

3/6/2022

Dear Planning & Zoning Commission Members,

I will be out of town and not able to attend the public hearing to consider a request for a Text Amendment change to Chapter 65 (Zoning) of the Code of the City of Jackson related to babysitting as a home occupation on March 9<sup>th</sup>.

I am **OPPOSED** to the REQUESTED TEXT AMENDMENT CHANGE TO BABYSITTING AS A HOME OCCUPATION.

While the current City of Jackson code concerning this matter applies to all of the City and all of its residents, as a resident of Cold Creek Estates the matter is of very serious importance to me and my household.

Cold Creek Estates is the neighborhood of the family making the request for the change. On November 1, 2021, our Board of Alderman unanimously denied a special use permit request to operate a daycare to the homeowners of 596 Canyon Trail which is located in an R-1 residential district within Cold Creek Estates.

All homeowners within the City of Jackson are permitted to operate a daycare in their home with no more than 4 children without a special use permit. So why is there a need for a change to the current city ordinance? Apparently to try to meet the desire of personal gain for one family at the cost to many homeowners in Cold Creek Estates and our whole city.

While it may be difficult to prove that having a daycare within a neighborhood decreases adjacent property values or marketability I am confident that it does not increase them.

Additionally, City of Jackson Code has existing restrictions which I feel applies to this situation.

Sec. 65-2. - Definitions.

Home occupation. Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes and which is carried on wholly within the main building or an existing accessory building by an immediate member of the family residing on the premises; provided that:

- (1) *No person not a resident on the premises is employed.*
- (3) No equipment shall be used which creates offensive noise, vibration, sound, smoke, dust, odors, heat, glare, x-ray or electrical disturbance to radio or television instruments.
- (4) No generation of substantial volumes of vehicular or pedestrian traffic or substantial parking demand shall be created.

Consider the phrase "wholly within the main building" and what that means. Probably doesn't mean 10 or more pieces of playground equipment in the side yard or back yard that is frequently used by the children being kept at the in-home daycare. While hearing children playing outside may be pleasant to some, please think about the neighbor who tries to sleep during the day so they can go to work at night to try to meet their family's personal needs.

The City of Jackson CAN be more restrictive than the State of Missouri on this matter.

Please recommend **rejection** of this text change to the Board of Aldermen.

Thank you for your time and service,



Robert Lichtenegger  
3019 Clear Spring Place  
Jackson, MO 63755

3/4/2022

Dear Planning & Zoning Commission Members,

I will be out of town and not able to attend the public hearing for **Text Amendments** to Chapter 65 (Zoning) of the Code of the City of Jackson related to babysitting as a home occupation on March 9<sup>th</sup>. I am opposed to the REQUESTED TEXT AMENDMENTS TO BABYSITTING AS A HOME OCCUPATION.

**First**, the zoning code already provides, in Sec. 65-5 thru 65-8, for the keeping of five (5) or more children. For example, following is the applicable sections in Sec. 65-5.

**Sec. 65-5 R-1 Single-family residential district regulations:**

- (1) *Use regulations.* A building or premises shall be used only for the following purposes:
  - a. Detached single-family dwellings.
  - b. Home occupations listed below which also meet the home occupation definition in section 65-2:
    2. Babysitting limited to no more than four (4) children under the age of seventeen (17) at one (1) time.
  - h. Child or daycare center, or nursery school, with a special use permit only.**

**Sec. 65-2 defines Child or daycare center. Any place, home, or institution which receives five (5) or more children under the age of seventeen (17) years and not of common parentage for care apart from their natural parents, legal guardians, or custodians when received for regular periods of time for compensation; provided, however, this definition shall not include ... children related by blood or marriage within the third degree of the custodial person;**

**Second**, the request for the change suggested that the city is not compliant with State of Missouri laws. Comparing the State of Missouri licensing law with the City of Jackson zoning ordinances is not logical. The state law being compared is in Chapter 210 of Title XII PUBLIC HEALTH AND WELFARE. This state law was created to protect the children. The city of Jackson zoning ordinances are created to define property use to protect property and property owners. Allowing this change will not only be detrimental to neighboring property owners but it also encourages more unregulated daycare which could be detrimental to the children.

**Third**, it is not uncommon for the city zoning ordinances to be more restrictive than state regulations. Some examples are city ordinances regarding limits on number of dogs and cats you can keep, where kennels are allowed to operate, and speed limits on state highways within city limits. Many people choose to invest in properties within the city limits so that they can be protected by more restrictive limits.

Please recommend **rejection** of this text change to the Board of Aldermen.

Thank you for your time and service,



Cynthia Lichtenegger  
3019 Clear Spring Place  
Jackson, MO 63755

To: Janet Sanders, Building & Planning Manager

I am writing asking you to NOT make the **text amendment** change to Chapter 65 - Babysitting as a Home Occupation and to leave it as is. I am not comfortable with making a change for many reasons:

1. There are many daycare centers in the Jackson area that operate as a business. They provide employment to the area and make Jackson look favorable for other business and families to move/live in Jackson. I would NOT like to see every in-home daycare to increase their childcare numbers and take away from these businesses
2. If someone wants to care for more children, perhaps they should open a business that will contribute to our community. I feel 4 children is plenty for in-home care for adequate attention.
3. It would not be fair to neighbors of an in-home daycare for many reasons. Increase in traffic, confusion & distractions in the neighborhood, them getting a tax advantage on their home, and any other perks they may get for running a business that a homeowner is not allowed.
4. I am afraid the homes in the neighborhood could go down in value or be difficult to sell due to the daycare
5. If someone wants to turn a hobby into a business, they would not be allowed to do so in a neighborhood; automotive repair or detailing, hairstylist, physical fitness instructor, accounting, etc...
6. I am concerned that it will just open the door to situations that would not be controlled. If they are allowed more the 4 children who monitors this? Will the city do inspections and head counts? Will the business get inspected to make sure it a clean and safe for children?

Please just leave it as is, no more than four.

Thank you

*Kathy Torchetti*