
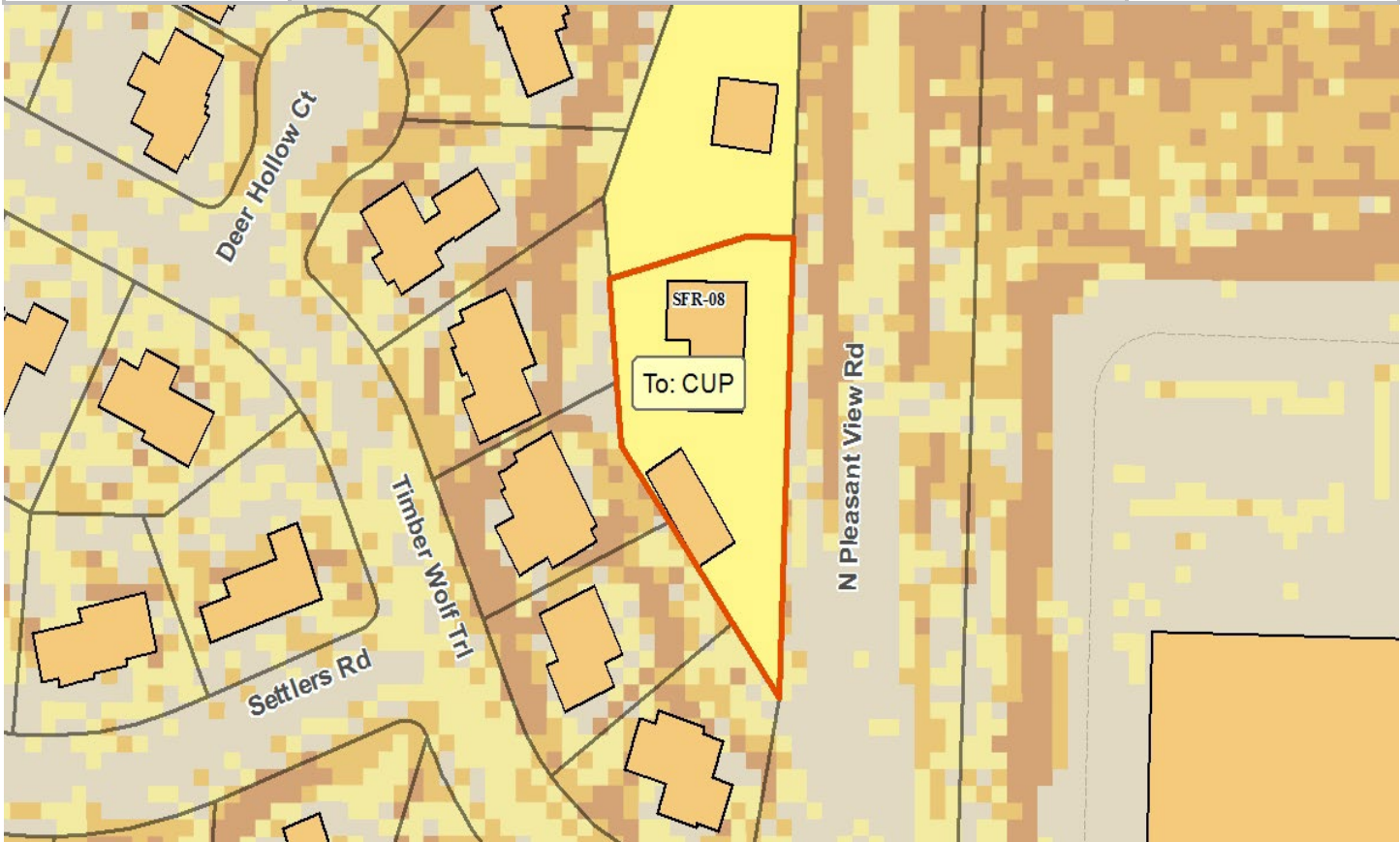


Staff Report  Zoning and Land Regulation Committee	Public Hearing: October 26, 2021		CUP 02535
	<u>Zoning Amendment Requested:</u> TO CUP: Daycare Center		<u>Town/Section:</u> MIDDLETON, Section 15
	<u>Size:</u> 0.489 Acres	<u>Survey Required.</u>	<u>Applicant</u> HOWVIEW LLC
	<u>Reason for the request:</u> Daycare Center		<u>Address:</u> 4073 N PLEASANT VIEW RD.,



DESCRIPTION: The applicant is requesting a CUP for a Daycare Center for no more than 8 children under the age of 12 at 4076 N Pleasant View Rd.

OBSERVATIONS/ FACTUAL INFORMATION: Under Wisconsin Statutes, a municipality cannot “prevent a family child care home from being located in a zoned district in which a single-family residence is a permitted use.” In addition, no municipality may establish standards or requirements for family child care homes that are different from the licensing standards established under s. 48.65.” **See Wis. Stat. § 66.1017.** The Department of Children and Families licenses small daycares as Family Child Care Homes.

Wisconsin State Statutes define child care homes as care for “not more than 8 children.” Dane County Ordinance 10.004(50) defines Day Care Center as “A place or home which provides care for eight (8) or more children.” The definitions do not align and ZLR should consider addressing that issue with a future ordinance amendment.

10/26 ZLR Committee meeting: The Committee postponed action due to no town action and clarification from Corporation Counsel regarding the statutory limitations for Family Child Care Homes.

TOWN: The Town Board approved the conditional use permit with 2 conditions as listed below.

STAFF UPDATE: Staff received an opinion letter from Corporation Counsel regarding Family Child Care Homes. The opinion states that the Committee cannot prohibit Family Child Care Homes in a residentially zoning area and suggests granting the conditional use permit. See letter from Assistant Corporation Counsel David Gault for the complete opinion.

Per that opinion, staff suggests approval of the CUP with the following 2 conditions:

1. The Child care shall be for no more than 8 children, and
2. That a license from the department and children and families under Wis. Stat. §48.65 shall be maintained.

If you have any questions or comments please contact Senior Planner Curt Kodl at (608) 266-4183 or kodl@countyofdane.com