

## **Ordinance O-19-05**

### **ORDINANCE AMENDING TITLE 24 OF THE WAUWATOSA MUNICIPAL CODE TO CLARIFY VARIOUS SECTIONS OF THE ZONING CODE**

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

Part I. Subsection 24.01.100 A. of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

- A. Meanings and Intent. The language of the zoning ordinance must be read literally. Regulations are no more or less strict than stated. Words and terms expressly defined in this zoning ordinance (see, for example, Section 24.18.020) have the specific meanings assigned, unless the context expressly indicates another meaning. Words that are not expressly defined in this ordinance, or otherwise defined in the Wauwatosa Municipal Code, have the meaning given in the latest edition of Merriam-Webster's Unabridged Dictionary.

Part II. Note [6] to subsection 24.02.030 B. of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

- [6] 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.

Part III. Note [7] to subsection 24.02.030 B. of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

- [7] 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," as that term is defined in Wisconsin Administrative Code.

Part IV. Subsection 24.09.020 C. of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

- C. Number of Units. The maximum number of units allowed shall be the lesser of the maximum number of units allowed in the zoning district or 1600 sf minimum lot area per unit.

Part V. The first sentence of section 24.09.030 of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

Bed and breakfasts may be approved in accordance with conditional use procedures of Section 24.16.040.

Part VI. Subsection 24.11.010 B.3.c. of the Wauwatosa Municipal Code of Ordinances is hereby created to read in its entirety as follows:

- c. When an enlargement or/and expansion 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.

Part VII. Subsection 24.16.050 A. of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

- A. Planned Unit Development (/PUD) overlay zoning districts are established through the approval of a zoning map amendment in accordance with the zoning map amendment procedures of Section 24.16.030. New PUD zoning map amendments shall be processed concurrently with a preliminary development plan application. Final development plan approval is required after approval of the PUD zoning map amendment and/or preliminary development plan. This section describes the required review and approval procedures for PUD preliminary and final development plans. Modifications to plans in existing /PUD overlay zoning districts follow established PUD plan amendment procedures.

Part VIII. Subsection 24.16.050 C.4. of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

4. PUD preliminary development plans must be referred to the plan commission with the /PUD zoning map amendment, if such map amendment is required. Following review of the proposed zoning map amendment and/or preliminary development plan, the plan commission must act by simple majority vote of those members present and voting to recommend that the proposed zoning map amendment and/or preliminary development plan be approved, approved with modifications, or denied. The plan commission's recommendation must be transmitted to the common council.

Part IX. Subsection 24.16.050 C.5.a. of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

- a. Upon receipt of recommendations from the plan commission, the common council must hold a public hearing on the proposed preliminary development plan and/or /PUD zoning map amendment, as required. At the meeting subsequent to the close of the public 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 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 hold the required hearing and take action without receipt of the recommendation.

Part X. Subsection 24.16.100 A.1. of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

1. No permit shall be issued to reconstruct, alter or demolish all or any part of the exterior of designated historic structures or to construct any exterior improvement upon designated historic sites, and no such work shall occur, unless a certificate of appropriateness has been granted by the historic preservation commission in accordance with the provisions of this section.

Part XI. Subsection 24.18.030 E.1.d. of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

- d. Determining the Front of a Lot. For lots in residential zoning districts or occupied by residential uses, the front is the side of the lot that fronts on a street. In the case of a corner lot, the narrowest side fronting on the street shall be considered to be the front of the lot. In the case of a corner lot with equal sides, the side facing the street having the greatest frontage shall be considered to be the front of the lot. For lots in nonresidential zoning districts or occupied by nonresidential uses, the front is the side of the lot that fronts on the major street as determined by the zoning administrator

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

Passed and Dated April 2, 2019

Carla A. Ledesma  
City Clerk

Approved April 3, 2019

Kathleen Ehley  
Mayor

Introduced: February 19, 2019  
Referred to originating committee

Adopted: April 2, 2019  
Page:  
Journal: 114