

DRAFTER'S ANALYSIS: Previously, the zoning code required that a Family Day Care Home be the principal place of residence of the operator. This amendment changes the rule to require that the home be the principal place of residence of the *provider* and requires conditional use approval if the *license holder* does not reside at, or have its principal place of business at, the day care home. In addition, this amendment removes the prohibition on employees who do not live in the home. Under this amendment, up to two employees who do not reside at the home are allowed. Finally, it removes the requirement for inspection by the Building Inspection Division and Fire Prevention Bureau, and the requirement for a use permit based on this inspection. In practice, this requirement did not accomplish much because building and fire code requirements for single family homes are not very strict and make no distinctions based on whether a child care center exists in the home. The relevant inspections are conducted by the state Department of Children and Families, the body that issues childcare licenses.

The Common Council of the City of Madison do hereby ordain as follows:

1. Table 28C-1 of Subsection (1) of Section 28.032 entitled "Residential District Uses" of the Madison General Ordinances is amended by amending therein the following:

"Residential Districts"																
	SR-C1	SR-C2	SR-C3	SR-V1	SR-V2	TR-C1	TR-C2	TR-C3	TR-C4	TR-V1	TR-V2	TR-U1	TR-U2	TR-R	TR-P	Supplemental Regulations
Accessory Uses and Structures																
Day care home, family	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	Y"

2. Table 28D-2 of Section 28.061 entitled "Mixed-Use and Commercial Districts Uses" of the Madison General Ordinances is amended by amending therein the following:

"Mixed-Use and Commercial Districts"										
				LMX	NMX	TSS	MXC	CC-T	CC	Supplemental Regulations
Accessory Uses and Structures										
Day care home, family				P/C	P/C	P/C	P/C	P/C		Y"

3. The Table 28E-2 of Subsection (1) of Section 28.072 entitled "Downtown District Uses" of the Madison General Ordinances is amended by amending therein the following:

"Downtown and Urban Districts"						
	DC	UOR	UMX	DR1	DR2	Supplemental Regulations
Accessory Uses and Structures						
Day care, home, family	P/C	P/C	P/C	P/C	P/C	Y"

4. Table 28F-1 of Subsection (1) of Section 28.082 entitled "Employment District Uses" of the Madison General Ordinances is amended by amending therein the following:

"Employment Districts"							
	TE	SE	SEC	EC	IL	IG	Supplemental Regulations
Accessory Uses and Structures							
Day care, home, family	P/C						Y"

5. The Table 28G-1 of Subsection (1) of Section 28.091 entitled "Special District Uses" of the Madison General Ordinances is amended by amending therein the following:

	A	UA	CN	PR	AP	Supplemental Regulations
Accessory Uses and Structures						
Day care, home, <u>family</u>	P/C					Y"

6. Subsection entitled "Day Care Home, Family" of Section 28.151 entitled "Applicability" of the Madison General Ordinances is amended by amending herein the following:

"Day Care Home, Family.

- (a) The family day care home shall be the principal place of residence of the ~~operator~~ provider, as defined in Wis. Admin. Code ch. DCF 250.
- (b) Conditional use approval is required if the licensee, as defined in Wis. Admin Code ch. DCF 250, does not reside at, or have its principal place of business at, the family day care home.
- (~~b~~c) No more than two employees who do not reside in the dwelling are shall be permitted other than residents of the dwelling; however, temporary or substitute caregivers may be present periodically.
- (c) ~~The facility shall pass the inspections of the Director of the Building Inspection Division and the Fire Prevention Bureau prior to issuance of a use permit.~~
- (d) ~~The loss of any state license or permit by a family or group day care home shall result in automatic revocation of that facility's use permit."~~