



Legislation Details (With Text)

File #: 091671 **Version:** 0
Type: Ordinance **Status:** Placed On File
File created: 4/13/2010 **In control:** COMMON COUNCIL
On agenda: **Final action:** 10/14/2014
Effective date:
Title: An ordinance relating to definition of an adult retail establishment for zoning purposes.
Sponsors: ALD. ZIELINSKI
Indexes: BUSINESS - REGULATION, ZONING
Attachments: 1. Hearing Notice List, 2. Review

Date	Ver.	Action By	Action	Result	Tally
4/13/2010	0	COMMON COUNCIL	ASSIGNED TO		
4/15/2010	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
4/20/2010	0	ZONING CODE TECHNICAL COMMITTEE	HEARING NOTICES SENT		
4/20/2010	0	ZONING CODE TECHNICAL COMMITTEE	HEARING NOTICES SENT		
4/20/2010	0	ZONING CODE TECHNICAL COMMITTEE	HEARING NOTICES SENT		
10/7/2014	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PLACING ON FILE	Pass	5:0
10/14/2014	0	COMMON COUNCIL	PLACED ON FILE	Pass	14:0

091671
ORIGINAL

ALD. ZIELINSKI

An ordinance relating to definition of an adult retail establishment for zoning purposes.

295-201-15 am

295-203-5-n am

Currently, the zoning code defines an “adult retail establishment” as an establishment in which 10 percent or more of the gross public floor area is devoted to adult materials or 10 percent or more of the stock-in-trade is adult materials. This ordinance reduces the threshold for classification of a business as an adult retail establishment from 10 percent of the gross public floor area or stock-in-trade to one percent.

Whereas, Adult retail establishments are businesses in which a portion of the floor area or stock-in-trade is devoted to or consists of adult 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, The Common Council finds that current zoning regulations, which allow up to 10 percent of a store’s floor area or stock-in-trade to be devoted to adult materials before the store is classified as an adult retail establishment, do not adequately protect the public health, safety and welfare of

Milwaukee residents, particularly children, and may also negatively impact the character, reputation and -- ultimately - the desirability and economic viability of commercial districts in the city; and

Whereas, The Common Council finds that a more appropriate maximum amount of gross floor area or stock-in-trade that may be devoted to adult materials before an establishment is classified as an adult retail establishment is one percent; and

Whereas, The Common Council finds that the health, safety and welfare of Milwaukee citizens could be best promoted, and the economic viability of Milwaukee's commercial districts best protected, by reducing the maximum percentage of gross floor area or stock-in-trade that may be devoted to adult materials from 10 percent to one percent; now, therefore

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

Part 1. Section 295-201-15 of the code is amended to read:

295-201. Definitions.

15. ADULT RETAIL ESTABLISHMENT means an establishment in which ~~[[10]]~~ >>one<< percent or more of the gross public floor area is devoted to, or ~~[[10]]~~ >>one<< percent or more of the stock-in-trade consists of, the following: books, magazines and other periodicals, movies, videotapes, compact discs, digital versatile discs, novelty items, games, greeting cards and other materials which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation or sodomy, fondling or other erotic touching of human genitals (pubic region), buttocks or female breasts; or specified anatomical areas.

Part 2. Section 295-203-5-n of the code is amended to read:

295-203. Use Definitions.

5. COMMERCIAL AND OFFICE USES.

n. "Adult retail establishment" means an establishment in which ~~[[10]]~~ >>one<< percent or more of the gross public floor area is devoted to, or ~~[[10]]~~ >>10<< percent or more of the stock-in-trade consists of, the following: books, magazines and other periodicals, movies, videotapes, compact discs, digital versatile discs, novelty items, games, greeting cards and other materials which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation or sodomy, fondling or other erotic touching of human genitals (pubic region), buttocks or female breasts; or specified anatomical areas.

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:_____

LRB10154-1
JDO
04/13/2010

04/28/10 -- Clerical Correction -- tb