

ORDINANCE NO. 19-02**AN ORDINANCE TO AMEND
CHAPTER 17 'ZONING'
OF THE CITY OF PEWAUKEE MUNICIPAL CODE**

WHEREAS, the City Planner and Community Development Director has determined that various changes to Chapter 17 - Zoning need to be made; and

WHEREAS, on December 20th, 2018, following a public hearing held in accordance with state statutes, the Plan Commission did approve the amendments to the sub-sections 17.0423a(3), 17.0423c(3), 17.0424a(4), and 17.0424c(1) of the Chapter 17 Zoning Code related to allowed uses within the M-1 and M-2 zoning districts, and recommended their adoption by the City Common Council.

NOW, THEREFORE, the Common Council of the City of Pewaukee, Waukesha County, Wisconsin, **DOES ORDAIN AS FOLLOWS:**

SECTION 1:

Chapter 17 of the City of Pewaukee Municipal Code entitled "Zoning", Section 17.0423 entitled "M-1, General Wholesale Business/Warehouse District" Subsection (a) entitled "Permitted Principal Uses" is hereby amended to read as follows:

a. Permitted Principal Uses

- (1) Establishments for the wholesale sale of goods and materials (other than chemical, flammable liquid, gaseous, vaporous, or explosive substances) where such goods or materials are temporarily stored inside a permanent building or within an open area attractively and effectively visually screened from public streets, roads, or highways and adjacent uses and where the individual goods or materials are not reduced in size or basically changed in character.
- (2) Buildings or yards for the storage of wholesale goods and materials (other than chemicals, flammable liquids, and gaseous, vaporous, or explosive substances) where such goods or materials are temporarily stored inside a permanent building or within an open area attractively and effectively visually screened from passersby, public streets, roads, or highway and adjacent uses, and where the individual goods or materials are not reduced in size or basically changed in character.
- (3) Those uses allowed as Permitted Principal Uses within the M-2 Limited Industrial District.
- (4) Commercial Kennels

SECTION 2:

Chapter 17 of the City of Pewaukee Municipal Code entitled "Zoning", Section 17.0423 entitled "M-1, General Wholesale Business/Warehouse District" Subsection (c) entitled "Conditional Uses" is hereby amended to read as follows:

c. Conditional Uses

- (1) Establishments for the temporary storage of vehicles used in the transport of goods and materials.
- (2) Establishments for the transfer of wholesale goods and materials from one transport vehicle to another.
- (3) Those uses allowed as Conditional Uses within the M-2 Limited Industrial District.
- (4) Buildings, structures, or tanks used for the storage of chemicals, flammable liquids, and gaseous or vaporous substances, other than permitted accessory uses, upon specific approval of the Plan Commission after recommendation by the Fire Chief.
- (5) Yards and structures, or tanks used for the temporary storage or holding of animals not for slaughter.
- (6) Warehouses used, or designated to be used, for the storage of domestic household goods, “dead” files and other limited time and use storage.
- (7) Residential quarters for the owner or hired caretaker provided that such quarters are in the principal building, not more than 750 square feet in area, no more than two (2) bedrooms, and not for rent, lease or separate sale.
- (8) Yards for the storage of bulk construction products when screened from view.

SECTION 3:

Chapter 17 of the City of Pewaukee Municipal Code entitled “Zoning”, Section 17.0424 entitled “M-2, Limited Industrial District” Subsection (a) entitled “Permitted Principal Uses” is hereby amended to read as follows:

a. Permitted Principal Uses

- (1) All uses involving the manufacture of goods within the confines of a permanent building and in which any smoke, noise, dust, flash, liquid, or odor produced in the manufacturing process is either not produced or is confined within the building.
- (2) All uses involving the fabrication of materials within the confines of a permanent building and in which any smoke, dust, flash, liquid, noise, or odor produced in the fabrication process is either not produced or is confined within the building
- (3) All uses involving the provision of an office or service which is either manufacturing or fabrication-related and not permitted in business/commercial districts, confined within a permanent building, and in which any smoke, dust, flash, heat, noise, liquid or odor produced by such service uses is either not produced or is confined within the building.
- (4) Those uses allowed as Permitted Principal Uses within the M-1 General Wholesale Business/Warehouse District.
- (5) Commercial Kennels.

SECTION 4:

Chapter 17 of the City of Pewaukee Municipal Code entitled “Zoning”, Section 17.0424 entitled “M-2, Limited Industrial District” Subsection (c) entitled “Conditional Uses” is hereby amended to read as follows:

c. Conditional Uses

- (1) Those uses allowed as Conditional Uses within the M-1 General Wholesale Business/Warehouse District
- (2) Storage of explosive or flammable materials, other than permitted accessory uses, related to the permitted principal use, upon specific approval of the Plan Commission
- (3) Day care operations, wellness centers, physical fitness and training centers.

SECTION 5: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances the terms of which are in conflict with the provisions of this ordinance, are hereby repealed as to those terms that are in conflict.

SECTION 6: EFFECTIVE DATE.

This ordinance shall be in effect and in full force from and after its passage and publication or posting as provided by law.

Dated this 21st day of January 2019.

CITY OF PEWAUKEE

ATTEST:

Steve Bierce, Mayor

Kelly Tarczewski, City Clerk