

September 7, 2005

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager

SUBJECT: Child Daycare Group Homes Having Seven to Twelve Children in Single Family Residential Zoning

Background

We currently have twenty child daycare group homes licensed by the State of Michigan to operate in Troy. However, our current ordinance does not allow for daycare group homes in the R-1A through R-1E districts, and the State of Michigan has failed to notify the City of Troy prior to the issuance of these licenses. On July 6, 2005 I advised City Council that the City will not take enforcement action against licensed daycare group homes because the Planning Commission is considering making a recommendation to Council which may make these facilities allowable in residential districts. Subsequently, the Planning Commission recommended that this matter be deferred until such time as the State of Michigan takes action on this issue.

On August 24, 2005 I was advised by Mr. Arnold Weinfeld, State and Federal Affairs Director for the Michigan Municipal League, that House Bill 4398, Zoning Consolidation, is going to the Senate Committee having no change to the current daycare group home legislation in terms of local regulation. This means that local units will continue to control approval/non-approval of such uses as they see fit.

Current Status

Staff has scheduled a Planning Commission public hearing on this matter for September 27, 2005. As such, no additional enforcement action will be taken at this time. However, I cannot take a non-enforcement stance indefinitely, and therefore it is important for the Planning Commission to make a recommendation to the governing body on the daycare group home issue.

Councilwoman Broomfield spoke to me and stated that since the Michigan Legislature is going to leave approval/non-approval of daycare group homes under local jurisdiction, it is time for the Planning Commission to make a recommendation so that City Council can determine policy on this matter. As such, Ms. Broomfield has requested a resolution advising the Planning Commission to make a recommendation to City Council relative to daycare group homes after conclusion of their public hearing on September 27, 2005.

As a point of information, attached is a listing of Planning Commission activities on ZOTA 214, daycare group homes in the R-1 residential zoning districts.

JS/bt\my documents\agenda items\2005\09.12.05 – Child Daycare Group Homes

c: Lori G. Bluhm, City Attorney
Mark Miller, Planning Director
Doug Smith, Real Estate & Development Director
Planning Commission

**Planning Commission Actions on
ZOTA 214 Group Daycare Homes
in the R-1 Residential Zoning Districts**

| MEETING DATE | TYPE OF MEETING | ACTION |
|---------------------|------------------------|--|
| April 27, 2004 | Study Meeting | Potential Ordinance Revision Discussion and Presentation by Ms. Schafer |
| May 4, 2004 | Study Meeting | Potential Ordinance Revision Discussion followed by Resolution #PC-2004-05-052 - Request for written confirmation that the Building Dept. violation at 5593 Mandale be held in abeyance while PC attempts to move forward with ZOTA, MOTION APPROVED |
| July 27, 2004 | Study Meeting | Potential Ordinance Revision Discussion |
| Sept. 28, 2004 | Study Meeting | Potential Ordinance Revision Discussion |
| March 1, 2005 | Study Meeting | Brief Discussion after Planning & Zoning Report |
| June 7, 2005 | Study Meeting | Zoning Ordinance Text Amendment Discussion followed by Resolution #PC-2005-06-094, directing the Planning Dept. not to extend any more effort on ZOTA 214, and to look into applicability of the State Building Code for family daycare homes to see if anything should be done in the City Ordinances to clear up potential legalities, MOTION FAILED |
| June 28, 2005 | Study Meeting | Zoning Ordinance Text Amendment Discussion followed by Resolution #PC-2005-06-108, that a Public Hearing on ZOTA 214 be scheduled for August 9, 2005 and notices be sent to residents within 300 ft. of the existing 19 group daycare homes and that City Management provide a memo outlining pros and cons on the matter and that additional Special Use criteria be developed, MOTION APPROVED |
| July 12, 2005 | Regular Meeting | During Good of the Order comments, Mr. Motzney provided an explanation to his memo addressing the Public Hearing for ZOTA 214 |
| August 2, 2005 | Study Meeting | Discussion of House Bill 4398 including Sec. 206 (4) the requirement to permit conditionally group day care homes in residential districts |
| August 9, 2005 | Regular Meeting | Public Hearing, followed by Resolution #PC-2005-08-131, Planning Commission shall take no further action related to group day care homes until State Legislature and Governor have taken final action on House Bill 4398, MOTION APPROVED |
| August 23, 2005 | Study Meeting | During Good of the Order comments, Chair Strat notified members that the State legislature is not going forward with modifications regarding group day care homes in House Bill 4398 and that City Management requested they resume action on ZOTA 214 |