



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 11/15/2005 **In control:** ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE

On agenda: **Final action:** 5/9/2006

Effective date:

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

Sponsors: ALD. ZIELINSKI

Indexes: DAY CARE CENTERS, ZONING

Attachments: 1. Memo from Zoning Code Technical Committee, 2. Proposed Substitute A, 3. Notice Published on 4-6-06 and 4-13-06.PDF, 4. CPC letter, 5. Motion by Ald. Bauman, 6. Notice Published on 5-25-06.PDF

Date	Ver.	Action By	Action	Result	Tally
11/15/2005	0	COMMON COUNCIL	ASSIGNED TO		
11/17/2005	0	CITY CLERK	REFERRED TO		
11/17/2005	0	CITY CLERK	REFERRED TO		
11/29/2005	1	CITY CLERK	DRAFT SUBMITTED		
3/31/2006	1	CITY CLERK	PUBLISHED		
4/24/2006	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
4/24/2006	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
4/24/2006	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
4/24/2006	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
4/24/2006	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
5/2/2006	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	SUBSTITUTED	Pass	4:0
5/2/2006	2	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
5/3/2006	2	CITY CLERK	DRAFT SUBMITTED		
5/9/2006	2	COMMON COUNCIL	PASSED	Pass	15:0
5/15/2006	2	MAYOR	SIGNED		
5/25/2006	2	CITY CLERK	PUBLISHED		

051041
SUBSTITUTE 2

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

businesses.

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

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.

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.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB05469-4

JDO

05/02/2006