

Ordinance No. 954

AN ORDINANCE TO AMEND THE ZONING MAP SECTION 17.10(2) TO REZONE TAX KEY NUMBER 663-0468-002 TO B-3 SPECIAL USE AND TO REPEAL AND RE-CREATE SECTIONS 17.03 AND 17.21 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF GREENDALE RELATING TO CAR WASHES

WHEREAS, an application was received to request tax key number 663-0468-002 be rezoned to B-3 Special Use to permit the development of a car wash at this site; and

WHEREAS, the Village of Greendale has previously regulated car washes as an “Automobile Laundry” in the Village of Greendale Zoning Ordinance; and

WHEREAS, upon review of the Village Code by the Village Planner and Village Manager, they recommended the Village Board revise Sections 17.03 and 17.21 of the Village Code to change the term “Automobile Laundry” to the more common term “Car Wash,” and to allow Car Washes as a Special Use in the B-3 General Business District; and

WHEREAS, pursuant to Section 17.35(2) of the Village of Greendale Municipal Code, this amendment has been proposed by the Village Board; and

WHEREAS, pursuant to Wis. Stats. Section 62.23(7)(d)2, it has been referred to the Village Plan Commission for report and recommendation; and

WHEREAS, the Village Plan Commission on September 6, 2023 made a report and recommendation to the Village Board to adopt the proposed amendment; and

WHEREAS, the Village Board held a duly-noticed public hearing on September 19, 2023, in which all individuals were given an opportunity to be heard; and

WHEREAS, the Village Board finds that this change to the Village Zoning Code is not a down zoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, the Village of Greendale Village Board finds that this proposed change will promote the public health, safety, morals, comfort, prosperity and general welfare throughout the Village and lessening or avoiding congestion in the public streets and highways, and that due allowance has been made for existing conditions, the conservation of property values, the directions of building development to the best advantage of the entire Village and the uses to which property is devoted at the time of the adoption of such amendatory ordinance.

NOW, THEREFORE, the Village Board of the Village of Greendale, Milwaukee County, Wisconsin, do ordain as follows:

SECTION 1. The Village of Greendale Zoning Map, Municipal Code Section 17.10(2), shall hereby amended to rezone tax key number 663-0468-002 to the B-3 Special Use District. The Village Clerk is hereby directed to revise the zoning map to properly reflect this rezoning, revise the map accordingly and make available for public viewing a copy of the Official Zoning Map.

SECTION 2. Chapter 17 of the Village of Greendale Municipal Code entitled "Zoning Code," Section 17.03 entitled "Definitions and Word Usage," Subsection (2) entitled "Definitions", the term "Automobile Laundry" is hereby repealed, re-created, and renamed to "Car Wash" as follows and is placed in the alphabetical order:

Car wash

A building or portion thereof containing facilities for washing more than two motor vehicles using production line methods.

SECTION 3. Chapter 17 of the Village of Greendale Municipal Code entitled "Zoning Code," Section 17.21 entitled "B-3 General Business District," Subsection (3) entitled "Special Uses," is hereby repealed and re-created as follows:

Sec. 17.21 - B-3 General Business District

(3) Special uses. The following special uses are allowed:

- (a) Special uses allowed in the B-1 District, except such special uses that are permitted uses in the B-2 District.
- (b) Other uses similar to permitted uses in this district.
- (c) Domestic pet service shops.
- (d) Kennels.
- (e) Open sales lots when accessory to permitted uses that are conducted within completely enclosed buildings.
- (f) Recreational buildings, community centers and parks, noncommercial.
- (g) Veterinarian offices and animal hospitals.
- (h) Accessory uses incidental to the above special uses, including but not limited to signs and off-street parking and loading as regulated herein.
- (i) Proposed developments, changes of use within existing developments and expansions to existing developments on properties which the Village Board considers significant enough to warrant review under the special use provisions of this chapter in order to protect the public interest. Properties subject to this requirement are identified as Tax Key Numbers

650-9990-004, 650-9990-009 through -011, 650-9990-013, 650-9990-017, 650-9990-019 through -021, 650-9990-023 through -025, 651-9998-009, 651-9998-015, 651-9998-016, 663-0468 and 663-0467 and 709-9999-001 and are designated on the Zoning Map with the "S.U." symbol. In the event such parcels are divided, or otherwise recreated with different tax key numbers, which include the territory of the foregoing tax key parcels or portions or lots thereof, the newly created parcels or portions or lots thereof shall be considered properties subject to this requirement.

(j) Car washes, if the following conditions are met:

- *If any mechanical washing equipment is used:*
 - *The carwash shall not border any parcel zoned as residential.*
 - *Washing and cleaning shall be conducted on a line of operation within a building which is constructed so as to prevent any liquid or resultant spray or mist from crossing any property line of the premises.*
 - *One or more driving lanes shall be provided to allow for continuous movement of vehicles into the washing and cleaning operations. If access to the line of operation is limited to a single lane, the lane shall be used exclusively for the washing and cleaning operation.*
 - *Each driving lane shall be not less than 10 feet wide.*
 - *A queue lane of at least 200 feet in length shall be provided on the premises.*
 - *All wastewater shall be contained entirely on the premises or disposed of directly via sanitary sewer.*

- *If no mechanical washing equipment is used:*
 - *The carwash shall not border any parcel zoned as residential.*
 - *Washing and cleaning shall be conducted within a building which is constructed so as to prevent any liquid or resultant spray or mist from crossing any property line of the premises.*
 - *One or more driving lanes shall be provided to allow for continuous movement of vehicles into the washing and cleaning operations.*
 - *Parking for at least 4 vehicles shall be provided on the premises.*
 - *All wastewater shall be contained entirely on the premises or disposed of directly via sanitary sewer.*

- *Additionally:*
 - *There shall be not more than two such facilities in a one-mile radius.*
 - *No car wash shall be located within 1,000 feet of a shopping mall.*

- Hours of operation shall be limited to between eight o'clock (8:00) A.M. and seven o'clock (7:00) P.M. daily.


SECTION 4. **CONTINUATION OF EXISTING PROVISIONS.** The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect any action, prosecution or proceeding brought for the enforcement of any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provisions is stayed pending the final resolution of such actions, including appeals.

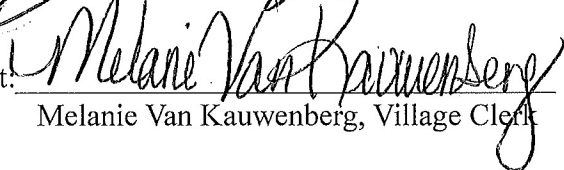
SECTION 5. **SEVERABILITY.** The several sections of this Ordinance are declared to be severable. If any section or provision thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such declaration shall apply only to the specific section(s) or portion(s) thereof directly specified in said declaration, and shall not affect the validity of any other provisions, sections, or portions of the Ordinance, which shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

SECTION 6. That this ordinance shall become effective upon adoption and publication as provided by law.

Adopted by the Village Board of the Village of Greendale, Milwaukee County, Wisconsin, this 19th day of September, 2023.

VILLAGE OF GREENDALE

By: 
Jason Cyborowski, Village President

Attest: 
Melanie Van Kauwenberg, Village Clerk