

MOTION – Ald.

CC FILE #051041

(Item #6 on 5/2/06 Zoning, Neighborhoods and Development Committee agenda)

A substitute ordinance relating to zoning regulations for day care centers located near adult businesses.

I move to offer Proposed Substitute B of File Number 051041 in lieu of Substitute 1.

I further move to recommend passage of the ordinance as substituted.

Proposed Substitute B differs from Substitute 1 in that it does not apply to family day care homes or to adult day care centers.

051041motion
JDO

..Number

051041

..Version

PROPOSED SUBSTITUTE B

..Reference

..Sponsor

ALD. ZIELINSKI

..Title

A substitute ordinance relating to zoning regulations for day care centers located near adult businesses.

..Sections

295-311-2-h cr

295-503-2-i-3 cr

295-803-2-d-3 cr

295-903-2-b-1-c cr

295-905-2-b-4-c cr

295-1015-3-b-1-c cr

..Analysis

This ordinance requires that a day care center be located more than 500 feet from any adult retail establishment or adult entertainment establishment. This requirement shall not apply to adult day care centers.

..Body

Whereas, Adult retail establishments are businesses in which 10 percent or more of the floor area or stock-in-trade consists of books, magazines, videos, CDs, DVDs and similar materials which are characterized by an emphasis on matters depicting, describing or relating to sexual activities; and

Whereas, Adult entertainment establishments are businesses that offer nude dancing or other live or recorded performances that depict, describe or relate to sexual activities; and

Whereas, The Common Council finds that it is inappropriate and potentially harmful to children for adult retail establishments and adult entertainment establishment to be located in the vicinity of day care centers; and

Whereas, The Common Council finds that the health, safety and welfare of Milwaukee citizens, and particularly the city's children, can be protected and promoted by prohibiting day care centers within 500 feet of adult businesses; now, therefore

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

Part 1. Section 295-311-2-h of the code is created to read:

295-311. Appeals.

2. SPECIAL USE PERMITS.

h. Additional Finding for Day Care Centers. No special use permit for a day care center, other than an adult day care center, shall be granted by the board unless the board finds, in addition to the findings required by par. d, that the proposed day care center will not be located within 500 feet of an adult retail establishment or an adult entertainment establishment.

Part 2. Section 295-503-2-i-3 of the code is created to read:

295-503. Uses.

2. LIMITED USE STANDARDS.

i. Day Care Center.

i-3. For any day care center other than an adult day care center, the facility shall not be located within 500 feet of an adult retail establishment or an adult entertainment establishment.

Part 3. Section 295-803-2-d-3 of the code is created to read:

295-803. Uses.

2. LIMITED USE STANDARDS.

d. Day Care Center.

d-3. For any day care center other than an adult day care center, the facility shall not be located within 500 feet of an adult retail establishment or an adult entertainment establishment.

Part 4. Section 295-903-2-b-1-c of the code is created to read:

295-903. Parks District (PK).

2. USES.

b. Limited Use Standards.

b-1. Day Care Center.

b-1-c. For any day care center other than an adult day care center, the facility shall not be located within 500 feet of an adult retail establishment or an adult entertainment establishment.

Part 5. Section 295-905-2-b-4-c of the code is created to read:

295-905. Institutional District (TL).

2. USES.

b. Limited Use Standards.

b-4. Day Care Center.

b-4-c. For any day care center other than an adult day care center, the facility shall not be located within 500 feet of an adult retail establishment or an adult entertainment establishment.

Part 6. Section 295-1015-3-b-1-c of the code is created to read:

295-1015. Lakefront Overlay Zone (LF).

3. STANDARDS.

b. Limited Use Standards.

b-1. Day Care Center.

b-1-c. For any day care center other than an adult day care center, the facility shall not be located within 500 feet of an adult retail establishment or an adult entertainment establishment.

..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

..Drafter
LRB05469-4
JDO
05/01/2006