

October 18, 2006

To the Honorable Committee on
Zoning, Neighborhoods & Development

Dear Committee Members:

On October 10, 2006, the Zoning Code Technical Committee held a hearing on FN 051177, an ordinance relating to zoning regulations for day care facilities located near alcohol beverage establishments, sponsored by Ald. Davis and Wade.

The Committee reviewed the proposed ordinance for legality, enforceability, administrative efficiency and consistency with the zoning code. It was indicated to the Zoning Code Technical Committee by the committee's representative of the City Attorney that, at the present time, the City Attorney can not determine the legality and enforceability of this proposed ordinance. It was stated that there is a need to develop a legislative record to provide a "rational basis" for the provisions of the ordinance. This legislative record should address such questions as "Why is 300 feet the appropriate minimum distance between a day care center and an alcohol beverage establishment?" and "Why does an alcohol beverage establishment automatically have an adverse impact on a day care center?"

The legislative record providing a rational basis for the proposal can be developed at the Zoning, Neighborhoods and Development Committee meeting held to consider this proposed ordinance and/or by including studies or reports in the legislative file jacket. The City Attorney's Office will await the development and evaluation of the proper legislative record prior to determining the legality and enforceability of this proposed ordinance.

The Zoning Code Technical Committee moved that the proposed substitute dated 10/18/06, be forwarded to the Zoning, Neighborhoods and Development Committee with the condition described above.

Sincerely,

Teodros W. Medhin, Ph.D., Chair
Zoning Code Technical Committee

cc: Ald. Joe Davis, Sr.
Ald. Willie Wade
Tom Gartner
Greg Patin
Barry Zalben
Marty Collins
Stuart Mukamal
Clifton Crump
Jeff Osterman
Ed Richardson
Al Franitza
Chris Rute
Vanessa Koster