

LEGISTAR #39126 - Body

DRAFTER'S ANALYSIS: Wis. Stat. § 62.23(7)(i) provides that community living arrangements and adult family homes may locate in residential zones without obtaining special permission from the City. The zoning code currently requires conditional use permits in certain zones where it is not allowed to require special permission. This amendment ensures that city ordinances are consistent with state law. For example, adult family homes and community living arrangements serving up to 8 residents are permitted uses in any residential zone. Community living arrangements serving 9-15 residents are permitted uses in any residential zone except those exclusively zoned for single-family or 2-family residences, where state law allows the city to require conditional use approval. For community living arrangements serving more than 15 residents, state law allows the city to require conditional use approval. Accordingly, the code does not need to be amended for these establishments. This amendment also amends the supplemental regulations to reflect these changes.

The Common Council of the City of Madison do hereby ordain as follows:

1. Subsections entitled "Community Living Arrangement (CLA) Serving Nine to Fifteen (9-15) Residents" and "Community Living Arrangement (CLA) Serving More Than 15 Residents" of Section 28.151 entitled "Applicability" of Subchapter 28J: Supplemental Regulations of the Madison General Ordinances are amended by amending herein the following:

"Community Living Arrangement (CLA) Serving Nine to Fifteen (9-15) Residents.

- (a) The loss of any state license or permit by a CLA shall result in an automatic revocation of that facility's use permit.
- (b) The applicant shall disclose in writing the capacity of the community living arrangement.
- (c) No new community living arrangement shall be located within two thousand five hundred (2,500) feet of an existing community living arrangement, unless approved as a conditional use.
- (d) The total capacity of all CLAs within an aldermanic district shall not exceed twenty-five (25) persons or one percent (1%) of the population, whichever is greater, of such district, unless approved as a conditional use.
- (e) All CLAs in the SR-C1, SR-C2, SR-C3, TR-C1, TR-C2, TR-C3, and TR-R and ~~TR-P~~ districts require conditional use approval, regardless of the distance from other CLAs or the density of CLAs within the aldermanic district.
- (f) No conditional use permit under this section shall be transferable to another location or person.

Community Living Arrangement (CLA) Serving More Than 15 Residents.

- (a) The loss of any state license or permit by a CLA shall result in an automatic revocation of that facility's use permit.
- (b) The applicant must disclose in writing the capacity of the community living arrangement.
- (c) No community living arrangement shall be located within two thousand five hundred (2,500) feet of an existing community living arrangement.
- (d) The total capacity of all CLAs within an aldermanic district shall not exceed twenty-five (25) persons or one percent (1%) of the population, whichever is greater, of such district.
- (e) All CLAs serving more than fifteen (15) residents require conditional use approval, regardless of the distance from other CLAs or the density of CLAs within the aldermanic district.
- (ef) No conditional use permit under this section shall be transferable to another location or person."

2. Table 28C-1 of Subsection (1) of Section 28.032 entitled "Residential District Uses" of the Madison General Ordinances is amended by amending therein the following:

Residential Districts																
	SR-C1	SR-C2	SR-C3	SR-V1	SR-V2	TR-C1	TR-C2	TR-C3	TR-C4	TR-V1	TR-V2	TR-U1	TR-U2	TR-R	TR-P	Supplemental Regulations
Residential – Group Living																
Adult family home	P/	P/	P/	P/	P/	P/	P/	P/	P/	P/	P/	P/	P/	P/	P/	Y ³
Community living arrangement (up to 8 residents)	P/	P/	P/	P/	P/	P/	P/	P/	P/	P/	P/	P/	P/	P/	P/	Y
Community living arrangement (9-15 residents)	C	C	P/	P/	P/	C	C	P/	P/	P/	P/	P/	P/	C	P/	Y ³