit Residential-9
Neighborhood Residential	NR	R1-6, Single-unit Residential-6
Mixed Residential	MR	R2, Two-unit Residential
Low-Density, Multi-unit Residential	LDM	R4, Multi-unit Residential
Medium-Density, Multi-unit Residential	MDM	R8, Multi-unit Residential

- B. Purposes. Wauwatosa's residential zoning districts are primarily intended to create, maintain and promote a variety of housing and lifestyle opportunities for individual households and to maintain the desired physical character of existing neighborhoods. While the districts primarily accommodate residential use types, some nonresidential uses are also allowed. The residential district standards provide development flexibility, while at the same time helping to ensure that new development is compatible with the city's many neighborhoods. In addition, the regulations offer certainty for property owners, developers and neighbors about the limits of what is allowed.
1. The **GR, SR, and NR** districts are intended for low-density neighborhoods primarily characterized by detached houses, semi-detached, and two-unit houses on individual lots.
 2. The **MR** district supports a mix of detached, semi-detached, two-unit houses, three-unit/four-unit houses, and small multi-unit residential buildings in walkable, residential neighborhoods. It provides a modest increase in housing density while maintaining a single-unit residential character.
 3. The **LDM** district is primarily intended to accommodate detached houses, semi-detached houses, two-unit residential buildings, three-unit/four-unit houses, and small multi-unit residential buildings. The district helps provide a mix of low- and moderate-density housing choices within a walkable, residential context.
 4. The **MDM** district is intended to accommodate detached houses, semi-detached houses, two-unit houses, three-unit/four-unit houses, and small multi-unit residential buildings. The district helps provide moderate density housing choices in neighborhood areas near corridors.

Part IV. The “Lot and Building Regulations” subsection 24.02.030 of the Wauwatosa Municipal Code of Ordinances is hereby repealed and replaced to read as follows:

- A. General. This section establishes basic lot and building regulations that apply in residential districts. These regulations offer certainty for property owners, developers and neighbors about the limits of what is allowed; they are not to be construed as a guarantee that maximum allowed densities and development yields can be achieved on every lot. Other factors, such as topography, the presence of floodplains or protected resources, off-street parking, landscaping requirements and other factors may work to further limit actual development potential.
- B. Basic Standards. The lot and building standards of the following table apply to all principal and accessory uses allowed in R districts, except as otherwise expressly stated. General exceptions to these standards and rules for measuring compliance can be found in Section 24.18.030.

Lot and Building Standards	DISTRICTS					
	GR	SR	NR	MR	LDM	MDM
Minimum Lot Area (square feet)	9,000	6,000	4,000	4,000	4,000	4,000
Minimum Lot Width (frontage) (feet)						
Corner lot	85	60	50	50	50	50
Interior lot	75	50	40	40	40	40
Minimum Setbacks						
Front (feet)	30[1]	30[1]	25[1]	20[1]	20[1]	20[1]
Side, Street (% of lot width)	20[2]	20[2]	20[2]	20[2]	20[2]	20[2]
Side, Interior one side/both sides combined (feet)	5/10	5/10	3/9	3/9	3/9	3/9
Rear (% of lot depth)	20[3]	20[3]	20[3]	20[3]	20[3]	20[3]
Accessory buildings:						
Rear and interior side (feet)	1.5	1.5	1.5	1.5	1.5	1.5
Alley (feet)	5	5	5	5	5	5
Max. Building Coverage (% of lot area)						
All principal and accessory buildings combined						
Corner lot	35	42	42	42	60	70
Interior lot	35	37	37	37	40	60
Accessory buildings[4]	12	12	12	12	12	12
Accessory dwelling units [4]	n/a	n/a	n/a	n/a	n/a	n/a

Maximum Height (feet)						
Principal buildings	35[5]	35[5]	35[5]	35[5]	35[5]	35[5]
Accessory buildings[6]	16	16	16	16	16	16

[1] Setback "averaging" is allowed in some cases, See Section 24.18.030E.1.e.

[2] Not required to exceed 15 feet.

[3] Must be at least 15 feet, but not required to exceed 25 feet.

[4] Accessory Dwelling Units (ADUs) are not included in accessory building lot coverage limits. Size and dimensional standards for ADUs are provided in Section 24.10.075.

[5] Public and civic buildings, religious assembly, and schools may be up to 60 feet in height. One additional foot for front, side and rear setback is required for each foot of building height above 35 feet.

[6] Accessory building heights of up to 20 feet may be approved by the zoning administrator if the administrator determines that the additional height is necessary to accommodate a roof pitch consistent with the architectural style of the principal building.

Part V. The “Other Regulations” subsection 24.02.040 of Wauwatosa Municipal Code of Ordinances is hereby repealed and replaced to read as follows:

Uses and development in residential districts are subject to all other applicable regulations and standards of this zoning ordinance, including the following:

- A. Nonconformities. See Chapter 24.15.
- B. Accessory Uses and Structures. See Chapter 24.10.
- C. Parking and Loading. See Chapter 24.11.
- D. Landscaping and Screening. See Chapter 24.12.
- E. Temporary Uses. See Section 24.10.080.
- F. Attached and Semi-Detached Building Design Standards. See Section 24.14.045.

Part VI. The “General” subsection 24.03.010 of Wauwatosa Municipal Code of Ordinances is hereby repealed and replaced to read as follows:

A. The Districts. The city's commercial zoning districts are listed below. When this zoning ordinance refers to "commercial" zoning districts or "C" districts, it is referring to these districts.

Zoning District	Abbreviation/Map Symbol	Formerly Known As
Office	CO	AA Professional Office
		AA Medical Clinic
Neighborhood/Village Trade	C1	Trade
		Village Trade
General Commercial	C2	AA Business

		AA Commercial
--	--	---------------

- B. Purposes. Wauwatosa's commercial zoning districts are primarily intended to accommodate and promote neighborhood- and community-serving business and commercial (e.g., retail, service, office) uses, as well as vertical mixed-use development consisting of nonresidential uses on the ground floor and residential uses on the upper floors of the same building. Encouraging mixed-use development can help reduce vehicle travel demand and provide increased housing choice and transit-oriented densities.
1. CO, Office Commercial. The CO, Office Commercial district is primarily intended to accommodate office, professional, and medical uses in a low- to moderate-intensity setting. While primarily nonresidential, the district also allows limited residential uses in areas of transition from commercial to residential.
 2. C1, Neighborhood & Village Commercial. The C1, Neighborhood & Village Commercial district is primarily intended to accommodate mixed-use development and small-scale, neighborhood-serving retail and service uses in pedestrian-oriented storefront buildings.
 3. C2, General Commercial. The C2, General Commercial district accommodates a broad range of business and commercial uses. While designed to support regional shopping and commercial activity, the district also allows mixed-use, and multi-unit residential uses.

Part VII. The “Other Regulations” subsection 24.03.040 of Wauwatosa Municipal Code of Ordinances is hereby repealed and replaced to read as follows:

Uses and development in commercial districts are subject to all other applicable regulations and standards of this zoning ordinance, including the following:

- A. Drive-through and Drive-in Facilities. Drive-through and drive-in facilities require conditional use approval and must be associated with an otherwise allowed use. They are also subject to the regulations of Section 24.11.100.
- B. Large-format Retail Developments. Individual freestanding buildings and group developments with a cumulative gross floor area of 50,000 square feet or more of retail sales area are subject to the large-format retail development regulations of Section 24.09.090.
- C. Nonconformities. See Chapter 24.15.
- D. Accessory Uses and Structures. See Chapter 24.10.
- E. Parking and Loading.
 1. Parking spaces may not be located in front or street side setbacks.
 2. Loading docks must be set back at least 10 feet from alleys and 20 feet from all street rights-of-way.
 3. See also the general off-street parking and loading regulations of Chapter 24.11.
- F. Landscaping and Screening. See Chapter 24.12.
- G. Temporary Uses. See Section 24.10.080.
- H. Overlay Zoning Districts. See Chapter 24.05.
- I. Outdoor storage activities in the C districts require conditional use approval in accordance with Section 24.16.040.
- J. Building Height for C2 (General Commercial) District: For C2 zoned properties located within 65 feet of a Residential (R) zoned property, the maximum building height is 60 feet. Exceptions to this standard are as follows:
 1. The Regional Mall (Mayfair Mall) properties are not subject to these regulations.
 2. Additional height of up to 85 feet is allowed for:
 - a. Multi-unit and/or mixed-use projects proposing 20% or more affordable housing units at 80% or below the average median income (AMI) for the Milwaukee, Waukesha, and West Allis region, as established by the US Department of Housing & Urban Development (HUD).
 - b. Transit-oriented development projects located along the Bus Rapid Transit (BRT) Corridor.
- K. Attached and Semi-Detached Building Design Standards. See Section 24.14.045.

VIII. The “/MAY, Mayfair Corridor Overlay” subsection 24.05.020 of Wauwatosa Municipal Code of Ordinances is hereby repealed and replaced to read as follows:

- A. Purpose. The /MAY, Mayfair Road Corridor Overlay district is intended to help protect the appearance and operational (transportation) function of the Mayfair Road corridor.
- B. Minimum Building Height. Buildings within the /MAY Overlay district must be at least 2 stories and 24 feet in height.
- C. Regional Mall Standards.
 - 1. Minimum Interior Side Setback and Rear Setback. Parcels associated with a regional mall are allowed 0 feet interior side setback and rear setback for parcel lines not adjacent to R-zoned property. When adjacent to R-zoned property, the minimum interior side setback and rear setback is 15 feet for buildings 50 feet in height and below, 25 feet for buildings 51 feet to 100 feet, and 50 feet for buildings 101 feet and above.
 - 2. Eating & Drinking Establishments. No Conditional Use is required for establishments with no separate entrance or seating.
 - 3. Minimum Lot Area Per Unit (square feet). Does not apply to parcels associated with a regional mall.
 - 4. Multi-unit residential building is a permitted use when part of a regional mall.
- D. Drive-Through or Drive-In Facilities. Drive-through or drive-in facilities for restaurants, car washes, banks and gas stations require a conditional use permit for project sites that meet one or more the following criteria:
 - 1. Parcels with four hundred feet minimum of frontage along Mayfair Road.
 - 2. Corner parcels with two hundred fifty feet minimum of frontage along Mayfair Road and two hundred fifty feet minimum of frontage along the cross street.
 - 3. Parcel entrances with direct access to a traffic signal. Cross-access may be used to meet this criterion.

If the parcel does not meet the criteria listed above, a drive-through facility on Mayfair Road is prohibited.

If the parcel meets the criteria, the facility shall meet all development standards of the zone, unless otherwise specified in this section, and the site shall be designed in accordance with the following:

- 1. Driveway throat lengths and internal cross-access locations must be designed to prevent back-ups onto sidewalks and streets at times of peak usage.
 - 2. Access locations must not negatively impact traffic flow, traffic safety, or pedestrian safety.
 - 3. A traffic impact analysis must be prepared and the findings accepted by both WisDOT and the city engineer or designee.
 - 4. Cross-access is strongly encouraged.
- E. Residential Uses, Permitted. The following uses are permitted as of right in the /MAY Overlay:
 - 1. Mixed-Use, Vertical
 - 2. Multi-Unit Building, 5-12 units
 - 3. Multi-Unit Building, 13+ units
- F. Attached and Semi-Detached Building Design Standards. See Section 24.14.045.

Part IX. The “/NOR, North Avenue Overlay” subsection 24.05.030 of the Wauwatosa Municipal Code of Ordinances is hereby amended by modifying section D to read as follows

- D. Ground-Floor Glazed Area. The following requirements apply to all new construction and building additions.
 - 1. Windows or other glazed area must cover at least 50% of the public street-facing ground floor building wall. Darkly tinted, mirrored or highly reflective glazing may not be counted toward minimum glazed area requirements. On corner parcels, this 50% glazed area requirement applies only along the primary

- street. In the event that these minimum glazed area requirements conflict with city building (energy) code requirements, the building (energy) code governs.
2. Glazed area requirements apply to that area of the ground floor building wall facing a public street up to the finished ceiling height of the first floor building space.
 3. Display windows that do not provide views into the interior of the building may be counted towards satisfying up to 50% of the minimum glazed area requirements, provided that they are internally illuminated and are at least 2 feet in depth.
 4. The bottom of any window or product display window used to satisfy these glazed area requirements may not be more than 30 inches above the finished grade of the first floor building space.

Part X. The “SP-INS, Institutions District” subsection 24.06.050 of Wauwatosa Municipal Code of Ordinances is hereby repealed and replaced to read as follows:

- A. Uses. Principal uses are allowed in SP-INS districts in accordance with the use table of Section 24.07.030.
- B. Lot and Building Standards. The lot and building standards of the following table apply to all principal and accessory uses allowed in the SP-INS district, except as otherwise expressly stated in this zoning ordinance. General exceptions to these standards and rules for measuring compliance can be found in Section 24.18.030.

Lot and Building Standards	SP-INS
Minimum Lot Area (square feet)	9,000
Minimum Lot Width (feet)	80
Minimum Setbacks (feet)	
Front	25
Side, Street	15
Side, Interior	10[1]
Rear	24[1]
Maximum Height (feet)	
Principal Buildings	No Max.
Accessory Buildings	20
Maximum Building Coverage (% of lot area)	
Interior Lot	45

Corner Lot	50
------------	----

[1] Plus one foot for each foot of building height above 35 feet.

Part XI. The “SP-MED, Medical Center District” subsection 24.06.060 of the Wauwatosa Municipal Code of Ordinances is hereby amended by adding the following subsection:

C. Educational Facility Housing.

1. Educational facility housing within the SP-MED district shall be restricted to east of 92nd Street and south of Watertown Plank Road.
2. Educational facility housing shall have a maximum front setback of 25 feet and a minimum building height of four stories or 50 feet.

Part XII. The “SP-RP, Research Park District” subsection 24.06.070 of the Wauwatosa Municipal Code of Ordinances is hereby amended to modify subsections B and D to read as follows:

B. Permitted Uses. The following uses are permitted as of right in the SP-RP district:

1. Automatic temperature controls
2. Biological products
3. Business and laboratory incubators
4. Business and management consulting services
5. Computer programming services
6. Dental laboratory services
7. Commercial testing laboratories
8. Drugs, chemical and allied products
9. Data processing
10. Educational and scientific research services
11. Educational services
12. Electrical machinery, equipment and supplies
13. Electrical transmission and distribution equipment
14. Electric and steam and chilled water generation plants and related facilities
15. Electrometallurgical products
16. Electronic components and accessories
17. Electronic control equipment
18. Engineering and architectural services
19. Engineering, laboratory and scientific and research instruments and associated equipment
20. Exhibition halls
21. Facilities management services
22. Fabricated metal products

23. Finance, insurance and real estate services
24. Food and kindred products
25. Forestry activities and related services
26. Horticultural services
27. Hotels and motels
28. Industrial inorganic and organic chemicals
29. Instruments for measuring, controlling and indicating physical characteristics
30. Mechanical measuring and controlling instruments (except automatic temperature controls)
31. Medical and health services
32. Medical laboratory services
33. Medical research, technology and development
34. Medical scientific research facilities
35. Medicinal chemicals and botanical products
36. Miscellaneous plastic products
37. Mixed-Use Building, Vertical
38. Multi-Unit Buildings, 5-12 units
39. Multi-Unit Buildings, 13+ units
40. Motion picture production
41. Office buildings
42. Office computing and accounting machines
43. Optical instruments and lenses
44. Orthopedic, prosthetic and surgical appliances
45. Pharmaceutical preparations
46. Photographic equipment supplies
47. Plastics materials and synthetic resins, synthetic rubber, synthetic and other manmade fibers
48. Printing and publishing
49. Professional, scientific and controlling instruments
50. Research, development and testing services
51. Resources production and extraction
52. Stenographic services and other duplicating and mailing services
53. Surgical, medical and dental instruments
54. Technical training facilities
55. X-ray apparatus and tubes: medical, industrial, research and control

D. Additional Conditional Uses. In addition to those conditional uses authorized under subsection C above, the following uses may be allowed in the SP-RP District if reviewed and approved in accordance with the conditional use permit procedures of Section 24.16.040, except they may be free standing conditional uses and not accessory to any allowed principal uses:

1. Buildings in which any of the commercial uses listed in B and C, above, occupy the ground floor.

2. Eating places with indoor seating capacity in which sales of prepared foods, meals and non-alcoholic beverages constitute at least 50% of the establishment's gross income and which do not include drive-through or drive-in facilities.

Part XIII. The “SP-PKG, Parking Support District” subsection 24.06.080 of the Wauwatosa Municipal Code of Ordinances is hereby repealed and replaced with the following:

- A. Purpose. The SP-PKG district is primarily intended to accommodate off-street parking areas bordering the C (commercial) district while protecting nearby residential areas from adverse impacts associated with spillover parking into residential neighborhoods.
- B. Uses. At-grade and below-grade, accessory and non-accessory parking of private vehicles and commercial vehicles with a maximum rated capacity of 3/4 ton are the only uses permitted in the SP-PKG district.
- C. Regulations.
 1. No part of any parking lot, except fencing and landscaping, may be located within 7 feet of any lot line adjoining an R-zoned lot, nor may any motor vehicle be parked or located less than 7 feet from any street line nor less than 10 feet from any residential dwelling. See Section 8.44 for additional requirements.
 2. Parking lots may not be used for vehicle repair work or servicing of any kind, or for the sale, display, demonstration, or advertising of merchandise or service of any kind or for the storage of motor vehicles, mechanical equipment or materials. Signs containing a commercial message are prohibited.
 3. Buildings above grade are not permitted in the SP-PKG district.
 4. Landscaping, screening, lighting and fencing must be designated on the approved site plan with respect to size, type and specifications and must be replaced with identical stock or materials which are acceptable substitutes upon approval of the board of public works when damage or deterioration should occur.

Part XIV. The “MID, Midtown Districts” subsection 24.06.085 of the Wauwatosa Municipal Code of Ordinances is hereby amended by modifying the following subsections D-K:

- D. Building Types. Uses are allowed in the MID districts in accordance with Table 24-2. The regulations governing allowed building types are presented in Sec. 24.06.085-F. through Sec. 24.06.085-L.

TABLE 24-2 ALLOWED BUILDING TYPES			
Building Types	MID Districts		
	RES	TRN	MIX
P = permitted - = prohibited			
Detached house	P	P	-
Semi-detached house	P	P	-

Two-unit house	P	P	-
Three-unit house / Four-unit house	P	P	P
Cottage Courts	P	P	-
Live-Work	-	P	P
Attached house	P	P	P
Commercial house	-	P	-
Multi-unit Residential Building, 5-12 units	P	P	P
Multi-unit Residential Building, 13+ units	-	P	P
Commercial building	-	P	P
Vertical mixed-use building	-	P	P
Public or civic building	P	P	P

E. Other Regulations. Uses and development in MID districts are subject to all other applicable regulations and standards of this zoning ordinance, including the following:

1. Accessory Uses and Structures. See Chapter 24.10.
2. Temporary Uses. See Sec. 24.10.080.
3. Parking and Loading. See Chapter 24.11.
4. Landscaping and Screening. See Chapter 24.12.
5. Nonconformities. See Chapter 24.15.
6. Additional Regulations. Additional MID district-specific regulations are presented in Sec. 24.06.085-M through Sec. 24.06.085-U.

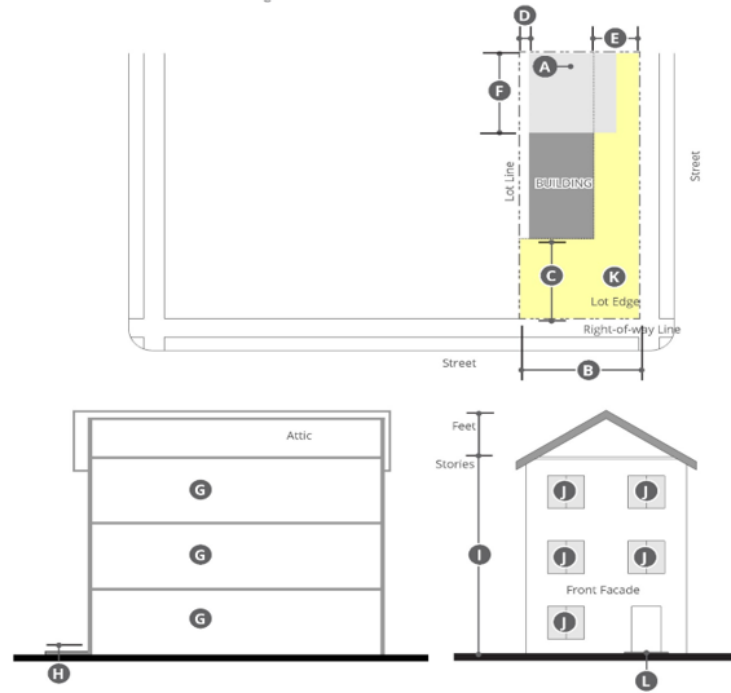
F. Detached, Two-Unit, and Three-/Four-Unit House; Cottage Court Regulations. Detached houses, two-unit houses, three-/four-unit houses, and cottage courts are subject to the regulations of Table 24-3. See also Figure 24-1, which is keyed to the letter symbols in the first column of the table.

TABLE 24-3 DETACHED, TWO-UNIT, THREE-UNIT /FOUR-UNIT HOUSES; COTTAGE COURTS		MID-RES MID-TRN MID-MIX	Supplemental
1. Lot			
A	Minimum Lot Area (square feet)	6,000	

B	Minimum Lot Width (feet)		
	Interior Lot Corner Lot	50 60	
2. Principal Building Siting			
C	Minimum Front Setback (feet)	25	
D	Minimum Interior Side Setback (one side/both sides, feet)	3/9	
E	Minimum Street Side Setback (% of lot width)	20[1]	
F	Minimum Rear Setback (% of lot depth)	20[2]	
3. Accessory Building Siting			
	Minimum Rear and Interior Side Setback (feet)	1.5	
	Minimum Alley Setback (feet)	5	
4. Uses			
G	Allowed Uses in All Stories	Residential uses allowed by Sec. 24.07.030	
5. Building Coverage			
	Maximum Building Coverage of Principal & Accessory Buildings Combined (% of lot area)		
	Interior Lot Corner Lot	37 42	
	Maximum Building Coverage of Accessory Buildings (% of lot area)	12[3]	
6. Building Height			Sec. 24.06.085-M
H	First Story Floor Elevation (min/max above sidewalk, ft.)	0 to 4	
I	Maximum Principal Building Height (feet)	35	

I	Maximum Accessory Building Height (feet)	16[4]	
7. Building Facade			
J	Minimum Front Facade Transparency (%)	15	Sec. 24.06.085-O
J	Minimum Street-Side Facade Transparency (%)	5	
8. Lot Edges			
K	Edge Type Required	Landscape	Sec. 24.06.085-P
L	Edge Element Required	Porch or Stoop	Sec. 24.06.085-Q
Table 24-3 Notes			
[1] Not required to exceed 15 feet.			
[2] Minimum 15 feet; not required to exceed 25 feet.			
[3] Not to exceed 720 square feet.			
[4] Accessory building heights of up to 20 feet may be approved by the zoning administrator if the administrator determines that the additional height is necessary to accommodate a roof pitch consistent with the architectural style of the principal building and that the additional height will not be used to create habitable floor area.			

Figure 24-1. Detached, Two-Unit, and Three-Unit/Four-Unit Houses



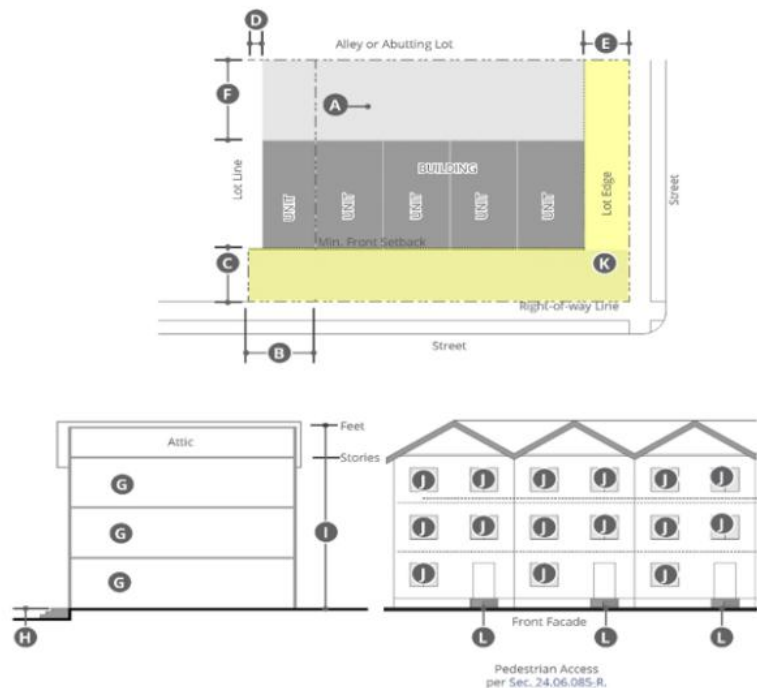
G. Semi-Detached and Attached House Regulations. Semi-Detached Houses and Attached houses are subject to the regulations of Table 24-4. See also Figure 24-2, which is keyed to the letter symbols in the first column of the table.

TABLE 24-4 SEMI-DETACHED AND ATTACHED HOUSES		MID-RES MID-TRN MID-MIX	Supplemental
1. Lot			
A	Minimum Lot Area (square feet)		
	Semi-Detached Houses Attached Houses	3,000 2,000	
B	Minimum Lot Width (feet)		
	Semi-Detached Houses Attached Houses	30 20	

2. Principal Building Siting			
C	Minimum Front Setback (feet)	25	
D	Minimum Interior (non-street) Side Setback (feet)	0[1]	
E	Minimum Street Side Setback (% of lot width)	20	
F	Minimum Rear Setback (% of lot depth)	20[2]	
3. Accessory Building Siting			
	Minimum Rear and Interior Side Setback (feet)	1.5	
	Minimum Alley Setback (feet)	5	
4. Uses			
G	Allowed Uses in All Stories	Residential uses allowed by Sec. 24.07.030	
5. Building Coverage			
	Maximum Building Coverage of Principal & Accessory Buildings Combined (% of lot area)		
	Interior Lot Corner Lot	50 60	
	Maximum Building Coverage of Accessory Buildings (% of lot area)	12[3]	
6. Building Width			
	Maximum Number of Attached Units	8	
7. Building Height			Sec. 24.06.085-M

H	First Story Floor Elevation (min/max above sidewalk, ft.	0 to 4	
I	Maximum Principal Building Height (feet)	35	
I	Maximum Accessory Building Height (feet)	16[4]	
8. Building Facade			
J	Minimum Front Facade Transparency (%)	15	Sec. 24.06.085-O
J	Minimum Street-Side Facade Transparency (%)	5	
9. Lot Edges			
K	Edge Type Required	Landscape	Sec. 24.06.085-P
L	Edge Element Required	Porch or Stoop	Sec. 24.06.085-Q
Table 24-4 Notes [1] End units subject to minimum 4.5-foot interior side setback. [2] Minimum 15 feet; not required to exceed 25 feet. [3] Not to exceed 720 square feet. [4] Accessory building heights of up to 20 feet may be approved by the zoning administrator if the administrator determines that the additional height is necessary to accommodate a roof pitch consistent with the architectural style of the principal building and that the additional height will not be used to create habitable floor area.			

Figure 24-2. Semi-detached and Attached Houses



H. Commercial House and Live-Work Regulations. Commercial houses are former detached houses that have been converted for occupancy by nonresidential principal uses, such as offices or retail shops. Commercial houses and live-work units are subject to the regulations of Table 24-5. See also Figure 24-3, which is keyed to the letter symbols in the first column of the table.

TABLE 24-5 COMMERCIAL HOUSES AND LIVE-WORK UNITS		MID-TRN MID-MIX	Supplemental
1. Lot			
A	Minimum Lot Area (square feet)	6,000	
B	Minimum Lot Width (feet)		
	Interior Lot	50	
	Corner Lot	60	
2. Principal Building Siting			
C	Minimum Front Setback (feet)	25	
D	Minimum Interior Side Setback (one side/both sides, feet)	3/9	

E	Minimum Street Side Setback (% of lot width)	20[1]	
F	Minimum Rear Setback (% of lot depth)	20[2]	
3. Accessory Building Siting			
	Minimum Rear and Interior Side Setback (feet)	1.5	
	Minimum Alley Setback (feet)	5	
4. Uses			
G	Allowed Uses in Ground Story	Commercial uses allowed by Sec. 24.07.030	
G	Allowed Uses in Other Stories	Any use allowed by Sec. 24.07.030	
5. Building Coverage			
	Maximum Building Coverage of Principal & Accessory Buildings Combined (% of lot area)		
	Interior Lot Corner Lot	50 60	
	Maximum Building Coverage of Accessory Buildings (% of lot area)	12[3]	
6. Building Height			Sec. 24.06.085-M
H	First Story Floor Elevation (min/max above sidewalk, ft.)	0 to 4	
I	Maximum Principal Building Height (feet)	35	
I	Maximum Accessory Building Height (feet)	16[4]	
7. Building Facades			
J	Minimum Front Facade Transparency (%)	15	Sec. 24.06.085-O
J	Minimum Street-Side Facade Transparency (%)	5	

8. Lot Edges			
K	Edge Type Required		Sec. 24.06.085-P
L	Edge Element Required		Sec. 24.06.085-Q

Table 24-5 Notes

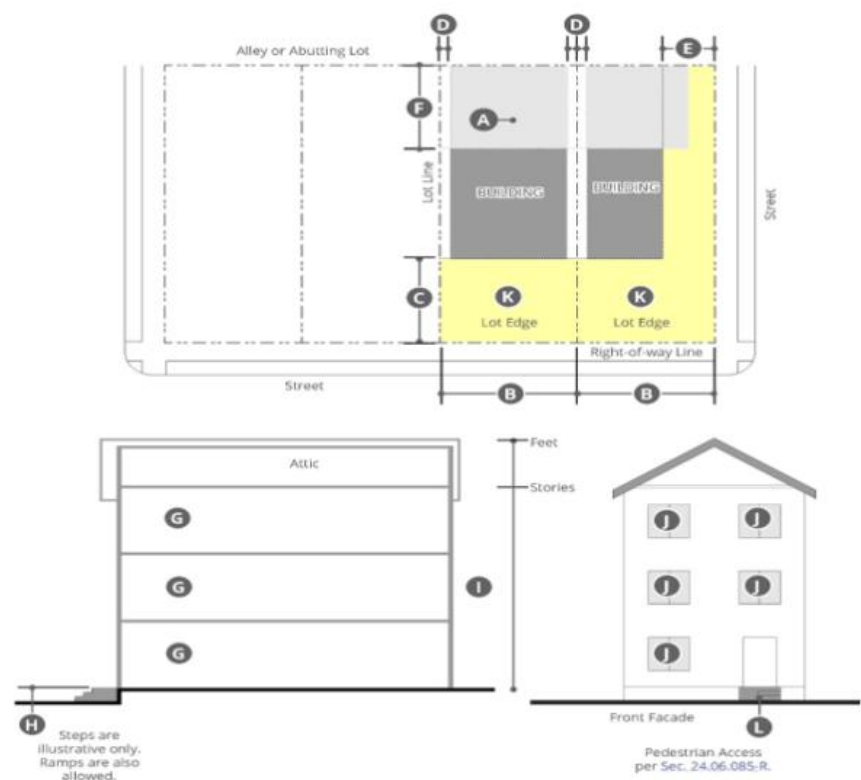
[1] Not required to exceed 15 feet.

[2] Minimum 15 feet; not required to exceed 25 feet.

[3] Not to exceed 720 square feet.

[4] Accessory building heights of up to 20 feet may be approved by the zoning administrator if the administrator determines that the additional height is necessary to accommodate a roof pitch consistent with the architectural style of the principal building and that the additional height will not be used to create habitable floor area.

Figure 24-3. Commercial House and Live-Work



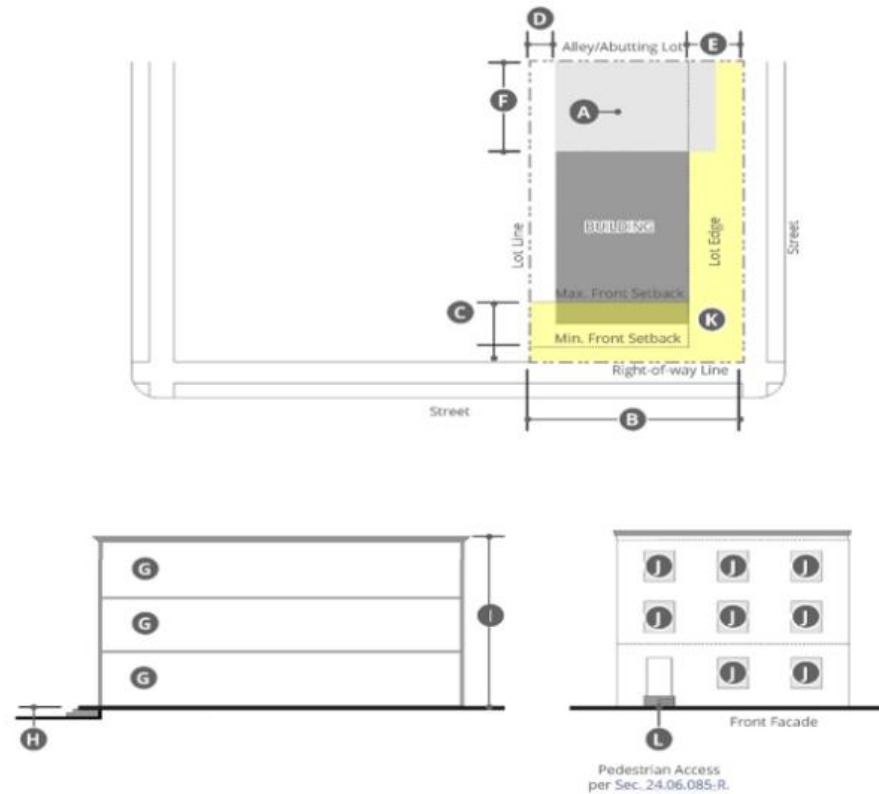
I. Multi-Unit Residential Building Regulations. Multi-unit residential buildings (as defined in Sec. 24.08.020.A.5) are subject to the regulations of Table 24-6. See also Figure 24-4, which is keyed to the letter symbols in the first column of the table.

TABLE 24-6 MULTI-UNIT RESIDENTIAL BUILDINGS		MID-RES	MID-TRN MID-MIX	Supplemental
1. Lot				
A	Minimum Lot Area (square feet)	6,000	6,000	
B	Minimum Lot Width (feet)			
	Interior Lot	50	50	
	Corner Lot	60	60	
2. Principal Building Siting				
C	Minimum Front Setback (feet)	25	10	
C	Maximum Front Setback (feet)	30	30	
	Minimum Building Coverage at/between Min. and Max. Front Setback (%)	75	75	
D	Minimum Interior Side Setback (one side/both sides, feet)	3/9	3/9	
E	Minimum Street Side Setback (% of lot width)	20[1]	20[1]	
F	Minimum Rear Setback (% of lot depth)	20[2]	20[2]	
3. Accessory Building Siting				
	Minimum Rear and Interior Side Setback (feet)	1.5	1.5	

	Minimum Alley Setback (feet)	5	5	
4. Uses				
G	Allowed Uses in All Stories	Residential uses allowed by Sec. 24.07.030		
5. Building Coverage				
	Maximum Building Coverage of Principal & Accessory Buildings Combined (% of lot area)			
	Interior Lot	50	50	
	Corner Lot	60	60	
	Maximum Building Coverage of Accessory Buildings (% of lot area)	12[3]	12[3]	
6. Building Width				
	Maximum Building Width (feet)	85	No Max.	
7. Building Height				Sec. 24.06.085-M
H	First Story Floor Elevation (min/max above sidewalk, ft.)	0 to 4	0 to 4	
I	Maximum Principal Building Height (feet)	45	45	
I	Maximum Accessory Building Height (feet)	16[4]	16[4]	
8. Building Façade				
J	Minimum Front Façade Transparency	20	20	Sec. 24.06.085-O

J	Minimum Street-Side Facade Transparency	5	5	
9. Lot Edges				
K	Edge Type Required	Landscape		Sec. 24.06.085-P
L	Edge Element Required	Porch or Stoop		Sec. 24.06.085-Q
Table 24-6 Notes [1] Not required to exceed 15 feet. [2] Minimum 15 feet; not required to exceed 25 feet. [3] Not to exceed 720 square feet. [4] Accessory building heights of up to 20 feet may be approved by the zoning administrator if the administrator determines that the additional height is necessary to accommodate a roof pitch consistent with the architectural style of the principal building and that the additional height will not be used to create habitable floor area.				

Figure 24-4 Multi-Unit Residential Building



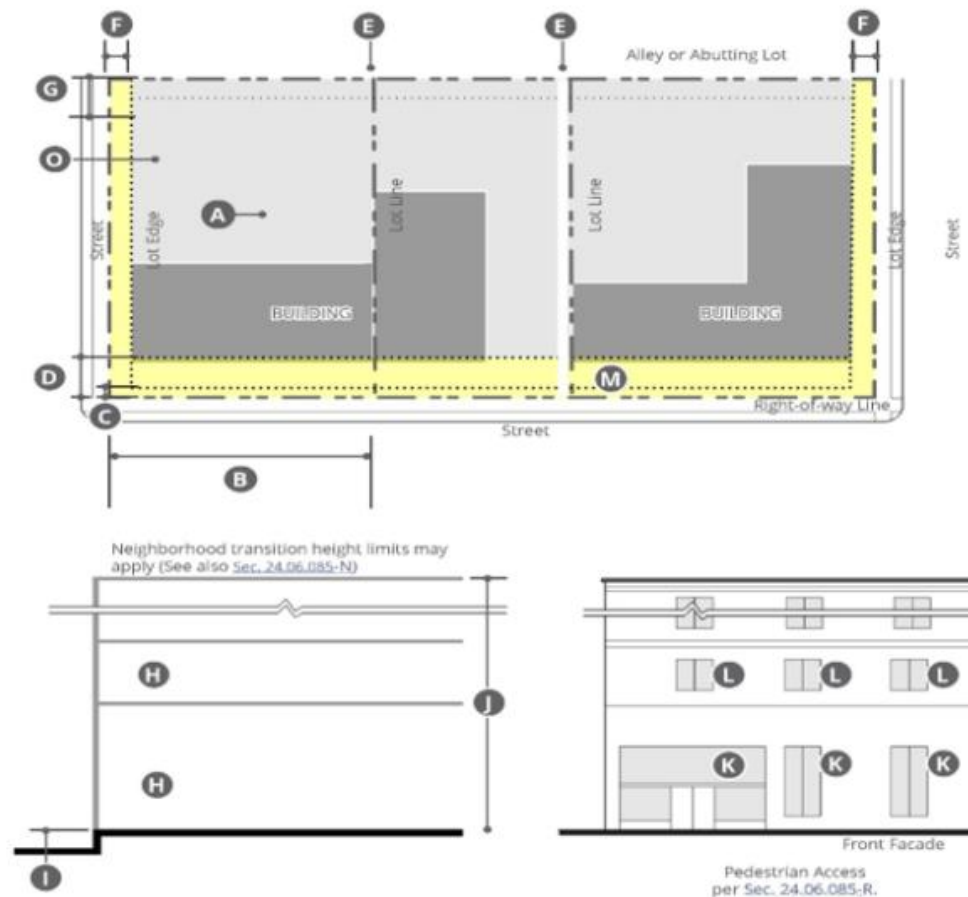
J. Commercial Building Regulations. Commercial buildings are subject to the regulations of Table 24-7. See also Figure 24-5, which is keyed to the letter symbols in the first column of the table. Commercial buildings are buildings occupied by nonresidential uses in all stories of the building.

TABLE 24-7 COMMERCIAL BUILDINGS		MID-TRN	MID-MIX	Supplemental
1. Lot				
A	Minimum Lot Area (square feet)	6,000	6,000	
B	Minimum Lot Width (feet)	50	50	
2. Principal Building Siting				
C	Minimum Front Setback (feet)	10	5	
D	Maximum Front Setback (feet)	25	10	

	Minimum Building Coverage at/between Min. and Max. Front Setback (%)	60	70	
E	Minimum Interior (non-street) Side Setback (feet)	3[1]	3[1]	
F	Minimum Street Side Setback (% of lot width)	10[2]	10[2]	
G	Minimum Rear Setback (% of lot depth)	20[3]	20[3]	
3. Accessory Building Siting				
	Minimum Rear and Interior Side Setback (feet)	3	3	
	Minimum Alley Setback (feet)	5	5	
4. Uses				
H	All Stories	Any use allowed by 24.07.030		
5. Building Coverage				
	Maximum Building Coverage (% of lot area)	75	75	
6. Building Height				Sec. 24.06.085-M
I	First Story Floor Elevation (min/max above sidewalk, ft.)	0 to 3	0 to 3	
J	Maximum Principal Building Height (stories/feet)	3/42	3/42	Sec. 24.06.085-N
J	Maximum Accessory Building Height (feet)	20	20	
7. Building Façade				
K	Minimum Front Facade Transparency			Sec. 24.06.085-O

L	Ground Story	50	60	
	Upper Stories (above first)	15	20	
	Minimum Street-Side Facade Transparency All Stories	15	15	
8. Lot Edges				
M	Edge Type Required	Hardscape		Sec. 24.06.085-P
	Edge Element Required	None		
Table 24-7 Notes				
[1] No side setback is required abutting a lot occupied by a nonresidential building with no side setback along the shared lot line.				
[2] Not required to exceed 15 feet.				
[3] Minimum 15 feet; not required to exceed 25 feet.				

Figure 24-5. Commercial Building



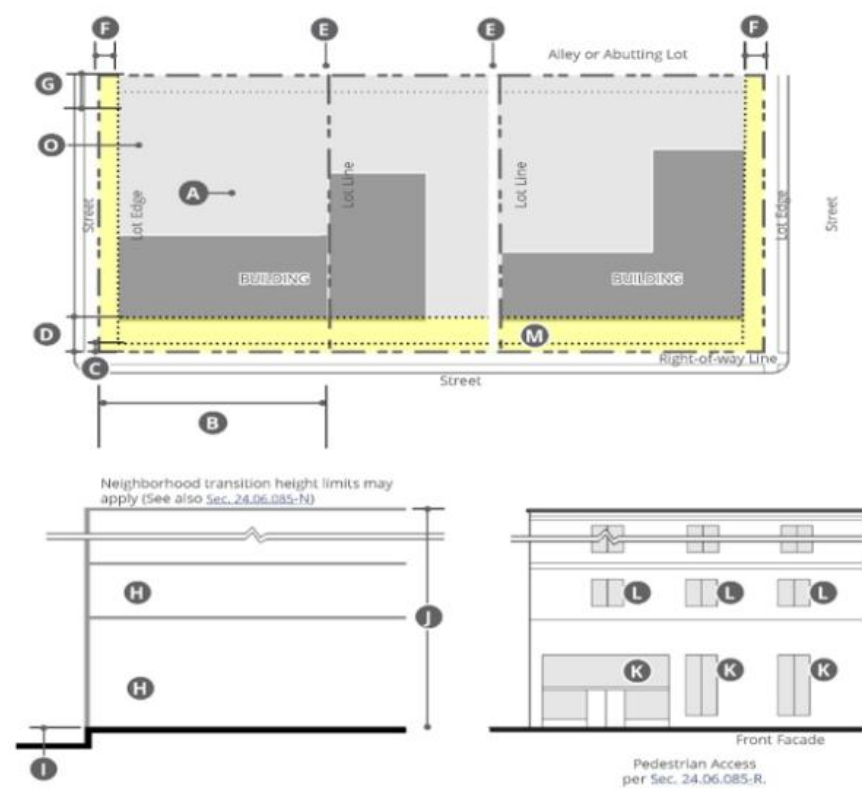
K. Vertical Mixed-use Building Regulations. Vertical mixed-use buildings (as defined in Sec. 24.08.020.A.6) are subject to the regulations of Table 24-8. See also Figure 24-6, which is keyed to the letter symbols in the first column of the table.

TABLE 24-8 VERTICAL MIXED-USE BUILDINGS		MID-TRN	MID-MIX	Supplemental
1. Lot				
A	Minimum Lot Area (square feet)	6,000	6,000	
B	Minimum Lot Width (feet)	50	50	
2. Principal Building Siting				
C	Minimum Front Setback (feet)	10	5	

D	Maximum Front Setback (feet)	25	10	
	Minimum Building Coverage at/between Min. and Max. Front Setback (%)	60	80	
E	Minimum Interior (non-street) Side Setback (feet)	3[1]	3[1]	
F	Minimum Street Side Setback (% of lot width)	10[2]	10[2]	
G	Minimum Rear Setback (% of lot depth)	20[3]	20[3]	
3. Accessory Building Siting				
	Minimum Rear and Interior Side Setback (feet)	3	3	
	Minimum Alley Setback (feet)	5	5	
4. Uses				
H	Allowed Uses in Ground Story	Commercial uses allowed by Sec. 24.07.030 [4]		
I	Allowed Uses in Other Stories	Any use allowed by Sec. 24.07.030		
5. Building Coverage				
	Maximum Building Coverage (% of lot area)	75	75	
6. Building Height				Sec. 24.06.085-M
J	First Story Floor Elevation (min/max above sidewalk, ft.)	0 to 1.5	0 to 1.5	
K	Minimum Ground Story Height (floor-to-floor/feet)	14	14	
L	Minimum Principal Building Height (stories)	2	2	
L	Maximum Principal Building Height (feet)	45	45	Sec. 24.06.085-N

L	Maximum Accessory Building Height (feet)	20	20	
7. Building Facade				
M	Minimum Front Facade Transparency			Sec. 24.06.085-O
N	Ground Story	55	70	
	Upper Stories (above first)	20	25	
	Minimum Street-Side Facade Transparency All Stories	15	15	
8. Lot Edges				
O	Edge Type Required	Hardscape		Sec. 24.06.085-P
	Edge Element Required	None		
Table 24-8 Notes				
[1] No side setback is required abutting a lot occupied by a nonresidential building with no side setback along the shared lot line.				
[2] Not required to exceed 15 feet.				
[3] Minimum 15 feet; not required to exceed 25 feet.				
[4] Residential dwelling units may be located in the ground-story but not within 20 feet of a North Avenue-facing building facade.				

Figure 24-6. Vertical Mixed-Use Building



Part XV. The “Allowed Uses” section 24.07 of Wauwatosa Municipal Code of Ordinances is hereby repealed and replaced to read as follows:

24.07.010 General

Principal uses are allowed in residential, commercial and industrial zoning districts in accordance with use table of Section 24.07.030.

24.07.020 Understanding The Use Table

- A. Use Classification System. For the purpose of this zoning ordinance, uses are classified into use categories and subcategories. These are described and defined in Chapter 24.08. Use categories and subcategories are identified in the first column of the use tables. In some cases, specific use types are listed in addition to the use categories and subcategories.
- B. Permitted Uses. Uses identified with a "P" in the use tables are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this zoning ordinance.
- C. Conditional Uses. Uses identified with a "C" in the use table may be allowed if reviewed and approved in accordance with the conditional use permit procedures of Section 24.16.040. Conditional uses are subject to compliance with any use-specific standards identified in the final column of the table and with all other applicable regulations of this zoning ordinance.
- D. Prohibited Uses. Uses identified with an "-" are expressly prohibited. Uses that are not listed in the use table are also prohibited.
- E. Use Standards. The "standards" column of use table identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is permitted as-of-right or requires conditional use approval.
- F. Accessory Uses. Uses classified as accessory uses, such as home occupations, are not included in the use table. Customary accessory uses are permitted in conjunction with allowed principal uses, provided they comply with all applicable regulations of Chapter 24.10.
- G. Overlay Districts. Some areas may be subject to an overlay district that establishes additional or alternative use standards, as specified in Chapter 24.05.

24.07.030 Use Table

The following table identifies principal uses allowed in residential, commercial and industrial zoning districts. See Section 24.07.020 for information about how to interpret the use table.

USE CATEGORY	DISTRICTS																					
Use Subcategory (See Chapter 24.08) - Specific Use Type (See Ch. 24.08)	G R	S R	N R	M R	LD M	MD M	CO[5]	C1[5]	C2[5]	M1[5]	M 2	SP- CO N	SP - PO S	SP - PU B	SP - IN S	SP- ME D	SP- RP[1]	SP- PK G	MI D- RE S	MI D- TR N	MI D- MI X	USE REGULAT IONS
RESIDENTIAL																						
Household Living																						
- Detached House	P	P	P	P	P	P	-	P	-	-	-	-	-	-	-	-	-	-	P	P	-	
- Semi-detached House	P	P	P	P	P	P	-	P	-	-	-	-	-	-	-	-	-	-	P	P	-	24.09.020A
- Two-unit House	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	P	P	-	24.09.020B
- Three-Unit/Four-Unit House	-	-	-	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	P	P	P	24.09.020C
- Cottage Court	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	24.09.020D
- Attached House	P	P	P	P	P	P	-	P	-	-	-	-	-	-	-	-	-	-	P	P	P	24.09.020A
- Multi-unit Residential Building, 5-12 units	-	-	-	P	P	P	P	P	P	-	-	-	-	-	P	-	P	-	P	P	P	

- Multi-unit Residential Building, 13+ units	-	-	-	-	-	-	-	P	P	-	-	-	-	-	P	-	P	-	-	P	P	
- Mixed-use Building, Vertical	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	P	-	-	P	P	
- Mixed-use, Horizontal	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	
- Educational Facility Housing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	24.06.060C
- Live-Work Unit	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	P	P	24.09.020E
Group Living (except as indicated below)	-	-	-	-	C	C	-	P	C	-	-	-	-	-	C	C	-	-	C	P	C	
- Adult Family Home	P/C	P/C	P/C	P/C	P/C	P/C	-	C	-	-	-	-	-	-	C	C	-	-	P/C	C	-	24.09.010
- Community Living Arrangement	P/C	P/C	P/C	P/C	P/C	P/C	-	C	-	-	-	-	-	-	C	C	-	-	P/C	C	-	24.09.040
- Foster Home/Treatment Foster Home	P	P	P	P	P	P	-	C	-	-	-	-	-	-	C	C	-	-	P	C	-	24.09.060
PUBLIC/CIVIL	G R	S R	N R	M R	LD M	MD M	CO[5]	C1[5]	C2[5]	M1[5]	M 2	SP- CO N	SP - PO S	SP - PU B	SP - IN S	SP- ME D	SP- RP[1]	SP- PK G	MI D- RE S	MI D- TR N	MI D- MI X	USE REGULAT IONS
College/University	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P		-	-	-	-	
Day Care																						
- Home-Based—Up to 8 children or adults	P	P	P	P	P	P	P	P	P	-	-	-	C	-	C	C		-	P	P	P	

- More than 8 children or adults [7]	C	C	C	C	C	C	C	C	C	-	-	-	C	-	C	C		-	-	C	C	
Detention and Correctional Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C		-	-	-	-	
Fraternal, Labor, Membership Organization	-	-	-	-	-	-	-	P	P	P	-	-	-	-	P	-		-	-	P	P	
Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P		-	-	-	-	
Library/Cultural Exhibit	-	P	P	P	P	P	P	P	P	-	-	C	C	-	C	C		-	P	P	P	
Park/Recreation/Open Space (except as indicated below)	-	-	-	-	-	-	-	-	-	-	-	P	P	P	C	C		-	-	-	-	
- Community or Recreation Center	-	C	C	C	C	C	-	C	P	-	-	C	P	C	C	C		-	C	C	P	
-General Recreation Park/Playground		C	C	C	C	C	-	-	-	-	-	P	P	P	C	C		-	C	-	-	
- Golf Course (min. 5,000 yards)	-	C	C	C	C	C	-	-	-	-	-	C	P	C	C	C		-	C	-	-	
- Swimming Pool	-	C	C	C	C	C	-	-	-	-	-	C	P	C	C	C		-	C	-	-	
- Tennis Court	C	C	C	C	C	C	-	-	-	-	-	C	P	C	C	C		-	C	-	-	
Religious Assembly	C	C	C	C	C	C	-	P	P	C	-	-	-	-	C	C		-	C	C	C	
Government or Safety Services	C	C	C	C	C	C	C	C	C	P	P	-	-	P	C	C		-	C	C	C	

School	-	P	P	P	P	P	P	P	-	-	-	P	P	-	P	P		-	P	P	-	
Utilities & Services	-	C	C	C	C	C	C	C	-	-	-	-	C	C	-	-		-	C	C	-	
- Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		-	P	P	P	
- Major	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		-	C	C	C	
COMMERCIAL	G R	S R	N R	M R	LD M	MD M	CO[5]	C1[5]	C2[5]	M1[5]	M 2	SP- CO N	SP - PO S	SP - PU B	SP - IN S	SP- ME D	SP- RP[1]	SP- PK G	MI D- RE S	MI D- TR N	MI D- MI X	USE REGULAT IONS
Animal Services																						
- Sales & Grooming	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-		-	-	P	P	
- Shelter or Boarding Kennel	-	-	-	-	-	-	-	-	C	P	P	-	-	-	-	-		-	-	-	-	
- Veterinary	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-		-	-	P	P	
Artist Work or Sales Space	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-		-	-	P	P	
Building Maintenance Service	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-		-	-	-	P	
Business Equipment Sales & Service	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-		-	-	P	P	
Business Support Service	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-		-	-	-	P	

- Trade/Vocational/Technical School	-	-	-	-	-	-	P	-	P	P	P	-	-	-	-	-		-	-	-	P	
Communication Service Establishments	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-		-	-	P	P	
Construction Sales & Service	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-		-	-	-	P	
Eating & Drinking Establishments [3]																						
- Restaurant	-	-	-	-	-	-	C	C	C	-	-	-	C	-	-	C		-	-	C	C	
- Bar or Tavern	-	-	-	-	-	-	C	C	C	-	-	-	-	-	-	-		-	-	C	C	
Entertainment & Spectator Sports (except as indicated below)	-	-	-	-	-	-	-	C	C	-	-	-	-	C	-	-		-	-	C	C	
- Amphitheater	-	C	C	C	C	C	C	C	-	-	-	-	C	C	-	-		-	C	C	-	
- Aquarium or Planetarium	-	C	C	C	C	C	C	C	-	-	-	-	C	C	-	-		-	C	C	-	
- Auditorium	-	C	C	C	C	C	C	C	-	-	-	-	C	C	-	-		-	C	C	-	
- Stadium and Athletic Fields (accessory to schools only in R districts)	-	C	C	C	C	C	C	C	-	-	-	-	C	C	-	-		-	C	C	-	
Financial Services (except as indicated below)	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-		-	-	P	P	

- Convenient Cash Business	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-		-	-	-	-	24.09.050
-Food & Beverage Retail Sales																						
- Grocery Store	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-		-	-	P	P	
- Liquor/Wine/Beer Store	-	-	-	-	-	-	-	C	C	C	-	-	-	-	-	-		-	-	C	C	
- Carry-out Only	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-		-	-	P	P	
Funeral & Interment Services																						
- Cemetery/Columbarium/Mausoleum	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-		-	-	-	-	
- Cremating	-	-	-	-	-	-	-	-	C	P	P	-	-	-	-	-		-	-	-	-	
- Undertaking/Funeral Services	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-		-	-	P	P	
Lodging																						
- Bed & Breakfast	-	-	C	C	C	C	-	C	-	-	-	-	-	-	-	-		-	C	C	-	24.09.030
- Hotel/Motel	-	-	-	-	-	-	-	C	P	-	-	-	-	-	-	-		-	-	C	C	
- Campground	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-		-	-	-	-	

Office, Administrative, Professional	-	-	-	-	-	-	P	P	P	P	P	-	-	P	-	P		-	-	P	P	
- Government/ School District Offices	-	P	P	P	P	P	P	P	P	-	-	-	-	-	P	P		-	-	P	P	
Office or Clinic, Medical	-	-	-	-	-	-	P	P	P	-	C	-	-	-	P	P		-	-	P	P	
Parking, Non-Accessory	-	-	-	-	-	-	-	C	P	P	P	-	-	P	-	C		P	-	C	P	24.06.080B
Personal Improvement Service	-	-	-	-	-	-	P	P	P	P	C	-	-	-	-	-		-	-	P	P	
Repair or Laundry Service, Consumer	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-		-	-	P	P	
Research Service	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	P		-	-	P	P	
Retail Sales (except as indicated below)	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-		-	-	P	P	
-Antiques, Resale Shops, Second-hand Merchandise	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-		-	-	P	P	6.55
- Cigarette, Cigar, Tobacco, Vape, or E-Cigarette Store	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-		-	-	-	-	24.09.120
- Cigarette & Tobacco Product Sales (ancillary)	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-		-	-	P	P	
- Large-Format Retail	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-		-	-	-	-	24.09.090
Sports & Recreation, Participant																						

- Indoor	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	P		-	-	P	P	
- Outdoor	-	-	-	-	-	-	-	C	C	P	P	-	-	-	-	C		-	-	C	C	
Vehicle Sales & Service																						
- Auto Wash/Cleaning Service	-	-	-	-	-	-	-	-	C	P	P	-	-	P	-	-		-	-	-	-	7.46.120
- Auto Fueling Station	-	-	-	-	-	-	-	-	C	P	P	-	-	P	-	-		-	-	-	C	
- Heavy Vehicles and Equipment, Sales/Rentals	-	-	-	-	-	-	-	-	C	P	P	-	-	-	-	-		-	-	-	-	
- Light Vehicles and Equipment, Sales/Rentals	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-		-	-	-	-	6.72
- Motor Vehicle Repair, Limited	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-	-		-	-	-	-	
- Motor Vehicle Repair, General	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-	-		-	-	-	-	
- Vehicle Storage & Towing	-	-	-	-	-	-	-	-	C	P	P	-	-	-	-	-		-	-	-	-	
INDUSTRIAL	G R	S R	N R	M R	LD M	MD M	CO[5]	C1[5]	C2[5]	M1[5]	M 2	SP-CO N	SP - PO S	SP - PU B	SP - IN S	SP-ME D	SP-RP[1]	SP-PK G	MI D-RE S	MI D-TR N	MI D-MI X	USE REGULAT IONS
Manufacturing & Industrial Services, Artisan	-	-	-	-	-	-	-	P	P	P	P	-	-	P	-	-		-	-	P	P	

Manufacturing & Industrial Services, Limited	-	-	-	-	-	-	-	-	-	P	P	-	-	P	-	-		-	-	-	-	
Manufacturing & Industrial Services, General	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-		-	-	-	-	
Manufacturing & Industrial Services, Intensive	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-		-	-	-	-	
-Recycling Service																						
- Limited	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-	-		-	-	-	P	
- General	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-		-	-	-	-	
Residential Storage Warehouses	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-		-	-	-	-	
-Warehousing, Wholesaling & Freight Movement																						
- Limited	-	-	-	-	-	-	-	-	-	P	P	-	-	P	-	-		-	-	-	-	
- General	-	-	-	-	-	-	-	-	-	P	P	-	-	P	-	-		-	-	-	-	
Waste-Related Use	-	-	-	-	-	-	-	-	-	-	C	-	-	P	-	-		-	-	-	-	
AGRICULTURAL	G R	S R	N R	M R	LD M	MD M	CO[5]	C1[5]	C2[5]	M1[5]	M 2	SP- CO N	SP - PO S	SP - PU B	SP - IN S	SP- ME D	SP- RP[1]	SP- PK G	MI D- RE S	MI D- TR N	MI D- MI X	USE REGULAT IONS

Apiary	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-		-	-	-	-	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C		-	P	P	P	
Farmer's Market	C	C	C	C	C	C	P	P	P	P	P	-	P	P	P	P		-	C	P	P	
Nurseries & Greenhouses	-	-	C	-	-	-	-	-	P	P	-	C	C	P	C	C		-	-	-	P	
MISCELLANEOUS	G R	S R	N R	M R	LD M	MD M	CO[5]	C1[5]	C2[5]	M1[5]	M 2	SP- CO N	SP - PO S	SP - PU B	SP - IN S	SP- ME D	SP- RP[1]	SP- PK G	MI D- RE S	MI D- TR N	MI D- MI X	USE REGULAT IONS
Wireless Communication Facilities																						
- Co-located	[2]	[2]	[2]	[2]	[2]	[2]	[2]	P	P	P	P	-	-	P	-	-		-	[2]	P	-	24.09.110
- Freestanding	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	P	P	-	-	P	-	-		-	[2]	[2]	[2]	24.09.110
Drive-through or Drive-in Facilities	-	-	-	-	-	-	C	C[4]	C[4]	C	C	-	-	-	-	-		-	-	-	-	24.11.100
Helipad	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P		-	-	-	-	

[1] See Section 24.06.070 for a list of permitted and conditional uses in the SP-RP district.

[2] See Section 24.09.110 for additional regulations.

[3] See Section 24.05.020 C.2. In a regional mall, no Conditional Use is required for establishments with no separate entrance or seating.

[4] See Section 24.05.030 B.7. Drive-through or drive-in facilities are prohibited in /NOR overlay. See Section 24.05.020 D for additional /MAY Overlay drive-through or drive-in regulations.

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

[6] See Subsection 24.08.040 O.2. "Office or Clinic, Medical" definition.

[7] Only allowed on school or religious assembly properties with a Conditional Use.

Part XVI. The “Residential Use Category” subsection 24.08.020 of the Wauwatosa Municipal Code of Ordinances is hereby repealed and replaced to read as follows:

The residential use category includes uses that provide living accommodations to one or more persons.

- A. Household Living. Residential occupancy of a dwelling unit by a household. When dwelling units are rented, tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered a form of lodging. See 24.18.020 for definitions.

Part XVII. The “Public and Civic Use Category” subsection of the Wauwatosa Municipal Code of Ordinances 24.08.030 is hereby amended to modify the following section to read as follows:

- I. Government or Safety Services. Public safety services that provide fire, police, life protection, and public works operations, together with customary storage of supplies (indoor and outdoor) and maintenance of necessary vehicles. Typical uses include fire stations, police stations, public works facilities, and ambulance services.

Part XVIII. The “Commercial Use Category” subsection of 24.08.040 of the Wauwatosa Municipal Code of Ordinances is hereby amended to modify the following section to read as follows:

- A. Animal Services. The following are animal services use types:

1. Sales & Grooming. Sales and grooming of dogs, cats and similar small animals. Typical uses include pet stores, dog bathing and clipping salons and pet grooming shops.
2. Shelter or Boarding Kennel. An establishment in which more than three domestic animals over the age of three months may be kept for shelter, feed, and care at the direction of the animals’ owners, for compensation, but not within the practice of veterinary medicine under Wis. Stat. 89.02(6). Typical uses include boarding kennels, pet resorts/hotels, dog training centers, doggy or pet day cares and animal rescue shelters.
3. Veterinary. Typical uses include pet clinics, dog and cat hospitals and animal hospitals.

Part XIX. The “Supplementary Use Regulations” Index 24.09 of the Wauwatosa Municipal Code of Ordinances is hereby amended to read as follows:

24.09.010 Adult Family Home

24.09.020 Residential Uses

24.09.030 Bed And Breakfast

24.09.040 Community Living Arrangements

24.09.050 Convenient Cash Businesses

24.09.060 Foster Home Or Treatment Foster Home

24.09.070 (RESERVED)

24.09.080 Community Garden

24.09.090 Large-Format Retail Developments

24.09.100 Sexually Oriented Businesses

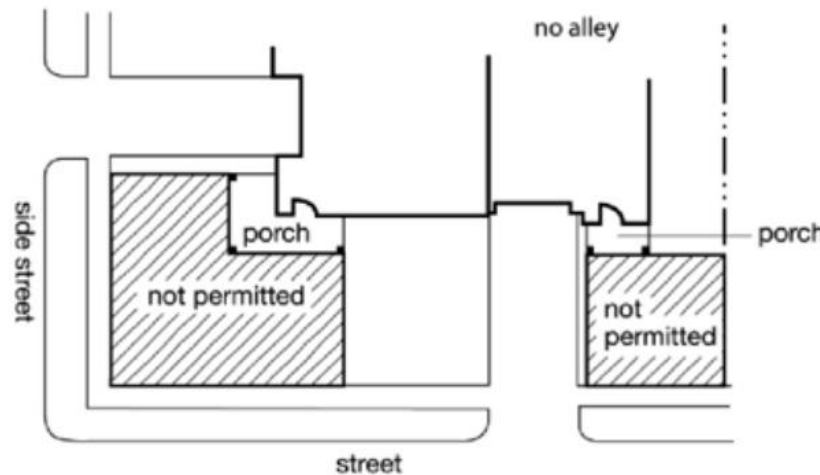
24.09.110 Wireless Communication Facilities

24.09.120 Cigarette, Cigar, Tobacco, Vape, Or E-Cigarette Stores

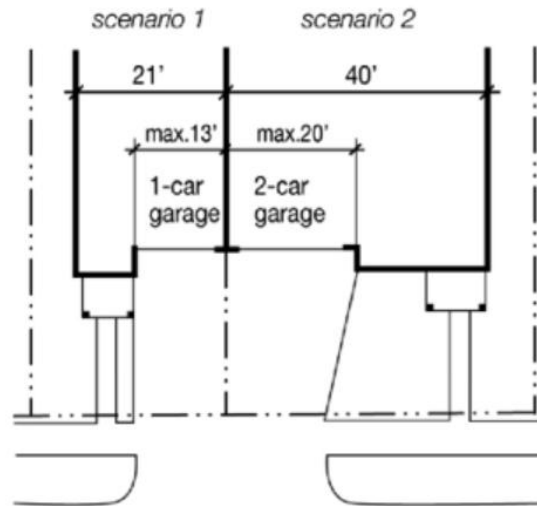
Part XX. The “Residential Uses” subsection 24.09.020 of the Wauwatosa Municipal Code of Ordinances is hereby repealed and replaced to read as follows:

A. Attached and Semi-Detached Houses.

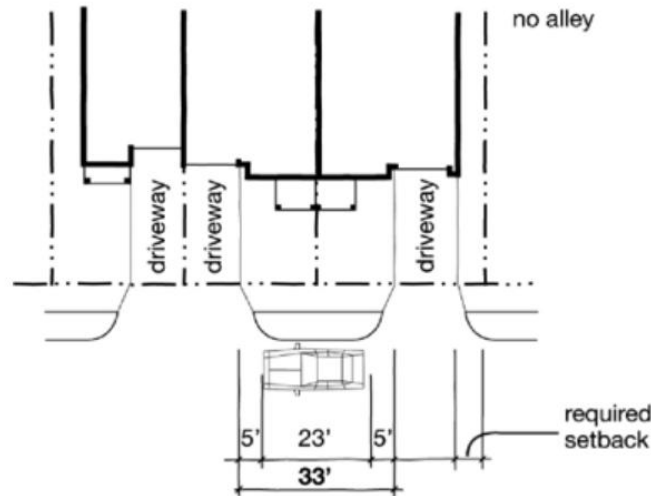
1. Applicability. Attached and semi-detached houses are subject to all applicable regulations of this zoning ordinance except as modified or supplemented by the attached and semi-detached house building regulations of this section.
2. Side Setbacks. No side setback is required for common or abutting walls. Otherwise, the minimum side setback requirements of the subject zoning district apply.
3. Parking and Access.
 - a. Access to parking spaces and garages must be from the alley for all parcels abutting an alley.
 - b. For parcels without alley access, driveways, parking and other vehicular use areas may not be located between the porch or main building entrance and the street.



- c. When parking is provided in a garage that faces a street, the following standards must be met:
 - 1) The garage width may not exceed 50% of the street-facing façade of each attached dwelling unit or 13 linear feet, whichever is greater (see diagram).



- 2) An attached and semi-detached house structure may have no more than 2 individual garage doors or carport entrances in succession on a street-facing façade.
- 3) Garages and carports must be set back at least 20 feet from all property lines that abut a street. Garages and carports must be recessed as least 4 feet from street-facing façade of the building.
- 4) When garages or carports are paired (abutting), driveways must be combined and centered on the property line between dwelling units providing access to the garages or carports. There must be a minimum of 33 feet distance between single or paired driveways, measured along the front property line, unless otherwise approved by the zoning administrator (see diagram).



- 5) The width of all driveway approaches must meet city engineering standards.

- 1) Width. Eight feet minimum
 - 2) Depth. Six feet minimum
 - 3) Height. Eight feet minimum
6. Permanent Foundation Required. Individual cottage home court buildings shall be affixed to the ground with a permanent foundation.
7. Common Court Open Space.
 - a. Buildings in a cottage court shall be arranged around a common court.
 - b. The common court shall be open to and visible from the public right of way.
 - c. The common court shall have a minimum area of 2,500 square feet.
 - d. The common court shall have a minimum width of 30 feet as measured from the interior of the pedestrian walkway.
 - e. Required building setbacks do not count as common court open space.
 - f. A maximum of 30 percent of a common court open space may be used for stormwater management if designed as a rain garden or bioswale.
8. Pedestrian Access.
 - a. A pedestrian walkway with a minimum width of five feet shall connect all buildings to the public right of way, common court open space, and parking areas.
 - b. The pedestrian walkway shall be setback a minimum of six feet from building entrances.
9. Vehicle Access and Parking.
 - a. Parking and driveways shall be located to the rear of the buildings in a dwelling-cottage/tiny home court.
 - b. Parking shall be accessed by an alley if an alley exists.
 - c. If no alley exists, parking shall be accessed by a single driveway.
 - d. The driveway shall be located either:
 - e. From the secondary street for a corner development site, or
 - f. To the interior side of the buildings on the development site.
10. Universal Design. A minimum of 5% of units, and no fewer than 2 units per cottage court shall be designed with accessible no-step entries.
- E. Live-Work Unit.
 1. Live-work units are not considered home occupations. Home occupations are regulated separately under Section 24.10.020.
 2. The work area shall occupy a maximum of 50 percent of the total unit.
 3. The work area shall be limited to the first or main floor only.
 4. A minimum of one person shall reside and be employed in the live work unit.
 5. A maximum of five people who are not residents of the live work unit may be employed in the work area at any one time.
 6. Allowed nonresidential uses in a live-work unit shall include:
 - a. Artisan Manufacturing,
 - b. General Commercial,
 - c. Office, Administrative, Professional.
 - d. Personal Services, and
 - e. Private Meeting/Recreation/Event Facility.

Part XXI. The “Electric Vehicle Charging Stations” subsection 24.10.040 of the Wauwatosa Municipal Code of Ordinances is hereby repealed and recreated to read as follows:

A. General.

1. Private (restricted-access) EV charging stations are permitted as accessory uses in all zoning districts.
2. Public EV charging stations are permitted as accessory uses to allowed nonresidential uses in all zoning districts.

B. Parking.

1. Electric vehicle charging stations may be counted toward satisfying minimum residential off-street parking space requirements.
2. Public electric vehicle charging stations must be reserved for parking and charging electric vehicles only. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that apply to any other vehicle.
3. Multi-unit Residential. Multi-unit developments may qualify for a reduction in the total number of required parking spaces where EV capable spaces are provided. The Zoning Administrator may approve a reduction in required parking proportional to the number of EV capable spaces provided, not to exceed ten percent of the total parking requirement. To qualify for a reduction, the development must meet the following criteria:
 - a. The parking area includes forty or more spaces, and
 - b. At least five percent of the total provided spaces are EV capable, up to a maximum of six EV capable spaces.

C. Equipment. Vehicle charging equipment must be designed and located so as to not impede pedestrian, bicycle or wheelchair movement or create safety hazards on sidewalks.

D. Usage Fees. Property owners are not restricted from collecting a service fee for the use of an electric vehicle charging station.

E. Posted Information.

1. Information must be posted identifying voltage and amperage levels and any type of use, fees, or safety information related to the electric vehicle charging station.
2. Public electric vehicle charging stations must be posted with signage indicating that the space is reserved for electric vehicle charging purposes only. For purposes of this provision, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment.

F. Maintenance. Electric vehicle charging stations must be maintained in all respects, including the functioning of the equipment. A phone number or other current contact information must be provided on the equipment for reporting when it is not functioning or other problems are encountered.

Part XXII. The “Accessory Dwelling Units (ADUS)” subsection 24.10.075 of the Wauwatosa Municipal Code of Ordinances is hereby repealed and recreated to read as follows:

A. Purpose.

1. The accessory dwelling unit regulations of this section are intended to help promote the benefits of accessory dwelling units, while also preserving neighborhood character and promoting predictability and certainty for established neighborhoods.
2. Accessory dwelling units ("ADU") help advance the city's housing and land use goals and policies by:
 - a. Accommodating additional housing units while preserving the character of existing neighborhoods;
 - b. Allowing efficient use of the city's existing housing stock and infrastructure;
 - c. Providing housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs;
 - d. Providing a means for residents to remain in their homes and neighborhoods, and obtain extra income, security, companionship and assistance; and
 - e. Promoting a broader range of accessible and more affordable housing.

B. General Regulations for All ADUs. All accessory dwelling units must comply with the regulations of this subsection.

1. Zoning District Regulations. Accessory dwelling units are subject to all applicable regulations of the zoning district in which they are located, unless otherwise expressly stated in this section.
2. Where Allowed. Accessory dwelling units are allowed only on lots occupied by a detached house, semi-detached house, attached house, or a two-unit house.
3. Number. No more than one accessory dwelling unit is allowed per lot.
4. Methods of Creation. An accessory dwelling unit may be created through any of the following methods:
 - a. Converting existing area within the interior of a principal dwelling unit (e.g., attic or basement) to an ADU;
 - b. Adding floor area to an existing dwelling unit to accommodate an ADU;
 - c. Constructing a detached accessory dwelling unit on a parcel with an existing principal dwelling unit;
 - d. Converting space within a detached accessory building; or
 - e. Constructing a new principal dwelling unit with an internal or detached accessory dwelling unit.

ADU within New or Existing House



ADU within an Addition to House



Detached ADU within Accessory Building



5. Location of Entrances. Only one entrance to a principal dwelling unit containing an accessory dwelling unit may be located on a façade that faces a street, unless the principal dwelling unit contained an additional street-facing entrance before the accessory dwelling unit was created. Detached ADUs are exempt from this regulation.
6. Size. The floor area of an ADU may not exceed the gross floor area of the principal dwelling unit on the subject lot (excluding any attached garage), or 1,000 square feet, whichever is less. For purposes of this provision, the following are excluded from the definition of "gross floor area":

- a. Garage areas;
 - b. Basement areas where the ceiling height measured from the floor is less than seven feet; and
 - c. Any other areas of the building where the floor-to-ceiling height is either less than five feet or not accessible by a stairway.
- 7. Parking. No additional parking is required for an accessory dwelling unit. Existing required parking for the principal dwelling unit must be maintained or replaced on-site.
- 8. Building Permit Approval. Before the issuance of a building permit for the construction of any new accessory dwelling unit, plans must be reviewed and approved by the chief building official to determine compliance with all applicable building and life safety codes.
- C. Regulations for New Detached ADUs and Building Additions. The regulations of this subsection apply to all detached buildings and building additions proposed to be occupied by ADUs. These provisions apply only to detached buildings and building additions constructed after June 19, 2019.
 - 1. Exterior Finish Materials. The exterior finish material must be compatible with the exterior finish material of the principal dwelling unit.
 - 2. Roof Pitch. The roof pitch must be the same as the predominant roof pitch of the principal dwelling unit.
 - 3. Trim. Trim on edges of elements on the building addition to the principal dwelling unit or the accessory structure occupied by the ADU must be compatible in type, size and location as the trim used on the principal dwelling.
 - 4. Entrances. Entrances to ADUs occupying detached accessory structures may not face the nearest rear property line unless there is an alley abutting that property line. Entrances may face the nearest side property line, provided there is a minimum setback of five feet from the side property line.
 - 5. Setbacks. A detached accessory dwelling unit shall not be located in front of the principal dwelling.
 - 6. Building Separation. A minimum five-foot separation distance shall be maintained between the detached ADU and the principal dwelling. This five-foot separation shall be free of structures except that it may include walkways, patios, decks and similar structures that do not exceed thirty inches in height above finished grade.
 - 7. Height. Detached accessory dwelling units shall not exceed sixteen feet in height unless constructed above a garage, in which case the height shall not exceed twenty-four feet in height. In all cases, the height of the detached accessory dwelling unit shall not exceed the height of the principal dwelling. The Zoning Administrator may approve a single-story detached accessory dwelling unit with a maximum height of twenty feet, provided the roof pitch matches that of the principal dwelling.
 - 8. Building Coverage. Maximum building coverage limits for the lot do not apply to detached accessory dwelling units.

XXIII. The “General” subsection 24.11.010 of the Wauwatosa Municipal Code of Ordinances is hereby repealed and recreated to read as follows:

A. Purpose.

- 1. The regulations of this chapter are intended to ensure that residential developments provide adequate of off-street motor vehicle parking in proportion to their typical demand, while establishing design and access standards for required and provided parking, loading, bicycle, and other transportation access facilities. These regulations are intended to reduce the negative impacts associated with spillover parking into adjacent areas and avoid the negative environmental and visual impacts that can result from excessively large parking lots and other vehicular use areas.
- 2. The provisions of this chapter are also intended to help protect the public health, safety and general welfare by:
 - a. helping avoid and mitigate traffic congestion;
 - b. encouraging multi-modal transportation options and enhanced pedestrian and cyclist safety;
 - c. providing methods to reduce the amount of impervious surfaces associated with parking areas and to help ensure that sufficient and effective stormwater management measures are incorporated into the parking lot design in order to reduce the environmental impacts of impervious surfaces and stormwater runoff;

- d. providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the city.
- B. Applicability.
- 1. General. Unless otherwise expressly stated, the regulations of this chapter apply to all districts and uses.
 - 2. New Uses and Development. Unless otherwise expressly stated, the regulations of this chapter apply to all new buildings constructed and all new uses established in all zoning districts.
 - 3. Enlargements and Expansions.
 - a. Unless otherwise expressly stated, the regulations of this chapter apply whenever an existing building or use is enlarged or expanded to include additional dwelling units, floor area, or other units of measurement used for establishing off-street parking and loading requirements.
 - b. In the case of enlargements or expansions of residential uses triggering requirements for additional parking or loading, additional spaces are required only to serve the enlarged or expanded area, not the entire building or use. In other words, there is no requirement to address lawfully existing parking and loading space deficits.
 - c. When an enlargement or/and expansion of a residential use requires a conditional use approval, exceptions to the minimum parking ratios may also be considered. In considering the request, review and decision-making bodies must weigh projected parking and access needs in relation to projected mode split (i.e., auto, transit, pedestrian, bicycle), availability of on-street and nearby parking and other relevant factors that may justify the issuance of the conditional use permit. Review and decision-making bodies may consider, among other factors, the positive impacts that reduced parking ratios may have on economic development, building reuse and neighborhood preservation goals.
 - 4. Change of Use.
 - a. When a nonresidential use is converted to a residential use, the new residential use must provide the minimum off-street parking spaces required by Section 24.11.020.
 - b. The land owner may request a reduction in or waiver of minimum required parking ratios through the conditional use process. In considering the request, review and decision-making bodies must weigh projected parking and access needs in relation to projected mode split (i.e., auto, transit, pedestrian, bicycle), on-street and nearby availability of parking and other relevant factors that may justify the issuance of the conditional use permit. Review and decision-making bodies may consider, among other factors, the positive impacts that reduced parking ratios may have on housing, economic development, building reuse, and neighborhood preservation goals.
- C. Exceptions. The board of public works is authorized to grant exceptions to the parking and loading regulations of this chapter.

Part XXIV. The “Minimum Parking Ratios” subsection 24.11.020 of Wauwatosa Municipal Code of Ordinances is hereby repealed and recreated to read as follows:

- A. Except as otherwise expressly stated, off-street motor vehicle parking spaces must be provided in accordance with the following table.
- 1. Nonresidential Uses. There are no minimum off-street motor vehicle parking requirements for nonresidential uses. Any parking that is provided must comply with all other applicable standards of this chapter.
 - 2. Residential Uses. Minimum parking ratios for residential uses are as follows:

USE CATEGORY	
Use Subcategory -Specific Use Type	Minimum Motor Vehicle Off-Street Parking Ratio

RESIDENTIAL	
Household Living	
-Detached House	1.0 space per dwelling unit
-Semi-detached House	1.0 space per dwelling unit
-Two-unit Building	1.0 space per dwelling unit
- Three-Unit/Four-Unit House	1.0 space per dwelling unit
- Cottage Court	1.0 space per dwelling unit
-Attached House	1.0 space per dwelling unit
-Multi-unit Building	1.0 space per dwelling unit
-Elderly (One or More Bedroom)	0.5 space per dwelling unit
-Mixed-use Building, Vertical and Horizontal [1]	Same as Multi-unit Building, parking is only required for the residential portion
Live-Work Unit	1.0 space per dwelling unit, parking is only required for the residential portion
Group Living	As determined by zoning administrator (See Section 24.11.030G)

[1] A 25% reduction in the minimum off-street parking requirements for residential uses in Section 24.11.020A may apply to mixed-use developments located in the C1, C2, MID-TRN, CO, and MID-MIX districts.

B. Parking Exemptions near Connect BRT Stations. The minimum off-street parking requirements for residential uses as detailed in Section 24.11.020B shall not apply to new development located within ¼ mile of a Connect BRT station in the /MAY overlay district, or the CO, C2, SP-MED, or SP-RP districts.

Part XXV. The “Calculations” subsection 24.11.030 of the Wauwatosa Municipal Code of Ordinances is hereby repealed and recreated to read as follows:

The following rules apply when calculating the required number of off-street parking and loading spaces required for residential uses under this zoning ordinance.

- A. Multiple Uses. Unless otherwise expressly stated, lots occupied by more than one residential use must provide parking and loading in an amount equal to the total of the requirements for all uses that occupy the lot.
- B. Mixed-Uses. Unless otherwise expressly stated, mixed-use developments must provide parking for the residential portion of the site.
- C. Fractions. When measurements of the number of required spaces result in a fractional number, any fraction of less than ½ is rounded down to the next lower whole number, and any fraction of ½ or more is rounded up to the next higher whole number.
- D. Unlisted Uses. Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the zoning administrator is authorized to apply the off-street parking ratio specified for the listed use that is deemed most similar to the proposed use or establish a minimum off-street parking ratio for the proposed use in accordance with Section 24.11.030D.

- E. Establishment of Other Parking Ratios. The zoning administrator is authorized to establish required minimum off-street parking ratios for unlisted uses and in those instances where authority to establish a requirement is expressly granted. Such ratios may be established on the basis of a similar use/parking determination (as described in Section 24.11.030C), on parking data provided by the applicant or information otherwise available to the zoning administrator. Parking data and studies provided by applicants must include estimates of parking demand based on reliable data collected from comparable uses or on external data from credible research organizations. Comparability will be determined by density, scale, bulk, area, and location.

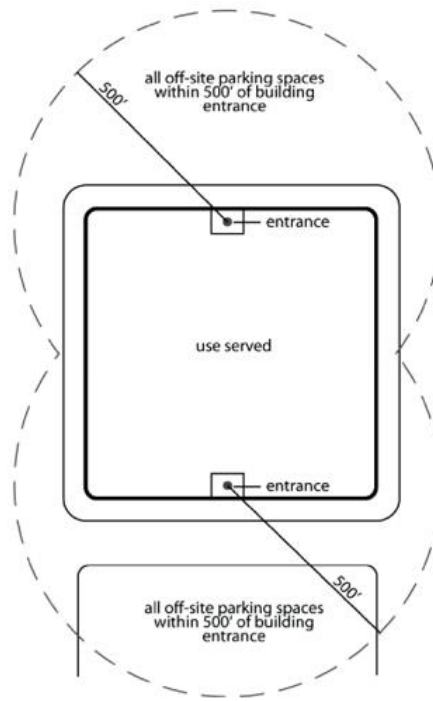
Part XXVI. The “Shared Parking” subsection 24.11.050 of the Wauwatosa Municipal Code of Ordinances is hereby repealed and recreated to read as follows:

- A. Description. Shared parking represents an arrangement in which 2 or more uses with different peak parking periods (hours of operation) use the same off-street parking spaces.
- B. Authorization and Criteria.
1. The zoning administrator is authorized to approve shared parking arrangements for:
 - a. Nonresidential uses with different hours of operation; and
 - b. Mixed-use developments where residential and nonresidential uses have offset peak parking demands.
 2. In order to approve shared parking, the zoning administrator must find, based on competent evidence provided by the applicant, that there is no substantial conflict in the principal operating hours or peak parking demand of the uses for which the sharing of parking is proposed.
 3. A request for approval of a shared parking arrangement must be accompanied by such information determined by the zoning administrator to be necessary to evaluate the peak parking demand characteristics or difference in hours and/or days of operation, including, but not limited to, a description of the uses and their operational characteristics.
 4. Residential uses may have shared parking with approval by the Zoning Administrator. In considering the request, the Zoning Administrator shall weigh projected parking and access needs in relation to projected mode split (i.e., auto, transit, pedestrian, bicycle), on-street and nearby availability of parking and other relevant factors that may justify the approval. The Zoning Administrator may consider, among other factors, the positive impacts that reduced parking ratios may have on housing goals, economic development, building reuse, and neighborhood preservation.
- C. Shared Parking Agreement.
1. An agreement providing for the shared use of parking areas, executed by the parties involved, must be filed with the zoning administrator in a form approved by the city attorney and recorded with the register of deeds.
 2. Shared parking agreements are binding upon applicants, their successors and assigns. Amendments to parking agreements require zoning administrator approval, based on whether the proposed amendment complies with all applicable zoning ordinance provisions.
 3. Shared parking privileges remain in effect only as long as the agreement, binding on all parties, remains in force. If a shared parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this chapter.

Part XXVII. The “Location of Off-Street Parking” subsection 24.11.060 of the Wauwatosa Municipal Code of Ordinances is hereby repealed and recreated to read as follows:

- A. General. Except as expressly allowed by the off-site parking regulations of Section 24.11.060D, required or provided off-street parking spaces must be located on the same lot as the building or use they are required to serve.
- B. Residential Districts. The following regulations apply in all residential zoning districts:

1. Off-street parking spaces accessory to residential uses may be located in any setback except required front and street side setbacks. A two-unit residential building with attached garages is allowed to have 2 of the 4 required parking spaces located on paved areas in front and/or street side setbacks.
 2. No motor vehicles may be parked on property occupied by residential uses unless they are within a garage, upon a paved parking slab, or upon a paved driveway leading directly from the street to the garage or paved parking slab.
- C. Parking of Commercial Vehicles in Residential Districts.
1. It is the declared purpose of this section in exercising the general police powers of the city and pursuant to the authority of the city to regulate land use, to preserve and maintain the esthetic attractiveness of residential neighborhoods, and toward this end it is the considered determination of the governing body of the City of Wauwatosa that vehicles that have the appearance of being used for commercial purposes if parked on residential properties outside of a garage has a general effect of detracting from the residential character of the neighborhood. It is recognized that the use of trucks and other vehicles that in the past have been traditionally used primarily for commercial purposes have in recent years gained popularity and widespread acceptance as both recreation and passenger vehicles. Therefore, the purpose of this section is not to restrict the use or parking of all trucks, but rather to prohibit the parking of commercial trucks or vehicles outside of a garage within a residential zoning district.
 2. To provide guidelines in determining whether a specific vehicle is a commercial vehicle for purposes of this section, the following characteristics must be considered although no one of such characteristics will be considered conclusive in determining whether such vehicle constitutes a commercial vehicle.
 - a. If the vehicle carries a commercial or truck registration;
 - b. If the vehicle has a commercial sign affixed, attached or painted thereof, the commercial character of the sign will be given considerable weight;
 - c. If the vehicle is ordinarily used for commercial purposes and if such use is discernible from the exterior of the vehicle;
 - d. If the gross weight of the vehicle exceeds 5,000 pounds.
 3. No person, firm or corporation may park a commercial vehicle in any residential district.
 4. This section is not intended to prohibit the temporary parking of commercial vehicles while they are being used to perform a service or make deliveries at the location where parked.
 5. This section is not intended to prohibit the parking of vehicles within a garage within a residential district.
- D. Off-Site Parking.
1. General. All or a portion of provided off-street parking for nonresidential uses may be provided off-site, in accordance with the provisions of this section. Required accessible parking spaces for persons with disabilities may not be located off site. Required parking for residential uses must be located on the same lot as the residential use to be served by the parking.
 2. Location. Off-site parking areas must be located within a 500-foot radius of the use served by such parking, measured between the entrance of the use to be served and any portion of a parking space within the off-site parking lot. The off-site parking must be located in a zoning district that allows non-accessory parking or that allows the principal use that will be served by the parking. The 500-foot radius restriction does not apply to the MRMC campus. See Section 24.060.060B, footnote 2 for definition of MRMC campus.
 3. Control of Off-Site Parking Area.
 - a. The property to be occupied by the off-site parking facilities must be under the same ownership as the lot containing the use to be served by the parking. The off-site parking area may be under separate ownership only if a legal agreement is provided to the zoning administrator guaranteeing the long-term availability of the parking. The agreement must be in a form approved by the city attorney and recorded with the register of deeds.
 - b. Off-site parking agreements are binding upon applicants, their successors and assigns. Amendments to off-site parking agreements require zoning administrator approval, based on whether the proposed amendment complies with all applicable zoning ordinance provisions.



- c. Off-site parking privileges remain in effect only as long as the agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this chapter.

Part XXVIII. The “Bicycle Parking” subsection 24.11.080 of the Wauwatosa Municipal Code of Ordinances is hereby repealed and recreated to read as follows:

A. General. This section establishes regulations governing bicycle parking facilities.

B. Short-term Bicycle Parking.

1. Purpose. Short-term bicycle parking is generally intended to serve the needs of cyclists who park their bicycles for short time periods, including customers, clients, students and other short-term visitors.
2. Spaces Required. Short-term bicycle parking spaces are required in accordance with the following minimum ratios:

Short-term Bicycle Parking Spaces Req'd	
Multi-unit Residential	1 space per 20 dwelling units; 1 space min.
Commercial, Public and Civic	1 per 10 motor vehicle spaces; 1 space min.
Industrial	1 per 20 motor vehicle spaces; 1 space min.

3. Design and Location.

a. General. Required bicycle parking spaces must:

- 1) consist of bike racks or lockers that are anchored so that they cannot be easily removed;
- 2) be of solid construction, resistant to rust, corrosion, hammers and saws;
- 3) allow both the bicycle frame and the wheels to be locked with the bicycle in an upright position using a standard U-lock;
- 4) be designed so as not to cause damage to the bicycle;
- 5) facilitate easy locking without interference from or to adjacent bicycles; and
- 6) be in highly visible, active, well-illuminated areas that do not interfere with pedestrian movements.

b. Location. At least 50% of required bicycle parking spaces must be located within 50 feet of a customer entrance, and the remainder must be located within 100 feet of any entrance. If required bicycle parking spaces are not visible from the abutting street or the main customer entrance, signs must be posted indicating their location.

c. Size. All required bicycle parking spaces must have minimum dimensions of 2 feet in width by 6 feet in length, with a minimum overhead vertical clearance of 7 feet.

C. Long-term Bicycle Parking.

1. Purpose. Long-term bicycle parking is generally intended to serve the needs of cyclists who park their bicycles for long time periods, including overnight and all-day parking, generally serving the needs of employees and residents.

2. Long-term Spaces Required. Long-term bicycle parking spaces are required in accordance with the following ratios:

Long-term bicycle parking spaces required	
Multi-Unit Residential	1 space per 4 dwelling units; 2 space min.
Commercial, Public and Civic	1 space per 6,000 sq. ft. gross floor area; 2 space min.
Industrial	1 space per 24,000 sq. ft. gross floor area; 2 space min.

3. The board of public works is authorized to approve a reduction in vehicle parking requirements for projects that provide additional long-term bicycle parking spaces.

4. Standards for long-term bicycle parking spaces. Long-term bicycle parking spaces must meet the following criteria:

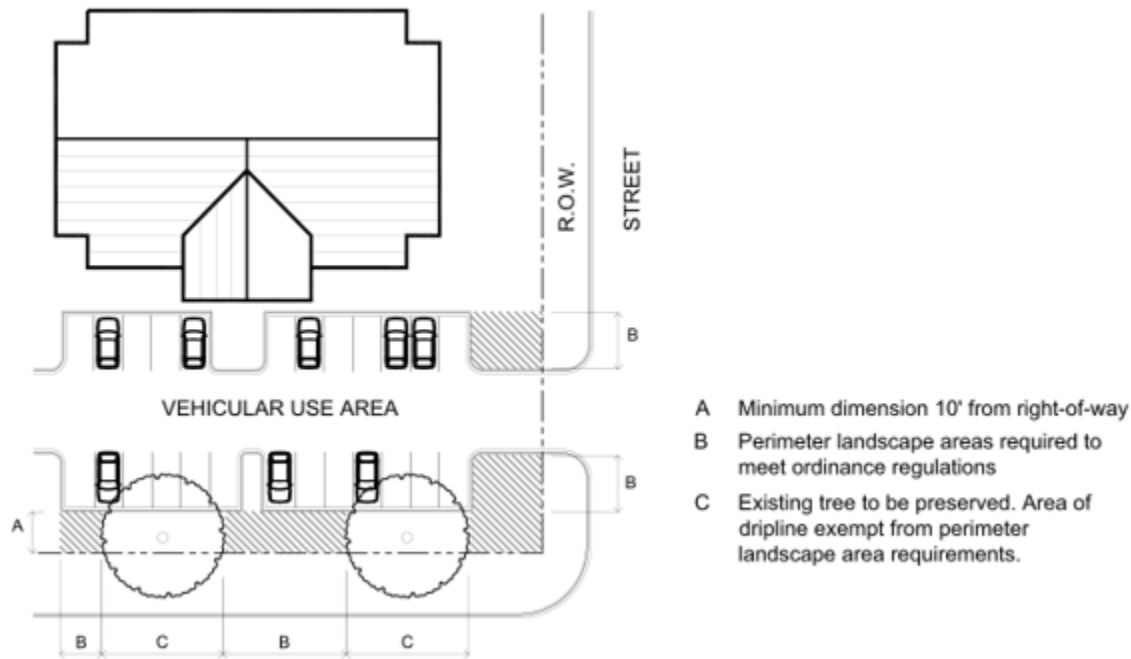
- a. All required long-term bicycle parking spaces shall be located indoors, or in a location otherwise protected from weather and access by unauthorized persons, except at educational facilities or as otherwise approved by the Board of Public Works or Common Council;
- b. Indoor bicycle parking spaces must be located on the ground floor or in a location otherwise served by an elevator or ramp capable of transporting the bicycle(s) being stored;
- c. Long-term bicycle parking must provide bike racks or lockers anchored so that they cannot be easily removed or damaged, must allow both the bicycle frame and the wheels to be locked with the bicycle in an upright position, be designed so as not to cause damage to the bicycle, and facilitate easy locking without interference from or access to adjacent bicycles.

Part XXIX. The “Vehicle Loading and Unloading” section 24.11.120 of the Wauwatosa Municipal Code of Ordinances is hereby repealed and recreated to read as follows:

- A. Plans Required. Off-street loading plans must be submitted with site plans, conditional use permits and building permits involving any use required or proposing to provide off-street loading facilities. Plans must accurately designate the proposed off-street loading spaces, dimensions and clearance and access to the loading spaces. Plans for the design of loading areas are subject to approval by the city.
- B. Location and Design. The following location and design regulations apply to all provided off-street loading facilities regardless of whether they are required to be provided by this zoning ordinance.
 - 1. Off-street loading facilities must be located on the same lot as the use served.
 - 2. All loading areas adjacent to a parcel within a residential zoning district shall be screened from view in accordance with the screening standards of Section 24.12.040.
 - 3. Loading spaces may not be located in a required front or side setback.
 - 4. Loading areas and access drives must be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights.
 - 5. Each off-street loading space must be designed to provide a safe means of vehicular access to a street or alley in a manner which will least interfere with traffic movement and are subject to approval by the city.

Part XXX. The “Perimeter Vehicular Use Area Landscaping” subsection 24.12.020 of the Wauwatosa Municipal Code of Ordinances is hereby amended by modifying Section A as follows:

- A. Applicability. Perimeter vehicular use area landscaping must be provided in accordance with the standards of this section when parking stalls are located within 100 feet of the right-of-way and when the stalls are part of any of the following:
 - 1. Any new construction of a parking lot must comply with the current requirements of this ordinance.
 - 2. Parking areas that are rehabilitated, reconstructed, 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-striping, 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-striping, 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 XXXI. The “Screening” subsection 24.12.040 of the Wauwatosa Municipal Code of Ordinances is hereby amended by modifying section A1 and A2 to read as follows:

- A. Features to Be Screened. The following features must be screened from view of public rights-of- way, public open spaces and from lots used or zoned for residential purposes.
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-zoned properties by a solid fence, solid wall, dense hedge, within a neutral-colored cabinet, 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.
 2. Roof-mounted Mechanical Equipment. Roof-mounted mechanical equipment (e.g., air conditioning, heating, cooling, ventilation, exhaust and similar equipment, but not solar panels, wind energy or similar renewable energy devices) over 30 inches in height must be screened from ground-level view of all R- and C-zoned properties in one of the following ways:
 - a. A parapet along façades facing that is as tall as the tallest part of the equipment;
 - b. A solid screen around the equipment that is as tall as the tallest part of the equipment, with the screen an integral part of the building's architectural design; or
 - c. An equipment setback from roof edges facing that is at least 3 feet in depth for each one foot of equipment height.
 - d. An alternative solution may be approved by the Design Review Board.

Part XXXII. The “General Development Regulations” Index 24.14 of the Wauwatosa Municipal Code of Ordinances is hereby repealed and replaced to read as follows:

24.14.010 Fences And Walls

24.14.020 Intersection Visibility

24.14.030 Pedestrian Standards

24.14.040 Access To Nonresidential From Residential Zoning

24.14.045 Attached and Semi-Detached Building Design Standards

24.14.050 Exceptions

Part XXXIII. The “Pedestrian Standards” subsection 24.14.030 of the Wauwatosa Municipal Code of Ordinances is hereby repealed and replaced to read as follows:

- A. Purpose. The pedestrian standards of this section are intended to promote a safe, attractive and usable pedestrian circulation system as a part of all new developments.
- B. Applicability. The pedestrian standards of this section apply to all new commercial, mixed-use and multi-unit residential developments.
- C. Standards. An on-site pedestrian circulation system must be provided in accordance with the following requirements:
 - 1. Connection to the Street. The on-site pedestrian circulation system must connect all adjacent public rights-of-way to the main building entrance. The connection must follow a direct route and not involve significant out-of-direction travel for system users.
 - 2. Connection to Neighboring Areas. Where appropriate, the on-site pedestrian circulation system shall provide at least one connection to all adjacent properties. The connections must run to the property line and connect to existing paths or sidewalks on neighboring properties or to the likely location of future paths or sidewalks on those properties. If the zoning administrator determines that no paths or sidewalks exist on a neighboring property or it is not possible to determine the likely location of future path or sidewalk connections or extending a connection would create a safety hazard on either property, the zoning administrator is authorized to waive the connection requirement of this paragraph.
 - 3. Internal Connections. The on-site pedestrian circulation system must connect all buildings on the site and provide connections to other areas of the site likely to be used by pedestrians, such as parking areas, bicycle parking, recreational areas, common outdoor areas and pedestrian amenity features. The zoning administrator is authorized to waive the connection requirement if it would create a safety hazard.
 - 4. Design. Required on-site pedestrian circulation facilities must be designed and constructed in accordance with the following requirements:
 - a. The on-site pedestrian circulation system must be at least 5 feet in width and surfaced with material of sufficient strength and durability to enable year-round use and effective maintenance.
 - b. When the on-site pedestrian circulation system crosses driveways, parking areas or loading areas, it must be clearly differentiated through the use of elevation changes, a different paving material, striping, or other equally effective methods.
 - c. When the on-site pedestrian circulation system is parallel and adjacent to an auto travel lane, it must be a raised path at least 6 inches above the auto travel lane surface or be separated from the auto travel lane by a raised curb, bollards, landscaping or another physical barrier. If a raised path is used, the ends of the raised portions must be equipped with accessible curb ramps.
 - d. The on-site pedestrian circulation system must be illuminated to ensure that it can be used safely at night by employees, residents and customers. Lighting must be at height appropriate to a pedestrian pathway system.

Part XXXIV. Section 24.14.045 of the Wauwatosa Municipal Code of Ordinances is created to read in its entirety as follows:

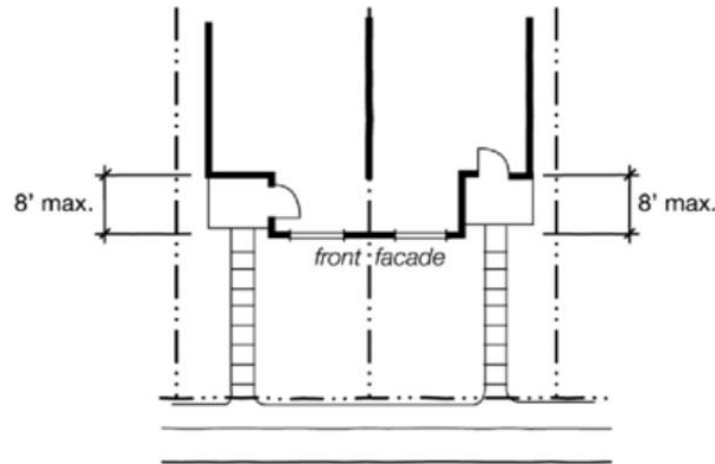
24.14.045 Attached and Semi-Detached Building Design Standards.

A. General Provisions

1. Purpose. The purpose of the attached and semi-detached building design standards is to:
 - a. Ensure that the physical characteristics of proposed development are compatible with the context of surrounding areas,
 - b. Preserve the unique visual character and streetscapes of Wauwatosa,
 - c. Create unique and inspiring places that support the pedestrian experience and promote economic vitality, and
 - d. Encourage creativity and innovation while avoiding obtrusive, incongruous structures.

B. Entry Treatment

1. Each dwelling unit must have a separate ground-floor entrance that is clearly defined and highly visible on the building façade that faces a public street or a right-of-way other than an alley. The front door must be within 8 feet of the building's front façade. The door may be at any angle to the street as long as the other entrance standards are met.



2. Each front entrance must include a porch or covered entry. A pedestrian walkway must connect each front entrance to the street. A door that leads directly into a garage does not qualify as a front entrance.
- C. Glazing. Each attached and semi-detached house dwelling unit must provide windows or glazed area equal to at least 15% of the building façade that faces a public street or a right-of-way other than an alley. Glazing in (vehicle) garage doors do not count towards meeting these glazing requirements.
- D. Building Modulation. The following façade modulation requirements apply to the front façade of all attached house structures when the buildings directly face a public street (other than an alley):
1. Exterior walls may not exceed 32 feet in (horizontal) length without modulation.
 2. The modulation depth must be at least 2 feet.
 3. Modulation may be achieved through such techniques and features as:
 - a. recessed or projecting wall offsets;
 - b. entryways;

- c. porch or canopy structures including columns or piers;
- d. balconies;
- e. dormers; or
- f. other prominent architectural features that serve to provide dimension and break up large expanses of wall area.

Part XXXV. The “General” subsection 24.15.010 of the Wauwatosa Municipal Code of Ordinances is hereby repealed and replaced to read as follows:

- A. Description. Nonconformities, which are sometimes referred to as "legal nonconformities," are lots, uses and structures that were lawfully established but no longer comply with one or more requirements of this zoning ordinance because of the adoption of new or amended regulations. This chapter contains the regulations governing such situations.
- B. Intent. Occasionally, lots, uses and structures that were lawfully established (i.e., in compliance with all regulations in effect at the time of their establishment) have been made nonconforming because of changes in the zoning regulations that apply to the subject property (e.g., through zoning map amendments or amendments to the text of this zoning ordinance) or because of other governmental action (e.g., through right-of-way acquisition). The regulations of this chapter are intended to clarify the effect of such nonconforming status and avoid confusion with "illegal" buildings and uses (those established in violation of applicable zoning regulations). The regulations of this chapter are also intended to:
 - 1. recognize the interests of landowners in continuing to use their property for uses and activities that were lawfully established;
 - 2. promote maintenance, reuse and rehabilitation of existing buildings; and
 - 3. place reasonable limits on nonconformities that have the potential to adversely affect surrounding properties.
- C. Authority to Continue. Any nonconformity that existed on the effective date specified in Section 24.01.020 or any situation that becomes nonconforming upon adoption of any amendment to this zoning ordinance may be continued in accordance with the regulations of this chapter unless otherwise expressly stated.
- D. Determination of Nonconformity Status.
 - 1. The burden of proving that a nonconformity exists (as opposed to a violation of this zoning ordinance) rests entirely with the subject owner.
 - 2. The zoning administrator is authorized to determine whether adequate proof of nonconforming status has been provided by the subject owner.
 - 3. Building permits, zoning certificates, lawfully recorded plats, aerial photography owned by the city and other official government records that indicate lawful establishment of the use, lot or structure constitute conclusive evidence of nonconforming status. If such forms of conclusive evidence are not available, the applicant may submit and the zoning administrator may consider other forms of evidence to document nonconforming status. Examples of commonly available evidence include:
 - a. professional registrations or business licenses;
 - b. utility billing records;
 - c. rent records;
 - d. advertisements in dated publications;
 - e. listings in telephone or business directories; and
 - f. notarized affidavits affirming the date of lawful establishment of the use, lot or structure.
 - 4. Appeals of the zoning administrator's decision on nonconforming status determinations may be appealed in accordance with Section 24.16.110.
- E. Repairs and Maintenance.
 - 1. Nonconformities must be maintained to be safe and in good repair.
 - 2. Repairs and normal maintenance necessary to keep a nonconformity in sound condition are permitted unless the work increases the extent of the

nonconformity or is otherwise expressly prohibited by this zoning ordinance.

3. Nothing in this chapter is intended to prevent nonconformities from being structurally strengthened or restored to a safe condition in accordance with an order from a duly authorized order of a public official.

F. Change of Tenancy or Ownership. Nonconforming status runs with the land and is not affected by changes of tenancy, ownership, or management.

G. Exceptions. The zoning administrator is authorized to grant exceptions as appropriate in order to respond to external factors impacting construction, or as required by law.

Part XXXVI. The “Procedures” Index 24.16 of Wauwatosa Municipal Code of Ordinances is hereby repealed and replaced to read as follows:

[24.16.010 Common Provisions](#)

[24.16.020 Zoning Ordinance Text Amendments](#)

[24.16.030 Zoning Map Amendments \(Rezoning\)](#)

[24.16.040 Conditional Use Permits](#)

[24.16.050 Planned Unit Developments](#)

[24.16.060 Variances](#)

[24.16.070 Building Permits](#)

[24.16.080 Designation Of Historic Sites And Structures](#)

[24.16.090 Historic Overlay Districts](#)

[24.16.100 Certificates Of Appropriateness](#)

[24.16.110 Appeals Of Administrative Decisions](#)

[24.16.120 Comprehensive Plan Amendment](#)

Part XXXVII. The “Common Provisions” subsection 24.16.010 of the Wauwatosa Municipal Code of Ordinances is hereby modified in Section A to read as follows:

A. Summary of Review and Decision-making Authority. The following table provides a summary of review and decision-making authority.

	ZA	DRB	HPC	BZA	PC	CC[1]
Zoning Text and Map Amendments, Comprehensive Plan Amendment	—	—	—	—	R	<DM>
Conditional Use Permits	—	—	—	—	R	<DM>
Planned Unit Developments						
Preliminary Development Plan	—	—	—	—	R	<DM>
Final Development Plan	DM	R	—	—	—	—
Variances	—	—	—	<DM>	—	—

Historic (Site/Structure) Designation	—	—	<R>	—	R	<DM>
Historic Overlay Zoning Map Amendment	—	—	<R>	—	R	<DM>
Certificates of Appropriateness	—	—	<DM>	—	—	—
Appeals of Administrative Decisions	—	—	—	<DM>	—	—
Temporary Use	DM	—	See also Section 24.10.080			

[1]Committee review may be required before common council action (see also Section 2.24.030 of the city code of ordinances).

CC = common council PC = plan commission

BZA = board of zoning appeals

HPC = historic preservation commission ZA = zoning administrator

R = review and recommendation

DM = decision-making body (final decision)

< > = public hearing required

Part XXXVIII. The “Zoning Map Amendments (Rezoning)” subsection 24.16.030 of the Wauwatosa Municipal Code of Ordinances is hereby repealed and recreated from sections D-G to read as follows:

- D. Plan Commission Recommendation. Following the required public hearing before the common council, proposed zoning map amendments must be referred to the plan commission. Following review of the proposed zoning map amendment, the plan commission must act by simple majority vote to recommend that the proposed zoning map amendment be approved, approved with modifications, or denied. The plan commission's recommendation must be transmitted to the common council.
- E. Common Council Hearing and Decision.
 - 1. Upon receipt of recommendations from the plan commission, the common council may act to approve, approve with modifications (e.g., reducing the land area involved in the rezoning or recommending another less intensive zoning classification) or deny the proposed zoning map amendment. If plan commission recommendation has not been forwarded to the common council within 60 days of referral of the proposed zoning map amendment to the plan commission, the common council may act without receipt of the recommendation.
 - 2. Final action on a zoning map amendment by the common council requires a simple majority vote.
- F. Review Criteria and Standards. Zoning map amendments are legislative decisions of the common council based on their consideration of the public health, safety and general welfare.
- G. Successive Applications. Upon disapproval of a zoning map amendment by the common council, no zoning map amendment petition requesting the same or more intensive zoning on the same or similar property may be filed for or accepted for processing by the city for 6 months from the date of final action by the common council.

Part XXXIX. The “Conditional Use Permits” subsection 24.16.040 of the Wauwatosa Municipal Code of Ordinances is hereby amended from sections E-J to read as follows:

- E. Plan Commission Recommendation. Following the close of the public hearing before the common council, proposed conditional use permits must be referred to the plan commission. The plan commission must act by simple majority vote to recommend that the conditional use permit be approved, approved with modifications, or denied. The plan commission's recommendation must be transmitted to the common council.
- F. Common Council Decision.
 - 1. Following receipt of recommendations from the plan commission, the common council may act to approve, approve with conditions or deny the conditional use permit. If the plan commission's recommendation has not been forwarded to the common council within 60 days of referral of the proposed condition[al] use to the plan commission, the common council may act without receipt of the recommendation.
 - 2. Final action on a conditional use permit by the common council requires a simple majority vote.
- G. General Review Criteria and Standards. The common council may authorize the zoning administrator to issue a conditional use permit if the common council finds that the following conditions exist and so indicates in the minutes of its proceedings:
 - 1. that the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare;
 - 2. that the uses, values and enjoyment of surrounding properties for purposes already permitted in the district will not be substantially impaired or diminished by the establishment, maintenance or operation of the conditional use;
 - 3. that establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the district;
 - 4. that adequate utilities, access roads, drainage and other necessary improvements have been or are being provided;
 - 5. that adequate measures have been or will be taken to provide ingress and egress that will minimize on- and off-site traffic congestion; and
 - 6. that the conditional use complies with all applicable regulations of the subject zoning district.
- H. Successive Applications. Upon disapproval of a conditional use permit by the common council, no similar conditional use permit application for the same or similar property may be filed or accepted for processing by the city for 12 months from the date of final action by the common council.
- I. Lapse of Approval. A Conditional Use will lapse and have no further effect 18 months after it is approved by the Common Council, unless:
 - 1. a building permit has been issued (if required) or development is commenced;
 - 2. the use or structure has been lawfully established; or
 - 3. unless a different lapse of approval period or point of expiration has been expressly established by the Common Council.
- J. Amendments. No modification or alteration of any conditional use permit approved pursuant to this section will be permitted unless approved by the Common Council.
 - 1. Any application for an alteration, extension or other modification will be filed and processed as an original application under this section.
 - 2. 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.
 - 3. Minor Deviations. Minor deviations to conditional uses including maintenance, repair, or renovation of existing buildings, structures or improvements and alterations, extensions, or other modifications of such uses that do not increase, intensify, expand, substantially change the character of the conditional use, or adversely affect adjacent property or property owners may be authorized by the zoning administrator and do not require approval by the common council.

Part XL. The “Planned Unit Developments” subsection 24.16.050 of the Wauwatosa Municipal Code of Ordinances is hereby amended in Sections C-E to read as follows:

- C. Preliminary Development Plans. At the option of the applicant, the preliminary development plan may serve also as the preliminary subdivision plat if such intention is declared before the plan commission's hearing and if the plans include all information required for preliminary plats and preliminary development plans.
1. Preapplication Meetings. Before submitting a PUD application, the applicant must schedule a meeting with the zoning administrator to discuss the proposed plan and the required process. The zoning administrator is responsible for coordinating the involvement of other relevant city departments in the preapplication meeting. The applicant must also hold a neighborhood meeting, with invitations mailed to all property owners within 200 feet of the subject property, alderpersons of the district, and the zoning administrator.
 2. Application Contents. An application for a preliminary development plan must contain all items of information specified in the pre-application meeting including proof of holding a neighborhood meeting prior to application submission.
 3. Application Filing. Complete applications for preliminary development plan approval must be filed with the zoning administrator at the same time that the /PUD zoning map amendment application is filed. Preliminary development plan applications may be filed only by the common council, the plan commission or by petition of an eligible applicant or an eligible applicant's authorized agent (See Section 24.16.010C.1). Upon receipt of the completed application, planning staff shall schedule a public hearing before the common council and prepare appropriate notice and publications.
 4. Notice of Hearing. The common council must hold a public hearing on the proposed preliminary development plan and/or /PUD zoning map amendment.
 - a. Class 2 notice of the common council's required public hearing on a zoning map amendment must be published in accordance with chapter 985 of the Wisconsin Statutes.
 - b. Notice must be mailed to all of the following at least 7 days before the common council's required public hearing:
 - 1) the subject property owner;
 - 2) all owners and occupants (when data available) of property within 300 feet of the subject property; and
 - 3) the clerk of any municipality with corporate limits that abut the subject property.
 - c. The applicant must post signage in a format provided by the city in a prominent location on the development site for the duration of the approval process.
 5. Following the required public hearing before the common council, PUD preliminary development plans must be referred to the plan commission with the /PUD zoning map amendment, if such map amendment is required. Following review of the proposed zoning map amendment and/or preliminary development plan, the plan commission must act by simple majority vote to recommend that the proposed zoning map amendment and/or preliminary development plan be approved, approved with modifications, or denied. The plan commission's recommendation must be transmitted to the common council.
 6. Common Council Hearing and Decision.
 - a. Upon receipt of recommendations from the plan commission, the common council act to approve, approve with modifications (e.g., reducing the land area involved in the rezoning or recommending another less intensive zoning classification) or deny the proposed preliminary development plan and/or /PUD zoning map amendment, as required. If plan commission recommendation has not been forwarded to the common council within 60 days of referral of the proposed preliminary development plan and/or /PUD zoning map amendment to the plan commission, the common council may act without receipt of the recommendation.
 - b. Final action on a /PUD zoning map amendment by the common council requires a simple majority vote.
 7. Review Criteria. Zoning map amendments are legislative decisions of the common council based on their consideration of the public, health, safety and general welfare.
 8. Lapse of Approval.
 - a. If the subject landowner fails to file an application for PUD final development plan approval within two years of the date of PUD preliminary development plan approval, the landowner may request an extension for a period of up to one year. If the landowner does not request such an

extension, or if the landowner does not file an application for a PUD final development plan within the 1-year extension period, approval of the PUD preliminary development plan will lapse and be of no further effect.

- b. For projects to be developed in phases, phase limits must be shown on the preliminary development plan. The common council may impose conditions upon the phasing plan as deemed necessary to ensure orderly development, including requirements for financial guarantees ensuring construction of all required improvements.

D. Final Development Plans.

1. Application Filing. Final development plan applications must be filed with the zoning administrator before the lapse of a preliminary development plan.
2. Design Review Board's Recommendation. PUD final development plans must be referred to the design review board. The design review board must review the final development plan and vote to recommend that the final development plan be approved, approved with modifications, or denied. The design review board's recommendation must be transmitted to the zoning administrator.
3. Zoning Administrator Decision. Following receipt of recommendations from the design review board, the zoning administrator may act to approve, approve with conditions or deny the final development plan. If the design review board has received all the required items of information in the final development plan, but has not forwarded a recommendation to the zoning administrator within 60 days of referral of the final development plan to the design review board, the zoning administrator may act without receipt of the recommendation.
4. Review Criteria. In reviewing PUD final development plans, the zoning administrator must confirm the submitted final development conforms with the approved preliminary development plan, any conditions imposed on that plan or any applicable regulations of this zoning ordinance. If the zoning administrator determines that the PUD final development plan does not conform with the approved preliminary development plan, any conditions imposed on that plan or any applicable regulations of this zoning ordinance, the PUD final development plan shall be referred to plan commission for approval, approval with conditions, or denial.
5. Lapse of Approval.
 - a. In the event the landowner fails to commence development shown on the final development plan within two years after final approval has been granted, then such final approval will lapse and be of no further effect unless the time period is extended by the common council upon written application by the landowner.
 - b. Requests for extensions must be submitted to the zoning administrator.
 - c. In the event of lapse of approval, approved PUD plans have no further effect and the regulations of the underlying zoning govern.

E. Amendments.

1. Amendment Determination. The zoning administrator is authorized to determine whether a proposed PUD amendment constitutes a minor or major amendment.
2. Major Amendments. Major amendments may be approved only through the procedure required for approval of the PUD in Section 24.16.050C. A major amendment is one that constitutes a material change to the approved final development plan that is likely to create more significant adverse impacts on surrounding property owners or the community as a whole, such as:
 - a. increases in the number of dwelling units or floor area over 10%;
 - b. reductions in the amount of land area set aside as open space, recreation area or natural resource conservation area; or
 - c. failure to provide public amenities or public benefit features approved as part of the PUD.
3. Minor Amendments. The zoning administrator is authorized to approve, approve with conditions, or deny minor PUD amendments through the approval of an amended final development plan, in accordance with the procedures of Section 24.16.050D. A minor amendment is a change that constitutes a minor modification to the approved Final Development Plan, will not result in adverse impacts to surrounding property owners or the broader community, and maintains the spirit and intent of the original Final Development Plan, such as:

- a. Increases or decreases in floor area of 10% or less;
- b. Increases in the number of residential dwelling units of 10% or less;
- c. Modifications to approved signage that do not increase allowable sign square footage as approved per the Final PUD;
- d. Land use changes where the new land use is permitted under the base zone and/or obtains all required permits under the base zone (i.e. Conditional Use permit, etc.).

Amendments that do not meet the above criteria shall be considered Major Amendments and are subject to the review criteria in Section 24.16.050E.2. The Zoning Administrator may refer minor amendments to the plan commission for approval, approval with conditions, or denial.

Part XLI. The “Building Permits” subsection 24.16.070 of the Wauwatosa Municipal Code of Ordinances is hereby repealed and recreated to read as follows:

No permit for the use of land or buildings may be issued under Chapter 15 unless Building & Safety Manager has certified, after examination of the site and proposed building plans, that it complies with all provisions of this zoning ordinance.

Part XLII. The “Designation of Historic Sites and Structures” subsection 24.16.080 of the Wauwatosa Municipal Code of Ordinances is hereby repealed and recreated from sections F-J to read as follows:

F. Historic Preservation Commission Hearing and Recommendation.

- 1. Upon receipt of a complete application/nomination form, the historic preservation commission must hold a hearing on the proposed historic designation. In addition to allowing comments from all notified persons, the historic preservation commission may hear expert witnesses. They also have the power to subpoena witnesses and records as deemed necessary. The commission may also conduct an independent investigation into the proposed designation.
- 2. No more than 10 days after the close of the hearing, the historic preservation commission must act by simple majority vote to recommend that the proposed historic site or structure designation be approved, approved with modifications or denied. The historic preservation commission's recommendation must be transmitted to the common council.

G. Common Council Hearing and Decision.

- 1. Upon receipt of recommendations from the historic preservation commission, the common council may act to approve, approve with modifications or deny the proposed historic designation.
- 2. Final action on a historic designation by the common council requires a simple majority vote. Designation Criteria. Historic site or structure designations may be applied to site, structures or improvements of particular historic, architectural, archeological or cultural significance to the city such as those that:

H. Designation Criteria. Historic site or structure designations may be applied to site, structures or improvements of particular historic, architectural, archeological or cultural significance to the city such as those that:

- 1. exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community;
- 2. are identified with historic personages or with important events in national, state or local history;
- 3. embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship;
- 4. are representative of the notable work of a master building [builder], designer or architect who influenced the person's age; or

- 5. have yielded, or may be likely to yield, information important to prehistory or history.
- I. Notice of Action. After the designation has been approved by the common council, notification must be sent to the subject property owner. Notification must also be given to the city clerk, building department, plan commission and the city assessor.
- J. Recordation. Upon approval of a historic designation of a site or a structure, such designation must be recorded with the register of deeds.

Part XLIII. The “Historic Overlay Districts” subsection 24.16.090 of the Wauwatosa Municipal Code of Ordinances is hereby repealed and recreated from sections F-J to read as follows:

- F. Historic Preservation Commission Hearing and Recommendation. Upon receipt of a complete application/nomination form, the historic preservation commission must hold a hearing on the proposed historic overlay zoning designation. Following the close of the hearing, the historic preservation commission must act by simple majority vote to withhold a recommendation or to recommend that the proposed overlay zoning amendment be approved, approved with modifications or denied. The historic preservation commission's recommendation must be transmitted to the plan commission and common council.
- G. Plan Commission Recommendation. Proposed historic overlay zoning map amendments must be referred to the plan commission. Following review of the proposed historic overlay zoning map amendment, the plan commission must act by simple majority vote to recommend that the proposed zoning map amendment be approved, approved with modifications, or denied. The plan commission's recommendation must be transmitted to the common council within 30 days of the date of their review.
- H. Common Council Hearing and Decision.
 - 1. Upon receipt of recommendations from the historic preservation commission and plan commission, the common council must hold a hearing on the proposed historic overlay zoning map amendment. Following the close of the hearing, the common council may act to approve, approve with modifications (e.g., reducing the land area involved in the rezoning or recommending another less intensive zoning classification) or deny the proposed zoning map amendment.
 - 2. Final action on an historic overlay zoning map amendment by the common council requires a simple majority vote.
- I. Designation Criteria. Historic site or structure designations may be applied to site, structures or improvements of particular historic, architectural, archeological or cultural significance to the city such as those that:
 - 1. exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community;
 - 2. are identified with historic personages or with important events in national, state or local history;
 - 3. embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship;
 - 4. are representative of the notable work of a master building [builder], designer or architect who influenced the person's age; or
 - 5. have yielded, or may be likely to yield, information important to prehistory or history.
- J. Recordation. Upon approval of a historic designation of a site or a structure, such designation must be recorded with the register of deeds.

Part XLIV. Section 24.16.120 of the Wauwatosa Municipal Code of Ordinances is created to read in its entirety as follows:

24.16.120 Comprehensive Plan Amendment

- A. Applicability. The procedures of State Statutes 66.1001 must be used for a comprehensive plan amendment.
- B. Authority to Initiate. Amendments may be initiated by the common council, the plan commission or by petition of an eligible applicant or an eligible

applicant's authorized agent (See Section 24.16.010C.1).

C. Application Filing. Comprehensive plan amendment applications must be filed with the zoning administrator.

Part XLV. The “Administration and Enforcement” Index 24.17 of the Wauwatosa Municipal Code of Ordinances is hereby repealed and recreated to read as follows:

24.17.010 Review And Decision-Making Bodies

24.17.020 Violations, Penalties And Enforcement

24.17.030 Affordable Housing Incentives

Part XLVI. Section 24.17.030 of the Wauwatosa Municipal Code of Ordinances is created in its entirety to read as follows:

24.17.030 Affordable Housing Incentives

A. Purpose and Applicability

1. Purpose. The purpose of the affordable housing incentives is to support and promote the development of dwelling units that are affordable to households making 80 percent or less and 60 percent or less than the average median income (AMI) for the Milwaukee, Waukesha, and West Allis region, as established by the US Department of Housing & Urban Development (HUD).
2. Applicability. The affordable housing incentives may be utilized per residential use type or district, as detailed in Section 24.17.030D, where a specified number of dwelling units are deed restricted affordable to households making 80% or less or 60% or less than the average median income (AMI) for the Milwaukee, Waukesha, and West Allis region, as established by the US Department of Housing & Urban Development (HUD).

B. Affordable Unit Standards. Dwelling units designated as affordable shall be comparable in finishes and size and have access to the same services and amenities as market rate dwelling units on the same development site.

C. Type of Affordability Requirements

1. Affordability Requirement Type 1. 30% of dwelling units in the development site shall be deed restricted affordable to households making 80% or less than the average median income (AMI) for the Milwaukee, Waukesha, and West Allis region, as established by the US Department of Housing & Urban Development (HUD) for a minimum of 30 years.
2. Affordability Requirement Type 2. 20% of dwelling units in the development site shall be deed restricted affordable to households making 60% or less than the average median income (AMI) for the Milwaukee, Waukesha, and West Allis region, as established by the US Department of Housing & Urban Development (HUD) for a minimum of 30 years.
3. Affordability Requirement Type 2. 10% of dwelling units in the development site shall be deed restricted affordable to households making 60% or less than the average median income (AMI) for the Milwaukee, Waukesha, and West Allis region, as established by the US Department of Housing & Urban Development (HUD) for a minimum of 30 years.

D. Types of Affordable Housing Incentives. Projects providing affordable housing in accordance with the standards of this section may utilize up to two of the following affordable housing incentives. Projects providing 50% or more of the dwelling units at the specified affordability levels may utilize up to three of the following affordable housing incentives.

Types of Affordable Housing Incentives			
Use	District(s)	Incentive	Applicable Affordability Requirement Type(s)
Cottage Court	R-2; R-4; R-8; MID-RES; MID-TRN	Option 1: A minimum of four and maximum of 20 dwelling units may be allowed per cottage court. The maximum allowed square footage per building may be increased to 2,700 square feet.	2; 3
		Option 2: The maximum allowed square footage per building may be increased to 2,700 square feet.	2; 3
Multi-unit Building	CO; C2; SP-MED	Minimum parking spaces may be reduced to 0.5 spaces per unit.	1
Mixed-Use, Vertical only	C1; C2; SP-RP; MID-TRN; MID-MIX	Minimum parking spaces for the residential portion of the development may be reduced to 0.5 spaces per unit.	1

Part XLVII. The “Definitions” subsection 24.18.020 of the Wauwatosa Municipal Code of Ordinances is hereby amended by modifying the following terms:

"Fence, Solid." A fence, including solid entrance and exit gates, that effectively conceals from viewers in or on adjoining properties and streets, materials stored and operations conducted behind it. See also Section 15.28 Fences.

"Lot Line, Front." See Section 24.18.030E.1.d.

Part XLVIII. The “Definitions” subsection 24.18.020 of the Wauwatosa Municipal Code of Ordinances is hereby amended by adding the following terms:

"Accessory Dwelling Unit." A separate dwelling unit within a detached house, semi-detached house or attached house or a separate dwelling unit that occupies an accessory building that shares a lot with a detached house, semi-attached house, attached house, or two-unit house. As the name implies, accessory dwelling units are an accessory use to the principal use of the property (i.e., the principal dwelling unit). (See also the Accessory Dwelling Unit regulations of Sec. 24.10.075)

“Artisan Manufacturing.” A fully indoor small-scale business that produces goods or specialty foods, primarily for direct sales to consumers, such as artisan leather, glass, wood, paper, ceramic, textile and yarn products, specialty foods and baked goods. This land use includes the design, processing, fabrication,

assembly, treatment and packaging of products; as well as the incidental storage, sales and distribution of such products. This land use does not include uses producing noise, odor, vibration, or similar impacts perceivable by the natural senses outside of the structure or portion of the structure where the use is located.

“Attached House.” A residential building containing three or more dwelling units, each located on its own lot with a common or abutting wall along shared lot lines. Each dwelling unit has its own external entrance.

“Cottage Court.” A residential development of small-scale, detached dwelling units located on a single lot or individual lots and arranged around a shared court visible from the street.

“Detached House.” A principal residential building containing one dwelling unit located on a single lot with private yards on all sides.

“Educational Facility Housing.” A residential building or group of buildings owned or managed by a college, university, or other institution of higher education, or by a private entity under agreement with the institution.

“General Commercial.” A place of business providing the sale and display of goods or sale of services directly to the consumer, with goods, including prepared foods and catering service, available for immediate purchase and removal from the premises by the purchaser.

“Group Living.” Residential occupancy of a dwelling by other than a "household," typically providing communal kitchen/dining facilities. Examples of group living uses include but are not limited to fraternities, sororities, convents, monasteries and nursing homes.

1. Adult Family Home. See Section 50.01(1), Wisconsin Statutes.
2. Community Living Arrangement. See Section 46.03(22), Wisconsin Statutes.
3. Foster Home/Treatment Foster Home. See Sections 48.02(6) and 48.02(17q), Wisconsin Statutes.

“Live-Work Unit.” An attached residential building type with a small commercial enterprise on the ground floor and a residential unit above or behind with a common tenant in both spaces.

“Meeting/Recreation/Event Facility.” A building for the: hosting of parties, meetings, banquets, and conferences, other events; viewing, partaking in, and/or experiencing an amusement, including but not limited to movie theaters, arenas, athletic facilities, and performing arts venues; and programming, production, presentation, exhibition of any of the arts and cultural disciplines, including auditoriums, galleries, museums, and libraries. This use excludes explicit establishments.

“Mixed-use Building, Vertical.” A building in which commercial uses occupy the ground floor and dwelling units occupy at one or more upper floors.

“Mixed-use Building, Horizontal.” A development in which commercial and residential uses are located in separate buildings on the same site or within a cohesive development plan. Uses may be arranged side-by-side, in adjacent structures, or across a unified site design.

“Multi-unit Residential Building.” A residential building containing 5 or more dwelling units that share common walls and/or common floors/ceilings.

“Personal Services.” An establishment primarily engaged in providing individual services generally related to personal needs or cosmetic services, such as

hair and nail salons, barber shops, clothing alterations, shoe repair, tattoo shops, weight loss centers, makeup services, gyms, dance studios, music and/or art studios, and laundry services.

“Semi-Detached House.” A residential building containing two dwelling units, each located on its own lot with a common or abutting wall along shared lot lines. Each dwelling unit has its own external entrance.

“Three-/ Four-unit House.” A residential building containing three or four dwelling units, all located on the same single lot (also referred to as a “triplex” or a “quadplex”). The dwelling units are attached and may be arranged vertically (on separate floors), horizontally (side-by-side), or a combination of both.

“Two-unit House.” A residential building containing two dwelling units, both of which are located on the same single lot (also referred to as a “duplex” or “two-flat”). The dwelling units within a two-unit building are attached and may be located on separate floors or side-by-side

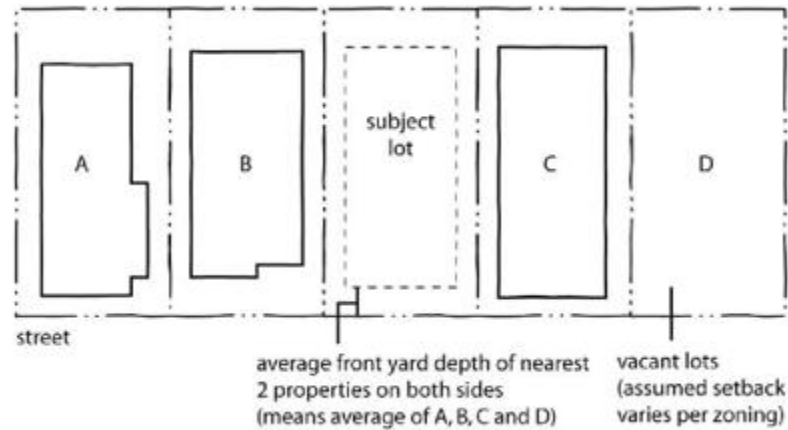
Part XLIX. The “Measurements and Exceptions” subsection 24.18.030 of the Wauwatosa Municipal Code of Ordinances is hereby amended by modifying sections E and F to read as follows:

E. Setbacks.

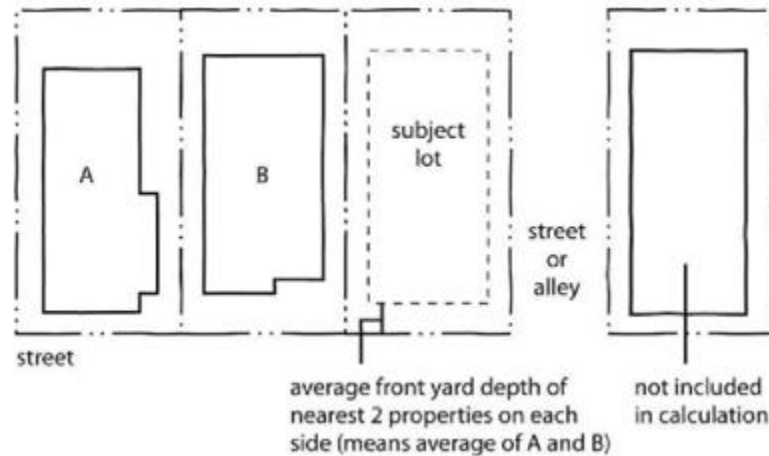
1. Front and Street Side Setbacks.

- a. Measurement. Front and street side setbacks are measured from the existing right-of-way line to the closest point of the building or structure.
- b. Permitted Obstructions/Encroachments. Front and street side setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed in Section 24.18.030F.
- c. Double Frontage (Through) Lots. On double-frontage lots, front setback requirements apply to both (opposing) street frontages.
- d. Determining the Front of a Lot. For lots in residential zoning districts, the front is the side of the lot that is along a street. In the case of a corner lot, the narrowest side fronting on the street shall be considered to be the front of the lot. In the case of a corner lot with equal sides, the side facing the street having the greatest frontage shall be considered to be the front of the lot. For lots in nonresidential zoning districts, the front is the side of the lot along the major street as determined by the zoning administrator.
- e. Exceptions for Established Setbacks. When existing buildings are closer to the front property line than the required front setback, additions to existing buildings may be constructed to the existing front setback provided they do not encroach any closer to the front property line. When existing buildings on one or more abutting lots are closer to the street (front or street side) property line than the otherwise required setback, construction of new buildings on the subject lot may comply with the average street yard depth that exists on the nearest 2 lots on either side of the subject lot instead of complying with the zoning district's minimum street setback requirement.

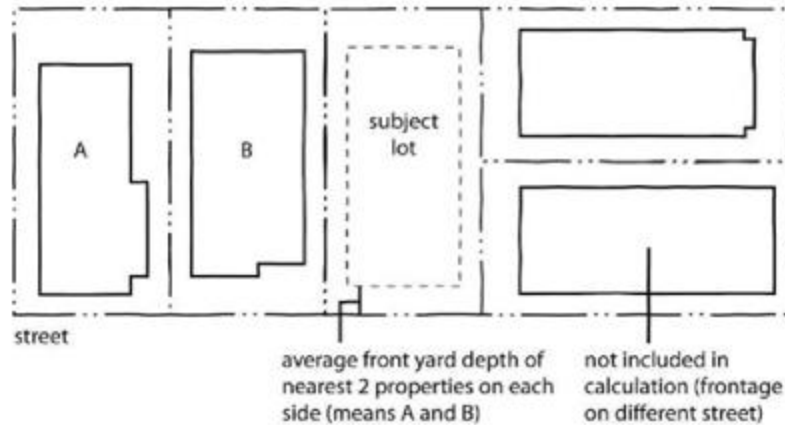
- (1) If one or more of the lots required to be included in the averaging calculation is vacant, that vacant lot will be deemed to have a street yard depth equal to the minimum street setback requirement of the subject zoning district.



- (2) Lots with frontage on a different street than the subject lot or that are separated from the subject lot by a street or alley may not be used in computing the average.



- (3) When the subject lot is a corner lot, the average street yard depth will be computed on the basis of the nearest 2 lots with frontage on the same street as the subject lot.



(4) When the subject lot abuts a corner lot with frontage on the same street, the average front yard depth will be computed on the basis of the abutting corner lot and the nearest 2 lots with frontage on the same street as the subject lot.

2. Rear Setbacks.

- Measurement. Rear setbacks are measured from the rear property line to the closest point of the building.
- Permitted Obstructions/Encroachments. Rear setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed in Section 24.18.030F.
- Through Lots. On through lots both (opposing) street lines are considered front property lines and front setback requirements apply.

3. Side Setbacks.

- Measurement. Side setbacks are measured from the interior (non-street) side property line to the closest point of the building.
- Permitted Obstructions/Encroachments. Side setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed in Section 24.18.030F.

F. Features Allowed to Encroach in Required Setbacks.

- Residential Zoning Districts. Required setbacks in residential zoning districts must be unobstructed and unoccupied from the ground to the sky except that features are allowed to encroach into required setbacks to the extent indicated in the following table:

Obstruction/Feature	Residential District Setback			
	Front	Rear	Interior Side	Street Side
Arches		P	P	
Awnings	P[12]	P	P[8]	P[8]
Balconies		P		

Belt courses	P[9]	P[9]	P[9]	P[9]
Cornices	P	P	P	P
Exiting stairs and landing, minimum required by building code	P	P	P	P
Fences	-	P[2]	P[2]	P[2]
Fire escapes, open	-	-	-	-
Flag poles	P	P	P	P
Garages, detached and carports	-	P[1]	P[13]	-
Geothermal heat pumps and geothermal heat exchange systems (max. 4 feet height)	-	P	P	-
Laundry drying equipment	-	P	-	-
Nameplates	P	P	P	P
Parking spaces (required, open)	-	P	-	-
Ornamental features, attached (includes chimney)	P[5]	P[5]	P[5]	P[5]
Ornamental features, detached	P[9]	P[9]	P[9]	P[9]
Ornamental light standards	P	P	P	P
Outdoor fireplaces	-	P[1]	-	-
Patio, at grade	P	P	P	P
Pergolas/arbors	-	P[1]	-	-
Playhouses & play structures	-	P[1]	-	-
Planter boxes, landscape or stormwater	P[4]	P[4]	P[4]	P[4]
Porch (Entrance)	P [16]	-	-	-
Roof overhangs	P[5]	P[5]	P[5]	P[5]
Signs	P[10]	-	-	P[10]
Sills	P	P	P	P

Solar or wind energy systems, building-mounted (see also sec. 24.10.030)	-	P	P	-
Solar or wind energy systems, ground-mounted (see also sec. 24.10.030)	-	P	P	-
Swimming pools and tennis courts	-	P	-	-
Tool sheds, detached or attached	-	P[1]	-	-
Trellises	P[14]	P[14]	P[14]	P[14] [15]
Water collection cisterns	P[4]	P	P	P[4]
Wheelchair lifts & ramps	P	P	P	P
Wing walls	P[9]	P[9]	P[9]	P[9]

P = Permitted setback obstruction

- = Prohibited setback obstruction

[1] Must comply with accessory structure setbacks.

[2] See Chapter 15.28 of the city code of ordinances.

[3] Not more than 4.5 feet above grade if located more than 2.5 feet into a required setback.

[4] 5 feet maximum—not more than 4.5 feet above grade.

[5] 2 feet maximum into minimum required setback.

[6] 4 feet maximum into minimum required setback.

[7] 1 foot maximum into minimum required setback.

[8] 3 feet maximum into minimum required setback.

[9] Not more than 4.5 feet above grade.

[10] See Chapter 15.14 of the city code of ordinances.

[11] Not closer than 10 feet to any side or rear lot line.

[12] 6 feet maximum into minimum required setback.

[13] Minimum side setback required for side of principal structure on which the proposed garage/carport would be constructed.

[14] Trellis units must be separated by a distance that equals their width.

[15] On side yards abutting a street, a trellis may be placed in street side yard, provided that it is at least 18 inches from the street side property line and complies with intersection visibility regulations of Section 24.14.020.

[16] Must be open on at least three sides, with exception to railing, and may contain an elevated deck at level with the front door. May project 6 feet maximum into required front yard setback. If the wall of the door entrance does not meet the required front yard setback, the porch may extend off of the entrance wall a maximum of 6 feet, but shall be setback no closer than 15 feet to the front property line.

2. Nonresidential and Special Purpose Districts. Required setbacks in nonresidential and special purpose zoning districts must be unobstructed and unoccupied from the ground to the sky except that features are allowed to encroach into required setbacks to the extent indicated in the following

table:

Obstruction/Feature	Nonresidential District Setback			
	Front	Rear	Interior Side	Street Side
Arches	-	P	-	-
Awnings	-	P	-	-
Balconies	P	P[6]	P	P
Belt courses	P[7]	P[7]	P[7]	P[7]
Cornices	P[5]	P[5]	P[5]	P[5]
Tool sheds, detached or attached	-	P[1]	-	-
Fences	P[2]	P[2]	P[2]	P[2]
Fire escapes, open	P[8]	P[8]	P[8]	P[8]
Flag poles	P	P	P	P
Fountains	P	P	P	P
Garages, detached and carports	-	P[1]	-	-
Geothermal heat pumps and geothermal heat exchange systems (max. 4 feet height)	-	P	P	-

Laundry drying equipment	-	P	-	-
Nameplates	P	P	P	P
Open accessory off-street parking spaces required	P	P	P	P
Ornamental features attached (includes chimney)	P[5]	P[5]	P[5]	P[5]
Ornamental features detached	P[9]	P[9]	P[9]	P[9]
Ornamental light standards	P	P	P	P
Playhouses & play structures	P	P[1]	P	P

Planter boxes, landscape or stormwater	P[4]	P[4]	P[4]	P[4]
Roof overhangs	P[5]	P[5]	P[5]	P[5]
Signs	P[10]	P[10]	P[10]	P[10]
Sills	P[5]	P[5]	P[5]	P[5]
Solar or wind energy systems, building-mounted (see also sec. 24.10.030)	-	P	P	-
Solar or wind energy systems, ground-mounted (see also sec. 24.10.030)	-	P	P	-
Stoops and patio	P	P	P	P
Swimming pools	-	P[11]	-	-
Tennis courts	-	P	-	-
Trees and plants	P	P	P	P
Trellises	P	P	P	P
Water collection cisterns	P[4]	P	P	P[4]
Wheelchair lifts & ramps	P	P	P	P
Wing walls	P[4]	P[4]	P[4]	P[4]

P = Permitted setback obstruction

- = Prohibited setback obstruction

[1] Must comply with accessory structure setbacks.

[2] See Chapter 15.28 of the city code of ordinances.

[3] Not more than 4.5 feet above grade if located more than 2.5 feet into a required setback.

[4] 5 feet maximum—not more than 4.5 feet above grade.

[5] 2 feet maximum into minimum required setback.

[6] 4 feet maximum into minimum required setback.

[7] 1 foot maximum into minimum required setback.

[8] 3 feet maximum into minimum required setback.

[9] Not more than 4.5 feet above grade.

[10] See Chapter 15.14 of the city code of ordinances.

[11] Not closer than 10 feet to any side or rear lot line.

[12] 6 feet maximum into minimum required setback

Part L. Section 24.09.070 of the Wauwatosa Municipal Code of Ordinances is hereby repealed and replaced to read as follows:
24.09.070 RESERVED

Part LI. This ordinance shall become effective on and after its date of passage and publication.

CHAPTER 24.01 LEGAL FRAMEWORK

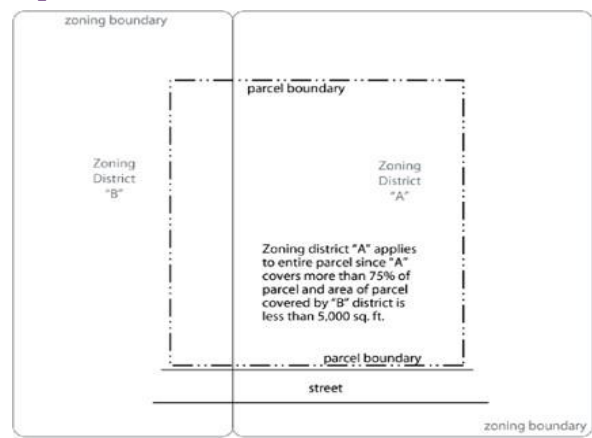
24.01.110 Zoning Map

24.01.110E Split-Zoned Parcels

E. Split-Zoned Parcels.

- 1. The zoning map may not be amended to classify a single parcel into 2 or more base zoning districts with the exception of SP-PKG as one base zoning classification or when included in a Planned Unit Development (PUD) Overlay.
- 2. The split zoning of any newly created parcel (into more than one base zoning district classification) is prohibited with the exception of SP-PKG as one base zoning classification or when included in a Planned Unit Development (PUD) Overlay.
- 3. The following regulations apply to existing parcels that are classified in 2 or more base zoning classifications:
 - a. For existing and proposed uses and structures, the zoning district for the majority of the lot area applies to the entire lot, the more restrictive provisions of the applicable zoning districts apply to the entire parcel with the following exceptions:
 - (1) When one the base zoning districts are equal, the zoning administrator is authorized to utilize their discretion to determine the base district that applies to the entire parcel. applies to at least 75% of the total parcel area and the remainder of the parcel is less than 5,000 square feet in area, the regulations of the zoning district that apply to the larger portion of the parcel apply to the entire parcel. See Figure 01-1, below.
 - (2) When SP-PKG is one of the base districts, each portion of the parcel is subject to the requirements of the district in which it is located.
 - b. Building setbacks do not apply along base zoning district boundary lines that split a parcel under single ownership with the exception of SP-PKG as one base zoning classification where each portion of the parcel is subject to the requirements of the district in which it is located.
 - c. If any use, building or structure rendered nonconforming by the split-zoned parcel provisions of this section is accidentally damaged or destroyed it may be reestablished, as long as the reestablishment does not increase the extent of nonconformity.

Figure 01-1: Split-zoned Parcel



24.01.120 Transitional Provisions

- A. Zoning District Map Symbol Conversions. The zoning district names and map symbols in effect before the effective date specified in Section 24.01.020 are converted as follows:

Proposed District Name	Existing District Name
------------------------	------------------------

RESIDENTIAL		RESIDENTIAL	
R1-15 <u>GR</u>	Garden Residential <u>Single-unit Residential-15</u>	R1-15 <u>Estate</u>	Single-unit Residential-15 <u>Single Family Residence</u>
R1-9 <u>SR</u>	Suburban Residential <u>Single-unit Residential-9</u>	R1-9 <u>AAA</u>	Single-unit Residential-9 <u>Single Family Residence</u>
R1-6 <u>NR</u>	Neighborhood Residential <u>Single-unit Residential-6</u>	R1-6 <u>AA</u>	Single-unit Residential-6 <u>Single Family Residence</u>
R2 <u>MR</u>	Two-unit <u>Mixed</u> Residential	R2 <u>BB</u>	Two-unit Residential <u>Two Family Residence</u>
R4 <u>LDM</u>	Low-Density, Multi-unit Residential	R4 <u>GG</u>	Multi-unit Residential <u>Four Family Residence</u>
R8 <u>MDM</u>	Medium-Density, Multi-unit Residential	R8 <u>DD</u>	Multi-unit Residential <u>Eight Family Residence</u>
COMMERCIAL		COMMERCIAL	
CO	Office	AA	Professional Office
		AA	Medical Clinic
C1	Neighborhood/Village Trade		Trade
			Village Trade
C2	General Commercial	AA	Business
		AA	Commercial
INDUSTRIAL		INDUSTRIAL	
M1	Light Industrial	AA	Light Manufacturing
M2	Heavy Industrial	AA	Industrial
OVERLAY		OVERLAY	
/MAY	Mayfair Road Overlay	None	(/MAY is new overlay)

/NOR	North Avenue Overlay	None	(/NOR is new overlay)
/PUD	Planned Unit Development	None	(/PUD is new overlay)
/HIS	Historic Overlay	None	(/HIS is new overlay)
SPECIAL PURPOSE		SPECIAL PURPOSE	
SP-CON	Conservation		Conservancy
SP-PUB	Public Facilities		Municipal Center & Public Works
SP-RP	Research Park		Research Park Planned Development District
SP-INS	Institutions	AA	Institutions
SP-MED	Medical Center		Medical Ctr. & Institutions
SP-PKG	Parking Support		Off-Street Parking
SP-POS	Parks and Open Space		Parks and Open Space Cemetery
None	(Obsolete District)	RPD	Residential Planned Development
None	(Obsolete District)	BPD	Business Planned Development

CHAPTER 24.02. RESIDENTIAL DISTRICTS

24.02.010 General

A. The Districts. The city's residential zoning districts are listed below. When this zoning ordinance refers to "residential" zoning districts or "R" districts, it is referring to these districts.

Zoning District	Map Symbol	Formerly Known As
Single-unit Residential-15 <u>Garden Residential</u>	R1-15 <u>(GR)</u>	Estate, Single-family Residence <u>R1-15, Single-unit Residential-15</u>
Single-unit Residential-9 <u>Suburban Residential</u>	R1-9 <u>(SR)</u>	AAA, Single-family Residence <u>R1-9, Single-unit Residential-9</u>
Single-unit Residential-6 <u>Neighborhood Residential</u>	R1-6 <u>(NR)</u>	AA, Single-family Residence <u>R1-6, Single-unit Residential-6</u>

Two-unit <u>Mixed</u> Residential	<u>R2 (MR)</u>	BB, Two-family Residence <u>R2, Two-unit Residential</u>
<u>Low-Density</u> , Multi-unit Residential	<u>R4(LDM)</u>	CC, Four-family Residence <u>R4, Multi-unit Residential</u>
<u>Medium-Density</u> , Multi-unit Residential	<u>R8MDM)</u>	DD, Eight Family Residence <u>R8, Multi-unit Residential</u>

~~B. District Names and Map Symbols. The proposed district names/map symbols are intended to provide a general indication of what is allowed in the respective district. The first letter, "R," denotes the residential orientation of the district. The numeral immediately following the "R" is a shorthand reference to the allowed housing type, with "1" representing a single dwelling unit, "2" representing a two-unit residential building (e.g., duplex or two-flat) and so on. The R1 single-dwelling districts include a density or lot size indicator following the dash. The R1-9 district, for example, refers to a single-dwelling residential zoning district that generally allows one dwelling unit on a lot with at least 9,000 square feet of lot area.~~

~~C.B. Purposes.~~ Wauwatosa's residential zoning districts are primarily intended to create, maintain and promote a variety of housing and lifestyle opportunities for individual households and to maintain the desired physical character of existing neighborhoods. While the districts primarily accommodate residential use types, some nonresidential uses are also allowed. The R district standards provide development flexibility, while at the same time helping to ensure that new development is compatible with the city's many neighborhoods. In addition, the regulations offer certainty for property owners, developers and neighbors about the limits of what is allowed.

- ~~1. The **GR, SR, and NRR1**, Single-unit Residential Districts. The **R** districts are primarily intended to accommodate detached houses and to preserve the character of low-density residential neighborhoods.~~ for low-density neighborhoods primarily characterized by detached houses, semi-detached, and two-unit houses on individual lots.
- ~~2. **R2MR**, Two-unit Residential District. The **R2-MR** district supports a mix of detached, semi-detached, two-unit houses, three-unit/four-unit houses, and small multi-unit residential buildings in walkable, residential neighborhoods. It provides a modest increase in housing density while maintaining a single-unit residential character.~~ is primarily intended to accommodate detached houses, semi-detached houses and two-unit residential buildings and to provide for a mix of low-density housing types within a single neighborhood area.
- ~~3. **R4LDM**, Multi-unit Residential. The **R4-LDM** district is primarily intended to accommodate detached houses, semi-detached houses, two-unit residential buildings, three-unit/four-unit houses, and small (maximum 4-unit) multi-unit residential buildings. The district helps provide a mix of low- and moderate-density housing choices within a walkable, residential context.~~ within a single neighborhood area.
- ~~4. **R8MDM**, Multi-unit Residential District. The **R8-MDM** district is primarily intended to accommodate detached houses, semi-detached houses, two-unit houses, residential buildings, three-unit/four-unit houses, and small multi-unit residential buildings. The district helps provide a mix of low- and moderate-density housing choices within a single neighborhood area.~~ in neighborhood areas near corridors.

24.02.030 Lot and Building Regulations

- A. General. This section establishes basic lot and building regulations that apply in R Residential districts. These regulations offer certainty for property owners, developers and neighbors about the limits of what is allowed; they are not to be construed as a guarantee that maximum allowed densities and development yields can be achieved on every lot. Other factors, such as topography, the presence of floodplains or protected resources, off-street parking, landscaping requirements and other factors may work to further limit actual development potential.
- B. Basic Standards. The lot and building standards of the following table apply to all principal and accessory uses allowed in R districts, except as otherwise expressly stated. General exceptions to these standards and rules for measuring compliance can be found in Section 24.18.030.

Lot and Building Standards	DISTRICTS					
	<u>R1-15GR</u>	<u>R1-9SR</u>	<u>R1-6NR</u>	<u>R2MR</u>	<u>R4LDM</u>	<u>R8MDM</u>
<u>Minimum Lot Area</u> (square feet)						

Minimum Lot Area (square feet) Detached house	15,000 <u>9,000</u>	96,000	64,000	64,000	64,000	64,000
Two-unit building	NA	NA	NA	7,200	7,200	7,200
Multi-unit building (min. lot area per unit) ^[1]	NA	NA	NA	NA	1,600	1,600
Minimum Lot Width (frontage) (feet)						
Corner lot	125 <u>85</u>	85 <u>60</u>	60 <u>50</u>	60 <u>50</u>	60 <u>50</u>	60 <u>50</u>
Interior lot	125 <u>75</u>	75 <u>50</u>	50 <u>40</u>	50 <u>40</u>	50 <u>40</u>	50 <u>40</u>
Minimum Setbacks						
Front (feet)	30 ^[21] <u>35</u>	30 ^[21] <u>35</u>	25 ^[21] <u>30</u>	20 ^[21] <u>25</u>	20 ^[21] <u>25</u>	20 ^[21] <u>25</u>
Side, Street (% of lot width)	20 ^[32]	20 ^[32]	20 ^[32]	20 ^[32]	20 ^[32]	20 ^[32]
Side, Interior one side/both sides combined (feet)	5/10	5/10	3/9	3/9	3/9	3/9
Rear (% of lot depth)	20 ^[43]	20 ^[43]	20 ^[43]	20 ^[43]	20 ^[43]	20 ^[43]
Accessory buildings:						
Rear and interior side (feet)	1.5	1.5	1.5	1.5	1.5	1.5
Alley (feet)	5	5	5	5	5	5
Max. Building Coverage (% of lot area)						
All principal and accessory buildings combined						
Corner lot	35	42	42	42	60 <u>42</u>	60 <u>70</u>
Interior lot	35	37	37	37	40 <u>37</u>	50 <u>60</u>
Accessory buildings ^[54]	12	12	12	12	12	12
<u>Accessory dwelling units [4]</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
Maximum Height (feet)						
Principal buildings	35 ^[65]	35 ^[65]	35 ^[65]	35 ^[65]	35 ^[56]	35 ^[56]
Accessory buildings ^[76]	16	16	16	16	16	16

^[1] ~~This minimum lot area per unit standard applies only to multi-unit buildings. The regulation does not apply in districts that do not allow multi-unit buildings.~~

^[21] Setback "averaging" is allowed in some cases, See Section 24.18.030E.1.e.

^[32] Not required to exceed 15 feet.

^[43] Must be at least 15 feet, but not required to exceed 25 feet.

^[54] Accessory Dwelling Units (ADUs) are not included in accessory building lot coverage limits. Size and dimensional standards for ADUs are provided in

~~Section 24.10.075. Square footage not to exceed maximum in Section 15.04.040 C.3.~~

[56] Public and civic buildings, religious assembly, and schools may be up to 60 feet in height. One additional foot for front, side and rear setback is required for each foot of building height above 35 feet.

[76] Accessory building heights of up to 20 feet may be approved by the zoning administrator if the administrator determines that the additional height is necessary to accommodate a roof pitch consistent with the architectural style of the principal building.

24.02.040 Other Regulations

Uses and development in residential districts are subject to all other applicable regulations and standards of this zoning ordinance, including the following:

A. Nonconformities. See Chapter 24.15.

B. Accessory Uses and Structures. See Chapter 24.10.

C. Parking and Loading. See Chapter 24.11.

D. Landscaping and Screening. See Chapter 24.12.

E. Temporary Uses. See Section 24.10.080.

E-F. Attached and Semi-Detached Building Design Standards. See Section 24.14.045.

CHAPTER 24.03. COMMERCIAL DISTRICTS

24.03.010 General

A. The Districts. The city's commercial zoning districts are listed below. When this zoning ordinance refers to "commercial" zoning districts or "C" districts, it is referring to these districts.

Zoning District	Abbreviation/Map Symbol	Formerly Known As
Office	CO	AA Professional Office
		AA Medical Clinic
Neighborhood/Village Trade	C1	Trade
		Village Trade
General Commercial	C2	AA Business
		AA Commercial

B. Purposes. Wauwatosa's commercial zoning districts are primarily intended to accommodate and promote neighborhood- and community-serving business and commercial (e.g., retail, service, office) uses, as well as vertical mixed-use development consisting of nonresidential uses on the ground floor and residential uses on the upper floors of the same building. Encouraging mixed-use development can help reduce vehicle travel demand and provide increased housing choice and transit-oriented densities.

1. CO, Office Commercial. The CO, Office Commercial district is primarily intended to accommodate office, professional, and medical uses in a low- to moderate-intensity setting. While primarily nonresidential, the district also allows limited residential uses in areas of transition from commercial to residential.

2. C1, Neighborhood & Village Commercial. The C1, Neighborhood & Village Commercial district is primarily intended to accommodate mixed-use development and small-scale, neighborhood-serving retail and service uses in pedestrian-oriented storefront buildings.
3. C2, General Commercial. The C2, General Commercial district accommodates a broad range of business and commercial uses. While designed to support regional shopping and commercial activity, the district also allows residential uses in locations consistent with the character of surrounding development, mixed-use, and multi-unit residential uses, often in the physical form of shopping centers, large-format retail and other destination-oriented uses in which a large percentage of customers will arrive by automobile.

24.03.040 Other Regulations

Uses and development in commercial districts are subject to all other applicable regulations and standards of this zoning ordinance, including the following:

- A. Drive-through and Drive-in Facilities. Drive-through and drive-in facilities require conditional use approval and must be associated with an otherwise allowed use. They are also subject to the regulations of Section 24.11.100.
- B. Large-format Retail Developments. Individual freestanding buildings and group developments with a cumulative gross floor area of 50,000 square feet or more of retail sales area are subject to the large-format retail development regulations of Section 24.09.090.
- C. Nonconformities. See Chapter 24.15.
- D. Accessory Uses and Structures. See Chapter 24.10.
- E. Parking and Loading.
 1. Parking spaces may not be located in front or street side setbacks.
 2. Loading docks must be set back at least 10 feet from alleys and 20 feet from all street rights-of-way.
 3. See also the general off-street parking and loading regulations of Chapter 24.11.
- F. Landscaping and Screening. See Chapter 24.12.
- G. Temporary Uses. See Section 24.10.080.
- H. Overlay Zoning Districts. See Chapter 24.05.
- I. Outdoor storage activities in the C districts require conditional use approval in accordance with Section 24.16.040.
- J. Building Height for C2 (General Commercial) District: For C2 zoned properties located within 65 feet of a Residential (R) zoned property, the maximum building height is 60 feet. Exceptions to this standard are as follows:
 1. The Regional Mall (Mayfair Mall) properties are not subject to these regulations.
 2. Additional height of up to 85 feet is allowed for:
 - a. Multi-family-unit and/or mixed-use projects proposing 20% or more affordable housing units at 80% or below the average median income (AMI) for the Milwaukee, Waukesha, and West Allis region, as established by the US Department of Housing & Urban Development (HUD).
 - b. Transit-oriented development projects located along the Bus Rapid Transit (BRT) Corridor.
- K. Attached and Semi-Detached Building Design Standards. See Section 24.14.045.

CHAPTER 24.05 OVERLAY DISTRICTS

24.05.020 /MAY, Mayfair Corridor Overlay

- A. Purpose. The /MAY, Mayfair Road Corridor Overlay district is intended to help protect the appearance and operational (transportation) function of the Mayfair Road corridor.
- B. Minimum Building Height. Buildings within the /MAY Overlay district must be at least 2 stories and 24 feet in height.
- C. Regional Mall Standards.
 1. Minimum Interior Side Setback and Rear Setback. Parcels associated with a regional mall are allowed 0 feet interior side setback and rear setback for parcel lines not adjacent to R-zoned property. When adjacent to R-zoned property, the minimum interior side setback and rear setback is 15 feet for buildings 50 feet in height and below, 25 feet for buildings 51 feet to 100 feet, and 50 feet for buildings 101 feet and above.

2. Eating & Drinking Establishments. No Conditional Use is required for establishments with no separate entrance or seating.
 3. Minimum Lot Area Per Unit (square feet). Does not apply to parcels associated with a regional mall.
 4. Multi-unit residential building is a permitted use when part of a regional mall.
- D. Drive-Through or Drive-In Facilities. Drive-through or drive-in facilities for restaurants, car washes, banks and gas stations require a conditional use permit for project sites that meet one or more the following criteria:
1. Parcels with four hundred feet minimum of frontage along Mayfair Road.
 2. Corner parcels with two hundred fifty feet minimum of frontage along Mayfair Road and two hundred fifty feet minimum of frontage along the cross street.
 3. Parcel entrances with direct access to a traffic signal. Cross-access may be used to meet this criterion.

If the parcel does not meet the criteria listed above, a drive-through facility on Mayfair Road is prohibited.

If the parcel meets the criteria, the facility shall meet all development standards of the zone, unless otherwise specified in this section, and the site shall be designed in accordance with the following:

4. Driveway throat lengths and internal cross-access locations must be designed to prevent back-ups onto sidewalks and streets at times of peak usage.
5. Access locations must not negatively impact traffic flow, traffic safety, or pedestrian safety.
6. A traffic impact analysis must be prepared and the findings accepted by both WisDOT and the city engineer or designee.
7. Cross-access is strongly encouraged.

E. Residential Uses.

1. Permitted Uses. The following uses are permitted as of right in the /MAY Overlay:

- a. Mixed-Use, Vertical
- b. Multi-Unit Building, 5-12 units
- c. Multi-Unit Building, 13+ units

F. Attached and Semi-Detached Building Design Standards. See Section 24.14.045.

24.05.030 /NOR, North Avenue Overlay

- D. Ground-Floor Glazed Area. The following requirements apply to all new construction and building additions.
1. Windows or other glazed area must cover at least 50% of the public street-facing ground floor building wall. Darkly tinted, mirrored or highly reflective glazing may not be counted toward minimum glazed area requirements. On corner parcels, this ~~40~~50% glazed area requirement applies only along the primary street. In the event that these minimum glazed area requirements conflict with city building (energy) code requirements, the building (energy) code governs.
 2. Glazed area requirements apply to that area of the ground floor building wall facing a public street up to the finished ceiling height of the first floor building space.
 3. Display windows that do not provide views into the interior of the building may be counted towards satisfying up to 50% of the minimum glazed area requirements, provided that they are internally illuminated and are at least 2 feet in depth.
 4. The bottom of any window or product display window used to satisfy these glazed area requirements may not be more than 30 inches above the finished grade of the first floor building space.

CHAPTER 24.06 SPECIAL PURPOSE DISTRICTS

24.06.050 SP-INS, Institutions District

- A. Uses. Principal uses are allowed in SP-INS districts in accordance with the use table of Section 24.07.030.

- B. Lot and Building Standards. The lot and building standards of the following table apply to all principal and accessory uses allowed in the SP-INS district, except as otherwise expressly stated in this zoning ordinance. General exceptions to these standards and rules for measuring compliance can be found in Section 24.18.030.

Lot and Building Standards	SP-INS
Minimum Lot Area (square feet)	9,000
Minimum Lot Width (feet)	80
Minimum Setbacks (feet)	
Front	25
Side, Street	15
Side, Interior	10[1]
Rear	24[1]
Maximum Height (feet)	
Principal Buildings	No Max.
Accessory Buildings	20
Maximum Building Coverage (% of lot area)	
Interior Lot	45 35
Corner Lot	50 40

[1] Plus one foot for each foot of building height above 35 feet.

24.06.060 SP-MED, Medical Center District

C. Educational Facility Housing.

1. Educational facility housing within the SP-MED district shall be restricted to east of 92nd Street and south of Watertown Plank Road.
2. Educational facility housing shall have a maximum front setback of 25 feet and a minimum building height of four stories or 50 feet.

24.06.070 SP-RP, Research Park District

- B. Permitted Uses. The following uses are permitted as of right in the SP-RP district:
- Automatic temperature controls
 - Biological products

3. Business and laboratory incubators
4. Business and management consulting services
5. Computer programming services
6. Dental laboratory services
7. Commercial testing laboratories
8. Drugs, chemical and allied products
9. Data processing
10. Educational and scientific research services
11. Educational services
12. Electrical machinery, equipment and supplies
13. Electrical transmission and distribution equipment
14. Electric and steam and chilled water generation plants and related facilities
15. Electrometallurgical products
16. Electronic components and accessories
17. Electronic control equipment
18. Engineering and architectural services
19. Engineering, laboratory and scientific and research instruments and associated equipment
20. Exhibition halls
21. Facilities management services
22. Fabricated metal products
23. Finance, insurance and real estate services
24. Food and kindred products
25. Forestry activities and related services
26. Horticultural services
27. Hotels and motels
28. Industrial inorganic and organic chemicals
29. Instruments for measuring, controlling and indicating physical characteristics
30. Mechanical measuring and controlling instruments (except automatic temperature controls)
31. Medical and health services
32. Medical laboratory services
33. Medical research, technology and development
34. Medical scientific research facilities
35. Medicinal chemicals and botanical products
36. Miscellaneous plastic products
37. Mixed-Use Building, Vertical
- 36.38. Multi-Unit Buildings, 5-12 units
- 37.39. Multi-Unit Buildings, 13+ units
- 38.40. Motion picture production
- 39.41. Office buildings

- ~~40.42.~~ Office computing and accounting machines
- ~~41.43.~~ Optical instruments and lenses
- ~~42.44.~~ Orthopedic, prosthetic and surgical appliances
- ~~43.45.~~ Pharmaceutical preparations
- ~~44.46.~~ Photographic equipment supplies
- ~~45.47.~~ Plastics materials and synthetic resins, synthetic rubber, synthetic and other manmade fibers
- ~~46.48.~~ Printing and publishing
- ~~47.49.~~ Professional, scientific and controlling instruments
- ~~48.50.~~ Research, development and testing services
- ~~49.51.~~ Resources production and extraction
- ~~50.52.~~ Stenographic services and other duplicating and mailing services
- ~~51.53.~~ Surgical, medical and dental instruments
- ~~52.54.~~ Technical training facilities
- ~~53.55.~~ X-ray apparatus and tubes: medical, industrial, research and control

D. Additional Conditional Uses. In addition to those conditional uses authorized under subsection C above, the following uses may be allowed in the SP-RP District if reviewed and approved in accordance with the conditional use permit procedures of Section 24.16.040, except they may be free standing conditional uses and not accessory to any allowed principal uses:

1. Buildings in which any of the commercial uses listed in B and C, above, occupy the ground floor.
- ~~2. Multi Unit Residential Buildings containing dwelling units that share common walls and/or common floors/ceilings.~~
- ~~3.2.~~ Eating places with indoor seating capacity in which sales of prepared foods, meals and non-alcoholic beverages constitute at least 50% of the establishment's gross income and which do not include drive-through or drive-in facilities.

24.06.080 SP-PKG, Parking Support District

- A. Purpose. The SP-PKG district is primarily intended to accommodate off-street parking areas bordering the C (commercial) district while protecting nearby residential areas from adverse impacts associated with spillover parking into residential neighborhoods.
- B. Uses. At-grade and below-grade, accessory and non-accessory parking of private vehicles and commercial vehicles with a maximum rated capacity of 3/4 ton are the only uses permitted in the SP-PKG district. ~~All such uses require review and approval in accordance with the conditional use procedures of Section 24.16.040.~~
- C. Regulations.
1. No part of any parking lot, except fencing and landscaping, may be located within 7 feet of any lot line adjoining an R-zoned lot, nor may any motor vehicle be parked or located less than 7 feet from any street line nor less than 10 feet from any residential dwelling. See Section 8.44 for additional requirements.
 2. Parking lots may not be used for vehicle repair work or servicing of any kind, or for the sale, display, demonstration, or advertising of merchandise or service of any kind or for the storage of motor vehicles, mechanical equipment or materials. Signs containing a commercial message are prohibited.
 - ~~3. Maintenance, use and operation of a parking lot must be in accordance with the conditional use approval and permit. In the event of violation, the permit may be revoked by the city after 10 days' written notice to the permit holder. The parking lot may not be used after permit revocation until reinstatement of the permit is granted.~~
 4. Buildings above grade are not permitted in the SP-PKG district. ~~Signage or other identifying structures on the property must be approved as part of the conditional use approval.~~
 5. Landscaping, screening, lighting and fencing must be designated on the conditional use approved site plan with respect to size, type and specifications and must be replaced with identical stock or materials which are acceptable substitutes upon approval of the board of public works when damage or

deterioration should occur.

24.06.085 MID, Midtown Districts

- D. Building Types. Uses are allowed in the MID districts in accordance with Table 24-2. The regulations governing allowed building types are presented in Sec. 24.06.085-F. through Sec. 24.06.085-L.

TABLE 24-2 ALLOWED BUILDING TYPES			
Building Types	MID Districts		
	RES	TRN	MIX
P = permitted - = prohibited			
Detached house	P	P	-
Semi-detached house	P	P	-
Two-unit house	P	P	-
<u>Three-unit house / Four-unit house</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Cottage Courts</u>	<u>P</u>	<u>P</u>	-
<u>Live-Work</u>	-	<u>P</u>	<u>P</u>
Attached house	P	P	<u>P</u> -
Commercial house	-	P	-
<u>Multi-unit Residential Building, 5-12 units</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Multi-unit Residential Building, 13+ units</u>	<u>P</u>	P	<u>P</u>
Commercial building	-	P	P
Vertical mixed-use building	-	P	P
Public or civic building	P	P	P

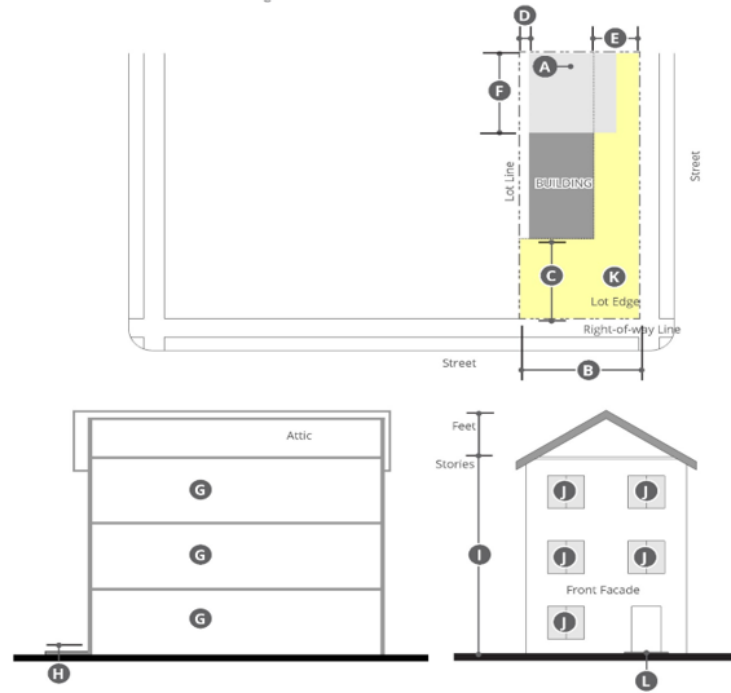
- E. Other Regulations. Uses and development in MID districts are subject to all other applicable regulations and standards of this zoning ordinance, including the following:
1. Accessory Uses and Structures. See Chapter 24.10.
 2. Temporary Uses. See Sec. 24.10.080.
 3. Parking and Loading. See Chapter 24.11.
 4. Landscaping and Screening. See Chapter 24.12.
 5. Nonconformities. See Chapter 24.15.
- 5-6. Additional Regulations. Additional MID district-specific regulations are presented in Sec. 24.06.085-M through Sec. 24.06.085-U.
- F. Detached, ~~House and Two-Unit, and Three-/Four-Unit~~ House; Cottage Court Regulations. Detached houses ~~and~~, two-unit houses ~~(as defined in Sec. 24.08.020.A.1 and Sec. 24.08.020.A.3)~~, three-/four-unit houses, and cottage courts ~~(as defined in Sec. 24.08.020.A.1, Sec. 24.08.020.A.3, Sec. 24.08.020.A.4, and Sec. 24.08.020.A.5)~~, are subject to the regulations of Table 24-3. See also Figure 24-1, which is keyed to the letter symbols in the first column of the table.

TABLE 24-3 DETACHED, HOUSES & TWO-UNIT-H, THREE-UNIT /FOUR-UNIT HOUSES; COTTAGE COURTS		<u>MID-RES</u> <u>MID-TRN</u> <u>MID-MIX</u>	Supplemental
1. Lot			
A	Minimum Lot Area (square feet)	6,000 6,000	
B	Minimum Lot Width (feet)		
	Interior Lot Corner Lot	50 60 50 60	
2. Principal Building Siting			
C	Minimum Front Setback (feet)	25 25	
D	Minimum Interior Side Setback (one side/both sides, feet)	3/9 3/9	

E	Minimum Street Side Setback (% of lot width)	20[1] 20[1]	
F	Minimum Rear Setback (% of lot depth)	20[2] 20[2]	
3. Accessory Building Siting			
	Minimum Rear and Interior Side Setback (feet)	1.5 1.5	
	Minimum Alley Setback (feet)	5 5	
4. Uses			
G	Allowed Uses in All Stories		Residential uses allowed by Sec. 24.07.030
5. Building Coverage			
	Maximum Building Coverage of Principal & Accessory Buildings Combined (% of lot area)		
	Interior Lot Corner Lot	37 42 37 42	
	Maximum Building Coverage of Accessory Buildings (% of lot area)	12[3] 12[3]	
6. Building Height			Sec. 24.06.085-M
H	First Story Floor Elevation (min/max above sidewalk, ft.)	0 to 4	

		0 to 4	
I	Maximum Principal Building Height (feet)	35 35	
I	Maximum Accessory Building Height (feet)	16[4] 16[4]	
7. Building Facade			
J	Minimum Front Facade Transparency (%)	15 15	Sec. 24.06.085-O
J	Minimum Street-Side Facade Transparency (%)	5 5	
8. Lot Edges			
K	Edge Type Required	Landscape	Sec. 24.06.085-P
L	Edge Element Required	Porch or Stoop	Sec. 24.06.085-Q
		Table 24-3 Notes [1] Not required to exceed 15 feet. [2] Minimum 15 feet; not required to exceed 25 feet. [3] Not to exceed 720 square feet. [4] Accessory building heights of up to 20 feet may be approved by the zoning administrator if the administrator determines that the additional height is necessary to accommodate a roof pitch consistent with the architectural style of the principal building and that the additional height will not be used to create habitable floor area.	

Figure 24-1. Detached ~~and~~, Two-Unit, and Three-Unit/Four-Unit Houses



G. Semi-Detached and Attached House Regulations. Semi-Detached Houses and Attached houses ~~(as defined in Sec. 24.08.020.A.2 and Sec. 24.08.020.A.4)~~ are subject to the regulations of Table 24-4. See also Figure 24-2, which is keyed to the letter symbols in the first column of the table.

TABLE 24-4 SEMI-DETACHED AND ATTACHED HOUSES		MID-RES MID-TRN <u>MID-MIX</u>	Supplemental
1. Lot			
A	Minimum Lot Area (square feet)		
	Semi-Detached Houses Attached Houses	3,000 2,000 3,000 2,000	
B	Minimum Lot Width (feet)		

	Semi-Detached Houses Attached Houses	30 20 30 20	
2. Principal Building Siting			
C	Minimum Front Setback (feet)	25 25	
D	Minimum Interior (non-street) Side Setback (feet)	0[1] 0[1]	
E	Minimum Street Side Setback (% of lot width)	20 20	
F	Minimum Rear Setback (% of lot depth)	20[2] 20[2]	
3. Accessory Building Siting			
	Minimum Rear and Interior Side Setback (feet)	1.5 1.5	
	Minimum Alley Setback (feet)	5 5	
4. Uses			
G	Allowed Uses in All Stories	Residential uses allowed by Sec. 24.07.030	
5. Building Coverage			
	Maximum Building Coverage of Principal & Accessory Buildings Combined (% of lot area)		
	Interior Lot Corner Lot	50	

		60 50 60	
	Maximum Building Coverage of Accessory Buildings (% of lot area)	12[3] 12[3]	
6. Building Width			
	Maximum Number of Attached Units	8 8	
7. Building Height			Sec. 24.06.085-M
H	First Story Floor Elevation (min/max above sidewalk, ft.	0 to 4 0 to 4	
I	Maximum Principal Building Height (feet)	35 35	
I	Maximum Accessory Building Height (feet)	16[4] 16[4]	
8. Building Facade			
J	Minimum Front Facade Transparency (%)	15 15	Sec. 24.06.085-O
J	Minimum Street-Side Facade Transparency (%)	5 5	
9. Lot Edges			
K	Edge Type Required	Landscape	Sec. 24.06.085-P
L	Edge Element Required	Porch or Stoop	Sec. 24.06.085-Q

Table 24-4 Notes

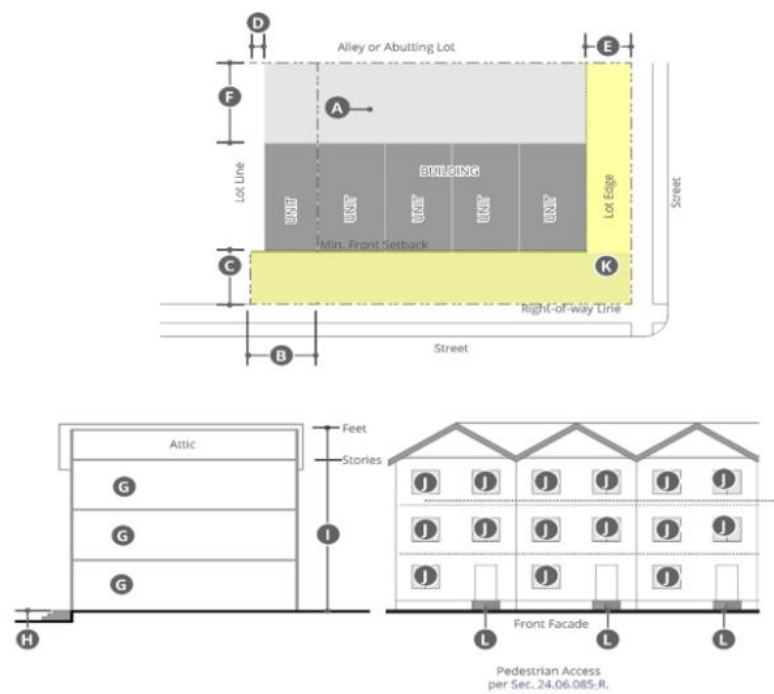
[1] End units subject to minimum 4.5-foot interior side setback.

[2] Minimum 15 feet; not required to exceed 25 feet.

[3] Not to exceed 720 square feet.

[4] Accessory building heights of up to 20 feet may be approved by the zoning administrator if the administrator determines that the additional height is necessary to accommodate a roof pitch consistent with the architectural style of the principal building and that the additional height will not be used to create habitable floor area.

Figure 24-2. Semi-detached and Attached Houses



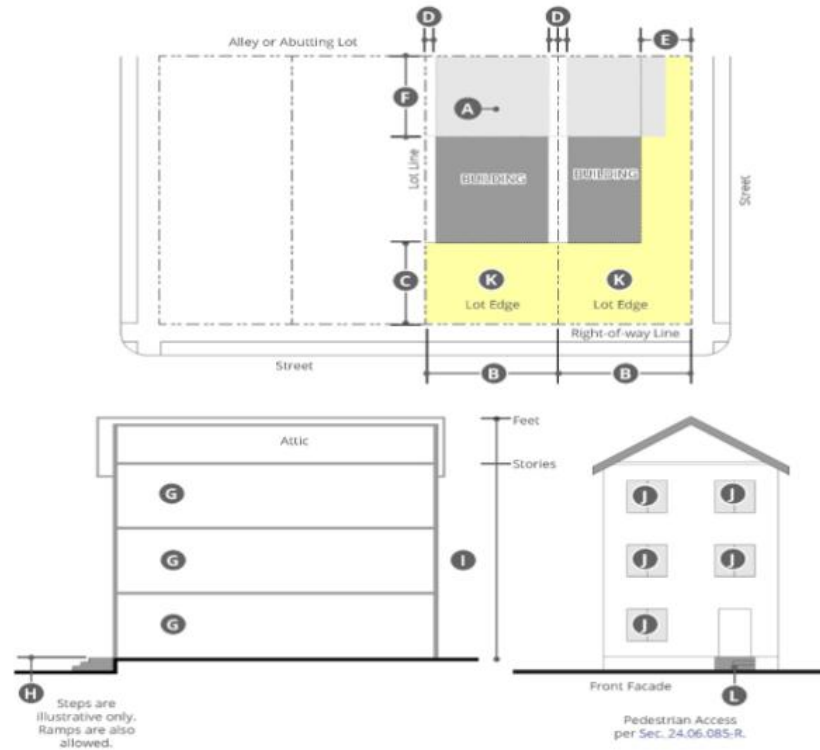
H. Commercial House [and Live-Work](#) Regulations. Commercial houses are former detached houses that have been converted for occupancy by nonresidential principal uses, such as offices or retail shops. Commercial houses [and live-work units](#) are subject to the regulations of Table 24-5. See also Figure 24-3, which is keyed to the letter symbols in the first column of the table.

TABLE 24-5 COMMERCIAL HOUSES AND LIVE-WORK UNITS	MID-TRN MID-MIX	Supplemental
1. Lot		

A	Minimum Lot Area (square feet)	6,000	
B	Minimum Lot Width (feet)		
	Interior Lot Corner Lot	50 60	
2. Principal Building Siting			
C	Minimum Front Setback (feet)	25	
D	Minimum Interior Side Setback (one side/both sides, feet)	3/9	
E	Minimum Street Side Setback (% of lot width)	20[1]	
F	Minimum Rear Setback (% of lot depth)	20[2]	
3. Accessory Building Siting			
	Minimum Rear and Interior Side Setback (feet)	1.5	
	Minimum Alley Setback (feet)	5	
4. Uses			
G	Allowed Uses in Ground Story	Commercial uses allowed by Sec. 24.07.030	
G	Allowed Uses in Other Stories	Any use allowed by Sec. 24.07.030	
5. Building Coverage			
	Maximum Building Coverage of Principal & Accessory Buildings Combined (% of lot area)		
	Interior Lot Corner Lot	50 60	
	Maximum Building Coverage of Accessory Buildings (% of lot area)	12[3]	
6. Building Height			Sec. 24.06.085-M

H	First Story Floor Elevation (min/max above sidewalk, ft.)	0 to 4	
I	Maximum Principal Building Height (feet)	35	
I	Maximum Accessory Building Height (feet)	16[4]	
7. Building Facades			
J	Minimum Front Facade Transparency (%)	15	Sec. 24.06.085-O
J	Minimum Street-Side Facade Transparency (%)	5	
8. Lot Edges			
K	Edge Type Required		Sec. 24.06.085-P
L	Edge Element Required		Sec. 24.06.085-Q
Table 24-5 Notes			
[1] Not required to exceed 15 feet.			
[2] Minimum 15 feet; not required to exceed 25 feet.			
[3] Not to exceed 720 square feet.			
[4] Accessory building heights of up to 20 feet may be approved by the zoning administrator if the administrator determines that the additional height is necessary to accommodate a roof pitch consistent with the architectural style of the principal building and that the additional height will not be used to create habitable floor area.			

Figure 24-3. Commercial House and Live-Work



I. Multi-Unit Residential Building Regulations. Multi-unit residential buildings (as defined in Sec. 24.08.020.A.5) are subject to the regulations of Table 24-6. See also Figure 24-4, which is keyed to the letter symbols in the first column of the table.

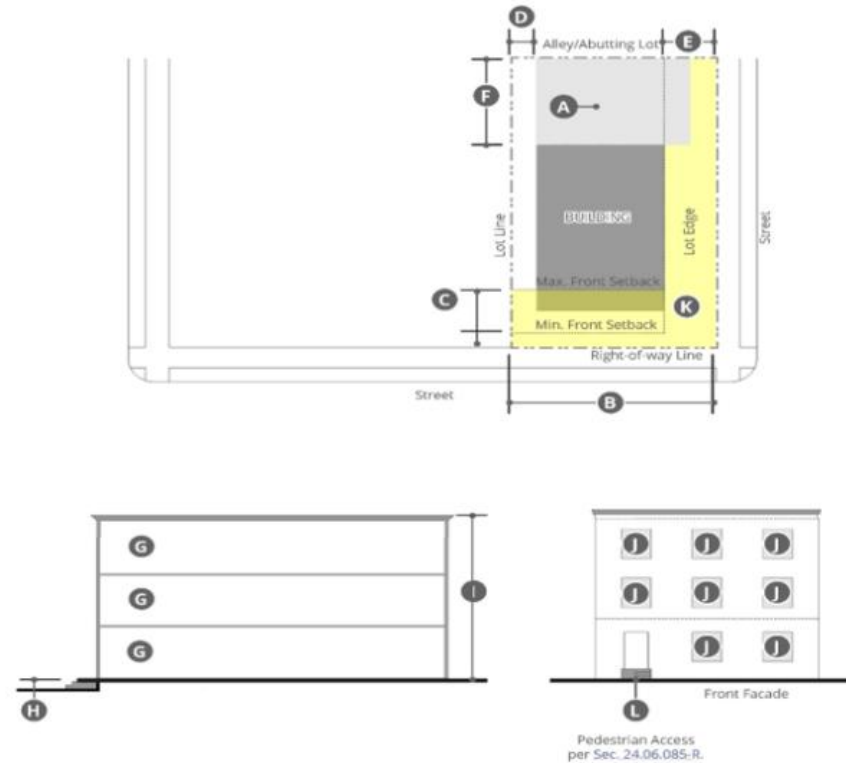
TABLE 24-6 MULTI-UNIT RESIDENTIAL BUILDINGS		MID-RES	MID-TRN <u>MID-MIX</u>	Supplemental
1. Lot				
A	Minimum Lot Area (square feet)	6,000	6,000	
B	Minimum Lot Width (feet)			
	Interior Lot	50	50	
	Corner Lot	60	60	
2. Principal Building Siting				

C	Minimum Front Setback (feet)	25	10	
C	Maximum Front Setback (feet)	30	30	
	Minimum Building Coverage at/between Min. and Max. Front Setback (%)	75	75	
D	Minimum Interior Side Setback (one side/both sides, feet)	3/9	3/9	
E	Minimum Street Side Setback (% of lot width)	20[1]	20[1]	
F	Minimum Rear Setback (% of lot depth)	20[2]	20[2]	
3. Accessory Building Siting				
	Minimum Rear and Interior Side Setback (feet)	1.5	1.5	
	Minimum Alley Setback (feet)	5	5	
4. Uses				
G	Allowed Uses in All Stories	Residential uses allowed by Sec. 24.07.030		
5. Building Coverage				
	Maximum Building Coverage of Principal & Accessory Buildings Combined (% of lot area)			
	Interior Lot	50	50	
	Corner Lot	60	60	

	Maximum Building Coverage of Accessory Buildings (% of lot area)	12[3]	12[3]	
6. Building Width				
	Maximum Building Width (feet)	85	No Max.	
7. Building Height				Sec. 24.06.085-M
H	First Story Floor Elevation (min/max above sidewalk, ft.)	0 to 4	0 to 4	
I	Maximum Principal Building Height (feet)	35 <u>45</u>	35 <u>45</u>	
I	Maximum Accessory Building Height (feet)	16[4]	16[4]	
8. Building Façade				
J	Minimum Front Facade Transparency	20	20	Sec. 24.06.085-O
J	Minimum Street-Side Facade Transparency	5	5	
9. Lot Edges				
K	Edge Type Required	Landscape		Sec. 24.06.085-P
L	Edge Element Required	Porch or Stoop		Sec. 24.06.085-Q
Table 24-6 Notes				
[1] Not required to exceed 15 feet.				
[2] Minimum 15 feet; not required to exceed 25 feet.				
[3] Not to exceed 720 square feet.				
[4] Accessory building heights of up to 20 feet may be approved by the zoning administrator if				

the administrator determines that the additional height is necessary to accommodate a roof pitch consistent with the architectural style of the principal building and that the additional height will not be used to create habitable floor area.

Figure 24-4 Multi-Unit Residential Building



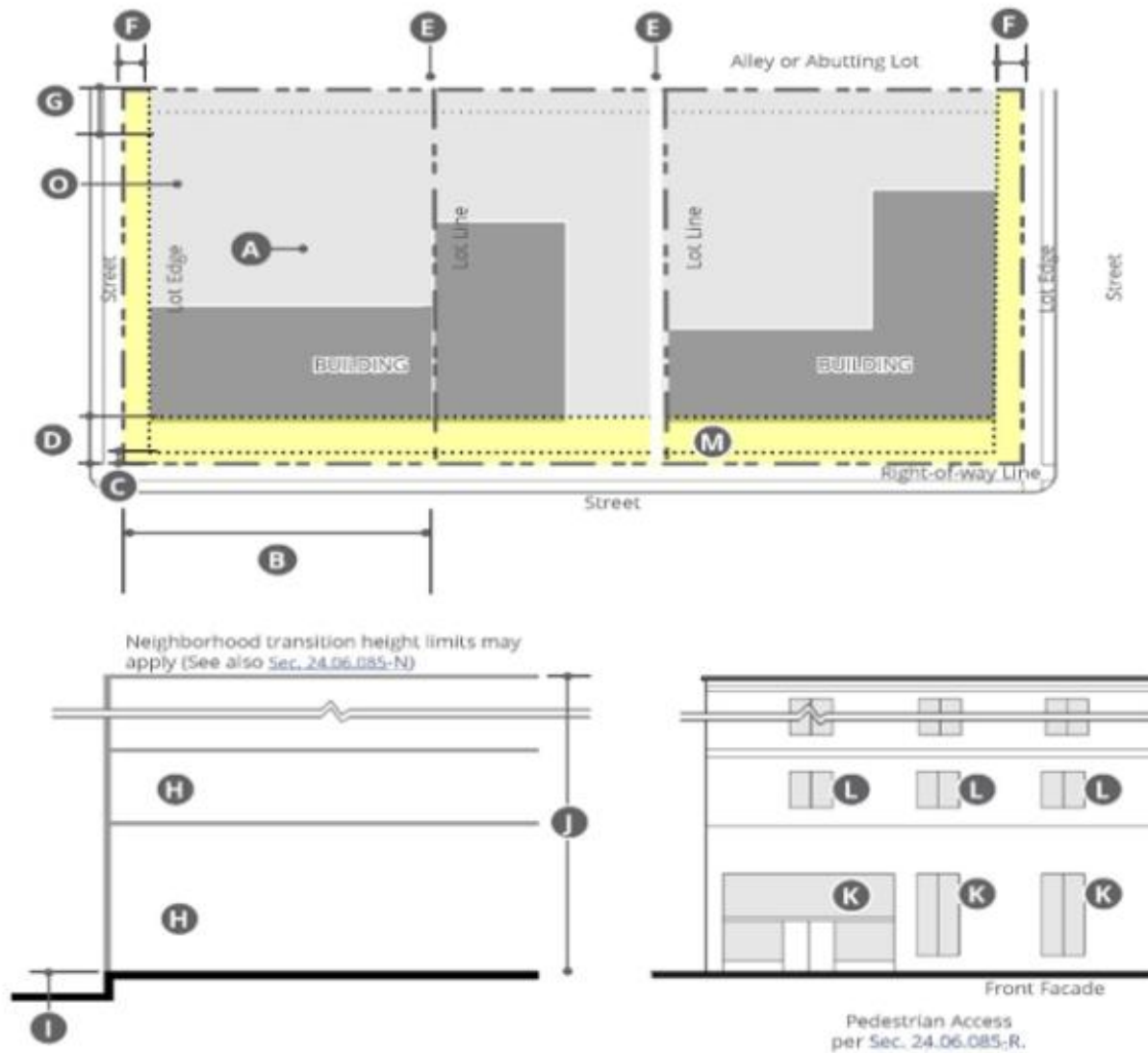
J. Commercial Building Regulations. Commercial buildings are subject to the regulations of Table 24-7. See also Figure 24-5, which is keyed to the letter symbols in the first column of the table. Commercial buildings are buildings occupied by nonresidential uses in all stories of the building.

TABLE 24-7 COMMERCIAL BUILDINGS		MID-TRN	MID-MIX	Supplemental
1. Lot				
A	Minimum Lot Area (square feet)	6,000	6,000	
B	Minimum Lot Width (feet)	50	50	

2. Principal Building Siting				
C	Minimum Front Setback (feet)	10	5	
D	Maximum Front Setback (feet)	25	10	
	Minimum Building Coverage at/between Min. and Max. Front Setback (%)	60	70	
E	Minimum Interior (non-street) Side Setback (feet)	3[1]	3[1]	
F	Minimum Street Side Setback (% of lot width)	10[2]	10[2]	
G	Minimum Rear Setback (% of lot depth)	20[3]	20[3]	
3. Accessory Building Siting				
	Minimum Rear and Interior Side Setback (feet)	3	3	
	Minimum Alley Setback (feet)	5	5	
4. Uses				
H	All Stories	Any use allowed by 24.07.030		
5. Building Coverage				
	Maximum Building Coverage (% of lot area)	75	75	
6. Building Height				Sec. 24.06.085-M
I	First Story Floor Elevation (min/max above sidewalk, ft.)	0 to 3	0 to 3	
J	Maximum Principal Building Height (stories/feet)	3/42	3/42	Sec. 24.06.085-N

J	Maximum Accessory Building Height (feet)	20	20	
7. Building Façade				
K	Minimum Front Facade Transparency			Sec. 24.06.085-O
L	Ground Story Upper Stories (above first)	50 15	60 20	
	Minimum Street-Side Facade Transparency All Stories	15	15	
8. Lot Edges				
M	Edge Type Required	Hardscape		Sec. 24.06.085-P
	Edge Element Required	None		
Table 24-7 Notes				
[1] No side setback is required abutting a lot occupied by a nonresidential building with no side setback along the shared lot line.				
[2] Not required to exceed 15 feet.				
[3] Minimum 15 feet; not required to exceed 25 feet.				

Figure 24-5. Commercial Building



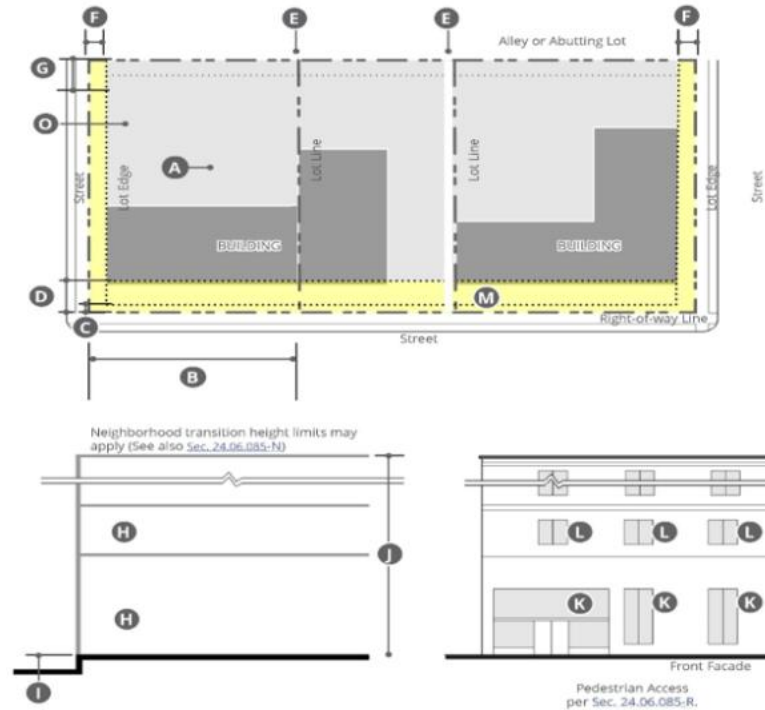
K. Vertical Mixed-use Building Regulations. Vertical mixed-use buildings (as defined in Sec. 24.08.020.A.6) are subject to the regulations of Table 24-8. See also Figure 24-6, which is keyed to the letter symbols in the first column of the table.

TABLE 24-8 VERTICAL MIXED-USE BUILDINGS	MID-TRN	MID-MIX	Supplemental
1. Lot			

A	Minimum Lot Area (square feet)	6,000	6,000	
B	Minimum Lot Width (feet)	50	50	
2. Principal Building Siting				
C	Minimum Front Setback (feet)	10	5	
D	Maximum Front Setback (feet)	25	10	
	Minimum Building Coverage at/between Min. and Max. Front Setback (%)	60	80	
E	Minimum Interior (non-street) Side Setback (feet)	3[1]	3[1]	
F	Minimum Street Side Setback (% of lot width)	10[2]	10[2]	
G	Minimum Rear Setback (% of lot depth)	20[3]	20[3]	
3. Accessory Building Siting				
	Minimum Rear and Interior Side Setback (feet)	3	3	
	Minimum Alley Setback (feet)	5	5	
4. Uses				
H	Allowed Uses in Ground Story	Commercial uses allowed by Sec. 24.07.030 [4]		
I	Allowed Uses in Other Stories	Any use allowed by Sec. 24.07.030		
5. Building Coverage				
	Maximum Building Coverage (% of lot area)	75	75	
6. Building Height				Sec. 24.06.085-M
J	First Story Floor Elevation (min/max above	0 to 1.5	0 to 1.5	

	sidewalk, ft.)			
K	Minimum Ground Story Height (floor-to-floor/feet)	14	14	
L	Minimum Principal Building Height (stories)	2	2	
L	Maximum Principal Building Height (stories/feet)	3/4245	3/4245	Sec. 24.06.085-N
L	Maximum Accessory Building Height (feet)	20	20	
7. Building Facade				
M	Minimum Front Facade Transparency			Sec. 24.06.085-O
N	Ground Story Upper Stories (above first)	55 20	70 25	
	Minimum Street-Side Facade Transparency All Stories	15	15	
8. Lot Edges				
O	Edge Type Required	Hardscape		Sec. 24.06.085-P
	Edge Element Required	None		
Table 24-8 Notes				
[1] No side setback is required abutting a lot occupied by a nonresidential building with no side setback along the shared lot line.				
[2] Not required to exceed 15 feet.				
[3] Minimum 15 feet; not required to exceed 25 feet.				
[4] Residential dwelling units may be located in the ground-story but not within 20 feet of a North Avenue-facing building facade.				

Figure 24-6. Vertical Vertical Mixed-Use Building



CHAPTER 24.07 ALLOWED USES

24.07.010 General

Principal uses are allowed in residential, commercial and industrial zoning districts in accordance with use table of Section 24.07.030.

24.07.020 Understanding The Use Table

- A. Use Classification System. For the purpose of this zoning ordinance, uses are classified into use categories and subcategories. These are described and defined in Chapter 24.08. Use categories and subcategories are identified in the first column of the use tables. In some cases, specific use types are listed in addition to the use categories and subcategories.
- B. Permitted Uses. Uses identified with a "P" in the use tables are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this zoning ordinance.
- C. Conditional Uses. Uses identified with a "C" in the use table may be allowed if reviewed and approved in accordance with the conditional use permit procedures of Section 24.16.040. Conditional uses are subject to compliance with any use-specific standards identified in the final column of the table and with all other applicable regulations of this zoning ordinance.
- D. Prohibited Uses. Uses identified with an "-" are expressly prohibited. Uses that are not listed in the use table are also prohibited.
- E. Use Standards. The "standards" column of use table identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is permitted as-of-right or requires conditional use approval.

- F. Accessory Uses. Uses classified as accessory uses, such as home occupations, are not included in the use table. Customary accessory uses are permitted in conjunction with allowed principal uses, provided they comply with all applicable regulations of Chapter 24.10.
- F.G. Overlay Districts. Some areas may be subject to an overlay district that establishes additional or alternative use standards, as specified in Chapter 24.05.

24.07.030 Use Table

The following table identifies principal uses allowed in residential, commercial and industrial zoning districts. See Section 24.07.020 for information about how to interpret the use table.

USE CATEGORY	DISTRICTS																					
Use Subcategory (See Chapter 24.08) - Specific Use Type (See Ch. 24.08)	R1-15G <u>R</u>	R1-9SR	R1-6NR	R-2M <u>R</u>	R-4LD <u>M</u>	R-8M <u>DM</u>	CO [5]	C1[5]	C2[5]	M1 [5]	M2	SP- CO N	SP- PO S	SP- PU B	SP - IN S	SP - M E D	SP- RP[1]	SP- PK G	MID- RES	MID- TRN	MID- MIX	USE REG ULAT IONS
RESIDENTIAL																						
Household Living																						
- Detached House	P	P	P	P	P	P	-	<u>CP</u>	-	-	-	-	-	-	-	-	<u>=</u>	-	P	<u>PG</u>	-	
- Semi-detached House	<u>-P</u>	<u>-P</u>	<u>-P</u>	P	P	P	-	<u>CP</u>	-	-	-	-	-	-	-	-	<u>=</u>	-	P	<u>CP</u>	-	24.09. 020A
- Two-unit House	<u>-P</u>	<u>-P</u>	<u>-P</u>	P	P	P	<u>-P</u>	<u>CP</u>	-	-	-	-	-	-	-	-	<u>=</u>	-	P	<u>CP</u>	-	<u>24.09. 020B</u>
- <u>Three-Unit/Four-Unit House</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>-P</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>-P</u>	<u>P</u>	<u>P</u>	<u>24.09. 020C</u>
- <u>Cottage Court</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>P</u>	<u>P</u>	<u>-P</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>P-</u>	<u>P</u>	<u>=</u>	<u>24.09. 020D</u>
- Attached House	<u>P-</u>	<u>P-</u>	<u>P-</u>	<u>P-</u>	P	P	-	<u>CP</u>	-	-	-	-	-	-	-	-	<u>=</u>	-	P	<u>PG</u>	<u>P-</u>	24.09. 020A
- Multi-unit Building	-	-	-	-	P	P	-	P	P	-	-	-	-	-	-	-	<u>=</u>	-	P	P	-	24.09. 070

- <u>Multi-unit Residential Building, 5-12 units</u>	=	=	=	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	=	=	=	=	=	<u>P</u>	=	<u>P</u>	=	<u>P</u>	<u>P</u>	<u>P</u>	
- <u>Multi-unit Residential Building, 13+ units</u>	=	=	=	=	=	=	=	<u>P</u>	<u>P</u>	=	=	=	=	=	<u>P</u>	=	<u>P</u>	=	=	<u>P</u>	<u>P</u>	
- Mixed-use Building, Vertical	-	-	-	-	-	-	<u>-P</u>	P	P	-	-	-	-	-	-	-	<u>P</u>	-	-	P	P	
- <u>Mixed-use, Horizontal</u>	=	=	=	=	=	=	=	=	<u>P</u>	=	=	=	=	=	=	=	=	=	=	=	=	
- <u>Educational Facility Housing</u>	=	=	=	=	=	=	=	=	=	=	=	=	=	=	<u>-P</u>	<u>-P</u>	=	=	=	=	=	<u>24.06.060C</u>
- <u>Live-Work Unit</u>	=	=	=	=	<u>P</u>	<u>P</u>	<u>-P</u>	<u>P</u>	=	=	=	=	=	=	=	=	=	=	=	<u>P</u>	<u>P</u>	<u>24.09.020E</u>
Group Living (except as indicated below)	-	-	-	-	C	C	-	P	C	-	-	-	-	-	C	C	-	-	C	P	C	
- Adult Family Home	P/C	P/C	P/C	P/C	P/C	P/C	-	C	-	-	-	-	-	-	C	C	-	-	P/C	C	-	24.09.010
- Community Living Arrangement	P/C	P/C	P/C	P/C	P/C	P/C	-	C	-	-	-	-	-	-	C	C	-	-	P/C	C	-	24.09.040
- Foster Home/Treatment Foster Home	P	P	P	P	P	P	-	C	-	-	-	-	-	-	C	C	-	-	P	C	-	24.09.060
PUBLIC/CIVIL	<u>R1-15G</u> <u>R</u>	<u>R1-9SR</u>	<u>R1-6NR</u>	<u>R-2M</u> <u>R</u>	<u>R-4LD</u> <u>M</u>	<u>R-8M</u> <u>DM</u>	CO [5]	C1[5]	C2[5]	M1 [5]	M2	SP- CO N	SP- PO S	SP- PU B	SP - IN S	SP - M E D	SP- RP[1]	SP- PK G	MID- RES	MID- TRN	MID- MIX	USE REG ULAT IONS
College/University	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P		-	-	-	-	

Day Care																						
- Home-Based—Up to 8 children or adults	P	P	P	P	P	P	P	P	P	-	-	-	C	-	C	C		-	P	P	P	
- More than 8 children or adults [7]	C	C	C	C	C	C	C	C	C	-	-	-	C	-	C	C		-	-	C	C	
Detention and Correctional Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C		-	-	-	-	
Fraternal, Labor, Membership Organization	-	-	-	-	-	-	-	P	P	P	-	-	-	-	GP	-		-	-	P	P	
Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P		-	-	-	-	
Library/Cultural Exhibit	-	GP	GP	GP	GP	GP	P	P	P	-	-	C	C	-	C	C		-	GP	P	P	
Park/Recreation/Open Space (except as indicated below)	-	-	-	-	-	-	-	-	-	-	-	GP	GP	GP	C	C		-	-	-	-	
- Community or Recreation Center	-	C	C	C	C	C	-	C	P	-	-	C	GP	C	C	C		-	C	C	P	
-General Recreation Park/Playground	-	C	C	C	C	C	-	-	-	-	-	GP	P	GP	C	C		-	C	-	-	
- Golf Course (min. 5,000 yards)	-	C	C	C	C	C	-	-	-	-	-	C	GP	C	C	C		-	C	-	-	
- Swimming Pool	-	C	C	C	C	C	-	-	-	-	-	C	GP	C	C	C		-	C	-	-	
- Tennis Court	C	C	C	C	C	C	-	-	-	-	-	C	GP	C	C	C		-	C	-	-	

Religious Assembly	C	C	C	C	C	C	-	GP	GP	-C	-	-	-	-	C	C		-	C	C	C	
<u>Government</u> or Safety Services	C	C	C	C	C	C	C	C	C	GP	GP	-	-	P	C	C		-	C	C	C	
School	-	GP	GP	GP	GP	GP	-P	GP	-	-	-	GP	GP	-	GP	GP		-	GP	GP	-	
Charter School	-	-	-	-	-	-	-	-	G	-	-	-	-	-	-	-	-	-	-	-	-	
Utilities & Services	-	C	C	C	C	C	C	C	-	-	-	-	C	C	-	-		-	C	C	-	
- Minor	P	P	P	P	P	P	P	P	P	P	P	GP	GP	P	GP	GP		-	P	P	P	
- Major	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		-	C	C	C	
COMMERCIAL	<u>R1-15G</u> <u>R</u>	<u>R1-9SR</u>	<u>R1-6NR</u>	<u>R-2M</u> <u>R</u>	<u>R-4LD</u> <u>M</u>	<u>R-8M</u> <u>DM</u>	CO [5]	C1[5]	C2[5]	M1 [5]	M2	SP- CO N	SP- PO S	SP- PU B	SP - IN S	SP - M E D	SP- RP[1]	SP- PK G	MID- RES	MID- TRN	MID- MIX	USE REG ULAT IONS
Animal Services																						
- Sales & Grooming	-	-	-	-	-	-	-P	P	P	-	-	-	-	-	-	-		-	-	P	P	
- Shelter or Boarding Kennel	-	-	-	-	-	-	-	-	-C	GP	GP	-	-	-	-	-		-	-	-	-	
- Veterinary	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-		-	-	P	P	
Artist Work or Sales Space	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-		-	-	P	P	

Building Maintenance Service	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-		-	-	-	P	
Business Equipment Sales & Service	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-		-	-	P	P	
Business Support Service	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-		-	-	-	P	
- Trade/Vocational/Technical School	-	-	-	-	-	-	<u>CP</u>	-	P	<u>CP</u>	<u>-P</u>	-	-	-	-	-		-	-	-	P	
Communication Service Establishments	-	-	-	-	-	-	<u>CP</u>	<u>CP</u>	P	P	P	-	-	-	-	-		-	-	<u>CP</u>	P	
Construction Sales & Service	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-		-	-	-	P	
Eating & Drinking Establishments [3]																						
- Restaurant	-	-	-	-	-	-	C	C	C	-	-	-	C	-	-	C		-	-	C	C	
- Bar or Tavern	-	-	-	-	-	-	C	C	C	-	-	-	-	-	-	-		-	-	C	C	
Entertainment & Spectator Sports (except as indicated below)	-	-	-	-	-	-	-	C	C	-	-	-	-	C	-	-		-	-	C	C	
- Amphitheater	-	C	C	C	C	C	C	C	-	-	-	-	C	C	-	-		-	C	C	-	
- Aquarium or Planetarium	-	C	C	C	C	C	C	C	-	-	-	-	C	C	-	-		-	C	C	-	
- Auditorium	-	C	C	C	C	C	C	C	-	-	-	-	C	C	-	-		-	C	C	-	

- Stadium and Athletic Fields (accessory to schools only in R districts)	-	C	C	C	C	C	C	C	C	-	-	-	-	C	C	-	-		-	C	C	-	
Financial Services (except as indicated below)	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-		-	-	P	P	
- Convenient Cash Business	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-		-	-	-	-	24.09.050
-Food & Beverage Retail Sales																							
- Grocery Store	-	-	-	-	-	-	-	P	P	CP	-	-	-	-	-	-	-		-	-	P	P	
- Liquor/Wine/Beer Store	-	-	-	-	-	-	-	C	C	C	-	-	-	-	-	-	-		-	-	C	C	
- Carry-out Only	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-		-	-	P	P	
Funeral & Interment Services																							
- Cemetery/Columbarium/Mausoleum	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-		-	-	-	-	
- Cremating	-	-	-	-	-	-	-	-	C	P	P	-	-	-	-	-	-		-	-	-	-	
- Undertaking/Funeral Services	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-		-	-	P	P	
Lodging																							
- Bed & Breakfast	-	-	C	C	C	C	-	C	-	-	-	-	-	-	-	-	-		-	C	C	-	24.09.030

- Hotel/Motel	-	-	-	-	-	-	-	C	CP	-	-	-	-	-	-	-	-	-	-	C	C	
- Campground	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	
Office, Administrative, Professional	-	-	-	-	-	-	P	P	P	CP	CP	-	-	P	-	P	-	-	-	P	P	
<u>- Government/ School District Offices</u>	<u>-</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>-</u>	<u>P</u>	<u>P</u>	
Office or Clinic, Medical	-	-	-	-	-	-	P	P	P	-	C	-	-	-	CP	P	-	-	-	P	P	
Parking, Non-Accessory	-	-	-	-	-	-	-	C	P	P	P	-	-	P	-	C	-	CP	-	C	P	24.06.080B
Personal Improvement Service	-	-	-	-	-	-	P	P	P	<u>-P</u>	<u>-C</u>	-	-	-	-	-	-	-	-	P	P	
Repair or Laundry Service, Consumer	-	-	-	-	-	-	CP	P	P	P	P	-	-	-	-	-	-	-	-	P	P	
Research Service	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	P	-	-	-	P	P	
Retail Sales (except as indicated below)	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-	-	P	P	
-Antiques, Resale Shops, Second-hand Merchandise	-	-	-	-	-	-	-	CP	CP	CP	CP	-	-	-	-	-	-	-	-	CP	CP	<u>6.55</u>
- Cigarette, Cigar, Tobacco, Vape, or E-Cigarette Store	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-	24.09.120
- Cigarette & Tobacco Product Sales (ancillary)	-	-	-	-	-	-	-	CP	P	P	P	-	-	-	-	-	-	-	-	CP	P	

- Large-Format Retail	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-		-	-	-	-	24.09.090
Sports & Recreation, Participant																						
- Indoor	-	-	-	-	-	-	-	GP	GP	GP	GP	-	-	-	-	GP		-	-	GP	GP	24.09.030
- Outdoor	-	-	-	-	-	-	-	C	C	GP	GP	-	-	-	-	C		-	-	C	C	
Vehicle Sales & Service																						
- Auto Wash/Cleaning Service	-	-	-	-	-	-	-	-	C	P	P	-	-	GP	-	-		-	-	-	-	7.46.120
- Auto Fueling Station	-	-	-	-	-	-	-	-	C	P	P	-	-	GP	-	-		-	-	-	C	
- Heavy Vehicles and Equipment, Sales/Rentals	-	-	-	-	-	-	-	-	C	P	P	-	-	-	-	-		-	-	-	-	
- Light Vehicles and Equipment, Sales/Rentals	-	-	-	-	-	-	-	-	GP	P	P	-	-	-	-	-		-	-	-	-	6.72
- Motor Vehicle Repair, Limited	-	-	-	-	-	-	-	-	P	P	P	-	-	GP	-	-		-	-	-	-	
- Motor Vehicle Repair, General	-	-	-	-	-	-	-	-	P	P	P	-	-	GP	-	-		-	-	-	-	
- Vehicle Storage & Towing	-	-	-	-	-	-	-	-	C	P	P	-	-	-	-	-		-	-	-	-	
INDUSTRIAL	R1-15GR	R1-9SR	R1-6NR	R-2MR	R-4LDM	R-8MDM	CO [5]	C1[5]	C2[5]	M1 [5]	M2	SP-CO N	SP-PO S	SP-PU B	SP - IN S	SP - M	SP-RP[1]	SP-PK G	MID-RES	MID-TRN	MID-MIX	USE REG ULAT IONS

																E D						
Manufacturing & Industrial Services, Artisan	-	-	-	-	-	-	-	P	P	P	P	-	-	P	-	-		-	-	P	P	
Manufacturing & Industrial Services, Limited	-	-	-	-	-	-	-	-	-	P	P	-	-	P	-	-		-	-	-	-	
Manufacturing & Industrial Services, General	-	-	-	-	-	-	-	-	-	GP	P	-	-	-	-	-		-	-	-	-	
Manufacturing & Industrial Services, Intensive	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-		-	-	-	-	
-Recycling Service																						
- Limited	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-	-		-	-	-	P	
- General	-	-	-	-	-	-	-	-	-	-	P	-	-	GP	-	-		-	-	-	-	
Residential Storage Warehouses	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-		-	-	-	-	
-Warehousing, Wholesaling & Freight Movement																						
- Limited	-	-	-	-	-	-	-	-	-	P	P	-	-	P	-	-		-	-	-	-	
- General	-	-	-	-	-	-	-	-	-	GP	P	-	-	GP	-	-		-	-	-	-	
Waste-Related Use	-	-	-	-	-	-	-	-	-	-	C	-	-	GP	-	-		-	-	-	-	

AGRICULTURAL	<u>R1-15G</u> <u>R</u>	<u>R1-9SR</u>	<u>R1-6NR</u>	<u>R-2M</u> <u>R</u>	<u>R-4LD</u> <u>M</u>	<u>R-8M</u> <u>DM</u>	CO [5]	C1[5]	C2[5]	M1 [5]	M2	SP- CO N	SP- PO S	SP- PU B	SP - IN S	SP - M E D	SP- RP[1]	SP- PK G	MID- RES	MID- TRN	MID- MIX	USE REG ULAT IONS
Apiary	-	-	-	-	-	-	-	-	-	-	-	<u>CP</u>	-	-	-	-		-	-	-	-	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	<u>CP</u>	<u>CP</u>	P	C	C		-	P	P	P	
Farmer's Market	C	C	C	C	C	C	<u>CP</u>	P	P	P	P	-	<u>CP</u>	P	<u>CP</u>	<u>CP</u>		-	C	P	P	
Nurseries & Greenhouses	-	-	C	-	-	-	-	-	P	P	-	C	C	<u>CP</u>	C	C		-	-	-	P	
MISCELLANEOU S	<u>R1-15G</u> <u>R</u>	<u>R1-9SR</u>	<u>R1-6NR</u>	<u>R-2M</u> <u>R</u>	<u>R-4LD</u> <u>M</u>	<u>R-8M</u> <u>DM</u>	CO [5]	C1[5]	C2[5]	M1 [5]	M2	SP- CO N	SP- PO S	SP- PU B	SP - IN S	SP - M E D	SP- RP[1]	SP- PK G	MID- RES	MID- TRN	MID- MIX	USE REG ULAT IONS
Wireless Communication Facilities																						
- Co-located	[2]	[2]	[2]	[2]	[2]	[2]	[2]	P	P	P	P	-	-	P	-	-		-	[2]	P	-	24.09. 110
- Freestanding	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	<u>CP</u>	<u>CP</u>	-	-	<u>CP</u>	-	-		-	[2]	[2]	[2]	24.09. 110
Drive-through or Drive-in Facilities	-	-	-	-	-	-	C	C[4]	C[4]	C	C	-	-	-	-	-		-	-	-	-	24.11. 100
Helipad	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<u>CP</u>		-	-	-	-	

[1] See Section 24.06.070 for a list of permitted and conditional uses in the SP-RP district.

[2] See Section 24.09.110 for additional regulations.

[3] See Section 24.05.020 C.2. In a regional mall, no Conditional Use is required for establishments with no separate entrance or seating.

[4] See Section 24.05.030 B.7. Drive-through or drive-in facilities are prohibited in /NOR overlay. See Section 24.05.020 D for additional /MAY Overlay drive-

through or drive-in regulations.

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

[6] See Subsection 24.08.040 O.2. "Office or Clinic, Medical" definition.

[7] Only allowed on school or religious assembly properties with a Conditional Use.

CHAPTER 24.08 USE CLASSIFICATIONS

24.08.020 Residential Use Category

The residential use category includes uses that provide living accommodations to one or more persons.

- A. Household Living. Residential occupancy of a dwelling unit by a household. When dwelling units are rented, tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered a form of lodging. See 24.18.020 for definitions.
- ~~1. Detached House. A principal residential building containing one dwelling unit located on a single lot with private yards on all sides.~~
 - ~~2. Semi-detached House. A residential building containing 2 dwelling units, each located on its own lot with a common or abutting wall along shared lot lines. Each dwelling unit has its own external entrance.~~
 - ~~3. Two-unit House. A residential building containing 2 dwelling units, both of which are located on the same single lot (also referred to as a "duplex" or "two-flat"). The dwelling units within a two-unit building are attached and may be located on separate floors or side-by-side.)~~
 - ~~4. Attached House. A residential building containing 3 or more dwelling units, each located on its own lot with a common or abutting wall along shared lot lines. Each dwelling unit has its own external entrance.~~
 - ~~5. Multi-unit Building. A residential building containing 3 or more dwelling units that share common walls and/or common floors/ceilings.~~
 - ~~6. Mixed-use Building, Vertical. A building in which commercial uses occupy the ground floor and dwelling units occupy at one or more upper floors.~~
- B. ~~Group Living. Residential occupancy of a dwelling by other than a "household," typically providing communal kitchen/dining facilities. Examples of group living uses include but are not limited to fraternities, sororities, convents, monasteries and nursing homes.~~
- ~~1. Adult Family Home. See Section 50.01(1), Wisconsin Statutes.~~
 - ~~2. Community Living Arrangement. See Section 46.03(22), Wisconsin Statutes.~~
 - ~~3. Foster Home/Treatment Foster Home. See Sections 48.02(6) and 48.02(17q), Wisconsin Statutes.~~

24.08.030 Public And Civic Use Category

- I. Government or Safety Services. Public safety services that provide fire, police, life protection, and public works operations that provide fire, police or life protection, together with the incidental customary storage of supplies (indoor and outdoor) and maintenance of necessary vehicles. Typical uses include fire stations, police stations, public works facilities, and ambulance services.

24.08.040 Commercial Use Category

- A. Animal Services. The following are animal services use types:
1. Sales & Grooming. Sales and grooming of dogs, cats and similar small animals. Typical uses include pet stores, dog bathing and clipping salons and pet grooming shops.
 2. Shelter or Boarding Kennel. An establishment in which more than three domestic animals over the age of three months may be kept for shelter, feed, and care at the direction of the animals' owners, for compensation, but not within the practice of veterinary medicine under Wis. Stat. 89.02(6). Animal shelters and kennel services for dogs, cats and small animals. Typical uses include boarding kennels, pet resorts/hotels, dog training centers, doggy or pet day cares and animal rescue shelters.

3. Veterinary. Typical uses include pet clinics, dog and cat hospitals and animal hospitals.

CHAPTER 24.09 SUPPLEMENTARY USE REGULATIONS

24.09.010 Adult Family Home

~~24.09.020 Attached And Semi-Attached Houses~~Residential Uses

24.09.030 Bed And Breakfast

24.09.040 Community Living Arrangements

24.09.050 Convenient Cash Businesses

24.09.060 Foster Home Or Treatment Foster Home

24.09.070 ~~Multi-Unit Building~~(RESERVED)

24.09.080 Community Garden

24.09.090 Large-Format Retail Developments

24.09.100 Sexually Oriented Businesses

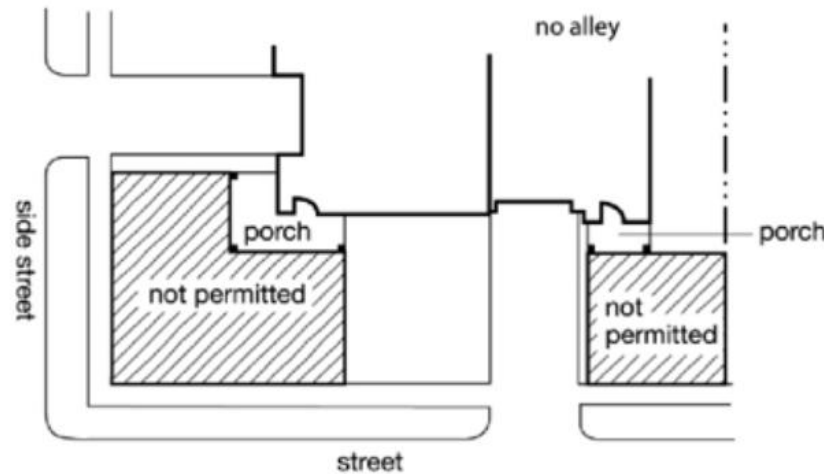
24.09.110 Wireless Communication Facilities

24.09.120 Cigarette, Cigar, Tobacco, Vape, Or E-Cigarette Stores

24.09.020 ATTACHED AND SEMI-ATTACHED HOUSESResidential Uses

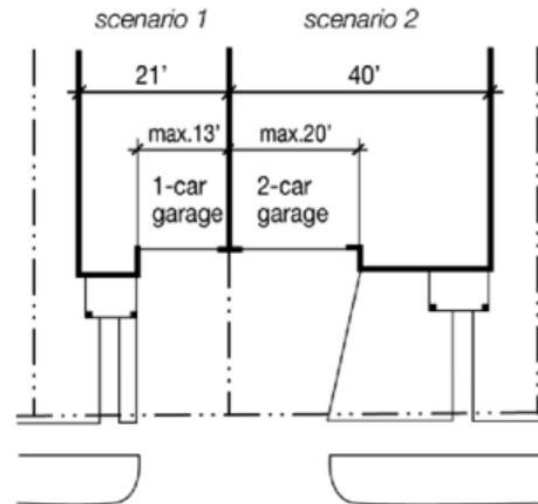
A. ~~Attached and Semi-Attached~~Detached Houses.

1. Applicability. Attached and semi-~~attached-detached~~ houses are subject to all applicable regulations of this zoning ordinance except as modified or supplemented by the attached and semi-~~attached-detached~~ house building regulations of this section.
2. Side Setbacks. No side setback is required for common or abutting walls. Otherwise, the minimum side setback requirements of the subject zoning district apply.
- ~~3. Number of Units. The maximum number of units allowed shall be the lesser of the maximum number of units allowed in the zoning district or 1,600-sf minimum lot area per unit.~~
- ~~4.~~3. Parking and Access.
 - a. Access to parking spaces and garages must be from the alley for all parcels abutting an alley.
 - b. For parcels without alley access, driveways, parking and other vehicular use areas may not be located between the porch or main building entrance and the street.

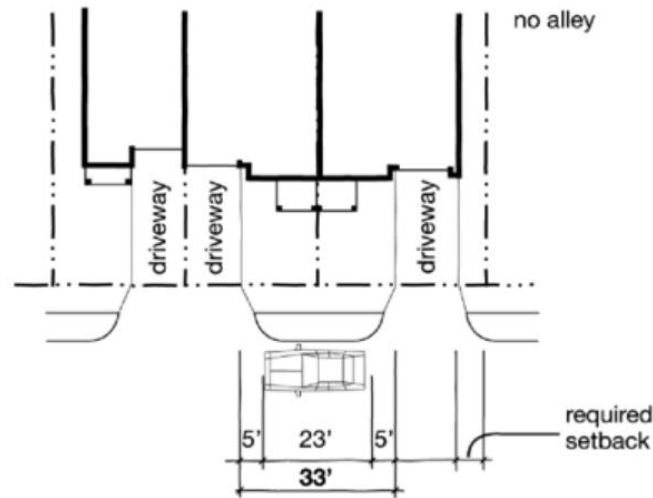


c. When parking is provided in a garage that faces a street, the following standards must be met:

- 1) The garage width may not exceed 50% of the street-facing façade of each attached dwelling unit or 13 linear feet, whichever is greater (see diagram).



- 2) An attached and semi-~~attached~~ detached house structure may have no more than 2 individual garage doors or carport entrances in succession on a street-facing façade.
- 3) Garages and carports must be set back at least 20 feet from all property lines that abut a street. Garages and carports must be recessed as least 4 feet from street-facing façade of the building.
- 4) When garages or carports are paired (abutting), driveways must be combined and centered on the property line between dwelling units providing access to the garages or carports. There must be a minimum of 33 feet distance between single or paired driveways, measured along the front property line, unless otherwise approved by the zoning administrator (see diagram).

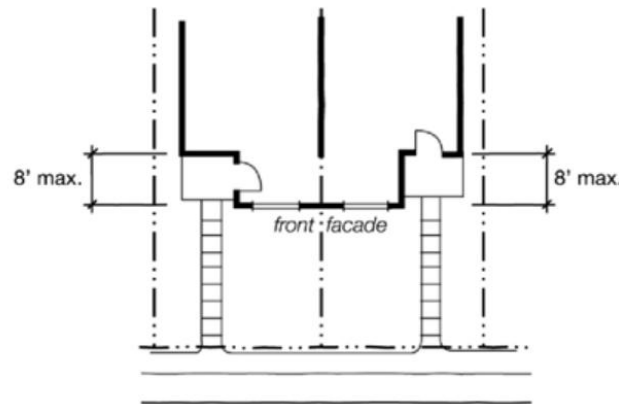


5) The width of all driveway approaches must meet city engineering standards.

~~5. Building Design.~~

~~a. Entry Treatment.~~

~~1) Each dwelling unit must have a separate ground floor entrance that is clearly defined and highly visible on the building façade that faces a public street or a right of way other than an alley. The front door must be within 8 feet of the building's front façade. The door may be at any angle to the street as long as the other entrance standards are met.~~



~~2) Each front entrance must include a porch or covered entry. A pedestrian walkway must connect each front entrance to the street. A door that leads directly into a garage does not qualify as a front entrance.~~

~~b. Glazing. Each attached and semi-attached house dwelling unit must provide windows or glazed area equal to at least 15% of the building façade that faces a public street or a right of way other than an alley. Glazing in (vehicle) garage doors do not count towards meeting these glazing requirements.~~

~~c. Building Modulation. The following façade modulation requirements apply to the front façade of all attached house structures when the buildings directly face a public street (other than an alley):~~

- 1) ~~Exterior walls may not exceed 32 feet in (horizontal) length without modulation.~~
- 2) ~~The modulation depth must be at least 2 feet.~~
- 3) ~~Modulation may be achieved through such techniques and features as:~~
 - a) ~~recessed or projecting wall offsets;~~
 - b) ~~entryways;~~
 - c) ~~porch or canopy structures including columns or piers;~~
 - d) ~~balconies;~~
 - e) ~~dormers; or~~

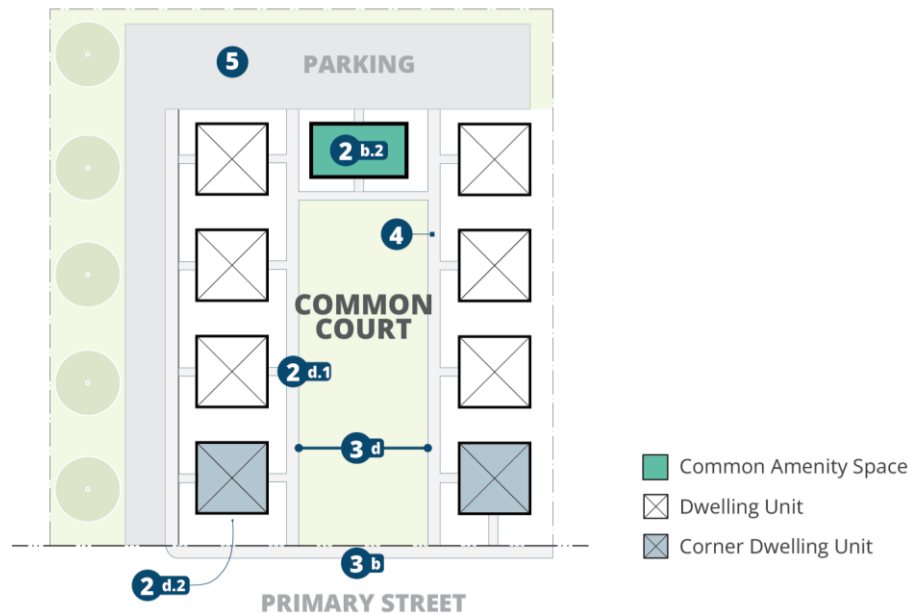
B. other prominent architectural features that serve to provide dimension and break up large expanses of wall area. Two-Unit House.

1. All Districts. The primary entrances shall be oriented toward the street frontage.
2. R Districts. Two-unit dwellings shall include a shared front porch or prominent shared entry feature oriented toward the street, designed to reflect the appearance of a detached house.

C. Three-Unit/Four-Unit House. The primary entrances shall be oriented toward the street frontages.

D. Cottage Court.

1. Number of Cottage Courts. A maximum of one cottage court shall be allowed per development site.
2. Standards for Cottage Court Units on Individual Lots. If the cottage court buildings are located on individual lots, the minimum size of a cottage court lot shall be 1,500 square feet.
3. Size of Dwelling Units.
 - a. A cottage court building utilized as a dwelling shall have a maximum floor area of 1,800 square feet.
 - b. A cottage court building utilized as a common amenity space shall have a maximum floor area of 4,000 square feet.



4. Number of Dwelling Units.
 - a. A maximum of one dwelling unit shall be allowed per building in a cottage court.
 - b. A cottage court development site shall have a minimum of four and a maximum of 16 buildings per site.
 - c. One of the allowed cottage court buildings may be utilized for common amenity space.
 5. Building Orientation and Design.
 - a. Buildings shall be oriented with their main entrance facing the shared common court open space, except for corner buildings.
 - b. Corner buildings shall be oriented with their main entrance facing either the shared common court open space or the public right of way.
 - c. Buildings shall have a front porch meeting the following standards:
 - 1) Width. Eight feet minimum
 - 2) Depth. Six feet minimum
 - 3) Height. Eight feet minimum
 6. Permanent Foundation Required. Individual cottage home court buildings shall be affixed to the ground with a permanent foundation.
 7. Common Court Open Space.
 - a. Buildings in a cottage court shall be arranged around a common court.
 - b. The common court shall be open to and visible from the public right of way.
 - c. The common court shall have a minimum area of 2,500 square feet.
 - d. The common court shall have a minimum width of 30 feet as measured from the interior of the pedestrian walkway.
 - e. Required building setbacks do not count as common court open space.
 - f. A maximum of 30 percent of a common court open space may be used for stormwater management if designed as a rain garden or bioswale.
 8. Pedestrian Access.
 - a. A pedestrian walkway with a minimum width of five feet shall connect all buildings to the public right of way, common court open space, and parking areas.
 - b. The pedestrian walkway shall be setback a minimum of six feet from building entrances.
 9. Vehicle Access and Parking.
 - a. Parking and driveways shall be located to the rear of the buildings in a dwelling-cottage/tiny home court.
 - b. Parking shall be accessed by an alley if an alley exists.
 - c. If no alley exists, parking shall be accessed by a single driveway.
 - d. The driveway shall be located either:
 - e. From the secondary street for a corner development site, or
 - f. To the interior side of the buildings on the development site.
 10. Universal Design. A minimum of 5% of units, and no fewer than 2 units per cottage court shall be designed with accessible no-step entries.
- E. Live-Work Unit.
1. Live-work units are not considered home occupations. Home occupations are regulated separately under Section 24.10.020.
 2. The work area shall occupy a maximum of 50 percent of the total unit.
 3. The work area shall be limited to the first or main floor only.
 4. A minimum of one person shall reside and be employed in the live work unit.
 5. A maximum of five people who are not residents of the live work unit may be employed in the work area at any one time.
 6. Allowed nonresidential uses in a live-work unit shall include:
 - a. Artisan Manufacturing,
 - b. General Commercial,
 - c. Office, Administrative, Professional.
 - d. Personal Services, and

24.09.070 MULTI-UNIT BUILDING 24.09.070 RESERVED

~~The maximum number of dwelling units allowed within multi-unit residential buildings is limited in R4 and R8 districts, as follows:~~

~~A. R4 District. No more than 4 dwelling units is allowed in a single building or on a single lot in the R4 district.~~

~~B.A. R8 District. No more than 8 dwelling units is allowed in a single building or on a single lot in the R8 district.~~

CHAPTER 24.10 ACCESSORY AND TEMPORARY USES

24.10.040 Electric Vehicle Charging Stations

A. General.

1. Private (restricted-access) EV charging stations are permitted as accessory uses in all zoning districts.
2. Public EV charging stations are permitted as accessory uses to allowed nonresidential uses in all zoning districts.

B. Parking.

1. Electric vehicle charging stations may be counted toward satisfying minimum residential off-street parking space requirements.
2. Public electric vehicle charging stations must be reserved for parking and charging electric vehicles only. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that apply to any other vehicle.
3. Multi-unit Residential. Multi-unit developments may qualify for a reduction in the total number of required parking spaces where EV capable spaces are provided. The Zoning Administrator may approve a reduction in required parking proportional to the number of EV capable spaces provided, not to exceed ten percent of the total parking requirement. To qualify for a reduction, the development must meet the following criteria:
 - a. The parking area includes forty or more spaces, and
 - b. At least five percent of the total provided spaces are EV capable, up to a maximum of six EV capable spaces.

C. Equipment. Vehicle charging equipment must be designed and located so as to not impede pedestrian, bicycle or wheelchair movement or create safety hazards on sidewalks.

D. Usage Fees. Property owners are not restricted from collecting a service fee for the use of an electric vehicle charging station.

E. Posted Information.

1. Information must be posted identifying voltage and amperage levels and any type of use, fees, or safety information related to the electric vehicle charging station.
2. Public electric vehicle charging stations must be posted with signage indicating that the space is reserved for electric vehicle charging purposes only. For purposes of this provision, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment.

F. Maintenance. Electric vehicle charging stations must be maintained in all respects, including the functioning of the equipment. A phone number or other current contact information must be provided on the equipment for reporting when it is not functioning or other problems are encountered.

24.10.075 Accessory Dwelling Units (ADUS)

A. Purpose.

1. The accessory dwelling unit regulations of this section are intended to help promote the benefits of accessory dwelling units, while also preserving neighborhood character and promoting predictability and certainty for established neighborhoods.
2. Accessory dwelling units ("ADU") help advance the city's housing and land use goals and policies by:
 - a. Accommodating additional housing units while preserving the character of existing neighborhoods;
 - b. Allowing efficient use of the city's existing housing stock and infrastructure;
 - c. Providing housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs;

- d. Providing a means for residents to remain in their homes and neighborhoods, and obtain extra income, security, companionship and assistance; and
 - e. Promoting a broader range of accessible and more affordable housing.
- B. General Regulations for All ADUs. All accessory dwelling units must comply with the regulations of this subsection.
- 1. Zoning District Regulations. Accessory dwelling units are subject to all applicable regulations of the zoning district in which they are located, unless otherwise expressly stated in this section.
 - 2. Where Allowed. Accessory dwelling units are allowed only on lots occupied by a detached house, semi-detached house, ~~or~~ attached house, or a two-unit house.
 - 3. Number. No more than one accessory dwelling unit is allowed per lot.
 - 4. Methods of Creation. An accessory dwelling unit may be created through any of the following methods:
 - a. Converting existing area within the interior of a principal dwelling unit (e.g., attic or basement) to an ADU;
 - b. Adding floor area to an existing dwelling unit to accommodate an ADU;
 - c. Constructing a detached accessory dwelling unit on a parcel with an existing principal dwelling unit;
 - d. Converting space within a detached accessory building; or
 - e. Constructing a new principal dwelling unit with an internal or detached accessory dwelling unit.

ADU within New or Existing House



ADU within an Addition to House



Detached ADU within Accessory Building



- 5. Location of Entrances. Only one entrance to a principal dwelling unit containing an accessory dwelling unit may be located on a façade that faces a street, unless the principal dwelling unit contained an additional street-facing entrance before the accessory dwelling unit was created. Detached ADUs are exempt from this regulation.

6. Size. The floor area of an ADU may not exceed the gross floor area of the principal dwelling unit on the subject lot (excluding any attached garage), or ~~nine hundred~~ 1,000 square feet, whichever is less. For purposes of this provision, the following are excluded from the definition of "gross floor area":
 - a. Garage areas;
 - b. Basement areas where the ceiling height measured from the floor is less than seven feet; and
 - c. Any other areas of the building where the floor-to-ceiling height is either less than five feet or not accessible by a stairway.
 7. Parking. No additional parking is required for an accessory dwelling unit. Existing required parking for the principal dwelling unit must be maintained or replaced on-site.
 8. Building Permit Approval. Before the issuance of a building permit for the construction of any new accessory dwelling unit, plans must be reviewed and approved by the chief building official to determine compliance with all applicable building and life safety codes.
- C. Regulations for New Detached ADUs and Building Additions. The regulations of this subsection apply to all detached buildings and building additions proposed to be occupied by ADUs. These provisions apply only to detached buildings and building additions constructed after June 19, 2019.
1. Exterior Finish Materials. The exterior finish material must be compatible with the same or visually match in type, size and placement, the exterior finish material of the principal dwelling unit.
 2. Roof Pitch. The roof pitch must be the same as the predominant roof pitch of the principal dwelling unit.
 3. Trim. Trim on edges of elements on the building addition to the principal dwelling unit or the accessory structure occupied by the ADU must be the same compatible in type, size and location as the trim used on the principal dwelling.
 4. Entrances. Entrances to ADUs occupying detached accessory structures may not face the nearest ~~side or rear~~ property line unless there is an alley abutting that property line. Entrances may face the nearest side property line, provided there is a minimum setback of five feet from the side property line.
 5. Setbacks. A detached accessory dwelling unit ~~must be located at least 10 feet behind~~ shall not be located in front of the principal dwelling.
 - ~~5.6. Building Separation. This required ten~~ A minimum five-foot separation distance must shall be maintained between the detached ADU and the principal dwelling. This five-foot separation shall be free of structures except that it may include walkways, patios, decks and similar structures that do not exceed thirty inches in height above finished grade.
 7. Height. ~~The maximum allowed height of a detached accessory dwelling unit is twenty feet or the height of the principal dwelling building, whichever is less. Detached accessory dwelling units shall not exceed sixteen feet in height unless constructed above a garage, in which case the height shall not exceed twenty-four feet in height. In all cases, the height of the detached accessory dwelling unit shall not exceed the height of the principal dwelling. The Zoning Administrator may approve a single-story detached accessory dwelling unit with a maximum height of twenty feet, provided the roof pitch matches that of the principal dwelling.~~
 - ~~6.8. Building Coverage. Maximum building coverage limits for the lot do not apply to detached accessory dwelling units.~~

CHAPTER 24.11 PARKING AND LOADING

24.11.010 General

A. Purpose.

1. The regulations of this chapter are intended to ensure ~~provision that residential developments provide adequate~~ of off-street motor vehicle parking in proportion to their typical demand, while establishing design and access standards for required and provided parking, and loading facilities, bicycle parking areas, and other transportation access facilities. These regulations are intended to in rough proportion to the generalized parking and transportation demands of different land uses. By requiring such facilities, it is the intent of this chapter to help avoid the ~~reduce the~~ negative impacts associated with spillover parking into adjacent areas and, ~~while at the same time~~ avoiding the negative environmental and visual impacts that can result from excessively large parking lots and other vehicular use areas.
2. The provisions of this chapter are also intended to help protect the public health, safety and general welfare by:
 - a. helping avoid and mitigate traffic congestion;

- b. encouraging multi-modal transportation options and enhanced pedestrian and cyclist safety;
 - c. providing methods to reduce the amount of impervious surfaces associated with parking areas and to help ensure that sufficient and effective stormwater management measures are incorporated into the parking lot design in order to reduce the environmental impacts of impervious surfaces and stormwater runoff;
 - d. providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the city.
- B. Applicability.
- 1. General. Unless otherwise expressly stated, the regulations of this chapter apply to all districts and uses.
 - 2. New Uses and Development. Unless otherwise expressly stated, the regulations of this chapter apply to all new buildings constructed and all new uses established in all zoning districts.
 - 3. Enlargements and Expansions.
 - a. Unless otherwise expressly stated, the regulations of this chapter apply whenever an existing building or use is enlarged or expanded to include additional dwelling units, floor area, ~~seating capacity, employees~~ or other units of measurement used for establishing off-street parking and loading requirements.
 - b. In the case of enlargements or expansions of residential uses triggering requirements for additional parking or loading, additional spaces are required only to serve the enlarged or expanded area, not the entire building or use. In other words, there is no requirement to address lawfully existing parking and loading space deficits.
 - c. When an enlargement or/and expansion of a residential use requires a conditional use approval, exceptions to the minimum parking ratios may also be considered. In considering the request, review and decision-making bodies must weigh projected parking and access needs in relation to projected mode split (i.e., auto, transit, pedestrian, bicycle), availability of on-street and nearby parking and other relevant factors that may justify the issuance of the conditional use permit. Review and decision-making bodies may consider, among other factors, the positive impacts that reduced parking ratios may have on economic development, building reuse and neighborhood preservation goals.
 - 4. Change of Use.
 - a. ~~When a nonresidential use is converted to a residential use, the new residential use must provide the minimum off-street parking spaces required by Section 24.11.020. an existing or previous use fails to provide the number of off-street parking or loading spaces required under this ordinance and a new use is proposed the existing parking and loading (deficit) may be continued. When the number of parking or loading spaces required for the new use exceeds the number of spaces required for the use that most recently occupied the property, additional spaces are required only to make up the difference between the number of spaces required for the previous use and the number of spaces required for the new use, based on the regulations of this zoning ordinance.~~
 - b. ~~When a change of use is proposed within an existing building and the proposed use does not comply with the minimum off-street parking ratios of Section 24.11.020, t~~The land owner may apply request a reduction in or waiver of minimum required parking ratios through the conditional use process. ~~for conditional use approval to allow the use without complying with minimum parking ratios.~~ In considering the request, review and decision-making bodies must weigh projected parking and access needs in relation to projected mode split (i.e., auto, transit, pedestrian, bicycle), on-street and nearby availability of parking and other relevant factors that may justify the issuance of the conditional use permit. Review and decision-making bodies may consider, among other factors, the positive impacts that reduced parking ratios may have on housing, economic development, building reuse, and neighborhood preservation goals.
- C. Exceptions. The board of public works is authorized to grant exceptions to the parking and loading regulations of this chapter.

24.11.020 Minimum Parking Ratios

~~A. C1, Neighborhood/Village Trade. The following minimum off-street motor vehicle parking requirements are applicable in the C1 district:~~

Use	Minimum Motor Vehicle Parking Requirement
Eating & Drinking Establishments	1 space per 500-square feet
Theaters/Places of Assembly	1 space per 200-square feet
Groceries	1 space per 200-square feet
All Other Office and Commercial Uses	1 space per 500-square feet
All Other Uses	As required in Section 24.11.020B.

~~A. All Other Districts.~~ Except as otherwise expressly stated, off-street motor vehicle parking spaces must be provided in accordance with the following table:

~~1. Nonresidential Uses. There are no minimum off-street motor vehicle parking requirements for nonresidential uses. Any parking that is provided must comply with all other applicable standards of this chapter.~~

~~1.2. Residential Uses. Minimum parking ratios for residential uses are as follows:~~

USE CATEGORY	Minimum Motor Vehicle Off-Street Parking Ratio
Use Subcategory -Specific Use Type	
RESIDENTIAL	
Household Living	
-Detached House	2 1.0 spaces per dwelling unit
-Semi-detached House	1.02 1.0 spaces per dwelling unit
-Two-unit Building	1.02 1.0 spaces per dwelling unit
<u>- Three-Unit/Four-Unit House</u>	<u>1.0 space per dwelling unit</u>
<u>- Cottage Court</u>	<u>1.0 space per dwelling unit</u>
-Attached House	2 1.0 spaces per dwelling unit
-Multi-unit Building	1.0 1.0 space per dwelling unit
—Studio	1.0 1.0 space per dwelling unit
—One Bedroom	1.0 1.0 space per dwelling unit
—Two Bedroom	1.5 1.5 spaces per dwelling unit
—Three or More Bedroom	2.0 2.0 spaces per dwelling unit
—Elderly (One or More Bedroom)	1.00 1.5 space per dwelling unit

-Mixed-use Building, Vertical <u>and Horizontal [1]</u>	Same as Multi-unit Building, <u>parking is only required for the residential portion</u>
<u>Live-Work Unit</u>	<u>1.0 space per dwelling unit, parking is only required for the residential portion</u>
Group Living	As determined by zoning administrator (See Section 24.11.030G)
PUBLIC/CIVIC	
College/University	As determined by zoning administrator (See Section 24.11.030G)
Day Care	2 spaces plus 1 space per nonresident employee
Detention & Correctional Facilities	As determined by zoning administrator (See Section 24.11.030G)
Fraternal, Labor, Membership Organization	As determined by zoning administrator (See Section 24.11.030G)
Hospital	As determined by zoning administrator (See Section 24.11.030G)
Library/Cultural Facility	3 spaces per 1,000 square feet
Park/Recreation/Open Space (except as identified below)	As determined by zoning administrator (See Section 24.11.030G)
Religious Assembly	1 space per 8 seats
Safety Services	As determined by zoning administrator (See Section 24.11.030G)
School	-
-Elementary	1 space per employee
-Junior and Senior High School	1.5 spaces per employee
Utilities & Services	-
-Minor, Basic	None
-Major	2 spaces plus 1 space per nonresident employee
COMMERCIAL	
Animal Services	-
-Sales & Grooming	2.5 spaces per 1,000 square feet
-Shelter or Boarding Kennel	2 spaces per 1,000 square feet
-Veterinary Clinic	4 spaces per 1,000 square feet
Artist Work or Sales Space	2.5 spaces per 1,000 square feet
Building Maintenance Service	1 space per employee
Business Equipment Sales & Service	2.5 spaces per 1,000 square feet
Business Support Service	2.5 spaces per 1,000 square feet
Communication Service Establishments	2.5 spaces per 1,000 square feet

Construction Sales & Service	2 spaces per 1,000 square feet
Drive-in or Drive-through Uses	Spaces required for principal use plus vehicle stacking spaces as required by Section 24.11.100
Eating & Drinking Establishments	-
-Carry-out Only	2.5 spaces per 1,000 square feet
-Drive-in or Drive-through	8 spaces per 1,000 square feet plus vehicle stacking spaces as required by Section 24.11.100
-All Other	8 spaces per 1,000 square feet
Entertainment & Spectator Sports	1 space per 6 seats
Financial Services	4 spaces per 1,000 square feet
Food & Beverage Retail Sales	4 spaces per 1,000 square feet
Funeral & Interment Services	1 space per 6 seats in chapel, plus one per vehicle used as part of operation
Lodging	1 space per guest room plus spaces for ancillary uses (e.g., restaurant)
Office, Admin., Professional	3 spaces per 1,000 square feet
Office or Clinic, Medical	6.67 spaces per 1,000 square feet
Parking, Non-Accessory	None
Personal Improvement Service	4 spaces per 1,000 square feet
Repair or Laundry Service, Consumer	4 spaces per 1,000 square feet
Research Service	3 spaces per 1,000 square feet
Residential Convenience/Support	None
Retail Sales (including regional malls regardless of use mix)	4 spaces per 1,000 square feet
Sports & Recreation, Participant	As determined by zoning administrator (See Section 24.11.030G)
Vehicle Sales & Service	-
-Auto Fueling Station	1 space per gas pump (at the pump) plus 1 space per service bay
-Auto Wash/Cleaning Service	Vehicle stacking spaces as required by Section 24.11.100
-Heavy Equipment Sales/Rentals	1 space per employee plus 2 spaces per service stall/bay
-Light Equipment Sales/Rentals	1 space per employee plus 2 spaces per service stall/bay
-Motor Vehicle Repair	2 spaces per service bay/stall
-Vehicle Storage & Towing	4 spaces plus 1 space per employee
INDUSTRIAL	
Manufacturing, Production & Industrial Services	1 space per employee

Recycling Service	1 space per employee
Residential Storage Warehouse	1 space per 10 storage units plus 1 space per employee
Warehousing, Wholesaling & Freight Movement	1 space per employee
Waste-Related Use	1 space per employee
AGRICULTURAL	
Community Garden	None
Farmer's Market	None
Nurseries & Greenhouses	2.5 spaces per 1,000 square feet of customer-accessible sales area
OTHER	
Wireless Communication Facilities	None

[1] A 25% reduction in the minimum off-street parking requirements for residential uses in Section 24.11.020A may apply to mixed-use developments located in the C1, C2, MID-TRN, CO, and MID-MIX districts.

B. Parking Exemptions near Connect BRT Stations. The minimum off-street parking requirements for residential uses as detailed in Section 24.11.020B shall not apply to new development located within ¼ mile of a Connect BRT station in the /MAY overlay district, or the CO, C2, SP-MED, or SP-RP districts.

24.11.030 Calculations

The following rules apply when calculating the required number of off-street parking and loading spaces required for residential uses under this zoning ordinance.

A. Multiple Uses. Unless otherwise expressly stated, lots occupied by more than one residential use must provide parking and loading in an amount equal to the total of the requirements for all uses that occupy the lot.

A.B. Mixed-Uses. Unless otherwise expressly stated, mixed-use developments must provide parking for the residential portion of the site.

B.C. Fractions. When measurements of the number of required spaces result in a fractional number, any fraction of less than ½ is rounded down to the next lower whole number, and any fraction of ½ or more is rounded up to the next higher whole number.

C. Area Measurements. All area-based (square footage) requirements must be computed on the basis of the total gross floor area devoted to such use. This includes accessory storage areas located within selling or working space such as counters, racks, interior wall thicknesses, or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area, for the purpose of determining off-street parking spaces does not include floor area devoted primarily to storage purposes except as otherwise expressly stated, nor floor area for parking and loading, including ramps and maneuvering space.

D. Seating or Occupancy. A seat is the space intended for a single individual; in places where patrons or spectators occupy benches, pews, or other similar seating arrangements, each 20 linear inches of such seating is counted as one seat. In places without fixed seating, each 8 square feet of seating floor area is counted as one seat.

E. Employees. Requirements based on employees must be based on the average number of persons working on any single shift.

F.D. Unlisted Uses. Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the zoning administrator is authorized to apply the off-street parking ratio specified for the listed use that is deemed most similar to the proposed use or establish a minimum off-street parking ratio for the proposed use in accordance with Section 24.11.030DG.

~~G.E.~~ Establishment of Other Parking Ratios. The zoning administrator is authorized to establish required minimum off-street parking ratios for unlisted uses and in those instances where authority to establish a requirement is expressly granted. Such ratios may be established on the basis of a similar use/parking determination (as described in Section 24.11.030~~CF~~), on parking data provided by the applicant or information otherwise available to the zoning administrator. Parking data and studies provided by applicants must include estimates of parking demand based on reliable data collected from comparable uses or on external data from credible research organizations. Comparability will be determined by density, scale, bulk, area, ~~type of activity~~ and location.

24.11.050 Shared Parking

A. Description. Shared parking represents an arrangement in which 2 or more ~~nonresidential~~ uses with different peak parking periods (hours of operation) use the same off-street parking spaces, ~~to meet their minimum off-street parking requirements.~~

B. Authorization and Criteria.

1. The zoning administrator is authorized to approve shared parking arrangements for:

a. ~~Nonresidential uses with different hours of operation; and~~

~~a.b. Mixed-use developments where residential and nonresidential uses have offset peak parking demands.~~

~~2. The zoning administrator may permit parking required for one use to be supplied by the off-street parking spaces provided for another use if the zoning administrator determines that the uses or activities will have peak parking demands at different periods of the day or week.~~

~~3.2.~~ In order to approve ~~an alternative compliance parking plan for~~ shared parking, the zoning administrator must find, based on competent evidence provided by the applicant, that there is no substantial conflict in the principal operating hours or peak parking demand of the uses for which the sharing of parking is proposed.

3. A request for approval of a shared parking arrangement must be accompanied by such information determined by the zoning administrator to be necessary to evaluate the peak parking demand characteristics or difference in hours and/or days of operation, including, but not limited to, a description of the uses and their operational characteristics, ~~a site plan and a parking study that justifies the reduction in parking requested, as prepared by a licensed professional traffic engineer or other qualified professional.~~

4. Residential uses may have shared parking with approval by the Zoning Administrator. In considering the request, the Zoning Administrator shall weigh projected parking and access needs in relation to projected mode split (i.e., auto, transit, pedestrian, bicycle), on-street and nearby availability of parking and other relevant factors that may justify the approval. The Zoning Administrator may consider, among other factors, the positive impacts that reduced parking ratios may have on housing goals, economic development, building reuse, and neighborhood preservation.

~~C. Location of Shared Parking. Shared parking arrangements are subject to the location standards of Section 24.11.060.~~

~~D.C.~~ Shared Parking Agreement.

1. An agreement providing for the shared use of parking areas, executed by the parties involved, must be filed with the zoning administrator in a form approved by the city attorney and recorded with the register of deeds.

2. Shared parking agreements are binding upon applicants, their successors and assigns. Amendments to parking agreements require zoning administrator approval, based on whether the proposed amendment complies with all applicable zoning ordinance provisions.

3. Shared parking privileges remain in effect only as long as the agreement, binding on all parties, remains in force. If a shared parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this chapter.

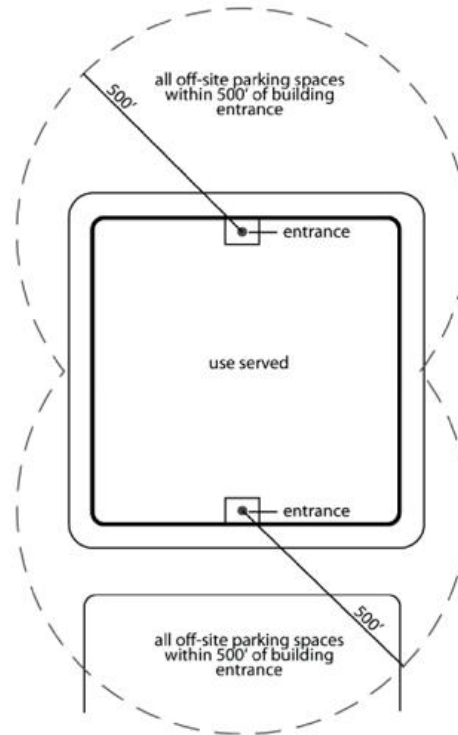
24.11.060 Location of Off-Street Parking

A. General. Except as expressly allowed by the off-site parking regulations of Section 24.11.060D, required or provided off-street parking spaces must be located on the same lot as the building or use they are required to serve.

B. Residential Districts. The following regulations apply in all residential zoning districts:

1. Off-street parking spaces accessory to residential uses may be located in any setback except required front and street side setbacks. A two-unit residential building with attached garages is allowed to have 2 of the 4 required parking spaces located on paved areas in front and/or street side setbacks.

2. No motor vehicles may be parked on property occupied by residential uses unless they are within a garage, upon a paved parking slab, or upon a paved driveway leading directly from the street to the garage or paved parking slab.
- C. Parking of Commercial Vehicles in Residential Districts.
1. It is the declared purpose of this section in exercising the general police powers of the city and pursuant to the authority of the city to regulate land use, to preserve and maintain the esthetic attractiveness of residential neighborhoods, and toward this end it is the considered determination of the governing body of the City of Wauwatosa that vehicles that have the appearance of being used for commercial purposes if parked on residential properties outside of a garage has a general effect of detracting from the residential character of the neighborhood. It is recognized that the use of trucks and other vehicles that in the past have been traditionally used primarily for commercial purposes have in recent years gained popularity and widespread acceptance as both recreation and passenger vehicles. Therefore, the purpose of this section is not to restrict the use or parking of all trucks, but rather to prohibit the parking of commercial trucks or vehicles outside of a garage within a residential zoning district.
 2. To provide guidelines in determining whether a specific vehicle is a commercial vehicle for purposes of this section, the following characteristics must be considered although no one of such characteristics will be considered conclusive in determining whether such vehicle constitutes a commercial vehicle.
 - a. If the vehicle carries a commercial or truck registration;
 - b. If the vehicle has a commercial sign affixed, attached or painted thereof, the commercial character of the sign will be given considerable weight;
 - c. If the vehicle is ordinarily used for commercial purposes and if such use is discernible from the exterior of the vehicle;
 - d. If the gross weight of the vehicle exceeds 5,000 pounds.
 3. No person, firm or corporation may park a commercial vehicle in any residential district.
 4. This section is not intended to prohibit the temporary parking of commercial vehicles while they are being used to perform a service or make deliveries at the location where parked.
 5. This section is not intended to prohibit the parking of vehicles within a garage within a residential district.
- D. Off-Site Parking.
1. General. All or a portion of ~~required~~ provided off-street parking for nonresidential uses may be provided off-site, in accordance with the provisions of this section. Required accessible parking spaces for persons with disabilities may not be located off site. Required parking for residential uses must be located on the same lot as the residential use to be served by the parking.
 2. Location. Off-site parking areas must be located within a 500-foot radius of the use served by such parking, measured between the entrance of the use to be served and any portion of a parking space within the off-site parking lot. The off-site parking must be located in a zoning district that allows non-accessory parking or that allows the principal use that will be served by the parking. The 500-foot radius restriction does not apply to the MRMC campus. See Section 24.060.060B, footnote 2 for definition of MRMC campus.
 3. Control of Off-Site Parking Area.
 - a. The property to be occupied by the off-site parking facilities must be under the same ownership as the lot containing the use to be served by the parking. The off-site parking area may be under separate ownership only if a legal agreement is provided to the zoning administrator guaranteeing the long-term availability of the parking. The agreement must be in a form approved by the city attorney and recorded with the register of deeds.
 - b. Off-site parking agreements are binding upon applicants, their successors and assigns. Amendments to off-site parking agreements require zoning administrator approval, based on whether the proposed amendment complies with all applicable zoning ordinance provisions.



- c. Off-site parking privileges remain in effect only as long as the agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this chapter.

~~E. Special Rules Applicable to SP-MED District:~~

- ~~1. The rules in this section apply solely to the MRMC Campus portion of the SP-MED district (see Section 24.06.060B, footnote 2 for definition of MRMC Campus).~~
- ~~2.4. In determining compliance with required parking ratios for uses within the MRMC Campus, the zoning administrator shall take into account all existing and contemplated on-site and off-site parking facilities located within the MRMC Campus. Sec. 24.11.060D.3 shall not apply to off-site parking facilities in the MRMC Campus; all off-site parking facilities shall be deemed to be shared parking facilities unless expressly restricted to a single principal use as evidenced by a written instrument provided to the zoning administrator by the owner(s) of such parking facilities. The 500-foot radius restriction referenced in Sec. 24.11.060D.2 shall not apply to shared parking facilities within the MRMC Campus.~~

24.11.080 Bicycle Parking

- A. General. This section establishes regulations governing bicycle parking facilities.
- B. Short-term Bicycle Parking.

1. Purpose. Short-term bicycle parking is generally intended to serve the needs of cyclists who park their bicycles for short time periods, including customers, clients, students and other short-term visitors.
2. Spaces Required. Short-term bicycle parking spaces are required in accordance with the following minimum ratios:

Short-term Bicycle Parking Spaces Req'd

Multi-unit Residential	1 space per <u>205</u> dwelling units; 1 space min.
Multi-unit Residential (elderly)	1 space per 20 dwelling units; 1 space min.
Commercial, Public and Civic	1 per 10 motor vehicle spaces; 1 space min.
Industrial	1 per 20 motor vehicle spaces; 1 space min.

3. Design and Location.

a. General. Required bicycle parking spaces must:

- 1) consist of bike racks or lockers that are anchored so that they cannot be easily removed;
- 2) be of solid construction, resistant to rust, corrosion, hammers and saws;
- 3) allow both the bicycle frame and the wheels to be locked with the bicycle in an upright position using a standard U-lock;
- 4) be designed so as not to cause damage to the bicycle;
- 5) facilitate easy locking without interference from or to adjacent bicycles; and
- 6) be in highly visible, active, well-illuminated areas that do not interfere with pedestrian movements.

b. Location. At least 50% of required bicycle parking spaces must be located within 50 feet of a customer entrance, and the remainder must be located within 100 feet of any entrance. If required bicycle parking spaces are not visible from the abutting street or the main customer entrance, signs must be posted indicating their location.

c. Size. All required bicycle parking spaces must have minimum dimensions of 2 feet in width by 6 feet in length, with a minimum overhead vertical clearance of 7 feet.

C. Long-term Bicycle Parking.

1. Purpose. Long-term bicycle parking is generally intended to serve the needs of cyclists who park their bicycles for long time periods, including overnight and all day parking, generally serving the needs of employees and residents.

2. Long-term Spaces Required. Long-term bicycle parking spaces are required in accordance with the following ratios:

Long-term bicycle parking spaces required	
Multi-Unit Residential	1 space per 4 dwelling units; 2 space min.
Multi-unit residential (age-restricted)	1 space per 10 dwelling units; 2 space min.
Commercial, Public and Civic	1 space per 6,000 sq. ft. gross floor area; 2 space min.
Industrial	1 space per 24,000 sq. ft. gross floor area; 2 space min.

3. The board of public works is authorized to approve a reduction in vehicle parking requirements for projects that provide additional long-term bicycle parking spaces.

4. Standards for long-term bicycle parking spaces. Long-term bicycle parking spaces must meet the following criteria:

- a. All required long-term bicycle parking spaces shall be located indoors, or in a location otherwise protected from weather and access by unauthorized persons, except at educational facilities or as otherwise approved by the Board of Public Works or Common Council;

- b. Indoor bicycle parking spaces must be located on the ground floor or in a location otherwise served by an elevator or ramp capable of transporting the bicycle(s) being stored;
- c. Long-term bicycle parking must provide bike racks or lockers anchored so that they cannot be easily removed or damaged, must allow both the bicycle frame and the wheels to be locked with the bicycle in an upright position, be designed so as not to cause damage to the bicycle, and facilitate easy locking without interference from or access to adjacent bicycles.

24.11.120 Vehicle Loading and Unloading

A. ~~Required.~~

- ~~1. Off-street vehicle loading and unloading areas must be provided for any new proposed public/civic, commercial or industrial use or expansion of such a use that would result in a building with a floor area of 20,000 square feet or more.~~
- ~~2. Off-street vehicle loading and unloading areas must be provided for any new proposed residential use or residential use expansion that would result in project containing 50 or more dwelling units.~~

B.A. Plans Required. Off-street loading plans must be submitted with site plans, conditional use permits and building permits involving any use required or proposing to provide off-street loading facilities. Plans must accurately designate the proposed off-street loading spaces, dimensions and clearance and access to the loading spaces. Plans for the design of loading areas are subject to approval by the city.

G.B. Location and Design. The following location and design regulations apply to all provided off-street loading facilities regardless of whether they are required to be provided by this zoning ordinance.

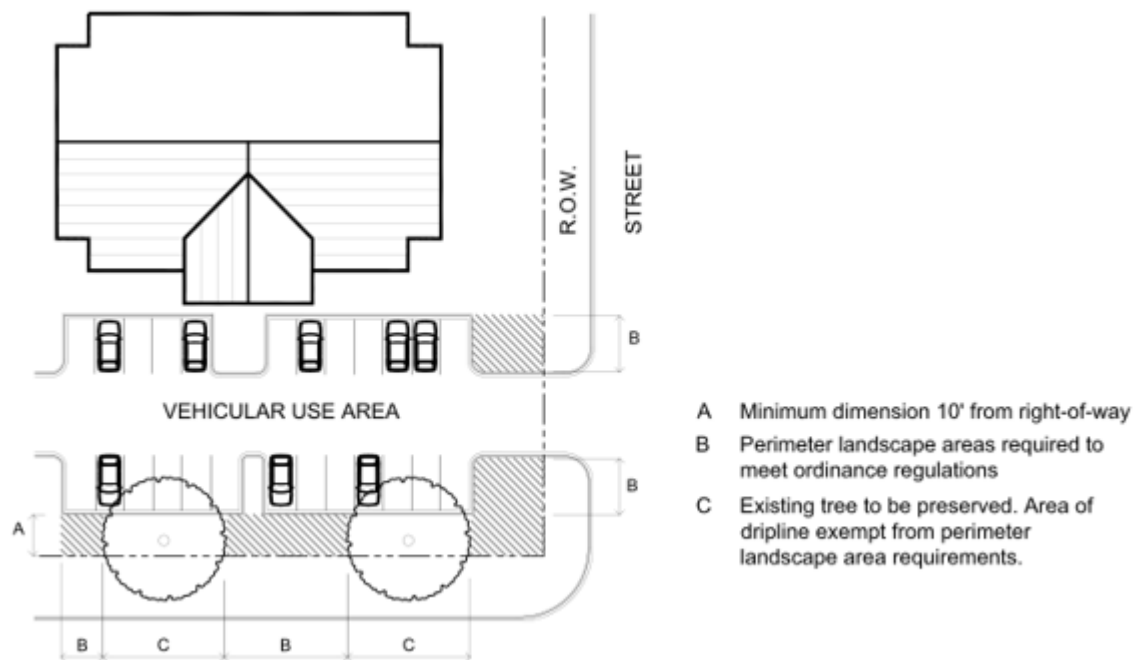
1. Off-street loading facilities must be located on the same lot as the use served.
2. All loading areas adjacent to a parcel within a residential zoning districts ~~must shall~~ be screened from view ~~of the residential zoning district~~ in accordance with the screening standards of Section 24.12.040.
3. Loading spaces may not be located in a required front or side setback.
4. Loading areas and access drives must be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights.
5. Each off-street loading space must be designed to provide a safe means of vehicular access to a street or alley in a manner which will least interfere with traffic movement and are subject to approval by the city.

CHAPTER 24.12 LANDSCAPING AND SCREENING

24.12.020 Perimeter Vehicular Use Area Landscaping

A. Applicability. Perimeter vehicular use area landscaping must be provided in accordance with the standards of this section when parking stalls are located within 100 feet of the right-of-way and when the stalls are part of any of the following:

1. Any new construction of a parking lot must comply with the current requirements of this ordinance.
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-striping, 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-striping, 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.



24.12.040 Screening

A. Features to Be Screened. The following features must be screened from view of public rights-of- way, public open spaces and from lots used or zoned for residential purposes.

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 ~~much must~~ be screened from view of all R- ~~and C-~~ zoned properties by a solid fence, solid wall, dense hedge, within a neutral-colored cabinet, 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.
2. Roof-mounted Mechanical Equipment. Roof-mounted mechanical equipment (e.g., air conditioning, heating, cooling, ventilation, exhaust and similar equipment, but not solar panels, wind energy or similar renewable energy devices) over 30 inches in height must be screened from ground-level view of all R- and C-zoned properties in one of the following ways:
 - a. A parapet along façades facing the ~~lot used or zoned for residential purposes~~ that is as tall as the tallest part of the equipment;
 - b. A solid screen around the equipment that is as tall as the tallest part of the equipment, with the screen an integral part of the building's architectural design; or
 - c. An equipment setback from roof edges facing ~~lots used or zoned for residential purposes~~ that is at least 3 feet in depth for each one foot of equipment height.
 - e.d. An alternative solution may be approved by the Design Review Board.

24.14.010 Fences And Walls

24.14.020 Intersection Visibility

24.14.030 Pedestrian Standards

24.14.040 Access To Nonresidential From Residential Zoning

24.14.045 Attached and Semi-Detached Building Design Standards

24.14.050 Exceptions

24.14.030 Pedestrian Standards

- A. Purpose. The pedestrian standards of this section are intended to promote a safe, attractive and usable pedestrian circulation system as a part of all new developments.
- B. Applicability. The pedestrian standards of this section apply to all new commercial, mixed-use and multi-unit residential developments.
- C. Standards. An on-site pedestrian circulation system must be provided in accordance with the following requirements:
1. Connection to the Street. The on-site pedestrian circulation system must connect all adjacent public rights-of-way to the main building entrance. The connection must follow a direct route and not involve significant out-of-direction travel for system users.
 2. Connection to Neighboring Areas. Where appropriate, ~~The~~ on-site pedestrian circulation system ~~must~~ shall provide at least one connection to all adjacent properties. The connections must run to the property line and connect to existing paths or sidewalks on neighboring properties or to the likely location of future paths or sidewalks on those properties. If the zoning administrator determines that no paths or sidewalks exist on a neighboring property or it is not possible to determine the likely location of future path or sidewalk connections or extending a connection would create a safety hazard on either property, the zoning administrator is authorized to waive the connection requirement of this paragraph.
 3. Internal Connections. The on-site pedestrian circulation system must connect all buildings on the site and provide connections to other areas of the site likely to be used by pedestrians, such as parking areas, bicycle parking, recreational areas, common outdoor areas and pedestrian amenity features. The zoning administrator is authorized to waive the connection requirement if it would create a safety hazard.
 4. Design. Required on-site pedestrian circulation facilities must be designed and constructed in accordance with the following requirements:
 - a. The on-site pedestrian circulation system must be at least 5 feet in width and surfaced with material of sufficient strength and durability to enable year-round use and effective maintenance.
 - b. When the on-site pedestrian circulation system crosses driveways, parking areas or loading areas, it must be clearly differentiated through the use of elevation changes, a different paving material, striping, or other equally effective methods. ~~Striping does not meet this requirement.~~
 - c. When the on-site pedestrian circulation system is parallel and adjacent to an auto travel lane, it must be a raised path at least 6 inches above the auto travel lane surface or be separated from the auto travel lane by a raised curb, bollards, landscaping or another physical barrier. If a raised path is used, the ends of the raised portions must be equipped with accessible curb ramps.
 - d. The on-site pedestrian circulation system must be illuminated to ensure that it can be used safely at night by employees, residents and customers. Lighting must be at height appropriate to a pedestrian pathway system.

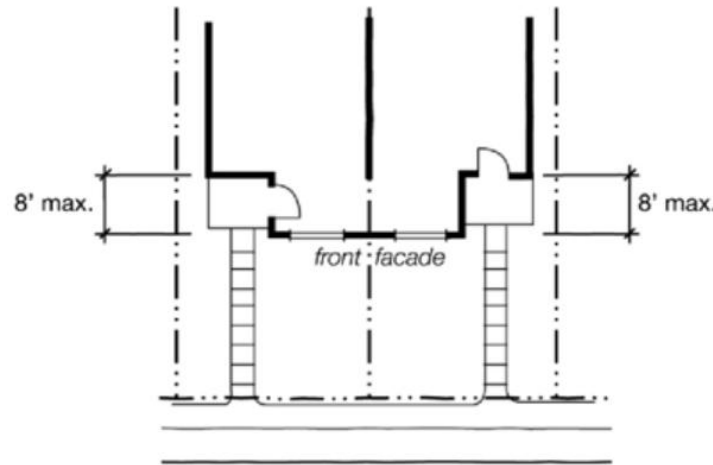
24.14.045 Attached and Semi-Detached Building Design Standards

A. General Provisions

1. Purpose. The purpose of the attached and semi-detached building design standards is to:
 - a. Ensure that the physical characteristics of proposed development are compatible with the context of surrounding areas,
 - b. Preserve the unique visual character and streetscapes of Wauwatosa,
 - c. Create unique and inspiring places that support the pedestrian experience and promote economic vitality, and
 - d. Encourage creativity and innovation while avoiding obtrusive, incongruous structures.

B. ~~and semi-detached~~Entry Treatment

1. Each dwelling unit must have a separate ground-floor entrance that is clearly defined and highly visible on the building façade that faces a public street or a right-of-way other than an alley. The front door must be within 8 feet of the building's front façade. The door may be at any angle to the street as long as the other entrance standards are met.



2. Each front entrance must include a porch or covered entry. A pedestrian walkway must connect each front entrance to the street. A door that leads directly into a garage does not qualify as a front entrance.
- C. Glazing. Each attached and semi-detached house dwelling unit must provide windows or glazed area equal to at least 15% of the building façade that faces a public street or a right-of-way other than an alley. Glazing in (vehicle) garage doors do not count towards meeting these glazing requirements.
- D. Building Modulation. The following façade modulation requirements apply to the front façade of all attached house structures when the buildings directly face a public street (other than an alley):
1. Exterior walls may not exceed 32 feet in (horizontal) length without modulation.
 2. The modulation depth must be at least 2 feet.
 3. Modulation may be achieved through such techniques and features as:
 - a. recessed or projecting wall offsets;
 - b. entryways;
 - c. porch or canopy structures including columns or piers;
 - d. balconies;
 - e. dormers; or
 - a.f. other prominent architectural features that serve to provide dimension and break up large expanses of wall area.

CHAPTER 24.15 NONCONFORMITIES

24.15.010 Nonconformities - General

- A. Description. Nonconformities, which are sometimes referred to as "legal nonconformities," are lots, uses and structures that were lawfully established but - because of the adoption of new or amended regulations—no longer comply with one or more requirements of this zoning ordinance. This chapter contains the regulations governing such situations.
- B. Intent. Occasionally, lots, uses and structures that were lawfully established (i.e., in compliance with all regulations in effect at the time of their establishment)

have been made nonconforming because of changes in the zoning regulations that apply to the subject property (e.g., through zoning map amendments or amendments to the text of this zoning ordinance) or because of other governmental action (e.g., through right-of-way acquisition). The regulations of this chapter are intended to clarify the effect of such nonconforming status and avoid confusion with "illegal" buildings and uses (those established in violation of applicable zoning regulations). The regulations of this chapter are also intended to:

1. recognize the interests of landowners in continuing to use their property for uses and activities that were lawfully established;
2. promote maintenance, reuse and rehabilitation of existing buildings; and
3. place reasonable limits on nonconformities that have the potential to adversely affect surrounding properties.

C. Authority to Continue. Any nonconformity that existed on the effective date specified in Section

24.01.020 or any situation that becomes nonconforming upon adoption of any amendment to this zoning ordinance may be continued in accordance with the regulations of this chapter unless otherwise expressly stated.

D. Determination of Nonconformity Status.

1. The burden of proving that a nonconformity exists (as opposed to a violation of this zoning ordinance) rests entirely with the subject owner.
2. The zoning administrator is authorized to determine whether adequate proof of nonconforming status has been provided by the subject owner.
3. Building permits, zoning certificates, lawfully recorded plats, aerial photography owned by the city and other official government records that indicate lawful establishment of the use, lot or structure constitute conclusive evidence of nonconforming status. If such forms of conclusive evidence are not available, the applicant may submit and the zoning administrator may consider other forms of evidence to document nonconforming status. Examples of commonly available evidence include:
 - a. professional registrations or business licenses;
 - b. utility billing records;
 - c. rent records;
 - d. advertisements in dated publications;
 - e. listings in telephone or business directories; and
 - f. notarized affidavits affirming the date of lawful establishment of the use, lot or structure.
4. Appeals of the zoning administrator's decision on nonconforming status determinations may be appealed in accordance with Section 24.16.110.

E. Repairs and Maintenance.

1. Nonconformities must be maintained to be safe and in good repair.
2. Repairs and normal maintenance necessary to keep a nonconformity in sound condition are permitted unless the work increases the extent of the nonconformity or is otherwise expressly prohibited by this zoning ordinance.
3. Nothing in this chapter is intended to prevent nonconformities from being structurally strengthened or restored to a safe condition in accordance with an order from a duly authorized order of a public official.

F. Change of Tenancy or Ownership. Nonconforming status runs with the land and is not affected by changes of tenancy, ownership, or management.

F.G. Exceptions. The zoning administrator is authorized to grant exceptions as appropriate in order to respond to external factors impacting construction, or as required by law.

CHAPTER 24.16 PROCEDURES

24.16.010 Common Provisions

24.16.020 Zoning Ordinance Text Amendments

24.16.030 Zoning Map Amendments (Rezoning)

24.16.040 Conditional Use Permits

24.16.050 Planned Unit Developments

24.16.060 Variances

[24.16.070 Building Permits](#)
[24.16.080 Designation Of Historic Sites And Structures](#)
[24.16.090 Historic Overlay Districts](#)
[24.16.100 Certificates Of Appropriateness](#)
[24.16.110 Appeals Of Administrative Decisions](#)
[24.16.120 Comprehensive Plan Amendment](#)

24.16.010 Common Provisions

A. Summary of Review and Decision-making Authority. The following table provides a summary of review and decision-making authority.

	ZA	DRB	HPC	BZA	PC	CC[1]
Zoning Text and Map Amendments, Comprehensive Plan Amendment	—	—	—	—	R	<DM>
Conditional Use Permits	—	—	—	—	R	<DM>
Planned Unit Developments						
Preliminary Development Plan	—	—	—	—	R	<DM>
Final Development Plan	DM —	R	—	—	—	DM
Variances	—	—	—	<DM>	—	—
Historic Designation (Site/Structure)	—	—	<R>	—	R	<DM>
Historic Overlay Zoning Map Amendment	—	—	<R>	—	R	<DM>
Certificates of Appropriateness	—	—	<DM>	—	—	—
Appeals of Administrative Decisions	—	—	—	<DM>	—	—
Temporary Use	DM	—	See also Section 24.10.080			

[1]Committee review may be required before common council action (see also Section [2.24.030](#) ~~2.02.110~~ of the city code of ordinances).

CC = common council PC = plan commission

BZA = board of zoning appeals

HPC = historic preservation commission ZA = zoning administrator

R = review and recommendation

DM = decision-making body (final decision)

< > = public hearing required

24.16.030 Zoning Map Amendments (Rezoning)

- D. Plan Commission Recommendation. Following the required public hearing before the common council, proposed zoning map amendments must be referred to the plan commission. Following review of the proposed zoning map amendment, the plan commission must act by simple majority vote ~~of those members present and voting~~ to recommend that the proposed zoning map amendment be approved, approved with modifications, or denied. The plan commission's recommendation must be transmitted to the common council.
- E. Common Council Hearing and Decision.
1. Upon receipt of recommendations from the plan commission, the common council may act to approve, approve with modifications (e.g., reducing the land area involved in the rezoning or recommending another less intensive zoning classification) or deny the proposed zoning map amendment. If plan commission recommendation has not been forwarded to the common council within 60 days of referral of the proposed zoning map amendment to the plan commission, the common council may take action without receipt of the recommendation.
 2. Final action on a zoning map amendment by the common council requires a simple majority vote ~~of those members present and voting, except when a valid protest petition is filed with the city clerk before the date of the meeting that the common council takes final action on the amendment, approval of the zoning map amendment requires at least a 60% majority vote of those common council members present and voting.~~
- ~~F. Protest Petitions. A valid protest petition must be signed and acknowledged by the owners of:~~
- ~~1. more than 50% of the land area included in the proposed zoning map amendment;~~
 - ~~2. more than 50% of the land area immediately adjacent and extending 100 feet from the subject property; or~~
 - ~~3. more than 50% of the land directly opposite from the subject property and extending 100 feet from the street frontage of the opposite land.~~
- ~~G.F.~~ Review Criteria and Standards. Zoning map amendments are legislative decisions of the common council based on their consideration of the public health, safety and general welfare.
- ~~H.G.~~ Successive Applications. Upon disapproval of a zoning map amendment by the common council, no zoning map amendment petition requesting the same or more intensive zoning on the same or similar property may be filed for or accepted for processing by the city for 6 months from the date of final action by the common council.

24.16.040 Conditional Use Permits

- E. Plan Commission Recommendation. Following the close of the public hearing before the common council, proposed conditional use permits must be referred to the plan commission. The plan commission must act by simple majority vote ~~of those members present and voting~~ to recommend that the conditional use permit be approved, approved with modifications, or denied. The plan commission's recommendation must be transmitted to the common council.
- F. Common Council Decision.
1. Following receipt of recommendations from the plan commission, the common council may act to approve, approve with conditions or deny the conditional use permit. If the plan commission's recommendation has not been forwarded to the common council within 60 days of referral of the proposed condition[al] use to the plan commission, the common council may take action without receipt of the recommendation.
 2. Final action on a conditional use permit by the common council requires a simple majority vote ~~of those members present and voting.~~
- G. General Review Criteria and Standards. The common council may authorize the zoning administrator to issue a conditional use permit if the common council finds that the following conditions exist and so indicates in the minutes of its proceedings:
1. that the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare;
 2. that the uses, values and enjoyment of surrounding properties for purposes already permitted in the district will not be substantially impaired or diminished by the establishment, maintenance or operation of the conditional use;
 3. that establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the district;

4. that adequate utilities, access roads, drainage and other necessary improvements have been or are being provided;
 5. that adequate measures have been or will be taken to provide ingress and egress that will minimize on- and off-site traffic congestion; and
 6. that the conditional use complies with all applicable regulations of the subject zoning district.
- H. Successive Applications. Upon disapproval of a conditional use permit by the common council, no similar conditional use permit application for the same or similar property may be filed or accepted for processing by the city for 12 months from the date of final action by the common council.
- I. Lapse of Approval. A Conditional Use will lapse and have no further effect 18 months ~~one year~~ after it is approved by the Common Council, unless:
1. a building permit has been issued (if required) or development is commenced;
 2. the use or structure has been lawfully established; or
 3. unless a different lapse of approval period or point of expiration has been expressly established by the Common Council.
- J. Amendments. No modification or alteration of any conditional use permit approved pursuant to this section will be permitted unless approved by the Common Council.
1. Any application for an alteration, extension or other modification will be filed and processed as an original application under this section.
 2. 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.
 3. Minor Deviations. Minor deviations to conditional uses including maintenance, repair, or renovation of existing buildings, structures or improvements and alterations, extensions, or other modifications of such uses that do not increase, intensify, expand, substantially change the character of the conditional use, or adversely affect adjacent property or property owners may be authorized by the zoning administrator and do not require approval by the common council.

24.16.050 Planned Unit Developments

- C. Preliminary Development Plans. At the option of the applicant, the preliminary development plan may serve also as the preliminary subdivision plat if such intention is declared before the plan commission's hearing and if the plans include all information required for preliminary plats and preliminary development plans.
1. Preapplication Meetings. Before submitting a PUD application, the applicant must schedule a meeting with the zoning administrator to discuss the proposed plan and the required process. The zoning administrator is responsible for coordinating the involvement of other relevant city departments in the preapplication meeting. The applicant must also hold a neighborhood meeting, with invitations mailed to all property owners within 200 feet of the subject property, alderpersons of the district, and the zoning administrator.
 2. Application Contents. An application for a preliminary development plan must contain all items of information specified in the pre-application meeting including proof of holding a neighborhood meeting prior to application submission.
 3. Application Filing. Complete applications for preliminary development plan approval must be filed with the zoning administrator at the same time that the /PUD zoning map amendment application is filed. Preliminary development plan applications may be filed only by the common council, the plan commission or by petition of an eligible applicant or an eligible applicant's authorized agent (See Section 24.16.010C.1). Upon receipt of the completed application, planning staff shall schedule a public hearing before the common council and prepare appropriate notice and publications.
 4. Notice of Hearing. The common council must hold a public hearing on the proposed preliminary development plan and/or /PUD zoning map amendment.
 - ~~a.~~ Notice of the common council's public hearing must be mailed to all owners and occupants (when data available) of property within 300 feet of the subject property at least 7 days before the hearing.
 - ~~b.~~ a. Class 2 notice of the common council's required public hearing on a zoning map amendment must be published in accordance with chapter 985 of the Wisconsin Statutes.
 - ~~c.~~ b. Notice must be mailed to all of the following at least 7 days before the common council's required public hearing:
 - (1) the subject property owner;
 - (2) all owners and occupants (when data available) of property within 300 feet of the subject property; and
 - (3) the clerk of any municipality with corporate limits that abut the subject property.

- c. The applicant must post signage in a format provided by the city in a prominent location on the development site for the duration of the approval process.
5. Following the required public hearing before the common council, PUD preliminary development plans must be referred to the plan commission with the /PUD zoning map amendment, if such map amendment is required. Following review of the proposed zoning map amendment and/or preliminary development plan, the plan commission must act by simple majority vote ~~of those members present and voting~~ to recommend that the proposed zoning map amendment and/or preliminary development plan be approved, approved with modifications, or denied. The plan commission's recommendation must be transmitted to the common council.
6. Common Council Hearing and Decision.
 - a. Upon receipt of recommendations from the plan commission, the common council act to approve, approve with modifications (e.g., reducing the land area involved in the rezoning or recommending another less intensive zoning classification) or deny the proposed preliminary development plan and/or /PUD zoning map amendment, as required. If plan commission recommendation has not been forwarded to the common council within 60 days of referral of the proposed preliminary development plan and/or /PUD zoning map amendment to the plan commission, the common council may take action without receipt of the recommendation.
 - b. Final action on a /PUD zoning map amendment by the common council requires a simple majority vote. ~~of those members present and voting, except when a valid protest petition is filed with the city clerk before the date of the meeting that the common council takes final action on the amendment, approval of the zoning map amendment requires at least a 60% majority vote of those common council members present and voting.~~
7. Review Criteria. Zoning map amendments are legislative decisions of the common council based on their consideration of the public, health, safety and general welfare.
8. Lapse of Approval.
 - a. If the subject landowner fails to file an application for PUD final development plan approval within ~~12 months~~two years of the date of PUD preliminary development plan approval, the landowner may request ~~an one time~~ extension for a period of up to one year. If the landowner does not request such an extension, or if the landowner does not file an application for a PUD final development plan within the 1-year extension period, approval of the PUD preliminary development plan will lapse and be of no further effect.
 - b. For projects to be developed in phases, phase limits must be shown on the preliminary development plan. The common council may impose conditions upon the phasing plan as deemed necessary to ensure orderly development, including requirements for financial guarantees ensuring construction of all required improvements.

D. Final Development Plans.

1. Application Filing. Final development plan applications must be filed with the zoning administrator before the lapse of a preliminary development plan.
2. Design Review Board's Recommendation. PUD final development plans must be referred to the design review board. The design review board must review the final development plan and vote to recommend that the final development plan be approved, approved with modifications, or denied. The design review board's recommendation must be transmitted to the ~~common council~~zoning administrator.
3. ~~Common Council~~Zoning Administrator Decision. Following receipt of recommendations from the design review board, the ~~common council~~zoning administrator may act to approve, approve with conditions or deny the final development plan. If the design review board has received all the required items of information in the final development plan, but has not forwarded a recommendation to the ~~common council~~zoning administrator within 60 days of referral of the final development plan to the design review board, the ~~common council~~zoning administrator may take action without receipt of the recommendation. ~~Final action on a PUD final development plan by the common council requires a simple majority vote of those members present and voting.~~
4. Review Criteria. In reviewing PUD final development plans, ~~review and decision making bodies~~the zoning administrator must ~~determine~~confirm if the submitted final development ~~complies~~conforms with the approved preliminary development plan, any conditions imposed on that plan or any applicable regulations of this zoning ordinance. If the zoning administrator determines that the PUD final development plan does not comply with the approved

preliminary development plan, any conditions imposed on that plan or any applicable regulations of this zoning ordinance, the PUD final development plan shall be referred to plan commission for approval, approval with conditions, or denial.

5. Lapse of Approval.

- a. In the event the landowner fails to commence development shown on the final development plan within ~~12 months~~two years after final approval has been granted, then such final approval will lapse and be of no further effect unless the time period is extended by the common council upon written application by the landowner.
- b. Requests for extensions must be submitted to the zoning administrator. ~~before the final development plan approval expires and must be processed in accordance with the procedures for approval of a /PUD preliminary development plan, including applicable filing fees (for time extension), notices and hearings.~~
- c. In the event of lapse of approval, approved PUD plans have no further effect and the regulations of the underlying zoning govern.

~~6. Notice of Hearing.~~

- ~~a. Notice of the required hearing must be mailed to all owners and occupants (when data available) of property within 300 feet of the subject property at least 7 days before the hearing.~~
- ~~b. Class 2 notice of the common council's required public hearing on a zoning map amendment must be published in accordance with chapter 985 of the Wisconsin Statutes.~~
- ~~a. Notice must be mailed to all of the following at least 7 days before the common council's required public hearing:~~
 - ~~(1) the subject property owner;~~
 - ~~(2) all owners and occupants (when data available) of property within 300 feet of the subject property; and~~
 - ~~(3) the clerk of any municipality with corporate limits that abut the subject property.~~
- ~~c. The applicant must post signage in a format provided by the city in a prominent location on the development site for the duration of the approval process.~~

E. Amendments.

1. Amendment Determination. The zoning administrator is authorized to determine whether a proposed PUD amendment constitutes a minor or major amendment.
2. Major Amendments. Major amendments may be approved only through the procedure required for approval of the PUD in Section 24.16.050C. A major amendment is one that constitutes a material change to the approved final development plan that is likely to create more significant adverse impacts on surrounding property owners or the community as a whole, such as:
 - a. increases in the number of dwelling units or ~~the amount of nonresidential~~ floor area over 10%;
 - b. reductions in the amount of land area set aside as open space, recreation area or natural resource conservation area; or
 - c. failure to provide public amenities or public benefit features approved as part of the PUD.
3. Minor Amendments. The zoning administrator is authorized to approve, approve with conditions, or deny minor PUD amendments through the approval of an amended final development plan, in accordance with the procedures of Section 24.16.050D. A minor amendment is a change that constitutes a minor modification to the approved Final Development Plan, will not result in adverse impacts to surrounding property owners or the broader community; and maintains the spirit and intent of the original Final Development Plan, such as:
 - a. Increases or decreases in floor area of 10% or less;
 - b. Increases in the number of residential dwelling units of 10% or less;
 - c. Modifications to approved signage that do not increase allowable sign square footage as approved per the Final PUD;
 - d. Land use changes where the new land use is permitted under the base zone and/or obtains all required permits under the base zone (i.e. Conditional Use permit, etc.).
4. Amendments that do not meet the above criteria shall be considered Major Amendments and are subject to the review criteria in Section 24.16.050.E.2. The Zoning Administrator may refer minor amendments to the plan commission for approval, approval with conditions, or denial.

24.16.070 Building Permits

No permit for the use of land or buildings may be issued under Chapter 15 unless ~~the chief building official~~ Building & Safety Manager has certified, after examination of the site and proposed building plans, that it complies with all provisions of this zoning ordinance.

24.16.080 Designation Of Historic Sites And Structures

F. Historic Preservation Commission Hearing and Recommendation.

1. Upon receipt of a complete application/nomination form, the historic preservation commission must hold a hearing on the proposed historic designation. In addition to allowing comments from all notified persons, the historic preservation commission may hear expert witnesses. They also have the power to subpoena witnesses and records as deemed necessary. The commission may also conduct an independent investigation into the proposed designation.
2. No more than 10 days after the close of the hearing, the historic preservation commission must act by simple majority vote ~~of those members present and voting~~ to recommend that the proposed historic site or structure designation be approved, approved with modifications or denied. The historic preservation commission's recommendation must be transmitted to the common council.

G. Common Council Hearing and Decision.

1. Upon receipt of recommendations from the historic preservation commission, the common council may act to approve, approve with modifications or deny the proposed historic designation.
2. Final action on an historic designation by the common council requires a simple majority vote ~~of those members present and voting, except when a valid protest petition is filed with the city clerk before the date of the meeting that the common council takes final action on the matter, approval of the zoning map amendment requires at least a 60% majority vote of those common council members present and voting.~~

H. Protest Petitions. A valid protest petition must be signed and acknowledged by the owners of:

- ~~1. more than 50% of the land area included in the proposed zoning map amendment;~~
- ~~2. more than 50% of the land area immediately adjacent and extending 100 feet from the subject property; or~~
- ~~3. 1. more than 50% of the land directly opposite from the subject property and extending 100 feet from the street frontage of the opposite land.~~

- H. Designation Criteria. Historic site or structure designations may be applied to site, structures or improvements of particular historic, architectural, archeological or cultural significance to the city such as those that:
 - 1. exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community;
 - 2. are identified with historic personages or with important events in national, state or local history;
 - 3. embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship;
 - 4. are representative of the notable work of a master building [builder], designer or architect who influenced the person's age; or
 - 5. have yielded, or may be likely to yield, information important to prehistory or history.
- I. Notice of Action. After the designation has been approved by the common council, notification must be sent to the subject property owner. Notification must also be given to the city clerk, building department, plan commission and the city assessor.
- J. Recordation. Upon approval of a historic designation of a site or a structure, such designation must be recorded with the register of deeds.

24.16.090 Historic Overlay Districts

- F. Historic Preservation Commission Hearing and Recommendation. Upon receipt of a complete application/nomination form, the historic preservation commission must hold a hearing on the proposed historic overlay zoning designation. Following the close of the hearing, the historic preservation commission must act by simple majority vote ~~of those members present and voting~~ to withhold a recommendation or to recommend that the proposed overlay zoning amendment be approved, approved with modifications or denied. The historic preservation commission's recommendation must be transmitted to the plan commission and common council.
- G. Plan Commission Recommendation. Proposed historic overlay zoning map amendments must be referred to the plan commission. Following review of the proposed historic overlay zoning map amendment, the plan commission must act by simple majority vote ~~of those members present and voting~~ to recommend that the proposed zoning map amendment be approved, approved with modifications, or denied. The plan commission's recommendation must be transmitted to the common council within 30 days of the date of their review.
- H. Common Council Hearing and Decision.
 - 1. Upon receipt of recommendations from the historic preservation commission and plan commission, the common council must hold a hearing on the proposed historic overlay zoning map amendment. Following the close of the hearing, the common council may act to approve, approve with modifications (e.g., reducing the land area involved in the rezoning or recommending another less intensive zoning classification) or deny the proposed zoning map amendment.
 - 2. Final action on an historic overlay zoning map amendment by the common council requires a simple majority vote ~~of those members present and voting, except when a valid protest petition is filed with the city clerk before the date of the meeting that the common council takes final action on the amendment, approval of the zoning map amendment requires at least a 60% majority vote of those common council members present and voting.~~
- ~~I. Protest Petitions. A valid protest petition must be signed and acknowledged by the owners of:
 - 1. more than 50% of the land area included in the proposed zoning map amendment;
 - 2. more than 50% of the land area immediately adjacent and extending 100 feet from the subject property; or
 - 3. more than 50% of the land directly opposite from the subject property and extending 100 feet from the street frontage of the opposite land.~~
- I. Designation Criteria. Historic site or structure designations may be applied to site, structures or improvements of particular historic, architectural, archeological or cultural significance to the city such as those that:
 - 1. exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community;
 - 2. are identified with historic personages or with important events in national, state or local history;

3. embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship;
4. are representative of the notable work of a master building [builder], designer or architect who influenced the person's age; or
5. have yielded, or may be likely to yield, information important to prehistory or history.

J. Recordation. Upon approval of a historic designation of a site or a structure, such designation must be recorded with the register of deeds.

24.16.120 Comprehensive Plan Amendment

A. Applicability. The procedures of State Statutes 66.1001 must be used for a comprehensive plan amendment.

B. Authority to Initiate. Amendments may be initiated by the common council, the plan commission or by petition of an eligible applicant or an eligible applicant's authorized agent (See Section 24.16.010C.1).

C. Application Filing. Comprehensive plan amendment applications must be filed with the zoning administrator.

CHAPTER 24.17 ADMINISTRATION AND ENFORCEMENT

24.17.010 Review And Decision-Making Bodies

24.17.020 Violations, Penalties And Enforcement

24.17.030 Affordable Housing Incentives

24.17.030 Affordable Housing Incentives

A. Purpose and Applicability

1. Purpose. The purpose of the affordable housing incentives is to support and promote the development of dwelling units that are affordable to households making 80 percent or less and 60 percent or less than the average median income (AMI) for the Milwaukee, Waukesha, and West Allis region, as established by the US Department of Housing & Urban Development (HUD).
2. Applicability. The affordable housing incentives may be utilized per residential use type or district, as detailed in Section 24.17.030D, where a specified number of dwelling units are deed restricted affordable to households making 80% or less or 60% or less than the average median income (AMI) for the Milwaukee, Waukesha, and West Allis region, as established by the US Department of Housing & Urban Development (HUD).

B. Affordable Unit Standards. Dwelling units designated as affordable shall be comparable in finishes and size and have access to the same services and amenities as market rate dwelling units on the same development site.

C. Type of Affordability Requirements

1. Affordability Requirement Type 1. 30% of dwelling units in the development site shall be deed restricted affordable to households making 80% or less than the average median income (AMI) for the Milwaukee, Waukesha, and West Allis region, as established by the US Department of Housing & Urban Development (HUD) for a minimum of 30 years.
2. Affordability Requirement Type 2. 20% of dwelling units in the development site shall be deed restricted affordable to households making 60% or less than the average median income (AMI) for the Milwaukee, Waukesha, and West Allis region, as established by the US Department of Housing & Urban Development (HUD) for a minimum of 30 years.
3. Affordability Requirement Type 2. 10% of dwelling units in the development site shall be deed restricted affordable to households making 60% or less than the average median income (AMI) for the Milwaukee, Waukesha, and West Allis region, as established by the US Department of Housing & Urban Development (HUD) for a minimum of 30 years.

A-D. Types of Affordable Housing Incentives

1. Projects providing affordable housing in accordance with the standards of this section may utilize up to two of the following affordable housing incentives. Projects providing 50% or more of the dwelling units at the specified affordability levels may utilize up to three of the following affordable housing incentives.

Types of Affordable Housing Incentives			
Use	District(s)	Incentive	Applicable Affordability Requirement Type(s)
<u>Cottage Court</u>	<u>R-2; R-4; R-8; MID-RES; MID-TRN</u>	<u>Option 1: A minimum of four and maximum of 20 dwelling units may be allowed per cottage court. The maximum allowed square footage per building may be increased to 2,700 square feet.</u>	<u>2; 3</u>
		<u>Option 2: The maximum allowed square footage per building may be increased to 2,700 square feet.</u>	<u>2; 3</u>
<u>Multi-unit Building</u>	<u>CO; C2; SP-MED</u>	<u>Minimum parking spaces may be reduced to 0.5 spaces per unit.</u>	<u>1</u>
<u>Mixed-Use, Vertical only</u>	<u>C1; C2; SP-RP; MID-TRN; MID-MIX</u>	<u>Minimum parking spaces for the residential portion of the development may be reduced to 0.5 spaces per unit.</u>	<u>1</u>

CHAPTER 24.18 TERMINOLOGY AND MEASUREMENTS

24.18.020 Definitions

"Fence, Solid." A fence, including solid entrance and exit gates, that effectively conceals from viewers in or on adjoining properties and streets, materials stored and operations conducted behind it. See also Section 15.28 Fences.

"Lot Line, Front." ~~The lot line along the narrowest side of any lot that borders an existing or dedicated street lot line.~~ See also Section 24.18.030E.1.d.

"Accessory Dwelling Unit." A separate dwelling unit within a detached house, semi-detached house or attached house or a separate dwelling unit that occupies an accessory building that shares a lot with a detached house, semi-~~at~~detached house, ~~or~~ attached house, or two-unit house. As the name implies, accessory dwelling units are an accessory use to the principal use of the property (i.e., the principal dwelling unit). (See also the Accessory Dwelling Unit regulations of Sec. 24.10.075)

"Artisan Manufacturing." A fully indoor small-scale business that produces goods or specialty foods, primarily for direct sales to consumers, such as artisan

leather, glass, wood, paper, ceramic, textile and yarn products, specialty foods and baked goods. This land use includes the design, processing, fabrication, assembly, treatment and packaging of products; as well as the incidental storage, sales and distribution of such products. This land use does not include uses producing noise, odor, vibration, or similar impacts perceivable by the natural senses outside of the structure or portion of the structure where the use is located.

“Attached House.” A residential building containing three or more dwelling units, each located on its own lot with a common or abutting wall along shared lot lines. Each dwelling unit has its own external entrance.

“Cottage Court.” A residential development of small-scale, detached dwelling units located on a single lot or individual lots and arranged around a shared court visible from the street.

“Detached House.” A principal residential building containing one dwelling unit located on a single lot with private yards on all sides.

“Educational Facility Housing.” A residential building or group of buildings owned or managed by a college, university, or other institution of higher education, or by a private entity under agreement with the institution.

“General Commercial.” A place of business providing the sale and display of goods or sale of services directly to the consumer, with goods, including prepared foods and catering service, available for immediate purchase and removal from the premises by the purchaser.

“Group Living.” Residential occupancy of a dwelling by other than a "household," typically providing communal kitchen/dining facilities. Examples of group living uses include but are not limited to fraternities, sororities, convents, monasteries and nursing homes.

1. Adult Family Home. See Section 50.01(1), Wisconsin Statutes.
2. Community Living Arrangement. See Section 46.03(22), Wisconsin Statutes.
3. Foster Home/Treatment Foster Home. See Sections 48.02(6) and 48.02(17q), Wisconsin Statutes.

“Live-Work Unit.” An attached residential building type with a small commercial enterprise on the ground floor and a residential unit above or behind with a common tenant in both spaces.

“Meeting/Recreation/Event Facility.” A building for the: hosting of parties, meetings, banquets, and conferences, other events; viewing, partaking in, and/or experiencing an amusement, including but not limited to movie theaters, arenas, athletic facilities, and performing arts venues; and programming, production, presentation, exhibition of any of the arts and cultural disciplines, including auditoriums, galleries, museums, and libraries. This use excludes explicit establishments.

“Mixed-use Building, Vertical.” A building in which commercial uses occupy the ground floor and dwelling units occupy at one or more upper floors.

“Mixed-use Building, Horizontal.” A development in which commercial and residential uses are located in separate buildings on the same site or within a cohesive development plan. Uses may be arranged side-by-side, in adjacent structures, or across a unified site design.

“Multi-unit Residential Building.” A residential building containing 5 or more dwelling units that share common walls and/or common floors/ceilings.

“Personal Services.” An establishment primarily engaged in providing individual services generally related to personal needs or cosmetic services, such as hair

and nail salons, barber shops, clothing alterations, shoe repair, tattoo shops, weight loss centers, makeup services, gyms, dance studios, music and/or art studios, and laundry services.

“Semi-Detached House.” A residential building containing two dwelling units, each located on its own lot with a common or abutting wall along shared lot lines. Each dwelling unit has its own external entrance.

“Three-/ Four-unit House.” A residential building containing three or four dwelling units, all located on the same single lot (also referred to as a “triplex” or a “quadplex”). The dwelling units are attached and may be arranged vertically (on separate floors), horizontally (side-by-side), or a combination of both.

“Two-unit House.” A residential building containing two dwelling units, both of which are located on the same single lot (also referred to as a “duplex” or “two-flat”). The dwelling units within a two-unit building are attached and may be located on separate floors or side-by-side.

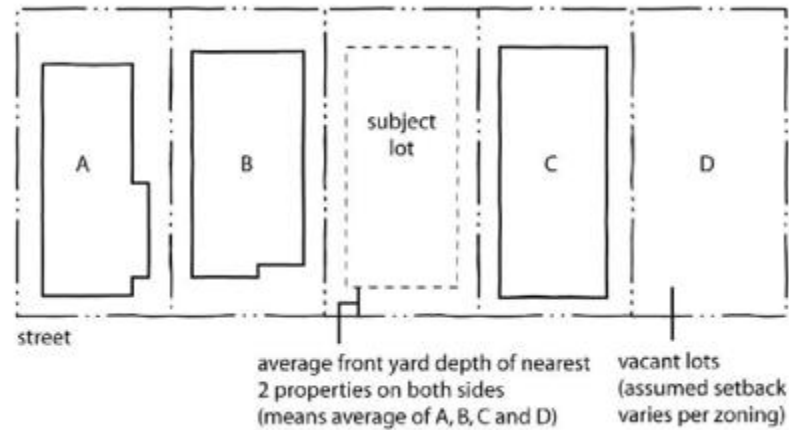
24.18.030 Measurements And Exceptions

E. Setbacks.

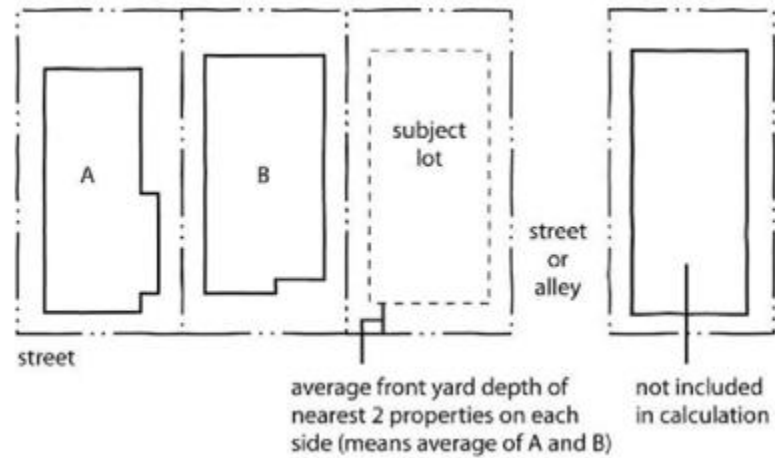
1. Front and Street Side Setbacks.

- a. Measurement. Front and street side setbacks are measured from the existing right-of-way line to the closest point of the building or structure. ~~Where rights-of-way widths identified on an officially adopted plan exceed existing widths, setback measurements must be taken from the planned ultimate right-of-way line.~~
- b. Permitted Obstructions/Encroachments. Front and street side setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed in Section 24.18.030F.
- c. Double Frontage (Through) Lots. On double-frontage lots, front setback requirements apply to both (opposing) street frontages.
- d. Determining the Front of a Lot. For lots in residential zoning districts ~~or occupied by residential uses~~, the front is the side of the lot that ~~fronts is~~ along on a street. In the case of a corner lot, the narrowest side fronting on the street shall be considered to be the front of the lot. In the case of a corner lot with equal sides, the side facing the street having the greatest frontage shall be considered to be the front of the lot. For lots in nonresidential zoning districts ~~or occupied by nonresidential uses~~, the front is the side of the lot ~~that fronts on~~ along the major street as determined by the zoning administrator.
- e. Exceptions for Established Setbacks. When existing buildings are closer to the front property line than the required front setback, additions to existing buildings may be constructed to the existing front setback provided they do not encroach any closer to the front property line. When existing buildings on one or more abutting lots are closer to the street (front or street side) property line than the otherwise required setback, ~~additions to existing buildings or~~ construction of new buildings on the subject lot may comply with the average street yard depth that exists on the nearest 2 lots on either side of the subject lot instead of complying with the zoning district's minimum street setback requirement

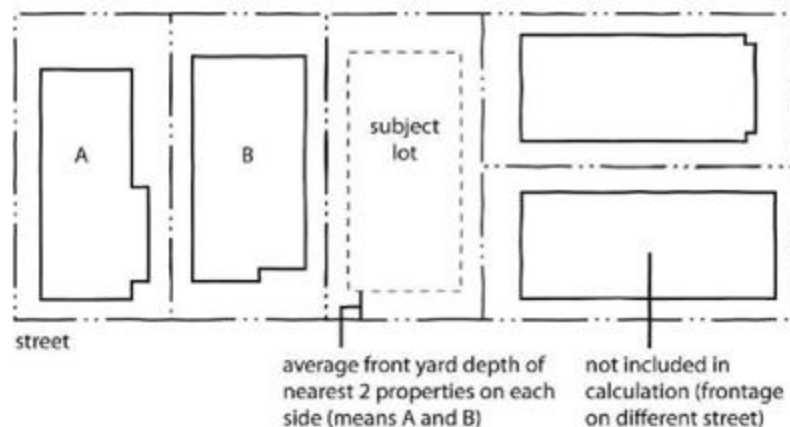
- (1) If one or more of the lots required to be included in the averaging calculation is vacant, that vacant lot will be deemed to have a street yard depth equal to the minimum street setback requirement of the subject zoning district.



- (2) Lots with frontage on a different street than the subject lot or that are separated from the subject lot by a street or alley may not be used in computing the average.



- (3) When the subject lot is a corner lot, the average street yard depth will be computed on the basis of the nearest 2 lots with frontage on the same street as the subject lot.



(4) When the subject lot abuts a corner lot with frontage on the same street, the average front yard depth will be computed on the basis of the abutting corner lot and the nearest 2 lots with frontage on the same street as the subject lot.

2. Rear Setbacks.

- Measurement. Rear setbacks are measured from the rear property line to the closest point of the building.
- Permitted Obstructions/Encroachments. Rear setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed in Section 24.18.030F.
- Through Lots. On through lots both (opposing) street lines are considered front property lines and front setback requirements apply.

3. Side Setbacks.

- Measurement. Side setbacks are measured from the interior (non-street) side property line to the closest point of the building.
- Permitted Obstructions/Encroachments. Side setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed in Section 24.18.030F.

F. Features Allowed to Encroach in Required Setbacks.

- Residential Zoning Districts. Required setbacks in residential zoning districts must be unobstructed and unoccupied from the ground to the sky except that features are allowed to encroach into required setbacks to the extent indicated in the following table:

Obstruction/Feature	Residential District Setback			
	Front	Rear	Interior Side	Street Side
Arches		P	P	
Awnings	P[12]	P	P[8]	P[8]
Balconies		P		

Belt courses	P[9]	P[9]	P[9]	P[9]
Breezeways	-	-	-	-
Cornices	P	P	P	P
Exiting stairs and landing, minimum required by building code	P	P	P	P
Fences	-	P[2]	P[2]	P[2]
Fire escapes, open	-	-	-	-
Flag poles	P	P	P	P
Garages, detached and carports	-	P[1]	P[13]	-
Geothermal heat pumps and geothermal heat exchange systems (max. 4 feet height)	-	P	P	-
Laundry drying equipment	-	P	-	-
Nameplates	P	P	P	P
Parking spaces (required, open)	-	P	-	-
Ornamental features, attached <u>(includes chimney)</u>	P[5]	P[5]	P[5]	P[5]
Ornamental features, detached	P[9]	P[9]	P[9]	P[9]
Ornamental light standards	P	P	P	P
Outdoor fireplaces	-	P[1]	-	-
Patio, at grade	P	P	P	P
Pergolas/arbors	-	P[1]	-	-
Playhouses <u>& play structures</u>	-	P[1]	-	-
Planter boxes, landscape or stormwater	P[4]	P[4]	P[4]	P[4]
<u>Porch (Entrance)</u>	<u>P [16]</u>	<u>-</u>	<u>-</u>	<u>-</u>
Roof overhangs	P[5]	P[5]	P[5]	P[5]
Signs	P[10]	-	-	P[10]

Sills	P	P	P	P
Solar or wind energy systems, building-mounted (see also sec. 24.10.030)	-	P	P	-
Solar or wind energy systems, ground-mounted (see also sec. 24.10.030)	-	P	P	-
Swimming pools and tennis courts	-	P	-	-
Tool sheds, detached or attached	-	P[1]	-	-
Trellises	P[14]	P[14]	P[14]	P[14] [15]
Water collection cisterns	P[4]	P	P	P[4]
Wheelchair lifts & ramps	P	P	P	P
Wing walls	P[9]	P[9]	P[9]	P[9]

P = Permitted setback obstruction

- = Prohibited setback obstruction

[1] Must comply with accessory structure setbacks.

[2] See Chapter 15.28 of the city code of ordinances.

[3] Not more than 4.5 feet above grade if located more than 2.5 feet into a required setback.

[4] 5 feet maximum—not more than 4.5 feet above grade.

[5] 2 feet maximum into minimum required setback.

[6] 4 feet maximum into minimum required setback.

[7] 1 foot maximum into minimum required setback.

[8] 3 feet maximum into minimum required setback.

[9] Not more than 4.5 feet above grade.

[10] See Chapter 15.14 of the city code of ordinances.

[11] Not closer than 10 feet to any side or rear lot line.

[12] 6 feet maximum into minimum required setback.

[13] Minimum side setback required for side of principal structure on which the proposed garage/carport would be constructed.

[14] Trellis units must be separated by a distance that equals their width.

[\[15\]](#) On side yards abutting a street, a trellis may be placed in street side yard, provided that it is at least 18 inches from the street side property line and complies with intersection visibility regulations of Section 24.14.020.

[\[16\]](#) Must be open on at least three sides, with exception to railing, and may contain an elevated deck at level with the front door. May project 6 feet maximum into required front yard setback. If the wall of the door entrance does not meet the required front yard setback, the porch may extend off of the entrance wall a maximum of 6 feet, but shall be setback no closer than 15 feet to the front property line.

2. Nonresidential and Special Purpose Districts. Required setbacks in nonresidential and special purpose zoning districts must be unobstructed and unoccupied from the ground to the sky except that features are allowed to encroach into required setbacks to the extent indicated in the following table:

Obstruction/Feature	Nonresidential District Setback			
	Front	Rear	Interi or Side	Street Side
Arches	-	P	-	-
Awnings	-	P	-	-
Balconies	P	P[6]	P	P
Belt courses	P[7]	P[7]	P[7]	P[7]
Breezeways	-	-	-	-
Cornices	P[5]	P[5]	P[5]	P[5]
Tool sheds, detached or attached	-	P[1]	-	-
Fences	P[2]	P[2]	P[2]	P[2]
Fire escapes, open	P[8]	P[8]	P[8]	P[8]
Flag poles	P	P	P	P
Fountains	P	P	P	P
Garages, detached and carports	-	P[1]	-	-
Geothermal heat pumps and geothermal heat exchange systems (max. 4 feet height)	-	P	P	-
Laundry drying equipment	-	P	-	-
Nameplates	P	P	P	P
Open accessory off-street parking spaces required	P	P	P	P
Ornamental features attached <u>(includes chimney)</u>	P[5]	P[5]	P[5]	P[5]
Ornamental features detached	P[9]	P[9]	P[9]	P[9]

Ornamental light standards	P	P	P	P
Playhouses <u>& play structures</u>	P	P[1]	P	P
Planter boxes, landscape or stormwater	P[4]	P[4]	P[4]	P[4]
Roof overhangs	P[5]	P[5]	P[5]	P[5]
Signs	P[10]	P[10]	P[10]	P[10]
Sills	P[5]	P[5]	P[5]	P[5]
Solar or wind energy systems, building-mounted (see also sec. 24.10.030)	-	P	P	-
Solar or wind energy systems, ground-mounted (see also sec. 24.10.030)	-	P	P	-
Stoops and patio	P	P	P	P
Swimming pools	-	P[11]	-	-
Tennis courts	-	P	-	-
Trees and plants	P	P	P	P
Trellises	P	P	P	P
Water collection cisterns	P[4]	P	P	P[4]
Wheelchair lifts <u>& ramps</u>	P	P	P	P
Wing walls	P[4]	P[4]	P[4]	P[4]

P = Permitted setback obstruction

- = Prohibited setback obstruction

[1] Must comply with accessory structure setbacks.

[2] See Chapter 15.28 of the city code of ordinances.

[3] Not more than 4.5 feet above grade if located more than 2.5 feet into a required setback.

[4] 5 feet maximum—not more than 4.5 feet above grade.

[5] 2 feet maximum into minimum required setback.

[6] 4 feet maximum into minimum required setback.

[7] 1 foot maximum into minimum required setback.

[8] 3 feet maximum into minimum required setback.

[9] Not more than 4.5 feet above grade.

- [10] See Chapter 15.14 of the city code of ordinances.
- [11] Not closer than 10 feet to any side or rear lot line.
- [12] 6 feet maximum into minimum required setback