

December 6, 2010

To the Honorable Members of the
Zoning, Neighborhoods and Development Committee
City of Milwaukee
City Hall, Room 205

Dear Committee Members:

File No. 100771 relates to zoning regulations for cash-for-gold businesses, currency exchanges, payday loan stores, title loan stores and certain establishments that sell alcohol beverages.

Currently, the zoning code classifies a business primarily engaged in buying used gold or jewelry as a "secondhand store". This file creates a new, separate term - "cash-for-gold business" - to identify this type of establishment. The file provides that a cash-for-gold business shall be classified as a special use in the following zoning districts: all commercial districts; all downtown districts except C9A (high-density residential); the IM (industrial-mixed) and TL (institutional) districts. Cash-for-gold businesses shall be a prohibited use in all other zoning districts.

This file further provides that no special use permit for a currency exchange, payday loan agency, title loan agency or cash-for-gold business shall be granted by the board of zoning appeals unless the board finds, in addition to the customary findings for all special uses, that:

- a. No other currency exchange, payday loan agency, title loan agency or cash-for-gold business is located within 1,500 feet of the proposed use.
- b. The proposed use will not be located within 150 feet of a single-family or 2-family residential zoning district.
- c. The proposed use will not be located within 1,500 feet of a premise for which the common council has granted an alcohol beverage license for a liquor store or fermented malt beverage retailer.

On November 10, 2010, the Zoning Code Technical Committee (ZCTC) met, and ZCTC determined that its criteria with regard to administration efficiency and consistency with the format of the zoning code were met. However, with regard to legality and enforceability, the City Attorney's representative on the committee indicated certain legal issues in the original version of the proposed ordinance. The ordinance could meet this standard if it was revised and a sufficient legislative record was developed at the ZND meeting to establish a need for this ordinance. The recommendation by the City Attorney is to delete the spacing requirements relative to liquor establishments, and add pawn shops to the list of uses for which the space requirements will apply.

Since the proposed amendment meets the standards of legality, enforceability, administrative efficiency, and consistency with the zoning code, the City Plan Commission at its regular meeting on December 6, 2010, recommended approval of the file, conditioned upon deleting the spacing requirements relative to liquor establishments, but adding pawn shops to the list of land uses for which the spacing requirements will apply.

Sincerely,

Rocky Marcoux
Executive Secretary
City Plan Commission of Milwaukee

c: E. Richardson