



Office of the City Clerk
Legislative Reference Bureau

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January 8, 2004

To the Honorable Committee on
Zoning, Neighborhoods & Development

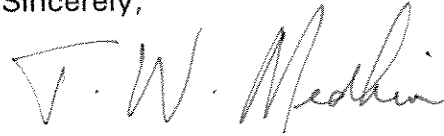
Dear Committee Members:

On January 7, 2004, the Zoning Code Technical Committee held a hearing on File Number 031244, an ordinance relating to zoning regulations for family day care homes. The committee reviewed the proposed ordinance for legality, enforceability, administrative efficiency and consistency with the zoning code and made the following observations:

1. The proposed ordinance would be legal and enforceable.
2. The proposed ordinance results in an illogical situation: a family day care home would be a prohibited use if the operator did not live on the premises whereas a day care center (a commercial, more intensive use) would still be a special use in all residential zoning districts. Thus, to circumvent the prohibition on non-owner occupied family day care homes, the operator-to-be could simply apply for permission to operate a commercial day care center.
3. By making all non-owner-occupied family day care homes prohibited uses (rather than limited uses in certain circumstances), the ordinance could dramatically increase the caseload of the Board of Zoning Appeals. Specifically, there would be numerous requests for variances from day care providers who wish to provide their services in dwelling units in which they do not live, but which are located in the same structures (duplexes or apartment buildings) as their residences.

Because of these concerns, the committee moved to forward the proposed ordinance to the Zoning, Neighborhoods and Development Committee without recommendation.

Sincerely,

A handwritten signature in black ink, appearing to read "T. W. Medhin". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

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

cc: Ald. Nardelli
Ald. Dudzik
Ald. Richards
Ald. Bohl
Ald. Witkowski
Ald. Donovan
Ald. Pratt
Ald. Davis
Ald. Breier
Ald. Murphy
Ald. Gordon
John Hyslop
Tom Gartner
Greg Patin
Barry Zalben
Marty Collins
Stuart Mukamal
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Jeff Osterman