



Legislation Details (With Text)

**File #:** 090705      **Version:** 0  
**Type:** Ordinance      **Status:** Placed On File  
**File created:** 9/22/2009      **In control:** COMMON COUNCIL  
**On agenda:**      **Final action:** 4/2/2014

**Effective date:**

**Title:** An ordinance relating to the location of the outdoor play space of a family day care home or day care center.

**Sponsors:** ALD. WADE

**Indexes:** DAY CARE CENTERS, ZONING

**Attachments:** 1. Hearing Notice List, 2. Audio from October 14 Zoning Code Technical Committee Meeting, 3. Review

Date	Ver.	Action By	Action	Result	Tally
9/22/2009	0	COMMON COUNCIL	ASSIGNED TO		
9/24/2009	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
9/24/2009	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
9/28/2009	0	ZONING CODE TECHNICAL COMMITTEE	HEARING NOTICES SENT		
3/25/2014	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PLACING ON FILE	Pass	5:0
4/2/2014	0	COMMON COUNCIL	PLACED ON FILE	Pass	14:0

090705  
ORIGINAL

ALD. WADE

An ordinance relating to the location of the outdoor play space of a family day care home or day care center.

- 295-503-2-e-6 cr
- 295-503-2-i-5 cr
- 295-603-2-a-6 cr
- 295-603-3 rc
- 295-703-2-b-5 cr
- 295-703-3 rc
- 295-803-1 (table) am
- 295-803-2-a rn
- 295-803-2-a cr
- 295-803-2-b rn
- 295-803-2-c rn
- 295-803-2-d rn
- 295-803-2-e rn
- 295-803-2-f rn

295-803-2-g rn  
295-803-2-h rn  
295-803-2-i rn  
295-803-2-j rn  
295-803-2-k rn  
295-803-2-L rn  
295-803-2-m rn  
295-803-2-n rn  
295-803-2-o rn  
295-803-2-p rn  
295-803-2-q rn  
295-803-2-r rn  
295-803-2-s rn  
295-803-2-t rn  
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295-803-2-x rn  
295-803-2-y rn  
295-803-2-z rn  
295-803-2-aa rn  
295-803-2-bb rn  
295-803-2-cc rn  
295-803-2-dd rn  
295-803-2-ee rn  
295-803-2-ff rn  
295-803-2-gg rn  
295-803-2-hh rn  
295-803-3 rc  
295-903-2-b-1-e cr  
295-905-2-b-4-e cr  
295-1015-3-b-1-e cr

This ordinance prohibits the outdoor play space for any family day care home or day care center from being located in a front yard, side street yard or rear street yard.

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

Part 1. Section 295-503-2-e-6 of the code is created to read:

**295-503. Uses.**

**2. LIMITED USE STANDARDS.**

**e. Family Day Care Home.**

e-6. The facility's outdoor play space shall not be located in the front yard, side street yard or rear street yard.

Part 2. Section 295-503-2-i-5 of the code is created to read:

**i. Day Care.**

i-5. The facility's outdoor play space shall not be located in the front yard, side street yard or rear street yard.

Part 3. Section 295-603-2-a-6 of the code is created to read:

**295-603. Uses.**

**2. LIMITED USE STANDARDS.**

a. Family Day Care Home.

a-6. The facility's outdoor play space shall not be located in the front yard, side street yard or rear street yard.

Part 4. Section 295-603-3 of the code is repealed and recreated to read:

**3. ADDITIONAL SPECIAL USE STANDARDS.** a. Currency Exchange, Payday Loan Agency or Title Loan Agency. No special use permit for a currency exchange, payday loan agency or title loan agency shall be granted by the board unless the board finds, in addition to the findings required by s. 295-311-2-d, that:

a-1. No other currency exchange, payday loan agency or title loan agency is located within 1,500 feet of the proposed use.

a-2. The proposed use will not be located within 150 feet of a single-family or 2-family residential zoning district.

b. Family Day Care Home or Day Care Center. The facility's outdoor play space shall not be located in the front yard, side street yard or rear street yard.

Part 5. Section 295-703-2-b-5 of the code is created to read:

**295-703. Uses.**

**2. LIMITED USE STANDARDS.**

b. Family Day Care Home.

b-5. The facility's outdoor play space shall not be located in the front yard, side street yard or rear street yard.

Part 6. Section 295-703-3 of the code is repealed and recreated to read:

**3. ADDITIONAL SPECIAL USE STANDARDS.** a. Currency Exchange, Payday Loan Agency or Title Loan Agency. No special use permit for a currency exchange, payday loan agency or title loan agency shall be granted by the board unless the board finds, in addition to the findings required by s. 295-311-2-d, that:

a-1. No other currency exchange, payday loan agency or title loan agency is located within 1,500

feet of the proposed use.

a-2. The proposed use will not be located within 150 feet of a single-family or 2-family residential zoning district.

b. Family Day Care Home or Day Care Center. The facility’s outdoor play space shall not be located in the front yard, side street yard or rear street yard.

Part 7. Table 295-803-1 of the code is amended to read:

Table 295-803-1 INDUSTRIAL DISTRICTS USE TABLE				
Uses	Zoning Districts			
	IO1/IO2	IL1/IL2	IM	IH
<b>RESIDENTIAL USES</b>				
Single-family dwe	N	N	Y	N
Two-family dwelli	N	N	Y	N
Multi-family dwell	N	N	Y	N
Attached single-fa	N	N	Y	N
Live-work unit	N	N	Y	N
Mobile home	N	N	N	N
Watchman/servic	Y	Y	N	Y
Family day care h	N	N	[[Y]] >>L<<	N
<b>GROUP RESIDENTIAL USES</b>				
Rooming house	N	N	S	N
Convent, rectory	N	N	Y	N
Dormitory	N	N	S	N
Fraternity or soror	N	N	S	N
Adult family home	N	N	L	N
<i>Foster Homes</i>				
Foster family hc	N	N	Y	N
Small foster hor	N	N	L	N
Group home or	N	N	L	N
<i>Shelter Care Fac</i>				
Family shelter c	N	N	Y	N
Small group she	N	N	L	N
Large group she	N	N	S	N
Community living	N	N	L	N
Transitional living	N	N	S	N
<b>EDUCATIONAL USES</b>				
Day care center	S	S	L	S
School, elementa	N	N	Y	N

College	S	S	S	N
School, specialty	S	S	S	N
<b>COMMUNITY-SERVING USES</b>				
Library	N	N	Y	N
Cultural institution	N	N	L	N
Community center	N	N	S	N
Religious assembly	N	N	S	N
Cemetery or other	N	N	N	N
Public safety facility	Y	Y	Y	Y
Correctional facility	N	N	N	N
<b>COMMERCIAL AND OFFICE USES</b>				
General office	Y	Y	Y	L
Government office	Y	Y	Y	L
Bank or other financial	S	S	Y	N
Currency exchange	N	N	S	N
Retail establishment	N	N	Y	N
Garden supply or nursery	N	Y	Y	N
Home improvement	N	Y	Y	N
Secondhand store	N	N	S	N
Outdoor merchant	N	N	L	N
Artist studio	N	Y	Y	N
Adult retail establishment	N	N	S	N
<b>HEALTH CARE AND SOCIAL ASSISTANCE</b>				
Medical office	S	N	S	N
Health clinic	L	N	S	N
Hospital	N	N	N	N
Medical research	Y	Y	Y	N
Medical service facility	N	S	N	N
Social service facility	N	S	S	N
Emergency residence	N	N	N	N
Nursing home	N	N	N	N
<b>GENERAL SERVICE USES</b>				
Personal service	N	N	Y	N
Business service	Y	S	Y	N
Building maintenance	S	Y	S	N
Catering service	S	Y	Y	N
Funeral home	N	N	N	N
Laundromat	N	N	Y	N
Dry cleaning establishment	N	N	Y	N

Furniture and app	N	N	Y	N
Household mainte	N	Y	Y	N
Tool/equipment re	N	Y	Y	N
<i>Animal Services</i>				
Animal hospital	N	Y	L	Y
Animal boarding	N	Y	L	Y
Animal groomin	N	Y	L	Y
<b>MOTOR VEHICLE USES</b>				
<i>Light Motor Vehic</i>				
Sales facility	L	S	S	S
Rental facility	L	S	S	S
Repair facility	L	S	S	L
Body shop	L	S	S	L
Outdoor storage	L	Y	S	Y
Wholesale facilit	Y	Y	Y	Y
<i>Heavy Motor Veh</i>				
Sales facility	L	Y	S	Y
Rental facility	L	Y	S	Y
Repair facility	L	L	S	L
Body shop	L	L	S	L
Outdoor storage	L	S	S	Y
<i>General Motor Ve</i>				
Filling station	S	S	S	S
Car wash	S	S	S	S
Drive-through fa	S	S	S	S
<i>Parking</i>				
Parking lot, prin	Y	Y	L	Y
Parking lot, acc	Y	Y	L	Y
Parking structur	Y	Y	L	Y
Parking structur	Y	Y	L	Y
Heavy motor ve	S	L	L	Y
Heavy motor ve	Y	Y	Y	Y
<b>ACCOMODATION AND FOOD SERVICE USES</b>				
Bed and breakfas	N	N	Y	N
Hotel, commercia	L	N	Y	N
Hotel, residential	N	N	Y	N
Tavern	L	L	Y	L
Assembly hall	S	S	S	N
Restaurant, sit-dd	L	L	Y	L

Restaurant, fast-f	L	L	L	L
<b>ENTERTAINMENT AND RECREATION USES</b>				
Park or playground	S	S	S	S
Festival grounds	N	N	N	N
Recreation facility	N	S	Y	N
Recreation facility	N	N	S	N
Health club	L	L	Y	N
Sports facility	N	S	S	N
Gaming facility	N	S	N	N
Theater	N	N	Y	N
Convention and e	S	N	S	N
Marina	Y	Y	Y	Y
Outdoor racing fa	N	N	N	S
Adult entertainme	N	N	N	N
<b>STORAGE, RECYCLING AND WHOLESALE TRADE USES</b>				
Recycling collecti	S	Y	S	Y
Mixed-waste prod	N	L	S	L
Material reclamation	N	N	N	L
Salvage operation	L	L	L	L
Salvage operation	N	S	S	S
Wholesale and di	Y	Y	Y	Y
Wholesale and di	S	Y	S	Y
<i>Storage Facilities</i>				
Indoor	Y	Y	Y	Y
Outdoor	N	Y	S	Y
Hazardous mate	N	N	N	S
<b>TRANSPORTATION USES</b>				
Ambulance servid	Y	Y	S	Y
Ground transport	S	Y	S	Y
Passenger termin	Y	Y	Y	Y
Helicopter landing	S	S	S	S
Airport	N	Y	N	N
Ship terminal or d	N	Y	N	Y
Truck freight term	N	S	S	L
Railroad switching	N	Y	Y	Y
<b>INDUSTRIAL USES</b>				
Manufacturing, lig	Y	Y	Y	Y
Manufacturing, he	N	S	S	Y
Manufacturing, ind	N	N	N	S

Manufacturing, mill	IN	IN	S
Research and dev	Y	Y	Y
Processing or rec	N	N	S
Contractor's shop	Y	Y	Y
Contractor's yard	S	Y	Y
<b>AGRICULTURAL USES</b>			
Plant nursery or g	Y	Y	Y
Raising of crops c	Y	Y	Y
<b>UTILITY AND PUBLIC SERVICE USES</b>			
Broadcasting or r	Y	S	S
Transmission tow	L	L	L
Water treatment p	Y	Y	Y
Sewerage treatme	N	Y	Y
Power generation	N	S	Y
Substation/distrib	S	Y	Y
Substation/distrib	L	Y	Y
<b>TEMPORARY USES</b>			
Seasonal market	L	L	L
Temporary real es	L	L	L
Concrete/batch pl	L	L	L
Live entertainmer	L	L	L

Part 8. Section 295-803-2-a to hh is renumbered 295-803-2-b to ii.

Part 9. Section 295-803-2-a of the code is created to read:

**295-803. Uses.**

**2. LIMITED USES STANDARDS.**

a. Family Day Care Home. The facility's outdoor play space shall not be located in the front yard, side street yard or rear street yard.

Part 10. Section 295-803-3 of the code is repealed and recreated to read:

**3. ADDITIONAL SPECIAL USE STANDARDS.** a. Currency Exchange, Payday Loan Agency or Title Loan Agency. No special use permit for a currency exchange, payday loan agency or title loan agency shall be granted by the board unless the board finds, in addition to the findings required by s. 295-311-2-d, that:

a-1. No other currency exchange, payday loan agency or title loan agency is located within 1,500 feet of the proposed use.

a-2. The proposed use will not be located within 150 feet of a single-family or 2-family residential zoning district.

b. Family Day Care Home or Day Care Center. The facility's outdoor play space shall not be located in the front yard, side street yard or rear street yard.

Part 11. Section 295-903-2-b-1-e 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-e. The facility's outdoor play space shall not be located in the front yard, side street yard or rear street yard.

Part 12. Section 295-905-2-b-4-e 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-e. The facility's outdoor play space shall not be located in the front yard, side street yard or rear street yard.

Part 13. Section 295-1015-3-b-1-e 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-e. The facility's outdoor play space shall not be located in the front yard, side street yard or rear street yard.

APPROVED AS TO FORM

Legislative Reference Bureau  
Date: \_\_\_\_\_

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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Office of the City Attorney  
Date: \_\_\_\_\_

LRB09396-1  
JDO  
09/22/2009