

..Number
001456
..Version
SUBSTITUTE 1
..Reference

..Sponsor
THE CHAIR

..Title
A substitute ordinance relating to zoning regulations for family day care homes.

..Sections
295-7-57 rc
295-14-20 cr
295-112-2-b am
295-113-2-e cr
295-122-2-c am
295-123-2-f cr
295-132-2-b am
295-133-2-h cr
295-212-2-b am
295-213-2-g cr
295-222-2-b am
295-223-2-f cr
295-312-2-b am
295-313-2-f cr
295-322-2-b am
295-323-2-f cr
295-412-2-b am
295-413-2-i cr
295-422-2-b am
295-423-2-h cr
295-432-2-b am
295-433-2-b am
295-442-2-b am
295-443-2-d cr
295-452-2-b am
295-453-2-b-3 cr
295-462-2-b am
295-463-2-b-3 cr

..Analysis
This ordinance establishes the following standards for family day care homes:

a. The operator of the family day care home shall reside in the dwelling unit in which the day care home is located, except in a 2-family dwelling, in which case the operator may reside in one dwelling unit and operate the family day care home in the other unit.

b. For any family day care home established after the effective date of this ordinance, there shall be no other family day care home in the same building in which the day care home is located.

c. The family day care home shall not operate between the hours of 10 p.m. and 6 a.m.

If a family day care home cannot meet these requirements, special use approval from the board of zoning appeals shall be required.

..Body

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 295-7-57 of the code is amended to read:

295-7. Definitions.

57. FAMILY DAY CARE HOME: A dwelling >>unit<< licensed as a >>family<< day care center by the Wisconsin department of health and ~~[[social]]~~ >>family<< services under s. 48.65, Wis. Stats., >>and ch. HFS 45, Wis. Adm. Code,<< where care is provided for not more than 8 children >>at any given time<<.

Part 2. Section 295-14-20 of the code is created to read:

295-14. Special Conditions.

20. FAMILY DAY CARE HOMES. In order to be a permitted use in a zoning district where it is classified as such, a family day care home shall meet the following requirements:

a. The operator of the family day care home shall reside in the dwelling unit in which the day care home is located, except in a 2-family dwelling, in which case the operator may reside in one dwelling unit and operate the family day care home in the other unit.

b. There shall be no other family day care home in the same building as of the effective date of this ordinance [city clerk to insert date].

c. The family day care home shall not operate between the hours of 10 p.m. and 6 a.m.

Part 3. Section 295-112-2-b of the code is amended to read:

295-112. Permitted Uses.

2. RESIDENTIAL.

b. Family day care homes >>, subject to s. 295-14-20<<.

Part 4. Section 295-113-2-e of the code is created to read:

295-113. Special Uses.

2. RESIDENTIAL.

e. Family day care homes, except as permitted by s. 295-112-2-b.

Part 5. Section 295-122-2-c of the code is amended to read:

295-122. Permitted Uses.

2. RESIDENTIAL.

c. Family day care [~~centers~~] >>homes, subject to s. 295-14-20<<.

Part 6. Section 295-123-2-f of the code is created to read:

295-123. Special Uses.

2. RESIDENTIAL.

f. Family day care homes, except as permitted by s. 295-122-2-c.

Part 7. Section 295-132-2-b of the code is amended to read:

295-132. Permitted Uses.

2. RESIDENTIAL.

b. Family day care homes >>, subject to s. 295-14-20<<.

Part 8. Section 295-133-2-h of the code is created to read:

295-133. Special Uses.

2. RESIDENTIAL.

h. Family day care homes, except as permitted by s. 295-132-2-b.

Part 9. Section 295-212-2-b of the code is amended to read:

295-212. Permitted Uses.

2. RESIDENTIAL.

b. Family day care homes >>, subject to s. 295-14-20<<.

Part 10. Section 295-213-2-g of the code is created to read:

295-213. Special Uses.

2. RESIDENTIAL.

g. Family day care homes, except as permitted by s. 295-212-2-b.

Part 11. Section 295-222-2-b of the code is amended to read:

295-222. Permitted Uses.

2. RESIDENTIAL.

b. Family day care homes >>, subject to s. 295-14-20<<.

Part 12. Section 295-223-2-f of the code is created to read:

295-233. Special Uses.

2. RESIDENTIAL.

f. Family day care homes, except as permitted by s. 295-222-2-b.

Part 13. Section 295-312-2-b of the code is amended to read:

295-312. Permitted Uses.

2. RESIDENTIAL.

b. Family day care homes >>, subject to s. 295-14-20<<.

Part 14. Section 295-313-2-f of the code is created to read:

295-313. Special Uses.

2. RESIDENTIAL.

f. Family day care homes, except as permitted by s. 295-312-2-b.

Part 15. Section 295-322-2-b of the code is amended to read:

295-322. Permitted Uses.

2. RESIDENTIAL.

b. Family day care homes >>, subject to s. 295-14-20<<.

Part 16. Section 295-323-2-f of the code is created to read:

295-323. Special Uses.

2. RESIDENTIAL.

f. Family day care homes, except as permitted by s. 295-322-2-b.

Part 17. Section 295-412-2-b of the code is amended to read:

295-412. C9A (High Density Residential): Permitted Uses.

2. RESIDENTIAL.

b. Family day care homes >>, subject to s. 295-14-20<<.

Part 18. Section 295-413-2-i of the code is created to read:

295-413. C9A (High Density Residential): Special Uses.

2. RESIDENTIAL.

i. Family day care homes, except as permitted by s. 295-412-2-b.

Part 19. Section 295-422-2-b of the code is amended to read:

295-422. C9B (Residential and Specialty Use): Permitted Uses.

2. RESIDENTIAL.

b. Family day care homes >>, subject to s. 295-14-20<<.

Part 20. Section 295-423-2-h of the code is created to read:

295-423. C9B (Residential and Specialty Use): Special Uses.

2. RESIDENTIAL.

h. Family day care homes, except as permitted by s. 295-422-2-b.

Part 21. Section 295-432-2-b of the code is amended to read:

295-432. C9C (Neighborhood Retail): Permitted Uses.

2. RESIDENTIAL.

b. Family day care homes >>, subject to s. 295-14-20<<.

Part 22. Section 295-433-2-b of the code is amended to read:

295-433. C9C (Neighborhood Retail): Special Uses.

2. RESIDENTIAL.

b. Family day care homes ~~[[when located in the street level area]]~~ >>, except as permitted by s. 295-432-2-b<<.

Part 23. Section 295-442-2-b of the code is amended to read:

295-442. C9D (Civic Activity): Permitted Uses.

2. RESIDENTIAL.

b. Family day care homes >>, subject to s. 295-14-20<<.

Part 24. Section 295-443-2-d of the code is created to read:

295-443. C9D (Civic Activity): Special Uses.

2. RESIDENTIAL.

d. Family day care homes, except as permitted by s. 295-442-2-b.

Part 25. Section 295-452-2-b of the code is amended to read:

295-452. C9E (Major Retail): Permitted Uses.

2. RESIDENTIAL.

b. Family day care homes >>, subject to s. 295-14-20<<.

Part 26. Section 295-453-2-b-3 of the code is created to read:

295-453. C9E (Major Retail): Special Uses.

2. RESIDENTIAL.

b. When not located in the street level area:

b-3. Family day care homes, except as permitted by s. 295-452-2-b.

Part 27. Section 295-462-2-b of the code is amended to read:

295-462. C9F (Office and Service): Permitted Uses.

2. RESIDENTIAL.

b. Family day care homes >>, subject to s. 295-14-20<<.

Part 28. Section 295-463-2-b-3 of the code is created to read:

295-463. C9F (Office and Service): Special Uses.

2. RESIDENTIAL.

b. When not located in the street level area:

b-3. Family day care homes, except as permitted by s. 295-462-2-b.

..LRB

APPROVED AS TO FORM

Legislative Reference Bureau

Date:_____

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE

IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

..Requestor

Department of City Development

..Drafter

01027-2

JDO

2/15/01