

DATE: March 23, 2006

TO: John M. Lamerato, Acting City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Douglas J. Smith, Real Estate and Development Director
Mark S. Stimac, Building and Zoning Director
Mark F. Miller, Planning Director

SUBJECT: AGENDA ITEM – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 214)
– Article IV and X, Group Child Care Homes in the R-1A through R-1E Districts

At the March 20, 2006 meeting, City Council directed City Management to prepare an ordinance amendment for future City Council action. City Management requests that City Council provide direction on this matter.

The most fundamental issue that must be determined by City Council is the method of approval for Group Child Care Homes (GCCH). There are three potential approval options for GCCH:

1. Permit GCCH by right without conditions.
 - This would require an applicant to be granted a State GCCH license.
2. Permit GCCH by right subject to specific conditions.
 - This would require an applicant to be granted a State GCCH license and administrative approval from the City.
3. Permit GCCH by Special Use Approval.
 - This would require an applicant to be granted a State GCCH license, the submission of a completed Special Use Approval application and a Planning Commission Public Hearing.

Once the method of approval is determined, the following is a list of potential conditions that City Council may consider:

Attachments:

1. Existing Zoning Ordinance provisions for Group Child Care Homes (10.25.05).
2. City of Farmington Hills Ordinance C-9-2005, related to the regulation of State-licensed day care homes.
3. City of Rochester Hills Ancillary Uses (Home Occupations) Ordinance.
4. Attachments Related to Group Day Care Homes:
 - Group Child Care Home Outcomes And Actions
 - Chart: Potential Group Child Care Home Requirements and City Management Concerns.
 - Checklist: Potential City Council Group Child Care Home Provisions.
5. Attachments Related to Family Child Care Homes:
 - Family Child Care Home Outcomes and Actions
 - Chart: Potential Family Child Care Home Requirements and City Management Concerns.
 - Checklist: Potential City Council Family Child Care Home Provisions.

Prepared by RBS/MFM

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horizontal areas of all floors of the building (including malls, basements, mezzanines, atriums and service areas), as measured from the exterior faces of the exterior walls.

Office Buildings - (Other than medical office buildings) - Measurement of the gross floor area shall be the sum of the horizontal areas of all floors (including basements, service areas, mezzanines, atriums and lobbies), as measured from the exterior faces of the exterior walls. For the purpose of calculating the required parking, usable floor area shall exclude corridors, lobby areas, vertical shafts (elevators, pipe chases, etc.) sanitary facilities, mechanical spaces, and storage areas. In the absence of detailed floor plans, the usable floor area shall be equal to eighty (80) percent of the gross floor area. When detailed floor plans are available, they shall be used for the determination of usable floor area and the parking requirement.

Medical Office Buildings - Measurement of the gross floor area shall be the sum of the horizontal areas of all floors (including basements, service areas, mezzanines, atriums and lobbies), as measured from the exterior faces of the exterior walls. For the purpose of calculating the required parking, usable floor area shall exclude corridors, lobby areas, vertical shafts (elevators, pipe chases, etc.), sanitary facilities, mechanical spaces and storage areas. In the absence of detailed floor plans, the usable floor area of medical office buildings shall be equal to eighty-five (85) percent of the gross floor area. When detailed floor plans are available, they shall be used for the determination of usable floor area and the parking requirement.

04.20.64 FRONTAGE: The term "frontage" means and applies to any portion of a parcel of land abutting, touching, or bordering a street, thoroughfare, or freeway.

(02-03-92)

04.20.65 GARAGE, PRIVATE: An accessory building for parking or storage of not more than the number of vehicles as may be required in connection with the permitted use of the principal structure.

04.20.67 GARAGE, PUBLIC: Any garage other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting or equipping of automobiles or other motor vehicles.

04.20.68 GRADE: The term "grade" shall mean a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

(Renumbered: 11-21-05)

04.20.69 GROUP CHILD CARE HOME: A private residence that the child care provider lives in and cares for up to 12 unrelated children for more than 4 weeks in a year when the children's parents/guardians are not immediately available.

(11-21-05)

Chapter 39 - Zoning Ordinance

10.25.05 Group Childcare Homes, as defined in Section 04.20.69, licensed by the State of Michigan and in operation as of [Date of Approval of ZOTA 214-B by City Council], shall be permitted to continue on a temporary basis not to exceed 30 days after the Troy City Council has had the opportunity to conduct a public hearing and take final action on any proposed revisions to Chapter 39, Article X, related to the regulation of Group Child Care Homes, as set fort in ZOTA 214.

(11-21-05)

10.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

The following uses may be permitted in R-1A through R-1E, One-Family Residential Districts, subject to the conditions hereinafter imposed for each use; and also subject to the review and approval of the use by the Planning Commission. Before approving any such uses, the Planning Commission shall find that:

- A. The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall not be detrimental to the orderly development, property values, environment or use of adjacent land and/or Districts.
- B. The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serves its location.

Planning Commission approval of the Site Plan for such uses is also required. Site Plans for the expansion of such use shall also be subject to the approval of the Planning Commission.

(Rev. 07-10-00)

10.30.01 Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of Section 03.30.00.

10.30.02 Schools:

(A) Public, parochial and other private elementary, intermediate (including junior high and middle) and/or high schools offering courses in general education, including those under the control of the State Superintendent of Education and those which are non- profit corporations in accordance with State Law, subject to the following conditions:

- (1) Private and parochial schools shall be located so as to have at least one (1) property line abutting a Major Thoroughfare or Secondary Thoroughfare, as indicated on the Master Thoroughfare Plan. The frontage on such a thoroughfare shall be at least equal to the minimum frontage required by the applicable Zoning District.
- (2) Sites for such facilities shall have a minimum area of at least five (5) acres, or one (1) acre for each 50 students permitted within the capacity of the proposed establishment, whichever is greater.
- (3) The front side and rear yard setbacks shall be a minimum of fifty (50) feet.

ORDINANCE C-9-2005

CITY OF FARMINGTON HILLS
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND CHAPTER 34, "ZONING", OF THE CITY CODE OF THE CITY OF FARMINGTON HILLS AS FOLLOWS: (1) TO AMEND ARTICLE I, SECTION 34-3 TO DELETE THE DEFINITIONS OF FAMILY AND GROUP DAY CARE HOMES AND ADD A DEFINITION OF STATE LICENSED DAY CARE HOME; (2) TO AMEND ARTICLE III, SECTION 34-55(7) TO AMEND THE REGULATIONS APPLICABLE TO BOTH GROUP AND FAMILY DAY CARE HOMES IN ONE-FAMILY RESIDENTIAL DISTRICTS; AND (3) TO DELETE ARTICLE III, SECTION 34-55(8).

THE CITY OF FARMINGTON HILLS ORDAINS:

Section 1. Ordinance Amendment.

In Chapter 34, Article I, Section 34-3, of the Farmington Hills City Code, the definitions of the terms "*family day care home*" and "*group day care home*" are hereby deleted, and the definition of the term "*state-licensed day care home*" is hereby added to read as follows:

State-licensed day care home means a private home that is licensed by the State of Michigan pursuant to applicable laws for the operation of a child day care home and in which not more than twelve (12) minor children are given care and supervision for periods of less than sixteen (16) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. State-licensed day care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

Section 2. Ordinance Amendment.

In Chapter 34, Article III, Section 34-55, of the Farmington Hills City Code, subsection 34-55(7) is hereby amended to as follows and subsection 34-55(8) is hereby deleted:

Sec. 34-55. Accessory uses permitted subject to special conditions.

The following accessory uses shall be permitted in RA districts, subject to the conditions hereinafter imposed for each use:

(1) – (6) [*Unchanged*].

- (7) State-licensed day care homes, subject to the following conditions:
- a. The state licensee shall occupy the dwelling as a residence and shall operate the day care home.
 - b. The licensee shall register with the city clerk upon commencing operation and on an annual basis each January thereafter, and the licensed premises shall be subject to a fire and building department inspection and shall provide a smoke detector in all daytime sleeping areas and otherwise comply with applicable building and fire codes .
 - c. The hours of operation shall be limited to the period between 6:00 a.m. and 10:00 p.m.
 - d. No sign accessory to the home shall be permitted.
 - e. The state licensed day care home shall not be located closer than seven hundred and fifty (750') feet from another licensed day care home. The distance required above shall be measured from the respective point on each property line that is nearest to the other. This subsection shall not apply to any state licensed day care home existing as of the date of enactment of this ordinance [October 24, 2005].
 - f. No more than one (1) employee shall be permitted on the premises at any time, and any vehicle owned by such employee must be parked in an approved paved or graveled area on the premises. The above limitation on the number of employees does not include immediate family members of the licensee that are employees and occupy the dwelling as his/her permanent residence.
 - g. If the day care home is located on a major or secondary thoroughfare, the driveway shall be designed so that vehicles can exit the site without having to back onto the major or secondary thoroughfare.

(8) [*Repealed.*]

Section 3. Repealer.

All ordinances, parts of ordinances, or sections of the City Code in conflict with this Ordinance, including subsection 34-55(8), are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Severability.

Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 5. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 6. Effective Date.

The provisions of this Ordinance are ordered to take effect twenty-one (21) days after enactment.

Section 7. Enactment.

This Ordinance is declared to have been enacted by the City Council of the City of Farmington Hills at a meeting called and held on the 24th day of October, 2005 and is ordered to be given publication in the manner prescribed by law.

Ayes: Barnett, Brickner, Ellis and Oliverio
Nays: Akouri, Bruce and Massey
Abstentions: None
Absent: None

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

I, the undersigned, the qualified and acting City Clerk of the City of Farmington Hills, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the Ordinance adopted by the City Council of the City of Farmington Hills at a meeting held on the 24th day of October, 2005, the original of which is on file in my office.

KATHRYN A. DORNAN, City Clerk
City of Farmington Hills

Introduced: October 17, 2005
Adopted: October 24, 2005
Effective: November 14, 2005
Published: October 30, 2005

CITY OF ROCHESTER HILLS

CHAPTER 138 ZONING

ARTICLE VI DISTRICT REGULATIONS

DIVISION 2. R-1, R-2, R-3 AND R-4 ONE-FAMILY RESIDENTIAL DISTRICTS

Sec. 138-259. Ancillary uses.

- (a) Home occupations, as defined in this chapter, on a limited basis, will be allowed in R-1, R-2, R-3 and R-4 one-family residential districts, provided any such activity:
- (1) Does not create a nuisance to the surrounding neighborhood.
 - (2) Does not become more than an incidental function of the use of the dwelling for residential purposes.
 - (3) Does not draw truck traffic other than a delivery by a truck no more frequently than an average of once a week or by trucks or vehicles allowed under subsection 138-1143(b).
 - (4) Does not employ paid assistants or employees other than those living at the premises.
 - (5) Does not cause more than a nominal increase of traffic.
 - (6) Does not cause the erection or maintenance of any signs other than signs allowed on vehicles under subsection 138-1143(b)(5).
 - (7) Does not take place outside of the dwelling and/or accessory buildings, so as to be a nuisance or not be in keeping with the residential nature of the surrounding residential area.
 - (8) In addition to meeting subsections (a)(1) through (a)(7) of this section, child day care centers shall not care for more than six children.
 - (9) In addition to meeting subsections (a)(1) through (a)(7) of this section, bed and breakfast operations shall conform to the following additional requirements:
 - a. No more than four sleeping rooms, and no more than 25 percent of the total floor area of the dwelling unit, shall be available for rent to transient guests.
 - b. Each sleeping room used for the bed and breakfast operation shall have a separate smoke detector, and each floor of the premises shall have a fire extinguisher. All are to be kept in proper working order, in compliance with applicable state law.

- c. Adequate off-street parking shall be provided on site.
- d. The maximum stay for any transient guest shall be 14 consecutive days.

Operating a business or carrying on a business activity in excess of the limitations of a home occupation as defined and allowed in this chapter in a residential district is prohibited. The conducting of a business or a business activity which results in violations of the limitations or is not a home occupation as defined in this chapter, may be prosecuted in the district court, or may be enjoined in the circuit court.

As an alternative, the mayor may refer the matter first to the zoning board of appeals if there is a reasonable question as to whether there is a violation. Whenever a complaint is received from a neighbor, the mayor shall make an investigation and either take action against the violator, refer the matter to the zoning board of appeals or advise the complainant there is no violation and the reason for that determination.

If a question concerning a home occupation is referred to the zoning board of appeals, that board shall hold a public hearing with notice to all property owners within 300 feet of the property and shall determine whether there is, in fact, a home occupation and, if so, whether there are any violations of the limitations in this subsection. The board of appeals may take no further action or may issue a permit, renewable yearly, for the continuation of such use, with or without restrictions. If a hearing is held and a determination is made, the matter may not be reviewed at the complaint of a neighbor unless there has been a change of circumstances.

(Ord. No. 200, § 402(4.02), 10-29-1986; Ord. No. 200-54, § 2; Ord. No. 200-102, § 1, 4-8-1998)

ATTACHMENTS RELATED TO
GROUP CHILD
CARE HOMES

GROUP CHILD CARE HOME OUTCOMES AND ACTIONS

City Management identified the following list of outcomes and actions available to City Council on the Group Child Care Homes issue.

Scenario #1: City Council supports the Planning Commission recommendation of no change to the existing Group Child Care Home provisions

- Existing licensed Group Child Care Homes shall be permitted to continue on a temporary basis not to exceed 30 days after final action.
- City Council should pass a resolution deleting the temporary Group Child Care Homes permitted in the Zoning Ordinance, effective 30 days following final action on ZOTA 214.
- Existing licensed Group Child Care Homes will be sent additional notice identifying the violation and giving them 30 days to comply.
- In order to comply existing Group Child Care Homes will need to change their license to Family Child Care Home or keep their existing Group Child Care Home License and certify that they will not care for more than six children or eliminate the child care home facility.

Scenario #2: City Council directs staff to develop language for Group Child Care Home provisions based upon Planning Commission alternate recommendations

- City Council shall determine which provisions to include in the text amendment (see attached check list). Once the provisions are determined, City Management shall create ZOTA language for consideration.
- City Council adopts new language.
- Existing Group Child Care Home license holders will be notified it is necessary to comply with the newly adopted ZOTA.
- If a Group Child Care Home is not in compliance with the dimensional requirements of the Zoning Ordinance, they are required to revise their homes to comply or seek variances from the Board of Zoning Appeals.
- If a Group Child Care Home is successful in acquiring variances or do not need variances they will need to apply for Special Use Approval (if required).
- If a Group Child Care Home obtains Special Use Approval from the Planning Commission (if required), they will need to apply for building permits for a change of occupancy.
- If a Group Child Care Home cannot comply with the building code provisions they will need to modify their homes to comply or apply for a variance from the Building Code Board of Appeals.
- If a Group Child Care Home cannot comply with accessibility requirements they can modify their home to comply or apply to the Barrier Free Design Board at the State of Michigan
- Once all plan review approvals are obtained, a permit will be issued.

- Once any work is completed, and all inspections are approved, a new certificate of occupancy would be issued.
- If a Group Child Care Home cannot comply or are unsuccessful in obtaining approvals or variances they will either need to change their license to Family Child Care Home or keep existing Group Child Care Home License and certify that they will not care for more than six children or eliminate the Group Child Care Home facility.

POTENTIAL GROUP CHILD CARE HOME REQUIREMENTS AND CITY MANAGEMENT CONCERNS

	Potential Requirement	Recommended or Mandated By	City Management Remarks
1	To maximize the safety and the privacy and to minimize noise for the neighboring properties, Group Child Care Homes shall be allowed on properties greater than one-half acre in size and having a minimum side yard setback of 20 feet.	Planning Commission	<p>If the intent is to mandate that GCCH must be located on parcels greater than one-half acre in size, the term “only” should be used.</p> <p>The lot size requirement exceeds the minimum lot size requirements in all of the single-family residential zoning districts. 13 of the 20 existing GCCH presently licensed in the City would be unable to meet this requirement.</p> <p>The 20-foot side yard setback requirement exceeds the minimum lot size requirement for all of the single-family residential zoning districts. 15 of the 20 existing GCCH presently licensed in the City would be unable to meet this requirement.</p>
2	The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed twelve (12).	State of Michigan and Planning Commission	
3	The resident-operator of the Group Child Care Home shall be licensed in accordance with applicable State Law.	State of Michigan and Planning Commission	
4	To maximize the safety and the privacy for the neighboring properties, there shall be no dropping off of children between the hours of 10:00 p.m. and 6:00 a.m.	Planning Commission	In the Planning Commission secondary recommendation there is no mention of picking up of children, should there be? Is it the intent of the Planning Commission to prohibit 24 hour child care services for GCCH’s?

	Potential Requirement	Recommended or Mandated By	City Management Remarks
5	No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.	Planning Commission	What is the definition of residential character? This is difficult to enforce uniformly.
6	No sign shall be used on the premises to identify the Group Child Care Home.	City of Troy (current Zoning Ordinance requirement)	This is a current Zoning Ordinance requirement.
7	The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01, shall not apply to Group Child Care Homes.	Planning Commission	This would mean that the requirements for home occupations related to employees and traffic does not apply to GCCH's. This should be further clarified in ordinance language.
8	Group Child Care Homes with vehicular access on a major thoroughfare shall be required to have a circular drive or an unobstructed turnaround area to allow for the safe egress of vehicles.	Planning Commission and Zoning Ordinance	2 of the 4 GCCH located on a major thoroughfare would be unable to meet this requirement. This is required for new homes in the City.
9	The Planning Director may waive any required site plan information provided it can be determined that the application meets the Group Child Care Home requirements of Section 10.30.10 and the general Special Use Approval standards of Section 03.31.05.	Planning Commission	The submittal standard requirements are burdensome and costly for homeowners.
10	To maximize the safety and the privacy for the neighboring properties, if the outdoor play area is located on the premises, the play area shall be fenced or screened with a 6-foot high privacy fence.	Planning Commission	The requirement that Family and Group Child Care Homes require fenced or screened play areas could create equity issues for Group Child Care Homes within homes with deed restrictions or neighborhoods with bylaws prohibiting fences. This would create legal non-conforming structures.

	Potential Requirement	Recommended or Mandated By	City Management Remarks
11	The licensee shall register with the City upon commencing operation and on an annual basis each January thereafter, and the licensed premises shall be subject to a fire and building department inspection and shall provide a smoke detector in all daytime sleeping areas and otherwise comply with applicable building and fire codes.	Planning Commission	<p>The requirement that Group Child Care Homes must register annually with the City seems unreasonable, since they require license renewal with the State of Michigan every two years. Few businesses in the City require annual registration.</p> <p>Since every use in the City must comply with Michigan Building Code requirements, including requirements for fire and building department inspection is unnecessarily repetitive.</p>
12	The applicant shall identify the entrance(s) for drop-offs and pickups. The parking and drop-off areas shall be designed to maximize safety and privacy for the neighboring properties.	Planning Commission	
13	To prevent the commercialization of residential districts, Group Child Care Homes shall be not be located within 1,000 feet of another state licensed residential facility.	Planning Commission and State of Michigan	<p>The requirement that a Group Child Care Home shall not be located within 1,000 feet of another state licensed residential facility would be impossible to meet for 18 of the 20 Group Child Care Homes presently licensed in the City. This would create legal non-conforming structures.</p> <p>The City and Village Zoning Act prohibits a state licensed residential facility within 1,500 feet of another state licensed residential facility, unless permitted by local ordinance.</p>

CHECKLIST
POTENTIAL CITY COUNCIL GROUP CHILD CARE HOME PROVISIONS

10.30.10 Group Child Care Homes, as defined in Section 04.20.69, subject to the following conditions:

YES NO

1. ___ ___ To maximize the safety and the privacy and to minimize noise for the neighboring properties, Group Child Care Homes shall be allowed on properties greater than one-half acre in size and having a minimum side yard setback of 20 feet.
2. ___ ___ The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed twelve (12).
Current State of Michigan requirement.

Admin Code R 400.1910 Ratio of caregiving staff to children.

Rule 10. (1) The ratio of caregiving staff to children present in the home at any 1 time shall be not less than 1 caregiving staff person to 6 children. The ratio shall include all unrelated children in care and any of the following children who are less than 7 years of age:

(a) Children of the caregiver.

(b) Children of the assistant caregiver.

(c) Children related to any member of the child care home family by blood, marriage, or adoption.

(2) For each caregiving staff person, not more than 4 children shall be under the age of 30 months, with not more than 2 of the 4 children under the age of 18 months.

3. ___ ___ The resident-operator of the Group Child Care Home shall be licensed in accordance with applicable State Law.
Current State of Michigan requirement.
4. ___ ___ To maximize the safety and the privacy for the neighboring properties, there shall be no dropping off of children between the hours of 10:00 p.m. and 6:00 a.m.
5. ___ ___ No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.
6. ___ ___ No sign shall be used on the premises to identify the Group Child Care Home.
Current Zoning Ordinance requirement – no action necessary.

YES NO

7. ___ ___ The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01, shall not apply to Group Child Care Homes.
8. ___ ___ Group Child Care Homes with vehicular access on a major thoroughfare shall be required to have a circular drive or an unobstructed turnaround area to allow for the safe egress of vehicles.
9. ___ ___ The Planning Director may waive any required site plan information provided it can be determined that the application meets the Group Child Care Home requirements of Section 10.30.10 and the general Special Use Approval standards of Section 03.31.05.
10. ___ ___ To maximize the safety and the privacy for the neighboring properties, if the outdoor play area is located on the premises, the play area shall be fenced or screened with a 6-foot high privacy fence.
11. ___ ___ The licensee shall register with the City upon commencing operation and on an annual basis each January thereafter, and the licensed premises shall be subject to a fire and building department inspection and shall provide a smoke detector in all daytime sleeping areas and otherwise comply with applicable building and fire codes.
12. ___ ___ The applicant shall identify the entrance(s) for drop-offs and pickups. The parking and drop-off areas shall be designed to maximize safety and privacy for the neighboring properties.
13. ___ ___ To prevent the commercialization of residential districts, Group Child Care Homes shall be not be located within 1,000 feet of another state licensed residential facility.

CITY COUNCIL MEMBER GROUP CHILD CARE HOME CONDITIONS

Group Child Care Home (GCCH) Provisions

YES NO

1. ___ ___ For homes that have side yards on main roads, require 4 ft. chain link fence.
2. ___ ___ The state licensed child care home shall not be located closer than 750 ft. from another licensed child care home. This requirement shall not apply to any state licensed day care home existing as of the date of enactment of this ordinance.
3. ___ ___ Fence and screening same as required for pools.
4. ___ ___ Group child care homes shall not be located within 750 ft. of another state licensed residential facility.
5. ___ ___ Grandfather all existing daycare homes in Troy.
6. ___ ___ Use Farmington Hills ordinance as a guideline.
7. ___ ___ Group child care homes shall not be located within 1,500 ft. of another state licensed residential facility.
8. ___ ___ Include the following provisions from Rochester Hills "Home Occupations" –
Does not create a nuisance to the surrounding neighborhood.
Does not become more than an incidental function of the use of the dwelling for residential purposes.
9. ___ ___ Require 50% of neighbors abutting a resident who wishes to operate a group child care home give approval.
10. ___ ___ Location of children's play equipment should be the furthest area from neighbors.
11. ___ ___ Require notification to homeowner's association.
12. ___ ___ Future GCCH should have a 20 ft. side yard setback.
13. ___ ___ Grandfather in existing homes but new GCCH should be 1,500 ft. a part from other state licensed facilities.
14. ___ ___ Hours of operation shall be between 6 AM to 10 PM.

ATTACHMENTS RELATED TO
FAMILY CHILD
CARE HOMES

FAMILY CHILD CARE HOME OUTCOMES AND ACTIONS

The Planning Commission discussed potential changes to provisions related to Family Child Care Homes. City Management identified the following list of outcomes and actions available to City Council on the Family Child Care Homes issue.

Scenario #1: City Council supports the Planning Commission recommendation of no change to the existing Family Child Care Home provisions

- Existing licensed Family Child Care Homes shall be permitted to continue indefinitely provided they continue to meet State and local requirements.

Scenario #2: City Council directs staff to develop language for Family Child Care Home provisions based upon Planning Commission recommendations

- City Council shall determine which provisions to include in the text amendment (see attached check list). Once the provisions are determined, City Management shall create language for adoption.
- Existing Family Child Care Homes would be legal non-conforming. The new rules would not apply. Existing Family Child Care Home license holders will be sent an additional notice of the newly adopted rules.
- If existing Family Child Care Home license holders are not in compliance with the technical requirements of the Zoning Ordinance, they will be considered legal non-conforming uses or structures subject to the requirements of Section 40.50.00 of the Zoning Ordinance.
- Prospective Family Child Care Homes shall be required to meet all requirements prior to being granted Special Condition Approval.

POTENTIAL FAMILY CHILD CARE HOME REQUIREMENTS AND CITY MANAGEMENT CONCERNS

	Potential Requirement	Recommended or Mandated By	City Management Remarks
1	The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed six (6).	State of Michigan (current Zoning Ordinance requirement)	The Michigan Building Code should be changed to permit Family Child Care Homes with up to six children without requiring significant physical improvements to the home.
2	The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall not apply to Family Child Care Homes.	Planning Commission	This would mean that the requirements for home occupations related to employees and traffic does not apply to FCCH's. This should be further clarified in ordinance language.
3	The resident-operator of the Family Child Care Home shall be licensed in accordance with applicable State Law.	State of Michigan and Planning Commission	
4	To maximize the safety and the privacy for the neighboring properties, there shall be no dropping off of children between the hours of 10:00 p.m. and 6:00 a.m.	Planning Commission	In the Planning Commission's secondary recommendation there is no mention of picking up of children, should there be? Is it the intent of the Planning Commission to prohibit 24 hour child care services for FCCH?
5	To maximize the safety and the privacy for the neighboring properties, if the outdoor play area is located on the premises, the play area shall be fenced or screened with a 6-foot high privacy fence.	Planning Commission	This requirement could create equity issues for Group Child Care Homes within homes with deed restrictions or neighborhoods with bylaws prohibiting fences. This would create legal non-conforming structures.
6	No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.	Planning Commission	What is the definition of residential character? This will be difficult to enforce uniformly.
7	No sign shall be used on the premises to identify the Family Child Care Home.	City of Troy (current Zoning Ordinance requirement)	This is a current Zoning Ordinance requirement.
8	Family Child Care Homes with vehicular access on a major or secondary thoroughfare shall be required to have a circular drive or an unobstructed turnaround to allow for the safe egress of vehicles.	Planning Commission	This is required for all new homes.

POTENTIAL CITY COUNCIL FAMILY CHILD CARE HOME PROVISIONS

10.25.02 Family Child Care Homes, as defined in Section 04.20.60, subject to the following conditions:

YES NO

1. ___ ___ The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed six (6).
Current Zoning Ordinance requirement – no action necessary.

Admin Code R 400.1910 Ratio of caregiving staff to children.

Rule 10. (1) The ratio of caregiving staff to children present in the home at any 1 time shall be not less than 1 caregiving staff person to 6 children. The ratio shall include all unrelated children in care and any of the following children who are less than 7 years of age:

(a) Children of the caregiver.

(b) Children of the assistant caregiver.

(c) Children related to any member of the child care home family by blood, marriage, or adoption.

(2) For each caregiving staff person, not more than 4 children shall be under the age of 30 months, with not more than 2 of the 4 children under the age of 18 months.

2. ___ ___ The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall not apply to Family Child Care Homes.
Contrary to current Zoning Ordinance requirement.

3. ___ ___ The resident-operator of the Family Child Care Home shall be licensed in accordance with applicable State Law.
Current State of Michigan requirement.

4. ___ ___ To maximize the safety and the privacy for the neighboring properties, there shall be no dropping off of children between the hours of 10:00 p.m. and 6:00 a.m.

5. ___ ___ To maximize the safety and the privacy for the neighboring properties, if the outdoor play area is located on the premises, the play area shall be fenced or screened with a 6-foot high privacy fence.

6. ___ ___ No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.

YES NO

7. No sign shall be used on the premises to identify the Family Child Care Home.
Current Zoning Ordinance requirement – no action necessary.
8. Family Child Care Homes with vehicular access on a major or secondary thoroughfare shall be required to have a circular drive or an unobstructed turnaround to allow for the safe egress of vehicles.
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CITY COUNCIL MEMBER FAMILY CHILD CARE HOME CONDITIONS

Family Child Care Home (FCCH) Provisions

In addition to the provisions listed under GCCH

YES NO

1. Limit to 1 additional employee.
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CITY OF TROY FAMILY CHILD CARE HOME PROVISIONS

10.25.02 Family Day Care Homes, as defined in Section 04.20.60, subject to the following conditions:

YES NO

- A) The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed six (6).
- B) For each child on the premises a minimum of four hundred (400) square feet of outdoor play area shall be provided, in the rear or side yards of the subject dwelling unit.
- C) The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall also apply to Family Day Care Homes.
- D) The resident-operator of the Family Day Care Home shall be licensed in accordance with applicable State Law.