

Ordinance No. O-2017-XXXX
Sponsor(s): Safety & Development

Ordinance to amend subsections 12.06, 12.40 and 12.41 of the Revised Municipal Code relative to Instruction and/or Training Facility definitions and requirements.

WHEREAS, zoning is a tool that identifies and governs land use in a community and has the ability to separate sensitive land uses from each other, in order to avoid conflict and serve the public's best interest; and,

WHEREAS, it is the intent of the City of West Allis Zoning Code to encourage the most appropriate use of land throughout the community and promote the health, safety, morals, prosperity, aesthetics and general welfare of the community; and,

WHEREAS, "instructional and training facilities" are currently defined, reviewed and approved as Special Uses in Commercial Zoning Districts within the Zoning Code to confirm neighborhood compatibility prior to obtaining permission to open to customers; and,

WHEREAS, recent Business Occupancy Permit applications for instructional and training facilities have been received with proposed operational plans of small class sizes that have limited potential for neighborhood disturbances, which has caused re-examination of the need for requiring Special Use Permits to all users; and,

WHEREAS, a demarcation is being proposed that would allow "Small Instruction and/or Training Facilities" whose neighborhood impact has been determined to be negligible based on small class sizes to occupy commercial areas as a Permitted Use; and,

WHEREAS, the City of West Allis' Occupancy Permit review requires conformance to all applicable Building and Fire Code to ensure life safety for businesses and their proposed customers, regardless of Permitted or Special Use status.

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of West Allis do ordain as follows:

PART I. Subsection 12.06 of the Revised Municipal Code of the City of West Allis is hereby amended to include the following terms.

* * *

Instruction and/or Training Facility. An establishment for the purpose of providing personal instruction or training with a minimum class occupancy of more than 15 people counting staff and instructors, including, but not limited to, music, dance, martial arts, physical fitness, counselling, trade and business.

Instruction and/or Training Facility, Small. An establishment for the purpose of providing personal instruction or training with a maximum class occupancy of no more than 15 people

counting staff and instructors, including, but not limited to, music, dance, martial arts, physical fitness, counselling, trade and business.

* * *

PART II. Subsection 12.40(1)(ss) of the Revised Municipal Code of the City of West Allis is hereby created to read:

(1) Permitted Uses.

* * *

(ss) Instruction and/or Training Facility, Small.

* * *

PART III. Subsection 12.40(2)(k) of the Revised Municipal Code of the City of West Allis is hereby amended to read:

(2) Special Uses.

* * *

(k) Instruction and/or Training Facility.

* * *

PART IV. Subsection 12.41(1)(jj) of the Revised Municipal Code of the City of West Allis is hereby amended to read:

(1) Permitted Uses.

* * *

(jj) Instruction and/or Training Facility, Small.

* * *

PART V. Subsection 12.41(2)(v) of the Revised Municipal Code of the City of West Allis is hereby amended to read:

(2) Special Uses.

* * *

(v) Instruction and/or Training Facility.

* * *

PART VI. Subsection 12.42(2)(j) of the Revised Municipal Code of the City of West Allis is hereby repealed.

PART VII. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART VIII. This ordinance shall take effect and be in force from and after its passage and publication.

cc: Department of Development
Building Inspections and Neighborhood Services
City Attorney's Office

PASSED _____

APPROVED _____

Monica Schultz, City Clerk

Dan Devine, Mayor