



## Legislation Text

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**File #: 970816, Version: 0**

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970816  
ORIGINAL

ALD. HENNINGSSEN

An ordinance relating to zoning regulations for day care centers, elementary and secondary schools and various social and medical service facilities.

295-7-3 am  
295-7-29 rc  
295-7-31.2 cr  
295-7-52.5 cr  
295-7-68.2 cr  
295-7-105.7 rn  
295-7-105.8 rn  
295-7-105.8 cr  
295-14-17 cr  
295-14-18 cr  
295-14-19 cr  
295-14-20 cr  
295-14-21 cr  
295-14-22 cr  
295-14-23 cr  
- Analysis -

This ordinance establishes and defines 4 new social-service-type land uses: clothing distribution facility, emergency shelter, food pantry and meal program facility. It also provides an updated zoning code definition of the term "church."

In addition, this ordinance establishes special zoning conditions for day care centers, food pantries, meal program facilities, clothing distribution centers, medical service facilities, emergency shelters and elementary and secondary schools which are accessory to or part of principal uses in certain broader land use categories. These conditions also apply to elementary and secondary schools which are principal uses. The conditions include requirements relating to:

1. Minimum lot area.
2. Minimum distance from a residential use.
3. Provision of off-street parking spaces.
4. Hours of operation for the facility.
5. The number, size and placement of signs.

Part 1. Section 295-7-3 of the code is amended to read:

295-7. Definitions.

3. ACCESSORY USE: A use of land or of a building or portion thereof customarily incidental [[and]] >>or<< subordinate to the principal use of the land or building and located on the same site or development site with the principal use.

Part 2. Section 295-7-29 of the code is repealed and recreated to read:

29. CHURCH: An assembly of persons for religious worship and education or a building used for such purpose which is maintained and controlled by a religious body organized to sustain public worship. This term includes temple, synagogue, citadel, meeting house and similar terms used by religious organizations.

Part 3. Section 295-7-31.2 of the code is created to read:

31.2. CLOTHING DISTRIBUTION FACILITY: A facility used for the storage, cleaning, repair and distribution of used and new clothing and household items at no charge or nominal charge to individuals for charitable purposes by nonprofit, public or quasi-public organizations.

Part 4. Section 295-7-52.5 of the code is created to read:

52.5. EMERGENCY SHELTER: Sleeping quarters, in a dormitory-type room or individual rooms, for homeless persons whose stays are limited to 30 days or less, along with related toilet facilities, shower facilities or space for recreational activities. This term shall not include other services for homeless persons, but an emergency shelter may be operated in association with other services for its occupants.

Part 5. Section 295-7-68.2 of the code is created to read:

68.2. FOOD PANTRY: A facility used for the storage, processing, assembly, packaging and distribution of food items by nonprofit organizations or governmental or quasi-governmental organizations for consumption by the recipients off the premises.

Part 6. Section 295-7-105.7 and 105.8 of the code is renumbered 295-7-105.6 and 105.7.

Part 7. Section 295-7-105.8 of the code is created to read:

105.8. MEAL PROGRAM FACILITY: A facility used for the processing, assembly and distribution of food into individual meal servings by nonprofit, governmental or quasi-governmental organizations for consumption by the recipients on or on and off the premises. This term shall not include a facility where meals are prepared solely for off-premise consumption.

Part 8. Section 295-14-17 to 23 of the code is created to read:

295-14. Special Conditions.

17. DAY CARE CENTERS. The following conditions shall apply to all day care centers for children or adults which are accessory to or part of principal uses in the "residential," "churches and schools," "retail sales," "public and quasi-public," "offices" and "health and social services" use categories:

- a. The minimum lot area shall be 5,000 square feet for not more than 9 children and 10,000 square feet for 10 or more children.
- b. The minimum distance between the building or portion of the building used for day care purposes, or the outdoor recreational area of the day care center, and any residential use in a single-family or 2-family residence district shall be 50 feet.
- c. Off-street parking shall be provided for all day care center staff at a ration of one space per 1.5 staff members, with a minimum of one parking space required.
- d. A drop-off and pick-up area capable of accommodating one automobile shall be provided. Such area shall be located entirely on the site of the day care center, outside the public right-of-way.
- e. An outdoor recreation area shall be provided at the rate of 10 square feet per person served by the facility.
- f. Operating hours shall be limited to the period from 6:00 a.m. to 6:00 p.m. whenever the facility is located in a single-family or 2-family residence district.
- g. Signs shall be in conformance with the relevant requirements of ch. 244 and s. 295-97. A day care center located in a single-family or 2-family residence district shall be permitted to have only one sign. Such sign shall be a wall sign not exceeding 2 square feet in area and located at the main entrance to the facility. In all other districts, a day care center's signs shall be part of and integrated with other on-premise signs on the premises.

18. FOOD PANTRY. The following conditions shall apply to all food pantries which are accessory to or part of principal uses in the "churches and schools," "public and quasi-public" and "health and social services" use categories:

- a. The minimum lot area shall be 10,000 square feet.
- b. The minimum distance between the building or portion of the building used for the food pantry and any residential use in a single-family or 2-family residence district shall be 50 feet.
- c. A minimum of 3 off-street parking spaces shall be provided, with one additional space for every 500 square feet used for food storage, preparation, assembly and distribution in the food pantry.
- d. Operating hours shall be limited to the period from 8:00 a.m. to 6:00 p.m. for any food pantry located in a single-family or 2-family residence district.
- e. Signs shall be in conformance with the relevant requirements of ch. 244 and s. 295-97. A food pantry located in a single-family or 2-family residence district shall be permitted to have only one sign. Such sign shall be a wall sign not exceeding 2 square feet in area and located at the main entrance to the facility. In all other districts, a food pantry's signs shall be part of and integrated with other on-premise signs on the premises.

19. MEAL PROGRAM FACILITIES. The following conditions shall apply to all meal program facilities which are accessory to or part of principal uses in the "churches and schools," "public and quasi-public" and "health and social services" use categories:

- a. The minimum lot area shall be 10,000 square feet for facilities serving up to 100 persons and 20,000 square feet for facilities serving more than 100 persons.
- b. The minimum distance between the building or portion of the building used for the meal program facility and any residential or business use in a single-family residence, 2-family residence, neighborhood shopping or local business district shall be 100 feet.
- c. A minimum of 5 off-street parking spaces shall be provided, with one additional space provided for every 20 persons served in excess of 100 persons.
- d. Meals shall not be served before 8:00 a.m. or after 6:00 p.m.
- e. A meal program facility shall be permitted to have only one sign. Such sign shall be located on the entrance door to the facility, shall not exceed 2 square feet in area and may indicate the hours of meal service.

20. CLOTHING DISTRIBUTION FACILITIES. The following conditions shall apply to all clothing distribution facilities which are accessory to or part of principal uses in the "churches and schools," "public and quasi-public" and "health and social services" use categories:

- a. The minimum lot area shall be 10,000 square feet.
- b. The minimum distance between the building or portion of the building used for the clothing distribution facility and any residential use in a single-family or 2-family residence district shall be 50 feet.
- c. Special use approval shall be required for any facility located in a zoning district where antique or secondhand stores are special uses.
- d. A minimum of 2 off-street parking spaces shall be provided. Any clothing distribution facility which exceeds 1,000 square feet in area shall comply with the parking requirements for retail stores on lots occupied by principal buildings on July 6, 1963.
- e. Operating hours shall be limited to 8:00 a.m. to 6:00 p.m. for any clothing distribution facility located in a single-family, 2-family or multi-family residence district.

21. MEDICAL SERVICE FACILITIES. The following conditions shall apply to all medical service facilities which are accessory to or part of principal uses, excluding hospitals and health clinics, in the "churches and schools," "public and quasi-public," "offices," and "health and social services" use categories:

- a. The minimum lot area shall be 10,000 square feet.
- b. The minimum distance between the building or portion of the building used for the medical service facility and any residential use in a single-family or 2-family residence district shall be 100 feet.
- c. Off-street parking shall be provided at the rate of one parking space for every 500 square feet of gross area of the medical service facility.
- d. Operating hours shall be limited to the period from 8:00 a.m. to 6:00 p.m. for any medical service facility located within 100 feet of a residential use in a single-family, 2-family or multi-family residence district.
- e. Special use approval shall be required for any medical service facility located in a district where social service facilities are special uses.

22. EMERGENCY SHELTERS. The following conditions shall apply to all emergency shelters which are accessory to or part of principal uses in the "churches and schools," "public and quasi-public" and "health and social services" use categories:

- a. The minimum lot area shall be 10,000 square feet.
- b. The minimum side yard setback from any residentially zoned lot shall be 50 feet.
- c. Operating hours shall be limited to the period from 5:00 p.m. to 8:00 a.m. for any emergency shelter located within 100 feet of a residential use in a single-family or 2-family residence district.
- d. Outdoor waiting areas for facility users shall be prohibited. Facility users shall not be permitted to congregate, loiter or trespass on the facility's site during non-operating hours.

23. ELEMENTARY AND SECONDARY SCHOOLS. The following conditions shall apply to all private, parochial and public schools which are principal uses and to all private, parochial and public schools which are accessory to or part of principal uses in the "churches and schools," "public and quasi-public," "offices," "retail" and "health and social services" use categories:

- a. The minimum lot area shall be 10,000 square feet for schools with not more than 10 pupils, 1,000 square feet per pupil for schools with more than 10 pupils but not more than 80 pupils and 2 acres for all schools with more than 80 pupils.
- b. Off-street parking shall be provided at the rate of one parking space per 1.5 staff persons, plus one space for every 10 students age 16 or older.
- c. Outdoor recreational space shall be provided at the rate of 100 square feet per student enrolled. Such space shall be fenced and located at least 100 feet from any residential use in a single-family, 2-family or multi-family residence district.
- d. Signs shall be in conformance with the relevant requirements of ch. 244 and s. 295-97. In addition, school signs shall be limited to one wall sign for each side of the school building which faces a street, plus one ground sign. The maximum area of each wall sign shall be 10 square feet. The maximum area of the ground sign shall be 12 square feet, and the lower edge of the facing of such sign shall not be more than 5 feet above grade.

APPROVED AS TO FORM

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

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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

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