



Legislation Text

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Fiscal Note

The Planning Department estimates that this and several other proposed amendments to move conditional uses to permitted uses may eliminate an estimated 15 conditional uses per year, resulting in reduced conditional use application fees of \$7,500. However, City costs for publishing newspaper notices, mailing and staff costs for processing the applications will also be reduced, such that realized efficiencies will likely equal or exceed the reduction in revenues.

Title

Amending Sections 28.03(2), 28.07(2)(b)4.a., (2)(c)12., (3)(b)12.a., and (3)(b)13., 28.08(2)(b)10.a., (2)(b)13., (2)(c)4., (5)(b)6., (7)(b)4.a., (9)(b)5., (11)(b)5., and (11)(b)10.a., 28.085(2)(c)4., (2)(d)3., and (4)(c)4.e., 28.09(2)(c)23., 28.10(2)(c)8., (2)(d)5., (3)(c)1., (3)(c)12., (4)(c)1.c., (4)(c)43., (6)(c)8, and (6)(d)5., 28.11(3)(l)3.a., and (4)(f)1., and 28.12(12)(a)10. of the Madison General Ordinances to delete nursery schools as an identified use, include this use in new definition of day care center, and change terminology throughout zoning code to be consistent, and to add day care centers in churches as a permitted use in the R1 District.

Body

DRAFTER'S ANALYSIS: This amendment is to make day care centers in churches in the R1 District a permitted use instead of a conditional use. (This amendment carries through to the R2, R3, R5, R2S, R2T, R2Y and R2Z Districts.) Currently, there is a no definition of day care center. The definition of "nursery school", which is based on the Wisconsin Administrative Code definition of "day care center" is now the definition of "day care center" in Chapter 28, and licensed nursery schools are included in the definition. Terminology changes throughout the code were made for consistency with the new definition.

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

1. Subsection (2) entitled "Definitions" of Section 28.03 entitled "Rules and Definitions " of the Madison General Ordinances is amended by creating or repealing therein the following:

"Day Care Center. A facility licensed by the State Department of Health and Family Services or any other government agency that assumes its authority and responsibilities where a person(s) provides, for compensation and/or consideration, group care for four (4) or more children between the ages of infancy and seven (7) years of age, at a location other than the child's own home or the home of relatives or guardians. Day care centers include nursery schools that are similarly licensed.

~~Nursery School. A nursery school is a facility licensed as a day care center by the State Department of Health and Family Services or any other government agency that assumes its authority and responsibilities where a person(s) provides, for compensation and/or consideration, group care for four (4) or more children between the ages of infancy and seven (7) years of age, at a location other than the child's own home or the home of relatives or guardians."~~

2. Subparagraph a. of Paragraph 4. of Subdivision (b) entitled "Permitted Uses" of Subsection (2) entitled "Conservancy District" of Section 28.07 entitled "Special Districts" of the Madison General Ordinances is amended to read as follows:

"a. ~~Nursery schools or d~~Day care centers."

3. Paragraph 12. of Subdivision (c) entitled "Conditional Uses" of Subsection (2) entitled "Conservancy District" of Section 28.07 entitled "Special Districts" of the Madison General Ordinances is amended to read as follows:

"12. ~~Nursery schools~~ Day care centers, which are to be annually inspected by the Director of the Inspection Unit and the Fire Prevention Bureau."

4. Subparagraph a. of Paragraph 12. of Subdivision (b) entitled "Permitted Uses" of Subsection (3) entitled "Agriculture District" of Section 28.07 entitled "Special Districts" of the Madison General Ordinances is amended to read as follows:

"a. ~~Nursery schools or d~~Day care centers."

5. Paragraph 13. of Subdivision (b) entitled "Permitted Uses" of Subsection (3) entitled "Agriculture District" of Section 28.07 entitled "Special Districts" of the Madison General Ordinances is amended to read as follows:

"~~Nursery schools~~ Day care centers."

6. Subparagraph a. of Paragraph 10. of Subdivision (b) entitled "Permitted Uses" of Subsection (2) entitled "R1 Single-Family Residence District" of Section 28.08 entitled "Residence Districts" of the Madison General Ordinances is amended to read as follows:

"a. ~~Nursery schools or d~~Day care centers."

7. Paragraph 13. of Subdivision (b) entitled "Permitted Uses" of Subsection (2) entitled "R1 Single-Family Residence District" of Section 28.08 entitled "Residence Districts" of the Madison General Ordinances is amended to read as follows:

"~~Nursery schools~~ Day care centers, located in buildings under the jurisdiction of the Madison Metropolitan School District or in churches."

8. Paragraph 4. of Subdivision (c) entitled "Conditional Uses" of Subsection (2) entitled "R1 Single-Family Residence District" of Section 28.08 entitled "Residence Districts" of the Madison General Ordinances is amended to read as follows:

"4. ~~Nursery schools~~ Day care centers, other than those allowed as a permitted use, which are to be annually inspected by the Director of the Inspection Unit and the Fire Prevention Bureau."

9. Paragraph 6. of Subdivision (b) entitled "Permitted Uses" of Subsection (5) entitled "R4 General Residence District" of Section 28.08 entitled "Residence Districts" of the Madison General Ordinances is amended to read as follows:

"6. ~~Nursery schools~~ Day care centers."

10. Subparagraph a. of Paragraph 4. of Subdivision (b) entitled "Permitted Uses" of Subsection (7) entitled "R6 General Residence District" of Section 28.08 entitled "Residence Districts" of the Madison General Ordinances is amended to read as follows:

"a. ~~Nursery schools or d~~Day care centers."

11. Paragraph 5. of Subdivision (b) entitled "Permitted Uses" of Subsection (9) entitled "R4L Limited General Residence District" of Section 28.08 entitled "Residence Districts" of the Madison General Ordinances is amended to read as follows:

"5. ~~Nursery schools~~ Day care centers."

12. Paragraph 5. of Subdivision (b) entitled "Permitted Uses" of Subsection (11) entitled "R4A Limited General Residence District" of Section 28.08 entitled "Residence Districts" of the Madison General Ordinances is amended to read as follows:

"5. ~~Nursery schools~~ Day care centers."

13. Subparagraph a. of Paragraph 10. of Subdivision (b) entitled "Permitted Uses" of Subsection (11) entitled "R4A Limited General Residence District" of Section 28.08 entitled "Residence Districts" of the Madison General Ordinances is

amended to read as follows:

"a. ~~Nursery schools or d~~Day care centers."

14. Paragraph 4. of Subdivision (c) entitled "Permitted Uses" of Subsection (2) entitled "O-1 Limited Office - Residence District" of Section 28.085 entitled "Office Districts" of the Madison General Ordinances is amended to read as follows:

"4. ~~Nursery schools or d~~Day care centers not adjacent to Residence District."

15. Paragraph 3. of Subdivision (d) entitled "Conditional Uses" of Subsection (2) entitled "O-1 Limited Office - Residence District" of Section 28.085 entitled "Office Districts" of the Madison General Ordinances is amended to read as follows:

"3. ~~Nursery schools or d~~Day care centers adjacent to Residence District."

16. Subparagraph e. of Paragraph 4. of Subdivision (c) entitled "Permitted Uses" of Subsection (4) entitled "O-3 Administrative Office District" of Section 28.085 entitled "Office Districts" of the Madison General Ordinances is amended to read as follows:

"e. ~~Nursery schools or d~~Day care centers for children of employees on the site."

17. Paragraph 23. of Subdivision (c) entitled "Permitted Uses" of Subsection (2) entitled "C1 Limited Commercial District" of Section 28.09 entitled "Commercial Districts" of the Madison General Ordinances is amended to read as follows:

"23. ~~Nursery schools or d~~Day care centers."

18. Paragraph 8. of Subdivision (c) entitled "Permitted Uses" of Subsection (2) entitled "RPSM Research Park - Specialized Manufacturing District" of Section 28.10 entitled "Manufacturing Districts" of the Madison General Ordinances is amended to read as follows:

"8. ~~Nursery schools or d~~Day care centers not adjacent to a Residence District."

19. Paragraph 5. of Subdivision (d) entitled "Conditional Uses" of Subsection (2) entitled "RPSM Research Park - Specialized Manufacturing District" of Section 28.10 entitled "Manufacturing Districts" of the Madison General Ordinances is amended to read as follows:

"3. ~~Nursery schools or d~~Day care centers adjacent to a Residence District."

20. Paragraph 1. of Subdivision (c) entitled "Permitted Uses" of Subsection (3) entitled "SM Specific Manufacturing District" of Section 28.10 entitled "Manufacturing Districts" of the Madison General Ordinances is amended to read as follows:

"1. Accessory uses, including but not limited to the following:

- a. Street graphics.
- b. Temporary buildings for construction purposes, for a period not to exceed the duration of such construction.
- c. Approved ~~Nursery schools or d~~day care centers for children of employees during the hours of their employment.
- d. Approved adult day care centers facilities for the elderly parents of employees during hours of their employment."

21. Paragraph 12. of Subdivision (c) entitled "Permitted Uses" of Subsection (3) entitled "SM Specific Manufacturing District" of Section 28.10 entitled "Manufacturing Districts" of the Madison General Ordinances is amended to read as follows:

"12. ~~Nursery schools~~ Day care centers."

22. Subparagraph c. of Paragraph 1. of Subdivision (c) entitled "Permitted Uses" of Subsection (4) entitled "M1 Limited Manufacturing District" of Section 28.10 entitled "Manufacturing Districts" of the Madison General Ordinances is amended to read as follows:

"c. ~~Approved nursery schools or~~ day care centers for children of employees during the hours of operation."

23. Paragraph 43. of Subdivision (c) entitled "Permitted Uses" of Subsection (4) entitled "M1 Limited Manufacturing District" of Section 28.10 entitled "Manufacturing Districts" of the Madison General Ordinances is amended to read as follows:

"43. ~~Nursery schools~~ Day care centers."

24. Paragraph 8. of Subdivision (c) entitled "Permitted Uses" of Subsection (6) entitled "RDC Research and Development Center District" of Section 28.10 entitled "Manufacturing Districts" of the Madison General Ordinances is amended to read as follows:

"8. ~~Nursery schools or d~~Day care centers not adjacent to a Residence District."

25. Paragraph 5. of Subdivision (d) entitled "Conditional Uses" of Subsection (6) entitled "RDC Research and Development Center District" of Section 28.10 entitled "Manufacturing Districts" of the Madison General Ordinances is amended to read as follows:

"5. ~~Nursery schools or d~~Day care centers adjacent to a Residence District."

26. Subparagraph a. of Paragraph 3. entitled "Community Service and Institutional Uses" of Subdivision (I) entitled "Schedule Of Required Off-Street Parking Facilities" of Subsection (3) entitled "Off-Street Parking Facilities" of Section 28.11 entitled "Off-Street Parking and Loading Facilities" of the Madison General Ordinances is amended to read as follows:

"b. Colleges and universities, ~~nursery schools~~ day care centers, schools--elementary, junior high or high. One parking space shall be provided for each two (2) employees."

27. Paragraph 1. of Subdivision (f) entitled "Schedule Of Required Off-Street Loading Facilities" of Subsection (4) entitled "Off-Street Loading Facilities" of Section 28.11 entitled "Off-Street Parking and Loading Facilities" of the Madison General Ordinances is amended to read as follows:

"1. Agricultural uses; amusement establishments, including archery ranges, bowling centers, dance halls, golf driving ranges, gymnasiums, pool halls, swimming pools, skating rinks and other similar indoor amusement facilities; art galleries and museums; banks and financial institutions; clubhouses and other buildings for a golf course; colleges and universities; convalescent homes and nursing homes; convents and monasteries; fraternal, philanthropic and eleemosynary uses; greenhouses; hospitals and sanitariums; hotels and motels; institutions for the aged and for children; libraries; mausoleums, crematoriums and columbariums in cemeteries; medical, dental and optical clinics; ~~nursery schools~~ day care centers; offices; private swimming and tennis clubs; public utility and public service uses; recreational buildings and community centers; schools--elementary, junior high or high; schools--music, dance, business or trade; theatres, indoor; undertaking establishments and funeral parlors. For buildings containing ten thousand (10,000) to one hundred thousand (100,000) square feet of gross floor area, one loading berth shall be provided, plus one additional loading berth for each additional one hundred thousand (100,000) square feet of gross floor area, or fraction thereof."

28. Paragraph 10. of Subdivision (a) entitled "Amendments, Conditional Uses and Area Exceptions" of Subsection (12) entitled "Fees" of Section 28.12 entitled "Administration and Enforcement" of the Madison General Ordinances is amended to read as follows:

"10. There shall be no fee for a conditional use application for the following conditional uses:

i.a. ~~Nursery schools~~ Day care centers;

ii.b. Offices, business and professional, provided such uses are located in school buildings or buildings

- iii.c. owned by or under the jurisdiction of the Madison Metropolitan School District or the City of Madison; Accessory greenhouses and swimming pool roofs or domes which infringe on required usable open space;
- iv.d. Solar heat collection apparatuses;
- v.e. Adult day care facilities;
- vi.f. Day treatment and day care service facilities for persons with emotional disabilities and persons with a developmental disability; and
- vii.g. Any development of parcels adjacent to landmarks, landmark sites or historic districts designated by the Landmarks Commission, provided that the use of the parcel is either a permitted or conditional use allowed in the zoning district in which the property is located."