



Wauwatosa, WI

7725 W. North Avenue
Wauwatosa, WI 53213

Signature Report

Ordinance: O-25-25

File Number: 25-1940

Enactment Number: O-25-25

Ordinance amending various sections of Title 24 (Zoning) primarily related to Tosa Tomorrow 2045
Comprehensive Plan implementation


Adopted


City Clerk Deyanira Nevarez

Date

11/20/25

Approved


Mayor Dennis McBride

Date

11/20/25

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

- 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
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[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.

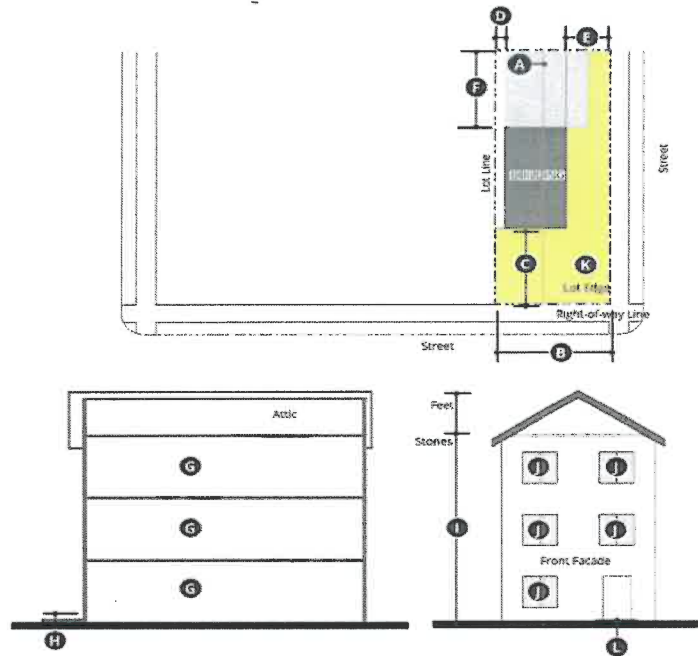
F. Detached, Two-Unit, and Three-/Four-Unit House; Cottage Court Regulations. Detached houses, two-unit houses, three-/four-unit houses, and cottage courts are subject to the regulations of Table 24-3. See also Figure 24-1, which is keyed to the letter symbols in the first column of the table.

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



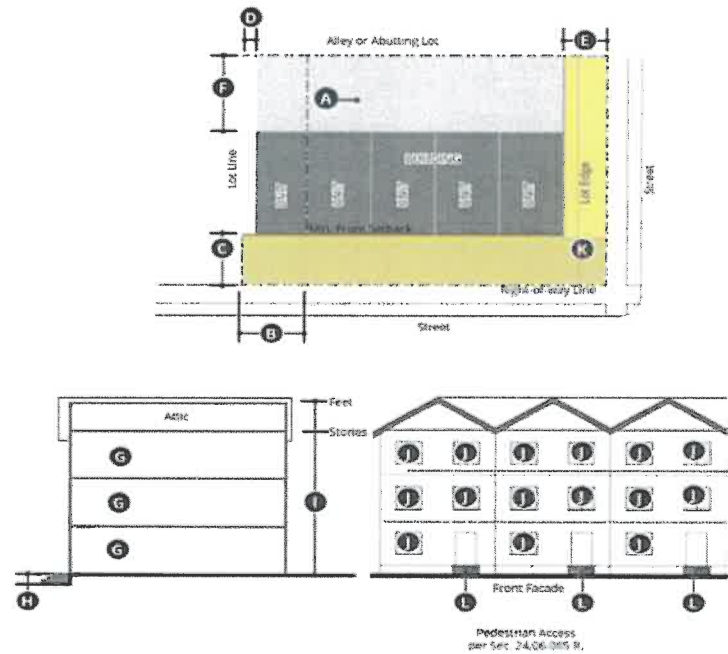
G. Semi-Detached and Attached House Regulations. Semi-Detached Houses and Attached houses are subject to the regulations of Table 24-4. See also Figure 24-2, which is keyed to the letter symbols in the first column of the table.

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
<p>Table 24-4 Notes</p> <p>[1] End units subject to minimum 4.5-foot interior side setback.</p> <p>[2] Minimum 15 feet; not required to exceed 25 feet.</p> <p>[3] Not to exceed 720 square feet.</p> <p>[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.</p>			

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

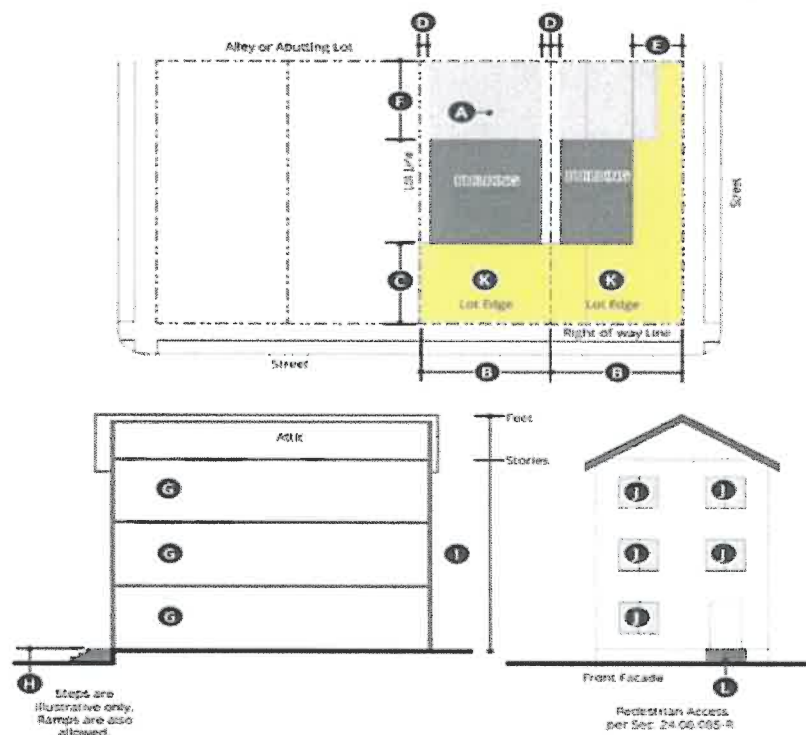
[1] Not required to exceed 15 feet.

[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

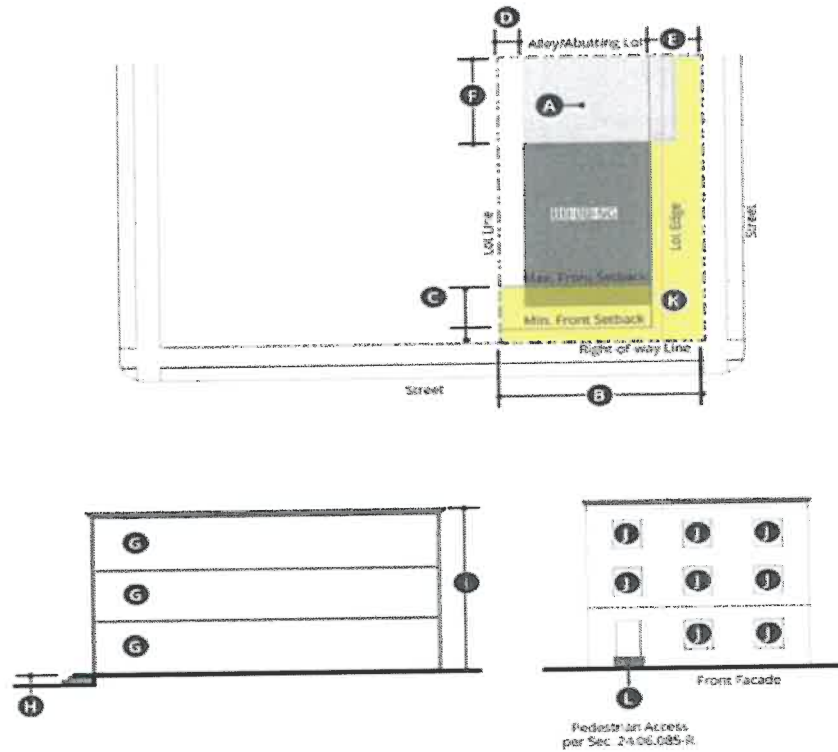
[1] Not required to exceed 15 feet.

[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



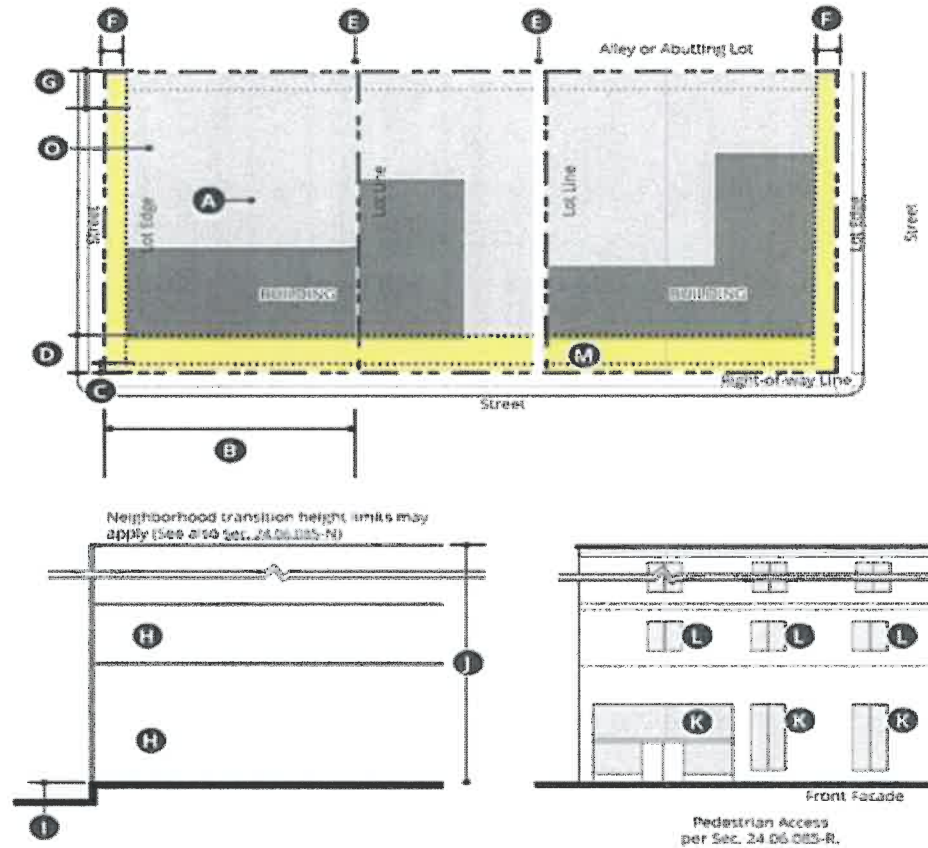
J. Commercial Building Regulations. Commercial buildings are subject to the regulations of Table 24-7. See also Figure 24-5, which is keyed to the letter symbols in the first column of the table. Commercial buildings are buildings occupied by nonresidential uses in all stories of the building.

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



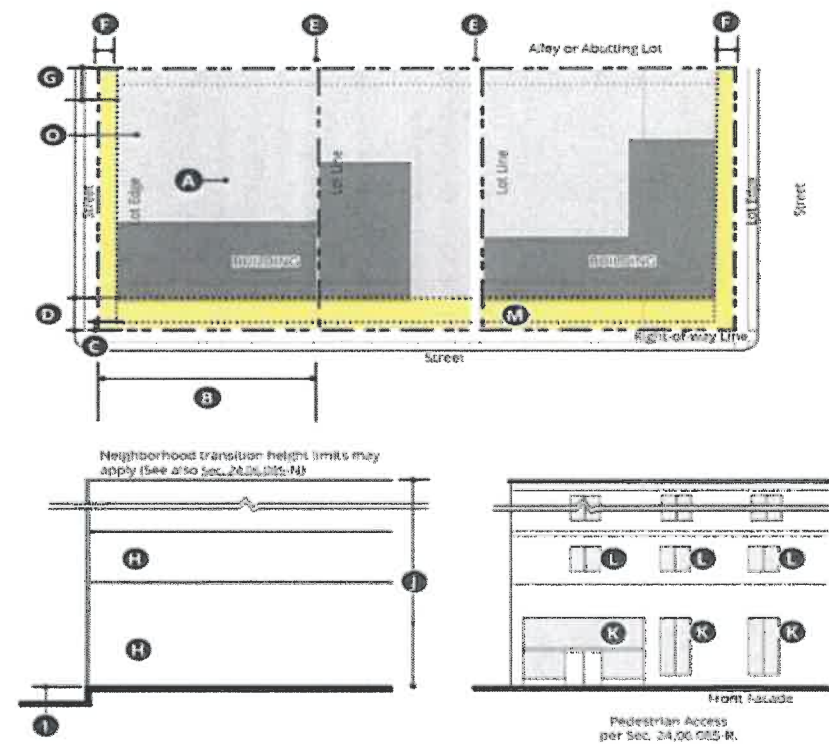
K. Vertical Mixed-use Building Regulations. Vertical mixed-use buildings (as defined in Sec. 24.08.020.A.6) are subject to the regulations of Table 24-8. See also Figure 24-6, which is keyed to the letter symbols in the first column of the table.

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	-	-	-	-	-	-	-	

[illegible]

- 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 REGULATIONS	
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

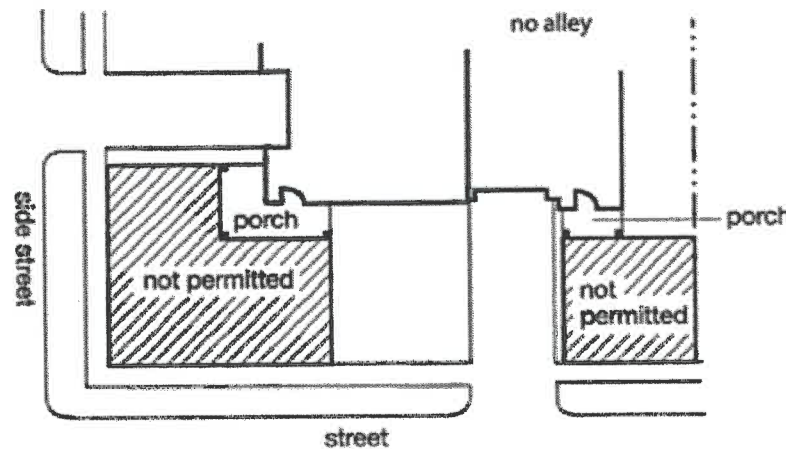
24.09.110 Wireless Communication Facilities

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

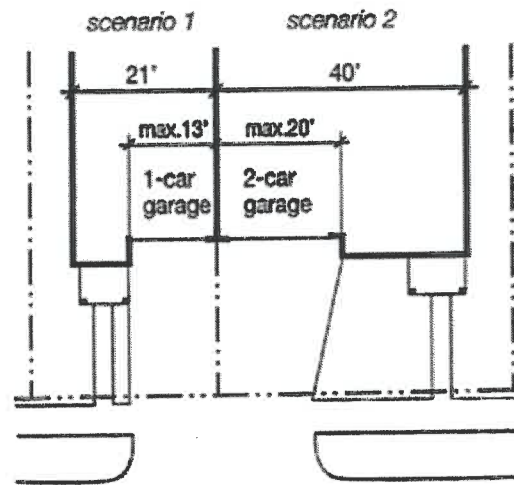
Part XX. The “Residential Uses” subsection 24.09.020 of the Wauwatosa Municipal Code of Ordinances is hereby repealed and replaced to read as follows:

A. Attached and Semi-Detached Houses.

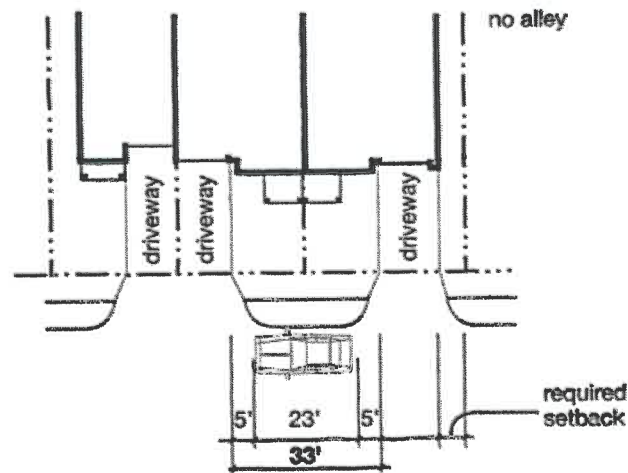
1. Applicability. Attached and semi-detached houses are subject to all applicable regulations of this zoning ordinance except as modified or supplemented by the attached and semi-detached house building regulations of this section.
2. Side Setbacks. No side setback is required for common or abutting 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.

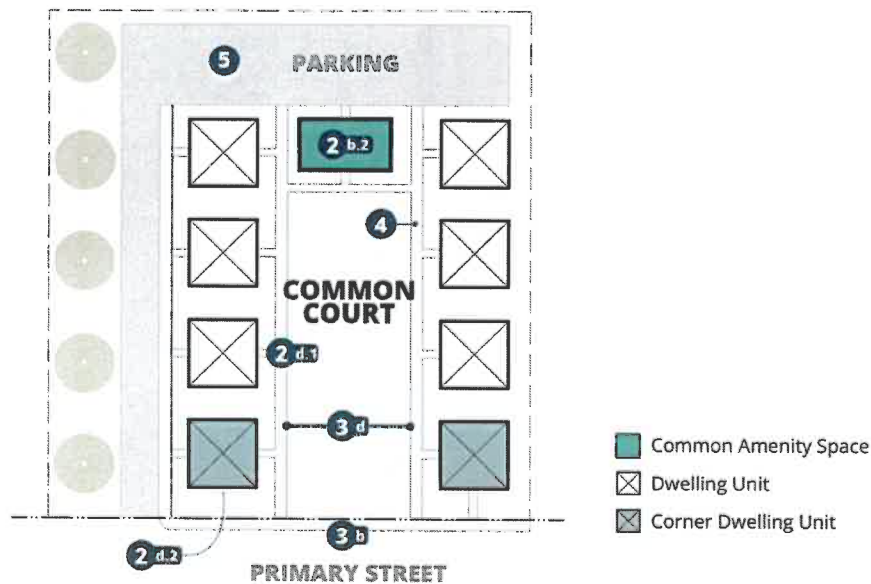
B. Two-Unit House.

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

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.

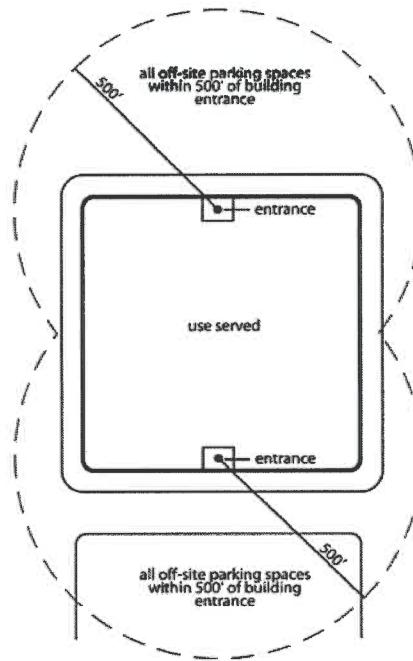
Part XXVI. The “Shared Parking” subsection 24.11.050 of the Wauwatosa Municipal Code of Ordinances is hereby repealed and recreated to read as follows:

- 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:

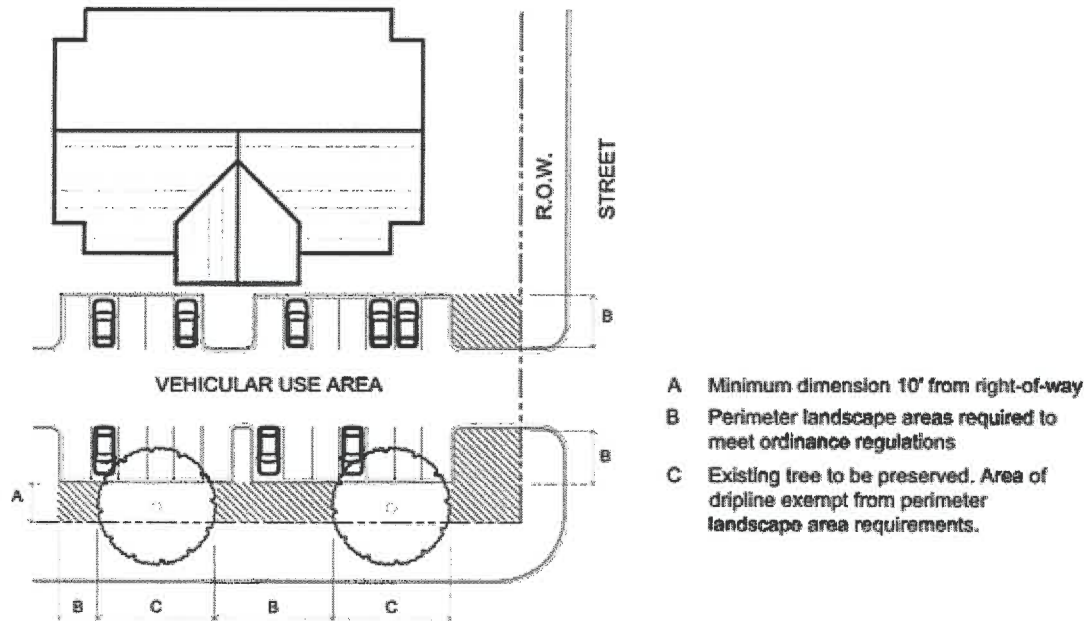
- a. All required long-term bicycle parking spaces shall be located indoors, or in a location otherwise protected from weather and access by unauthorized persons, except at educational facilities or as otherwise approved by the Board of Public Works or Common Council;
- b. Indoor bicycle parking spaces 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 the 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:

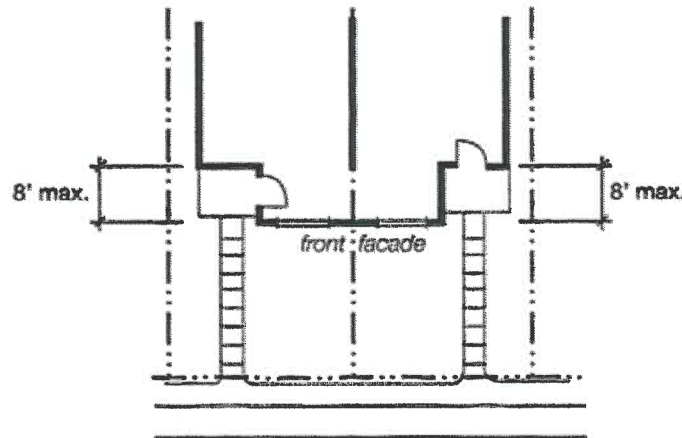
24.14.045 Attached and Semi-Detached Building Design Standards.

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

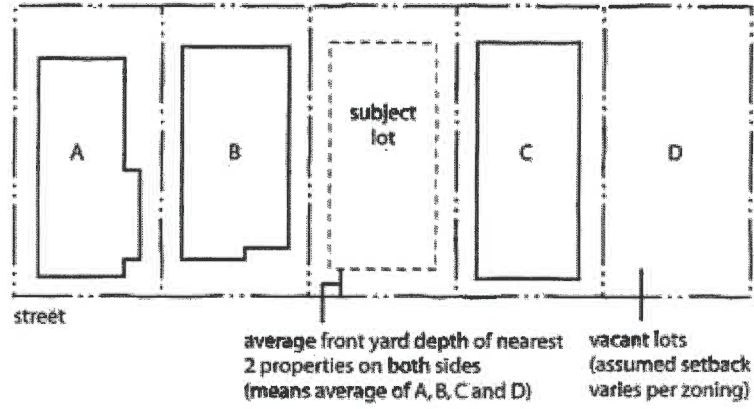
Part XLIX. The “Measurements and Exceptions” subsection 24.18.030 of the Wauwatosa Municipal Code of Ordinances is hereby amended by modifying sections E and F to read as follows:

E. Setbacks.

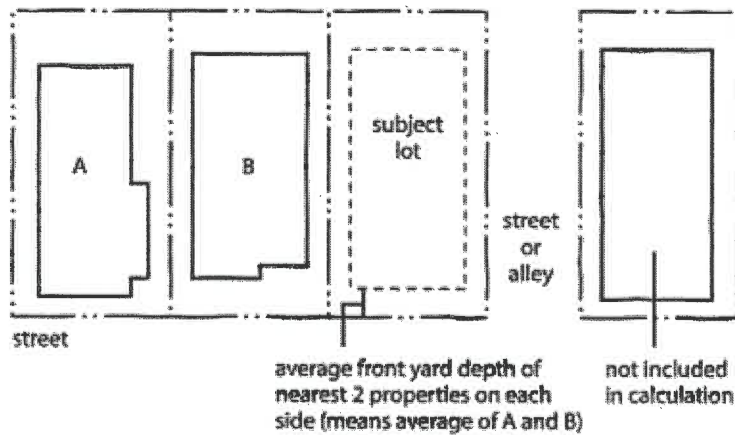
1. Front and Street Side Setbacks.

- 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.

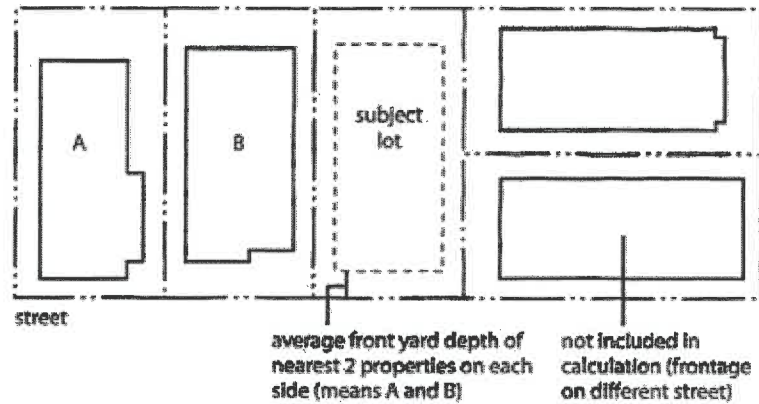
- (1) If one or more of the lots required to be included in the averaging calculation is vacant, that vacant lot will be deemed to have a street yard depth equal to the minimum street setback requirement of the subject zoning district.



- (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.