

**CITY OF WEST ALLIS  
ORDINANCE O-2023-0070**

**ORDINANCE TO CREATE EVENT SPACE AND THEATER AN ACCESSORY USE  
IN ALL DISTRICTS**

**AMENDING SECTIONS 19.35 AND 19.36**

**WHEREAS**, the common council finds that the use of a residential lot for an event space or theater is not normally consistent with residential uses; and

**WHEREAS**, the very infrequent use of some residential lots for event space or theater may be acceptable in unique circumstances; and

**WHEREAS**, any use of a residential lot for an event space or theater must not be for a commercial purpose; and

**WHEREAS**, pursuant to Wis. Stat. 62.23(7)(am), the council may regulate and restrict by ordinance the use of buildings, structures and land for trade, industry, mining, residence or other purposes; and

**WHEREAS**, the common council may adopt amendments to an existing zoning ordinance after first submitting the proposed amendments to the city plan commission for recommendation and report and after providing a class 2 notice of the proposed amendments and hearings thereon; and

**WHEREAS**, a hearing was held on the proposed amendments by the common council;

**NOW THEREFORE**, the common council of the City of West Allis do ordain as follows:

**SECTION 1:**        **AMENDMENT** “19.35 Accessory Uses” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

19.35 Accessory Uses

The following table identifies the accessory uses allowed in each zoning district. Each use is given one of the following designations: P (Permitted Use), L (Limited Use), or C (Conditional Use). Uses without a designation are not permitted.

Accessory Use	RA	RA	RA	RB	R	C-	C-	C-	C-	I-1	I-2	P	SF
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	-1	-2	-3		C	1	2	3	4				
Accessory Dwelling Unit	L	L	L	L	L		L	L	L				
Animal Boarding						C	C	L	L	L	L		
Class 1 Collocation of Mobile Service Facility	C	C	C	C	C	C	C	C	C	C	C	C	C
Class 2 Collocation of Mobile Service Facility	P	P	P	P	P	P	P	P	P	P	P	P	P
Drive-Through Service						C	C	C	C	C	C		
Electric Vehicle Charging	L	L	L	L	L	L	L	L	L	L	L	L	L
<u>Event Space or Theater</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>P</u>	<u>P</u>		
Family Child Care Home	L	L	L	L	L		L	L	L				
Home-Based Business	L	L	L	L	L	L	L	L	L	L			
Home Office	P	P	P	P	P	P	P	P	P	P			
Instruction/Training (15 or fewer persons at one time)						P	P	P	P	P	P		
Instruction/Training (16 or more persons at one time)						C	C	C	C	C	C		
Outdoor Dining						L	L	L	L	L	L		
Outdoor Sales/Displays						C	C	C	C	C	C		
Outdoor Storage (including vehicles)								C	C	L	L		
Mobile Service Support Structure	C	C	C	C	C	C	C	C	C	C	C	C	C
Parking Lot/Structure					P	P	P	P	P	P	P	P	P
Production/Repair (less than 5,000 sq. ft.)						P	P	P	P	P	P		
Solar Energy System	P	P	P	P	P	P	P	P	P	P	P	P	P
Wind Energy System	C	C	C	C	C	C	C	C	C	C	C	C	C
Wireless Support Structure	L	L	L	L	C	C	C	C	P	P	P	C	P

**SECTION 2:** AMENDMENT “19.36 Accessory Use Criteria” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

19.36 Accessory Use Criteria

1. Limited Uses. The following limited uses shall be permitted as accessory uses upon satisfying the criteria below.

<b>Accessory Use</b>	<b>District(s)</b>	<b>Criteria</b>
Accessory Dwelling Unit	All	Permitted up to 1 accessory dwelling unit per lot
Animal Boarding	C-3, C-4, I-1, I-2	Permitted if accessory to principal use of veterinary services
Electric Vehicle Charging	RA-1, RA-2, RA-3, RB, RC	Permitted only if: - Vehicles served are owned or operated by occupants of that lot or their guests, and - No consideration is paid for the service
Electric Vehicle Charging	C-1, C-2, C-3, C-4, I-1, I-2, P, SF	Permitted only if designed in compliance with accessible guidelines per ICC A117.1-2009
<u>Event Space or Theater</u>	<u>C-1, C-2, C-3, C-4</u>	<u>Permitted only if under 5,000 sq. ft. gross floor area</u>
Home-Based Business	RA-1, RA-2, RA-3, RB, RC	Permitted only in a 1- or 2-unit dwelling in compliance with <a href="#">WAMC 19.37(2)</a>
Home-		

Based Business	C-1, C-2, C-3, C-4, I-1	Permitted only in a 1- or 2-unit dwelling
Family Child Care Home	RA-1, RA-2-, RA-3, RB, RC, C-2, C-3, C-4	Permitted only if - A 1-unit dwelling, or - A 2-unit dwelling and only 1 dwelling unit operates the family child care home and the operator resides in 1 of the dwelling units
Outdoor Dining	All	Permitted upon approval of site plan
Outdoor Storage	I-1, I-2	Permitted if stored materials are screened from the view of adjacent lots, located in a side or rear yard, and at least 5 feet from any lot line or setback specified by zoning district regulation, whichever is greater
Wireless Support Structure	RA-1, RA-2, RA-3, RB	Permitted if no more than 6' above a principal building to which it is attached, 35' above the ground if on a freestanding pole, and 15' above the ground if the facility is a satellite dish

2. Conditional Uses. No conditional use permit may be issued unless the accessory use satisfies the criteria below.

Accessory Use	District(s)	Criteria
Class 1 Collocation of Mobile Service Facility	All	See <a href="#">Wis. Stat. 66.0404(4)</a>
<u>Event Space or Theater</u>	<u>RA-1, RA-2, RA-3, RB, RC</u>	<u>- only a resident of the lot may operate the event space or theater</u> <u>- any compensation received in relation to the event space or theater must be donated to an entity that is exempt from income tax under 26 USC 501(c)(3)</u> <u>- the lot may be used as an event space or theater no more than 10 days in a 12-month period unless otherwise authorized by the common council</u>
Mobile Service		

Support Structure	All	See <a href="#">Wis. Stat. 66.0404(4)</a>
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**SECTION 3: EFFECTIVE DATE** This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

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	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Ray Turner	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

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Rebecca Grill, City Clerk, City Of  
West Allis

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Dan Devine, Mayor, City Of West  
Allis