

Ordinance O-22-38

ORDINANCE AMENDING SUBSECTION 24.05.030 OF THE WAUWATOSA MUNICIPAL CODE RELATIVE TO MODIFICATIONS TO THE DRIVE-THROUGH AND DRIVE-IN FACILITIES PROHIBITION IN THE NORTH AVENUE OVERLAY REGULATIONS

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

Part I. Subsection 24.05.030 of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

- A. Purpose. The /NOR, North Avenue Overlay district regulations are intended to help implement the East Tosa North Avenue Plan.

- B. Prohibited Uses. The following uses and activities are prohibited in the /NOR Overlay district:
 - 1. Automobile sales and leasing;
 - 2. Automobile storage services;
 - 3. Convenient cash businesses (Section 24.18.020);
 - 4. Gun shops;
 - 5. Outdoor storage of materials;
 - 6. Pawnbrokers;
 - 7. Drive-through and drive-in facilities, except existing restaurants with indoor seating and drive-through facilities legally established prior to November 21, 2013; and
 - 8. Retail sales of tobacco, electronic smoking devices and related products.

- C. Build-to Line. No more than 50% of any new principal building may be set back more than 15 feet from the North Avenue right-of-way line.

- D. Ground-Floor Glazed Area. The following requirements apply to all new construction and building additions.

1. Windows or other glazed area must cover at least 50% of the public street-facing ground floor building wall. Darkly tinted, mirrored or highly reflective glazing may not be counted toward minimum glazed area requirements. On corner parcels, this 40% 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.

E. Doors and Entrances. The following requirements apply to all new construction and building additions.

1. Buildings must have a working public entrance facing the primary street. Entrances at building corners may be used to satisfy this requirement.
2. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas or courtyard entrances to a cluster of shops or businesses.

F. Ground Floor Area. Nonresidential uses in the North Avenue Overlay district may not exceed a ground floor gross floor area of 5,000 square feet unless approved as a conditional use in accordance with Section 24.16.040.

G. Hours of Operation.

1. Business hours of operation are restricted to 6:00 a.m. until 11:00 p.m. Additional hours of operation may be designated through the conditional use permit process,

provided that the common council finds as follows:

- a. Additional hours fall within times that are reasonable and customary for that type of business,

and

- b. Additional hours will not have a negative impact on adjacent residential, commercial or other properties.

2. Businesses that were approved through the conditional use or special use approval process prior to November 8, 2006 for hours of operation outside the 6:00 a.m. to 11:00 p.m. time period may continue to operate with such hours of operation as long as the conditional use or special use permit remains in force.

Part II. This ordinance shall take effect on and after its dates of passage and publication.

Passed and Dated November 1, 2022

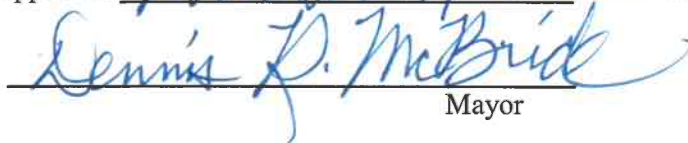


City Clerk

Introduced: October 18, 2022

Referred to originating committee

Approved November 4, 2022



Mayor

Adopted: November 1, 2022