

April 24, 2009

The Honorable  
Members of the Zoning, Neighborhoods and Development Committee

Honorable Members:

Pursuant to s. 295-307-7-b of the Milwaukee Code of Ordinances, the Zoning Code Technical Committee, on April 22, 2009, reviewed Common Council File Number 081661, a substitute ordinance relating to off-street parking requirements for day care centers.

Based on this review, the Committee found that with respect to legality and enforceability, administrative efficiency and consistency with the format of the zoning code, the proposed ordinance in current form does not meet these standards and moved that it be re-drafted addressing the following conditions:

1. Permission to deviate from the off-street parking requirement for day care centers should be obtained through a dimensional variance (rather than a use variance), as is true for parking exceptions for other land uses.
2. The formula for calculating the number of required spaces should be simplified.
3. The number of parking spaces required should be substantially reduced.
4. The new requirement should not apply to a family day care home where the licensee does not reside in the dwelling unit in which the day care home is located.
5. The new requirement should not apply to a day care center located in a building containing an elementary or secondary school, religious assembly, community center, cultural institution or library as a principal use.
6. The new requirement should not apply to existing day care centers.

Respectfully Submitted,

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