



M E M O R A N D U M

TO: Mayor Graham and City Council
FROM: Walter Denton, City Administrator
Ted Shekell, Director of Planning and Zoning
DATE: For October 3, 2005
SUBJECT: Text Amendments (2nd Reading)

List of Committees That Have Reviewed: The Community Development Committee reviewed and recommended 4-0 to approve the zoning text amendments, as amended, at its meeting on September 26, 2005.

Background: The staff has revised the zoning text amendments to include new language regarding Home Child Care facilities. They are being moved from being special uses to permitted uses, however, to address concerns raised by Council we have added language to address concerns over neighbor notification and appeals to the Council. The new language is shown in the attached ordinance, and it includes provisions such as:

- Home child care facilities are defined as having from 4 to a maximum of 8 children, to include the natural, adopted, and foster children in the home.
- Each site must remain in compliance with all laws, including property maintenance and building codes, or the permit may be revoked.
- No zoning authorization and site plan shall be approved until at least ten days after the applicant has provided written notice of the application to adjoining property owners within 100 feet of the site. Proof that such written notice and the date such notice was provided to adjoining property owners shall be provided to the City prior to approval. The zoning authorization and site plan approval may be revoked by the Director if any of the requirements are at any time not satisfied.
- Any person aggrieved by a decision of the Planning Director in approving or denying zoning authorization for a Home Day Care and site plan as meeting the requirements set forth herein as a permitted use may be appealed to the City Council by filing a written appeal with the Director within 10 days after the decision, which shall stay such decision until Council action. Council decision on the appeal shall occur at its next regular meeting after filing of such appeal, unless the Council extends such time for good cause.

All other provisions of the cover ordinance, including the garage conversion provisions, protest notice changes, and increase in lot coverage for SR-3, MH-1 and MH-3 districts remain unchanged from 1st Reading.

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Legal Considerations, if any: None

Budget Impact: None

Staff recommendation: Staff recommends the ordinance be removed from HOLD and approved on 2nd Reading.