

Proposed Ordinance changes to 24.11.060. Location Of Off-Street Parking

The Common Council of Wauwatosa do ordain as follows:

Part I. The “Residential Districts” portion of the “Location Of Off-Street Parking” subsection of the Wauwatosa Code Section 24.11.060 is hereby amended by deleting the following:

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.

Part II. The “Parking of Commercial Vehicles in Residential Districts.” portion of the “Location Of Off-Street Parking” subsection of the Wauwatosa Code Section 24.11.060 is hereby amended to read in its entirety as follows:

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, as determined by the characteristics listed in subsection 2, if parked on residential properties outside of a garage may detract from the residential character of the neighborhood. The purpose of this section is not to restrict the use or parking of all trucks, but rather to regulate 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. No single characteristic shall be determinative, and the determination shall be made by the Zoning Administer or designee based upon the totality of the circumstances:

- 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 including but not limited to permanently installed equipment such as ladder racks, toolboxes, lifts, rack, or similar appurtenances; or
- d. If the gross weight of the vehicle exceeds 10,000 pounds.

3. One commercial vehicle meeting any of the characteristics in subsection 2 may be parked outside of a garage within a residential zoning district provided that:

- a. The vehicle is not a semi-tractor, box truck, or similar heavy commercial vehicle;
- b. No more than one such commercial vehicle shall be permitted per residential lot; and
- c. The vehicle must be parked upon a paved parking slab, or upon a paved driveway leading directly from the street to the garage or paved parking slab.

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 entirely within a garage within a residential district.

Part III. This ordinance shall take effect on and after its date of publication.