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April 3, 2024

HONORABLE CITY COUNCIL

**RE: Proposed and Revised Childcare Facilities Text Amendment to Chapter 50, *Zoning*,
(RECOMMEND APPROVAL)**

BACKGROUND

In Spring 2023, the Mayor’s Office of Early Learning (OEL) and the Law Department provided a draft text amendment to Chapter 50 of the 2019 Detroit City Code, *Zoning*, relative to three childcare facility land uses: Child Care Centers, Group Day Care Homes (7-12 children), and Family Day Care Homes (1-6 children).

The text amendment was requested by the Administration to remove certain obstacles to the establishment of these childcare facilities and to provide greater availability of childcare resources citywide.

SCOPE OF THE CPC-RECOMMENDED ORDINANCE

On February 22, 2024, the City Planning Commission (CPC) voted to recommend a revised draft of the text amendment:

- to update the **definitions** of “family day care home,” “group day care home,” and “child care center” for consistency with recent amendments to State law; *Secs. 50-16-152, 50-16-201, 50-16-222;*
- to allow **child care centers** as a principal land use on a conditional basis in the R1 and R2 Districts where they are currently prohibited and as an accessory use to “public, civic, and institutional uses”; *Sec. 50-8-21, 50-8-51, 50-12-43, 50-12-512;*
- to allow **child care centers** on a by-right basis in the PR District where they are currently prohibited; *Secs. 50-11-145, 50-12-43;*
- to allow **family day care homes** on a by-right basis in the B1, B2, B4, MKT, and SD2 Districts where they are currently prohibited; *Secs. 50-9-15, 50-9-45, 50-9-105, 50-11-205, 50-11-265, 50-12-43;*

- to specify the **minimum distance between** any two **group day care homes** as the lesser distance of: 1) on the same block face or 2) 500 linear feet; *Sec. 50-12-130*;
- to require **notification** by the City of nearby properties upon approval of a **group day care home** identifying its location and the care provider and providing contact information of the related state and local regulatory agencies; *Sec. 50-12-185(c)*;
- to require **family day care homes and group day care homes** to provide **rear yard fencing** where rear yards are present; *Sec. 50-12-185(e)*;
- to require **family day care homes and group day care homes** to operate so as to not create a **nuisance**; *Sec. 50-12-185(f)*;
- to continue to allow **group day care homes** on a conditional basis in the R1, R2, R3, R4, R5, R6, and SD4 Districts where they are currently a conditional use; *Secs. 50-8-21(4), 50-8-51(4), 50-8-81(4), 50-8-111(3), 50-8-141(4), 50-8-171(4), 50-11-297(4)*; and to newly allow **group day care homes** on a conditional basis in the B1, B2, B4, B5, SD1, and SD2 Districts where they are currently prohibited; *50-9-21(4), 50-9-51(4), 50-9-111(3), 50-9-141(1), 50-11-241(3), 50-11-172(3)*;
- to prohibit **group day care homes** in “multiple-family dwellings,” “lofts,” and “residential uses combined in structures with permitted commercial or industrial uses;” *Sec. 50-12-18(a) & (b)*;
- to allow **group day care** homes on a by-right basis where the premises and operator have been licensed as a Family Day Care home for at least one year, subject to applicable specific use standards in the R1, R2, R3, R4, R5, R6, B1, B2, B4, B5, SD1, SD2, and SD4 Districts; *Secs. 50-8-15, 50-8-45, 50-8-75, 50-8-105, 50-8-135, 50-8-165, 50-9-15, 50-9-45, 50-9-105, 50-9-135, 50-11-235, 50-11-265, 50-11-291*;
- to require child care centers to provide 100 square feet of **outdoor play area** per child or 1,200 square feet, whichever is greater, where 2,000 square feet of outdoor play area are currently required; *Sec. 50-12-183*;
- to allow for the consideration of suitable **outdoor play areas** at child care centers that are not immediately adjacent to the center; *Sec. 50-12-183*;
- to eliminate the portion of the **off-street parking** requirement for child care centers based on the capacity of the center while retaining the portion of the requirement based on the number of employees; *Sec. 50-14-39*;
- to extend the applicability of certain **noise** standards to protect child care facilities; *Sec. 50-14-587*.

FINDINGS

Per requests of the Planning Commission, the Buildings, Safety Engineering and Environmental Department (BSEED) reported that the fee for a Special Land Use hearing is \$1,160. An

applicant/owner can pay over the course of time on a payment plan. However, it should be noted, BSEED's fee for Special Land Use hearings subsequently increased to \$1,171 on January 1st, 2024.

Other Communities' Approaches to Permitting Group Day Care Homes (7-12 children)

Commissioners were interested in knowing how other communities treat Group Day Care Homes. Prior to the January 5th CPC meeting, the OEL had researched 15 Michigan communities to ascertain their handling of **Group Day Care Homes** as a land use, finding that Detroit is not unusual in treating group day care as a Special Land Use (SLU). (Detroit refers to "Special" Land Uses as "Conditional" Land Uses, the terms being interchangeable.)

The OEL gathered additional information from other communities to share at the February 15th meeting. Below is a summary of how the other aforementioned 15 cities regulate Group Day Care homes:

- Birmingham: 750-foot spacing; accessory use
- Dearborn: SLU
- Grand Rapids: accessory use
- Lansing: SLU
- Livonia: 1,000-foot spacing; conditions
- Mt. Clemens: SLU; 1,500-foot spacing.
- Novi: SLU; opaque fencing; ½-acre lot
- Pontiac: SLU; 500-foot spacing from state-licensed residential facilities
- Rochester: 1,500-foot spacing; conditions
- Romulus: accessory with conditions in some districts; SLU in some districts.
- Royal Oak: SLU?
- Southfield: SLU
- Troy: SLU
- Warren: SLU at Zoning Board of Appeals; 750-foot spacing
- Ypsilanti: accessory; SLU [depending on district]

SURVEY RESULTS—Skepticism diminished

Given the concern voiced over Group Day Care homes, a broad survey was undertaken by CPC staff in order to contact every household on the same block (both sides) as an existing Group Day Care Home; 1,853 "neighborhood community impact surveys" were sent out by first class mail. Recipients were asked to respond by returning a 12-question survey in the enclosed postage-paid envelope or by responding online using the provided link or QR code.

A total of 138 responses were received: 77 mailed responses were received by the CPC office and 61 electronic responses were received by the OEL. Interestingly, 52% of respondents reported being unaware of the existence of a nearby in-home childcare facility even though a state-licensed Group Day Care Home was located on their block. This response comported with BSEED's observations that Group Day Care Homes have not been a complaint generator and that opposition to these homes at special land use hearings has been small. Nearly half of all respondents (47% overall) had resided "in the neighborhood" for more than 20 years (61% of mailed responses and 33% of electronic responses).

Analysis of the survey data suggested that perceived benefits from in-home childcare substantially outweighed concerns. Some 66% of responses identified the benefit of care being provided in the family’s own neighborhood. Such proximity was noted for convenience in walking children to the home and because the provider “knows the neighborhood and the assets it provides for young children and families” and “families are more easily able to participate in the workforce.”

The survey also asked about concerns, “when there is a child care program in the heart of your neighborhood.” Of 126 responses to that question, 77 (61%) indicated, “I don’t have any concerns at this time.” Concerns that were noted included that, “It changes the look/feel of the community” and several mentions of “unacceptable noise levels,” “additional traffic,” and “children playing outside without a fence.”

Following the January 5th CPC meeting, OEL conducted additional surveying, the response to which was reported out at the February 15th hearing, showing results sympathetic to in-home childcare consistent with earlier responses.

ADDITIONAL FINDINGS

The CPC found:

- Of 89 licensed Family Day Care Homes in Detroit, 85 are located in the R1 and R2 Districts.
- Of 62 licensed Group Day Care Homes in Detroit, 60 are located in the R1 and R2 Districts.
- Of the 302 licensed Child Care Centers in Detroit, 124 are located in the R1 or R2 Districts—typically within a school or church or community center.
- Of the 302 licensed Child Care Centers, 110 are located in the B2 or B4 Districts—typically as a commercial operation.
- A “typical” Group Day Care Home sits on a 40-foot wide lot on a block with 25 neighboring dwelling units; lot widths of existing Group Day Care Homes varies from 30 feet to 100 feet.
- Typical blocks hosting Group Day Care Homes:
 - 13 of 66 blocks shorter than 600 feet.
 - 36 of 66 blocks 600-899 feet.
 - 17 of 66 blocks 900 feet and longer

ROLE OF THE STATE

At various CPC meetings, Commissioners, staff, and the public had sought clarification as to the role and responsibility of the state as opposed to the city. At the June 29th public hearing, Latanya Ellington represented the Michigan Licensing and Regulatory Affairs (LARA) Department with respect to childcare licensing; she was also present at the February 15th hearing as well.

It was noted:

- All three childcare facilities require licensing by LARA per the statutory provisions of the Michigan Childcare Licensing Act, Public Act 116 of 1973 (MCL 722.111 – 722.127).
- Family and Group Day Care homes are additionally subject to the Licensing Rules for Family and Group Child Care homes in the Administrative Code (R400.1901 – R400.1963), requiring at least 600 square feet of outdoor play area for Group Day Care Homes and a minimum of 35 square feet per child of safe, usable, accessible indoor floor space, not including bathrooms and storage areas.” (The Administrative Code is silent, however, on spacing provisions to avert potential saturation of a given area.)
- The fitness of a childcare provider, the suitability of the facility and the maximum capacity of a facility are all determined by LARA.
- The city, not the state, determines in which zoning district a childcare facility may be located and what, if any, additional regulations apply.

RESULTS OF CPC PUBLIC HEARINGS

June 29, 2023

Following a May 4, 2023 presentation by then OEL director, Adrian Monge, the CPC conducted a public hearing on the draft text amendment on June 29, 2023. Considerable discussion among commissioners took place and nine comments from the public were recorded, almost exclusively related to Group Day Care Homes.

At the September 21, 2023 meeting, updates to the Commission were presented, including survey questionnaire findings, and on January 5, 2024, the Commission voted to accept the staff recommendation to revise the draft to address concerns of the public and the Commission.

Four revisions, all related to Group Day Care homes permitted by right resulted from the January 5th vote:

- To establish a spacing requirement between any two Group Day Care homes to prevent more than one such home on the same block face or within 500 linear feet, whichever is the lesser distance;
- To require notification by the City to nearby properties upon approval of a Group Day Care home, identifying its location and the care provider and providing contact information of the related state and local regulatory agencies;
- To require Family Day Care homes and Group Day Care homes to provide rear yard fencing where rear yards are present; and
- To require Family Day Care homes and Group Day Care homes to operate so as to not create a nuisance.

The Law Department updated the draft ordinance in order that a second public hearing could be held at the CPC.

February 15, 2024

The second public hearing was held to consider the substantively revised text amendment on February 15, 2024. In addition to CPC staff, OEL Director, Lisa Sturges, and Law Department attorney, Daniel Arking, were present to provide information and respond to questions.

Some 68 virtual attendees were noted, 15 of whom presented statements for the record. Of the seven speakers present in chambers for the hearing, one spoke in support of the proposed text amendment and six spoke in opposition. Of the nine virtual attendees who spoke, eight offered favorable comments, one spoke in opposition.

Nine written statements were submitted by organizations, all in support of the proposed ordinance. Additionally, a petition of support signed by 263 individuals was also received.

In response to numerous references to possible unwelcome effects of changing Group Day Care homes from a conditional use to a by-right use, the Law Department representative reported that since 2017, BSEED had held 29 Conditional Use hearings for Group Day Care homes, resulting in no denials; Law noted further that BSEED has not issued blight violations or property maintenance code violations against Group Day Care homes.

EQUITY

As noted at the January 5th and February 15th CPC meetings, the American Planning Association (APA) has published “Equity in Zoning Policy Guide,” a document that was approved by the APA Delegate Assembly on December 15, 2022 and ratified by the APA board on December 20, 2022. The 2023 APA convention in Philadelphia and Michigan Association of Planning’s 2023 conference in Traverse City focused significantly on this theme and it has been a guiding principle of the CPC’s own ZONE:DETROIT project.

The authors of the policy guide poignantly suggest:

Zoning cannot change the fact that anything that makes housing, education, transportation, health care, or childcare more expensive will tend to perpetuate the disadvantages faced by historically disadvantaged and vulnerable communities as well as other low-income Americans (Pg. 7).

A conversion of Group Day Care Homes from a conditional use to a by-right use would make it less expensive to establish this use, which is favored by many families unable to afford more expensive and frequently less convenient Child Care Centers, noting that the very providers of in-home child care frequently are, themselves, low-income Detroiters. The revisions requested by the Planning Commission on January 5, 2024 were intended to help bring the proposed text amendment closer in line with the APA’s equity policy.

DELIBERATIONS AND VOTE

The CPC meeting of February 22, 2024 was the eighth meeting at which the Childcare Ordinance appeared on the Commission’s agenda. To facilitate its review, a summation report was received from staff which offered three options for addressing the conflicting preferences regarding Group Day Care homes.

Option 1	To approve or deny the revised text amendment as presented and heard on February 15, 2024	Group Day Care Homes would be allowed on a by-right basis, rather than as Conditional or Prohibited, in most zoning
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		districts in single- and two-family dwellings and townhouses subject to 500 linear-foot spacing and notification of those nearby.
Option 2	To retain all February 15 th definitions and provisions as proposed for Child Care Centers and for Family Day Care Homes but permit Group Day Care Homes only as a Conditional use in the specified zoning districts without the revision for spacing.	Group Day Care Homes would be allowed in more zoning districts but the Conditional Use hearing would be relied on to gauge possible deleterious effect.
Option 3	To retain all February 15 th definitions and provisions as proposed for Child Care Centers and for Family Day Care Homes but to specify Group Day Care Homes as a “Conditional/By-right” use.	Group Day Care Homes would continue to be a Conditional use in R1, R2, R3, R4, R5, R6 and SD4 and they would newly be allowed as a Conditional use in B1, B2, B4, B5, SD1, and SD4. However, Group Day Care Homes would newly be permitted as a by-right use where an existing Family Day Care Home seeks to convert to a Group Day Care and: *Has a State license as a Group Day Care; *Has operated legally for a year as a Family Day Care Home; and *Complies with the four revised provisions (spacing, notice, yard fencing, nuisance).

A motion was made to adopt Option One. The motion failed on a vote of 2-6. After reconsideration of the vote, a motion was made to adopt Option Three. That motion passed on a vote of 6-2. Attached is an ordinance prepared, revised, and updated by the Law Department that reflects the recommendation of the City Planning Commission.

Respectfully submitted,

DONOVAN SMITH, Chairperson



Marcell R. Todd, Jr, Director

M. Rory Bolger, City Planner

cc: Lisa Sturges, Office of Early Learning
David Bell, Director, Buildings, Safety Engineering, and Environmental Department
Jayda Philson, Buildings, Safety Engineering, and Environmental Department
Antoine Bryant, Director, Planning and Development Department
Dara O’Byrne, Deputy Director, Planning and Development Department
Conrad L. Mallett, Corporation Counsel
Daniel Arking, Law Department

SUMMARY

This ordinance amends Chapter 50 of the 2019 Detroit City Code, *Zoning*, to expand the permissibility of child care centers, family day care homes, and group day care homes, to revise use regulations and parking requirements for such uses, and update definitions of day care uses for consistency with comparable terms in state law by amending Article VIII, *Residential Zoning Districts*, Division 2, *R1 Single-Family Residential District*, Section 50-8-15, *By-right public, civic, and institutional uses*, and Section 50-8-21, *Conditional public, civic, and institutional uses*, Division 3, *R2 Two-Family Residential District*, Section 50-8-45, *By-right public, civic, and institutional uses*, and Section 50-8-51, *Conditional public, civic, and institutional uses*, Division 4, *R3 Low Density Residential District*, Section 50-8-75, *By-right public, civic, and institutional uses*, and Section 50-8-81, *Conditional public, civic, and institutional uses*, Division 5, *R4 Thoroughfare Residential District*, Section 50-8-105, *By-right public, civic, and institutional uses*, and Section 50-8-111, *Conditional public, civic, and institutional uses*, Division 6, *R5 Medium Density Residential District*, Section 50-8-135, *By-right public, civic, and institutional uses*, and Section 50-8-141, *Conditional public, civic, and institutional uses*, and Division 7, *R6 High Density Residential District*, Section 50-8-165, *By-right public, civic, and institutional uses*, and Section 50-8-171, *Conditional public, civic, and institutional uses*; Article IX, *Business Zoning Districts*, Division 2, *B1 Restricted Business District*, Section 50-9-15, *By-right public, civic, and institutional uses*, and Section 50-9-21, *Conditional public, civic, and institutional uses*, Division 3, *B2 Local Business and Residential District*, Section 50-9-45, *By-right public, civic, and institutional uses*, and Section 50-9-51, *Conditional public, civic, and institutional uses*, Division 5, *B4 General Business District*, Section 50-9-105, *By-right public, civic, and institutional uses*, and Section 50-9-111, *Conditional public, civic, and institutional uses*, and Division 6, *B5 Major Business District*, Section 50-9-135, *By-right public, civic, and institutional uses*, and Section 50-9-141, *Conditional public, civic, and institutional uses*; Article XI, *Special Purpose Zoning Districts and Overlay Areas*, Division 7, *PR Parks and Recreation*, Section 50-11-145, *By-right public, civic, and institutional uses*, Division 9, *MKT Market and Distribution District*, Section 50-11-205, *By-right public, civic, and institutional uses*, Division 10, *SD1—Special Development District, Small-Scale, Mixed-Use*, Section 50-11-235, *By-right public, civic, and institutional uses*, and Section 50-11-241, *Conditional public, civic, and institutional uses*, Division 11, *SD2—Special Development District, Mixed-Use*, Section 50-11-265, *By-right public, civic, and institutional uses*, and Section 50-11-271, *Conditional public, civic, and institutional uses*, and Division 12, *SD4—Special Development District, Riverfront Mixed Use*, Section 50-11-291, *By-right public, civic, and institutional uses*, and Section 50-11-297, *Conditional public, civic, and institutional uses*; Article XII, *Use Regulations*, Division 1, *Use Table*, Subdivision C, *Public, Civic and Institutional Uses*, Section 50-12-43, *Day care*, Division 2, *General Use Standards*, Section 50-12-130, *Public, civic, and institutional uses—Spacing*, Division 3, *Specific Use Standards*, Subdivision B, *Public, Civic, and Institutional Uses*, Section 50-12-183, *Child care homes and centers*, and Section 50-12-185, *Family day care home; group day care home*, and Division 5, *Accessory Uses and Structures*, Subdivision C, *Specific Accessory Use Standards*, Section 50-12-512, *Child care center*; Article XIV, *Development Standards*, Division 1, *Off-Street Parking, Loading, and Access*, Subdivision B, *Off-Street Parking Schedule "A"*, Section 50-14-39, *Day care*, and Division 7, *Operational Performance Standards*, Section 50-14-587, *Noise*; and Article XVI, *Rules of Construction and Definitions*, Division 2, *Words and Terms Defined*, Subdivision D, *Letter "C"*, Section 50-16-152, *Words and terms (Ch—Cm)*, Subdivision G, *Letter*

"F", Section 50-16-201, *Words and terms (Fa—Fg)*, and Subdivision H, *Letter "G"*, Section 50-16-222, *Words and terms (Gn—Gz)*.

1 **BY COUNCIL MEMBER _____**:

2 AN ORDINANCE to amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, to expand
3 the permissibility of child care centers, family day care homes, and group day care homes, to revise
4 use regulations and parking requirements for such uses, and update definitions of day care uses for
5 consistency with comparable terms in state law by amending Article VIII, *Residential Zoning*
6 *Districts*, Division 2, *R1 Single-Family Residential District*, Section 50-8-15, *By-right public,*
7 *civic, and institutional uses*, and Section 50-8-21, *Conditional public, civic, and institutional uses*,
8 Division 3, *R2 Two-Family Residential District*, Section 50-8-45, *By-right public, civic, and*
9 *institutional uses*, and Section 50-8-51, *Conditional public, civic, and institutional uses*, Division
10 4, *R3 Low Density Residential District*, Section 50-8-75, *By-right public, civic, and institutional*
11 *uses*, and Section 50-8-81, *Conditional public, civic, and institutional uses*, Division 5, *R4*
12 *Thoroughfare Residential District*, Section 50-8-105, *By-right public, civic, and institutional uses*,
13 and Section 50-8-111, *Conditional public, civic, and institutional uses*, Division 6, *R5 Medium*
14 *Density Residential District*, Section 50-8-135, *By-right public, civic, and institutional uses*, and
15 Section 50-8-141, *Conditional public, civic, and institutional uses*, and Division 7, *R6 High*
16 *Density Residential District*, Section 50-8-165, *By-right public, civic, and institutional uses*, and
17 Section 50-8-171, *Conditional public, civic, and institutional uses*; Article IX, *Business Zoning*
18 *Districts*, Division 2, *B1 Restricted Business District*, Section 50-9-15, *By-right public, civic, and*
19 *institutional uses*, and Section 50-9-21, *Conditional public, civic, and institutional uses*, Division
20 3, *B2 Local Business and Residential District*, Section 50-9-45, *By-right public, civic, and*
21 *institutional uses*, and Section 50-9-51, *Conditional public, civic, and institutional uses*, Division
22 5, *B4 General Business District*, Section 50-9-105, *By-right public, civic, and institutional uses*,
23 and Section 50-9-111, *Conditional public, civic, and institutional uses*, and Division 6, *B5 Major*

1 *Business District*, Section 50-9-135, *By-right public, civic, and institutional uses*, and Section 50-
2 9-141, *Conditional public, civic, and institutional uses*; Article XI, *Special Purpose Zoning*
3 *Districts and Overlay Areas*, Division 7, *PR Parks and Recreation*, Section 50-11-145, *By-right*
4 *public, civic, and institutional uses*, Division 9, *MKT Market and Distribution District*, Section
5 50-11-205, *By-right public, civic, and institutional uses*, Division 10, *SD1—Special Development*
6 *District, Small-Scale, Mixed-Use*, Section 50-11-235, *By-right public, civic, and institutional uses*,
7 and Section 50-11-241, *Conditional public, civic, and institutional uses*, Division 11, *SD2—*
8 *Special Development District, Mixed-Use*, Section 50-11-265, *By-right public, civic, and*
9 *institutional uses*, and Section 50-11-271, *Conditional public, civic, and institutional uses*, and
10 Division 12, *SD4— Special Development District, Riverfront Mixed Use*, Section 50-11-291, *By-*
11 *right public, civic, and institutional uses*, and Section 50-11-297, *Conditional public, civic, and*
12 *institutional uses*; Article XII, *Use Regulations*, Division 1, *Use Table*, Subdivision C, *Public,*
13 *Civic and Institutional Uses*, Section 50-12-43, *Day care*, Division 2, *General Use Standards*,
14 Section 50-12-130, *Public, civic, and institutional uses—Spacing*, Division 3, *Specific Use*
15 *Standards*, Subdivision B, *Public, Civic, and Institutional Uses*, Section 50-12-183, *Child care*
16 *homes and centers*, and Section 50-12-185, *Family day care home; group day care home*, and
17 Division 5, *Accessory Uses and Structures*, Subdivision C, *Specific Accessory Use Standards*,
18 Section 50-12-512, *Child care center*; Article XIV, *Development Standards*, Division 1, *Off-Street*
19 *Parking, Loading, and Access*, Subdivision B, *Off-Street Parking Schedule "A"*, Section 50-14-39,
20 *Day care*, and Division 7, *Operational Performance Standards*, Section 50-14-587, *Noise*; and
21 Article XVI, *Rules of Construction and Definitions*, Division 2, *Words and Terms Defined*,
22 Subdivision D, *Letter "C"*, Section 50-16-152, *Words and terms (Ch—Cm)*, Subdivision G, *Letter*

1 "F", Section 50-16-201, *Words and terms (Fa—Fg)*, and Subdivision H, *Letter "G"*, Section 50-
2 16-222, *Words and terms (Gn—Gz)*.

3 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**
4 **THAT:**

5 **Section 1.** Chapter 50 of the 2019 Detroit City Code, Article VIII, Division 2, Section 50-8-15 and
6 Section 50-8-21, Division 3, Section 50-8-45 and Section 50-8-51, Division 4, Section 50-8-75
7 and Section 50-8-81, Division 5, Section 50-8-105 and Section 50-8-111, Division 6, Section 50-
8 8-135 and Section 50-8-141, and Division 7, Section 50-8-165 and Section 50-8-171; Article IX,
9 Division 2, Section 50-9-15 and Section 50-9-21, Division 3, Section 50-9-45 and Section 50-9-
10 51, Division 5, Section 50-9-105 and Section 50-9-111, and Division 6, Section 50-9-135 and
11 Section 50-9-141; Article XI, Division 7, Section 50-11-145, Division 9, Section 50-11-205,
12 Division 10, Section 50-11-235 and Section 50-11-241, Division 11, Section 50-11-265 and
13 Section 50-11-271, and Division 12, Section 50-11-291 and Section 50-11-297; Article XII,
14 Division 1, Subdivision C, Section 50-12-43, Division 2, Section 50-12-130, Division 3,
15 Subdivision B, Section 50-12-183 and Section 50-12-185, and Division 5, Subdivision C, Section
16 50-12-512; Article XIV, Division 1, Subdivision B, Section 50-14-39, and Division 7, Section 50-
17 14-587; and Article XVI, Division 2, Subdivision D, Section 50-16-152, Subdivision G, Section
18 50-16-201, and Subdivision H, Section 50-16-222 are amended as follows:

19 **CHAPTER 50. ZONING**

20 **ARTICLE VIII. RESIDENTIAL ZONING DISTRICTS**

21 **DIVISION 2. R1 SINGLE-FAMILY RESIDENTIAL DISTRICT**

1 **Sec. 50-8-15. By-right public, civic, and institutional uses.**

2 By-right public, civic and institutional uses within the R1 Single-Family Residential
3 District are as follows:

- 4 (1) Family day care home, subject to Section 50-12-185 of this Code.
- 5 (2) Group day care home, subject to Section 50-12-185 of this Code.

6 **Sec. 50-8-21. Conditional public, civic, and institutional uses.**

7 Conditional public, civic, and institutional uses within the R1 Single-Family Residential
8 District are as follows:

- 9 (1) Cemeteries, including those containing mausoleums, crematories, or columbaria.
- 10 (2) Child care center
- 11 (3) Educational institution.
- 12 (4) Group day care home, subject to Section 50-12-185 of this Code.
- 13 (5) Neighborhood center, non-profit.
- 14 (6) Outdoor art exhibition grounds; sculpture gardens.
- 15 (7) Outdoor recreation facility.
- 16 (8) Religious institution.
- 17 (9) Residential-area utility facilities, public.
- 18 (10) School building adaptive reuses—public, civic, and institutional.
- 19 (11) School, elementary, middle/junior high, or high.

20 **DIVISION 3. R2 TWO-FAMILY RESIDENTIAL DISTRICT**

21 **Sec. 50-8-45. By-right public, civic, and institutional uses.**

22 By-right public, civic, and institutional uses within the R2 Two-Family Residential District
23 are as follows:

1 (1) Family day care home, subject to Section 50-12-185 of this Code.

2 (2) Group day care home, subject to Section 50-12-185 of this Code.

3 **Sec. 50-8-51. Conditional public, civic, and institutional uses.**

4 Conditional public, civic, and institutional uses within the R2 Two-Family Residential
5 District are as follows:

6 (1) Cemeteries, including those containing mausoleums, crematories, or columbaria.

7 (2) Child care center

8 (3) Educational institution.

9 (4) Group day care home, subject to Section 50-12-185 of this Code.

10 (5) Neighborhood center, non-profit.

11 (6) Outdoor art exhibition grounds; sculpture gardens.

12 (7) Outdoor recreation facility.

13 (8) Religious institution.

14 (9) Residential-area utility facilities, public.

15 (10) School building adaptive reuses—public, civic, and institutional.

16 (11) School, elementary, middle/junior high, or high.

17 **DIVISION 4. R3 LOW DENSITY RESIDENTIAL DISTRICT**

18 **Sec. 50-8-75. By-right public, civic, and institutional uses.**

19 By-right public, civic, and institutional uses within the R3 Low Density Residential District
20 are as follows:

21 (1) Adult day care center.

22 (2) Child care center.

23 (3) Family day care home.

1 (4) Group day care home, subject to Section 50-12-185 of this Code.

2 (5) Library.

3 (6) Museum.

4 (7) Neighborhood center, non-profit.

5 (8) Outdoor art exhibition grounds; sculpture gardens.

6 (9) Outdoor recreation facility.

7 (10) Religious institution.

8 (11) School, elementary, middle/junior high, or high.

9 **Sec. 50-8-81. Conditional public, civic, and institutional uses.**

10 Conditional public, civic, and institutional uses within the R3 Low Density Residential
11 District are as follows:

12 (1) Cemeteries, including those containing mausoleums, crematories, or columbaria.

13 (2) Educational institution.

14 (3) Fire or police station and similar public building.

15 (4) Group day care home, subject to Section 50-12-185 of this Code.

16 (5) Residential-area utility facilities, public.

17 (6) School building adaptive reuses—public, civic, and institutional.

18 **DIVISION 5. R4 THOROUGHFARE RESIDENTIAL DISTRICT**

19 **Sec. 50-8-105. By-right public, civic, and institutional uses.**

20 By-right public, civic, and institutional uses within the R4 Thoroughfare Residential
21 District are as follows:

22 (1) Adult day care center.

23 (2) Child care center.

- 1 (3) Family day care home.
- 2 (4) Group day care home, subject to Section 50-12-185 of this Code.
- 3 (5) Library.
- 4 (6) Museum.
- 5 (7) Neighborhood center, non-profit.
- 6 (8) Outdoor art exhibition grounds; sculpture gardens.
- 7 (9) Outdoor recreation facility.
- 8 (10) Religious institution.
- 9 (11) School, elementary, middle/junior high, or high.

10 **Sec. 50-8-111. Conditional public, civic, and institutional uses.**

11 Conditional public, civic, and institutional uses within the R4 Thoroughfare Residential
12 District are as follows:

- 13 (1) Educational institution.
- 14 (2) Fire or police station and similar public building.
- 15 (3) Group day care home, subject to Section 50-12-185 of this Code.
- 16 (4) Hospital or hospice.
- 17 (5) Residential-area utility facilities, public.
- 18 (6) School building adaptive reuses—public, civic, and institutional.

19 **DIVISION 6. R5 MEDIUM DENSITY RESIDENTIAL DISTRICT**

20 **Sec. 50-8-135. By-right public, civic, and institutional uses.**

21 By-right public, civic, and institutional uses in the R5 Medium Density Residential District
22 are as follows:

- 23 (1) Adult day care center.

- 1 (2) Child care center.
- 2 (3) Educational institution.
- 3 (4) Family day care home.
- 4 (5) Group day care home, subject to Section 50-12-185 of this Code.
- 5 (6) Hospital or hospice.
- 6 (7) Library.
- 7 (8) Museum.
- 8 (9) Neighborhood center, non-profit.
- 9 (10) Outdoor art exhibition grounds; sculpture gardens.
- 10 (11) Outdoor recreation facility.
- 11 (12) Religious institution.
- 12 (13) School, elementary, middle/junior high, or high.

13 **Sec. 50-8-141. Conditional public, civic, and institutional uses.**

14 Conditional public, civic, and institutional uses in the R5 Medium Density Residential
15 District are as follows:

- 16 (1) Electric transformer station.
- 17 (2) Fire or police station and similar public building.
- 18 (3) Gas regulator station.
- 19 (4) Group day care home, subject to Section 50-12-185 of this Code.
- 20 (5) School building adaptive reuses—public, civic, and institutional.
- 21 (6) Telephone exchange building.
- 22 (7) Water works, reservoir, pumping station, or filtration plant.

1 **DIVISION 7. R6 HIGH DENSITY RESIDENTIAL DISTRICT**

2 **Sec. 50-8-165. By-right public, civic, and institutional uses.**

3 By-right public, civic, and institutional uses within the R6 High Density Residential

4 District are as follows:

- 5 (1) Adult day care center.
- 6 (2) Child care center.
- 7 (3) Educational institution.
- 8 (4) Family day care home.
- 9 (5) Group day care home, subject to Section 50-12-185 of this Code.
- 10 (6) Hospital or hospice.
- 11 (7) Library.
- 12 (8) Museum.
- 13 (9) Neighborhood center, non-profit.
- 14 (10) Outdoor art exhibition grounds; sculpture gardens.
- 15 (11) Outdoor recreation facility.
- 16 (12) Religious institution.
- 17 (13) School, elementary, middle/junior high, or high.

18 **Sec. 50-8-171. Conditional public, civic, and institutional uses.**

19 Conditional public, civic, and institutional uses within the R6 High Density Residential

20 District are as follows:

- 21 (1) Electric transformer station.
- 22 (2) Fire or police station and similar public building.
- 23 (3) Gas regulator station.

1 **Sec. 50-9-21. Conditional public, civic, and institutional uses.**

2 Conditional public, civic, and institutional uses in the B1 Restricted Business District are
3 as follows:

- 4 (1) Electric transformer station.
- 5 (2) Fire or police station and similar public building.
- 6 (3) Gas regulator station.
- 7 (4) Group day care home, subject to Section 50-12-185 of this Code.
- 8 (5) Telephone exchange building.
- 9 (6) Water works, reservoir, pumping station, or filtration plant.

10 **DIVISION 3. B2 LOCAL BUSINESS AND RESIDENTIAL DISTRICT**

11 **Sec. 50-9-45. By-right public, civic, and institutional uses.**

12 By-right public, civic, and institutional uses in the B2 Local Business and Residential
13 District are as follows:

- 14 (1) Adult day care center.
- 15 (2) Child care center.
- 16 (3) Educational institution.
- 17 (4) Family day care home, subject to Section 50-12-185 of this Code.
- 18 (5) Governmental service agency.
- 19 (6) Group day care home, subject to Section 50-12-185 of this Code.
- 20 (7) Hospital or hospice.
- 21 (8) Library.
- 22 (9) Museum.
- 23 (10) Neighborhood center, nonprofit.

- 1 (11) Outdoor art exhibition grounds; sculpture gardens.
- 2 (12) Outdoor recreation facility.
- 3 (13) Religious institution.
- 4 (14) Schools, elementary, middle/junior high, or high.

5 **Sec. 50-9-51. Conditional public, civic, and institutional uses.**

6 Conditional public, civic, and institutional uses in the B2 Local Business and Residential
7 District are as follows:

- 8 (1) Electric transformer station.
- 9 (2) Fire or police station, post office and similar public building.
- 10 (3) Gas regulator station.
- 11 (4) Group day care home, subject to Section 50-12-185 of this Code.
- 12 (5) Telephone exchange building.
- 13 (6) Water works, reservoir, pumping station, or filtration plant.

14 **DIVISION 5. B4 GENERAL BUSINESS DISTRICT**

15 **Sec. 50-9-105. By-right public, civic, and institutional uses.**

16 By-right public, civic, and institutional uses in the B4 General Business District are as
17 follows:

- 18 (1) Adult day care center.
- 19 (2) Armory.
- 20 (3) Auditoriums, public.
- 21 (4) Child care center.
- 22 (5) Educational institution.
- 23 (6) Family day care home, subject to Section 50-12-185 of this Code.

- 1 (7) Fire or police station, post office, courthouse, and similar public building.
- 2 (8) Governmental service agency.
- 3 (9) Group day care home, subject to Section 50-12-185 of this Code.
- 4 (10) Hospital or hospice.
- 5 (11) Library.
- 6 (12) Museum.
- 7 (13) Neighborhood center, non-profit.
- 8 (14) Outdoor art exhibition grounds; sculpture gardens.
- 9 (15) Outdoor recreation facility.
- 10 (16) Religious institution.
- 11 (17) School, elementary, middle/junior high, or high.

12 **Sec. 50-9-111. Conditional public, civic, and institutional uses.**

13 Conditional public, civic, and institutional uses in the B4 General Business District are as
14 follows:

- 15 (1) Electric transformer station.
- 16 (2) Gas regulator station.
- 17 (3) Group day care home, subject to Section 50-12-185 of this Code
- 18 (4) Outdoor entertainment facility.
- 19 (5) Power or heating plant with fuel storage on site.
- 20 (6) Substance abuse service facility, except such use shall not be permitted on any
21 zoning lot abutting a designated Gateway Radial Thoroughfare.
- 22 (7) Stadium or sports arena.
- 23 (8) Telephone exchange building.

- 1 (19) School, elementary, middle/junior high, or high.
- 2 (20) Stadium or sports arena.
- 3 (21) Telephone exchange building.
- 4 (22) Water works, reservoir, pumping station, or filtration plant.

5 **Sec. 50-9-141. Conditional public, civic, and institutional uses.**

6 Conditional public, civic, and institutional uses within the B5 Major Business District are
7 as follows:

- 8 (1) Group day care home, subject to Section 50-12-185 of this Code.
- 9 (2) Substance abuse service facility.

10 **ARTICLE XI. SPECIAL PURPOSE ZONING DISTRICTS AND OVERLAY AREAS**

11 **DIVISION 7. PR PARKS AND RECREATION**

12 **Sec. 50-11-145. By-right public, civic, and institutional uses.**

13 By-right public, civic, and institutional uses within the PR Parks and Recreation District
14 are as follows:

- 15 (1) Child care center
- 16 (2) Electric transformer station.
- 17 (3) Gas regulator station.
- 18 (4) Museum.
- 19 (5) Outdoor recreation facility.
- 20 (6) Public aquarium.
- 21 (7) Residential-area utility facilities, public.
- 22 (8) Telephone exchange building.

1 (9) Other public uses such as zoo, nature center, botanical conservatory, and
2 interpretive center.

3 **DIVISION 9. MKT MARKET AND DISTRIBUTION DISTRICT**

4 **Sec. 50-11-205. By-right public, civic, and institutional uses.**

5 By-right public, civic, and institutional uses within the MKT Market and Distribution
6 District are as follows:

- 7 (1) Educational institution.
- 8 (2) Family day care home, subject to Section 50-12-185 of this Code.
- 9 (3) Fire or police station, post office, courthouse, and similar public building.
- 10 (4) Museum.
- 11 (5) Outdoor recreation facility.
- 12 (6) Religious institution.

13 **DIVISION 10. SD1—SPECIAL DEVELOPMENT DISTRICT,**
14 **SMALL-SCALE, MIXED USE**

15 **Sec. 50-11-235. By-right public, civic, and institutional uses.**

16 By-right public, civic, and institutional uses in the SD1 Special Development District are
17 as follows:

- 18 (1) Adult day care center.
- 19 (2) Child care center.
- 20 (3) Educational institution.
- 21 (4) Family day care home, subject to Section 50-12-185 of this Code.
- 22 (5) Fire or police station, post office and similar public building.
- 23 (6) Group day care home, subject to Section 50-12-185 of this Code.

- 1 (7) Library.
- 2 (8) Museum.
- 3 (9) Neighborhood center, non-profit.
- 4 (10) Outdoor recreation facility.
- 5 (11) Religious institution.
- 6 (12) School, elementary, middle/junior high, or high.

7 **Sec. 50-11-241. Conditional public, civic, and institutional uses.**

8 Conditional public, civic, and institutional uses in the SD1 Special Development District
9 are as follows:

- 10 (1) Electric transformer station.
- 11 (2) Gas regulator station.
- 12 (3) Group day care home, subject to Section 50-12-185 of this Code.
- 13 (4) Telephone exchange building.

14 **DIVISION 11. SD2—SPECIAL DEVELOPMENT DISTRICT, MIXED-USE**

15 **Sec. 50-11-265. By-right public, civic, and institutional uses.**

16 By-right public, civic, and institutional uses within the SD2 Special Development District
17 are as follows:

- 18 (1) Adult day care center.
- 19 (2) Child care center.
- 20 (3) Educational institution.
- 21 (4) Family day care home, subject to Section 50-12-185 of this Code.
- 22 (5) Fire or police station, post office and similar public building.
- 23 (6) Governmental service agency.

- 1 (7) Group day care home, subject to Section 50-12-185 of this Code.
- 2 (8) Library.
- 3 (9) Museum.
- 4 (10) Neighborhood center, non-profit.
- 5 (11) Outdoor recreation facility.
- 6 (12) Religious institution.
- 7 (13) School, elementary, middle/junior high, or high.

8 **Sec. 50-11-271. Conditional public, civic, and institutional uses.**

9 Conditional public, civic, and institutional uses within the SD2 Special Development
10 District are as follows:

- 11 (1) Electric transformer station.
- 12 (2) Gas regulator station.
- 13 (3) Group day care home, subject to Section 50-12-185 of this Code.
- 14 (4) Hospital or hospice.
- 15 (5) Substance abuse service facility.
- 16 (6) Telephone exchange building.
- 17 (7) Water works, reservoir, pumping station, or filtration plant.

18 **DIVISION 12. SD4—SPECIAL DEVELOPMENT DISTRICT,**
19 **RIVERFRONT MIXED USE**

20 **Sec. 50-11-291. By-right public, civic, and institutional uses.**

21 By-right public, civic, and institutional uses in the SD4 Special Development District are
22 as follows:

- 23 (1) Adult day care center.

- 1 (2) Child care centers.
- 2 (3) Electric transformer station.
- 3 (4) Family day care home, subject to Section 50-12-185 of this Code.
- 4 (5) Fire or police station, post office and similar public building.
- 5 (6) Gas regulator station.
- 6 (7) Group day care home, subject to Section 50-12-185 of this Code.
- 7 (8) Library.
- 8 (9) Neighborhood center, non-profit.
- 9 (10) Outdoor recreation facility.
- 10 (11) Telephone exchange building.

11 **Sec. 50-11-297. Conditional public, civic, and institutional uses.**

12 Conditional public, civic, and institutional uses in the SD4 Special Development District
13 are as follows:

- 14 (1) Customs office.
- 15 (2) Educational institution.
- 16 (3) Governmental service agency.
- 17 (4) Group day care home, subject to Section 50-12-185 of this Code.
- 18 (5) Hospital or hospice.
- 19 (6) Museum.
- 20 (7) Post office.
- 21 (8) Public aquarium.
- 22 (9) Religious institution.
- 23 (10) School, elementary, middle/junior high, or high.

1 (11) Water works, reservoir, pumping station, or filtration plant.

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DIVISION 2. GENERAL USE STANDARDS

Sec. 50-12-130. Public, civic, and institutional uses—Spacing.

Regulations regarding spacing of public, civic, and institutional uses are as follows:

Use Type	Minimum Distance from Same Use Type (Existing or Approved)	Minimum Distance from Other Use Type (Existing or Approved)	Comment
<u>Group Day Care Home</u>	<u>Lesser of (1) same block face or (2) 500 feet, measured linearly.</u>	<u>N/A</u>	<u>Sections 50-12-183, 50-12-512</u>
Substance abuse service facility	2,000 feet	N/A	Sections 50-12-135, 50-12-191

DIVISION 3. SPECIFIC USE STANDARDS

Subdivision B. Public, Civic, and Institutional Uses

Sec. 50-12-183. Child care homes and centers.

Child care ~~homes and~~ centers that operate with children in attendance for ~~five~~ three or more continuous hours a per day ~~shall be~~ are subject to the following requirements:

- (1) The child care ~~home and~~ center shall be licensed by the Michigan Department of Licensing and Regulatory Affairs;
- (2) ~~There shall be provided and maintained~~ The child care center must provide for an outdoor play area suitable for play activity and containing a minimum of 2,000 not less than the greater of 100 square feet per child or 1,200 square feet total;
- (3) ~~The surface treatment of said play area shall comply with the guidelines of the appropriate public agencies~~ All playground equipment, use zones, and surface treatments must be suitable for age-appropriate play activity and in compliance with

1 all applicable Michigan Department of Licensing and Regulatory Affairs
2 regulations and guidelines;

3 (4) ~~Said~~ If sufficient space is available, the outdoor play area shall be must be located
4 immediately eontiguous adjacent to the child care center. If sufficient space is not
5 available immediately adjacent to the child care center, the outdoor play area may
6 be located in an off-site park or other outdoor facility that has been identified in
7 writing to the Buildings, Safety Engineering, and Environmental Department, is
8 easily accessible by a safe walking route from the child care center, and is subject
9 to inspection before each use to ensure that no hazards are present and shall be
10 enclosed by a protective wall or fence; and

11 (5) The outdoor play area must be in a safe location, provide a shaded area to protect
12 children from excessive sun exposure, when necessary, and be protected from
13 hazards by a protective wall or fence; and

14 (6) ~~Safe areas for pick-up and discharge of users shall be provided~~ If the child care
15 center undertakes on-street drop off and pick-up of children, it must provide areas
16 for such activities that are safe for children and that do not interfere with the free
17 flow of traffic on adjacent streets. Where such areas are provided on a street, such
18 areas shall be approved by the Department of Public Works, Traffic Engineering
19 Division.

20 ~~See Section 50-12-512 of this Code for child care centers operated in conjunction with places of~~
21 ~~employment or located in existing buildings in certain zoning districts as an accessory use.~~

1 **Sec. 50-12-185. Family day care home; group day care home.**

2 ~~In the B5 District, family day care homes are permitted only in dwellings permitted by~~
3 ~~right.~~

4 (a) In R1, R2, R3, R4, R5, R6, B1, B2, B4, B5, SD1, SD2, and SD4 zoning districts,
5 the establishment of a group day care home is permissible on a conditional basis, except that the
6 establishment of a group day care home in a dwelling that has operated as a family day care home
7 for not less than one year is permissible on a by-right basis.

8 (b) In any zoning district, a family day care home or group day care home is permissible
9 only within a private residential dwelling unit that has been permitted as one of the principal uses
10 identified in Section 50-12-22 of this Code.

11 (c) In any zoning district, a group day care home is not permissible within a loft, a
12 multi-family dwelling, or a residential use combined in structures with permitted commercial or
13 industrial uses.

14 (d) In R1 and R2 zoning districts, upon approval of a group day care home, the
15 Buildings, Safety Engineering, and Environmental Department must issue notice of such approval
16 by mail to the occupants of all structures located on the same block face as, and within 500 linear
17 feet of, the group day care home. Each such notice must identify the address and the operator of
18 the group day care home, as well as the contact information for applicable State and local
19 regulatory authorities, such as the Michigan Department of Licensing and Regulatory Affairs and
20 the Buildings, Safety Engineering, and Environmental Department Property Maintenance
21 Division.

22 (e) A family day care home or group day care home must operate as licensed or as
23 approved as license-exempt by the Michigan Department of Licensing and Regulatory Affairs.

1 school or religious institution, is discontinued, the child care center would be prohibited as a
 2 principal use.

3 **ARTICLE XIV. DEVELOPMENT STANDARDS**

4 **DIVISION 1. OFF-STREET PARKING, LOADING, AND ACCESS**

5 **Subdivision B. Off-Street Parking Schedule "A"**

6 **Sec. 50-14-39. Day care.**

7 Off-street parking regulations for day care facilities are as follows:

Use Category	Specific Land Use	Off-Street Parking Spaces Required, Minimum. (References are to square feet of gross floor area unless otherwise indicated.)	Maximum Distance (feet)
Day care	Adult day care center	1 per 2 employees	100; except where developed under the "school building adaptive reuses" provision as defined in Section 50-16-381; same lot
	Child care center	1 per 2 employees plus 1 space for each 10 children based on maximum licensed capacity	100; except where developed under the "school building adaptive reuses" provision as defined in Section 50-16-381; same lot
	Family day care home	1 per 2 employees, <u>excluding employees who reside in the dwelling unit in which the family day care home is established</u>	100
	Group day care home	1 per 2 employees, <u>excluding employees who reside in the dwelling unit in which the group day care home is established</u>	100
	All other	1 per 2 employees	100

1 **DIVISION 7. OPERATIONAL PERFORMANCE STANDARDS**

2 **Sec. 50-14-587. Noise.**

3 The following noise standards shall generally apply:

4 (1) *General.* The City's noise standards are provided for in Article I of Chapter 16 of
5 this Code, Environment;

6 (2) *Outdoor paging systems and speakers.* Outdoor paging systems and speakers shall
7 not be located within 150 feet of land that is zoned R1, R2, R3, R4, R5, R6 or
8 residential PD, or within 150 feet of the property line of a lot where a school, ~~or~~
9 licensed child care center, family day care home, or group day care home is located.

10 This standard shall not apply to face-to-face, drive-up teller windows or remote
11 teller systems where all of the following conditions exist:

- 12 a. Cashiers and customers have direct, face-to-face contact;
- 13 b. Drive aisles are adjacent to the primary structure; and
- 14 c. The remote appliance is located under a porte cochere attached to the
15 primary building.

16 **ARTICLE XVI. RULES OF CONSTRUCTION AND DEFINITIONS**

17 **DIVISION 2. WORDS AND TERMS DEFINED**

18 **Subdivision D. Letter "C"**

19 **Sec. 50-16-152. Words and terms (Ch—Cm).**

20 For the purposes of this chapter, the following words and phrases beginning with the letters
21 "Ch" through "Cm," shall have the meaning respectively ascribed to them by this section:

Term	Definition
Change of use or occupancy	The discontinuance of one land use and its replacement by a different land use. Also, the addition of a land use to the operation of an existing land use; for example, the addition of a cabaret to a Class C bar constitutes a change of use or occupancy. A mere change of ownership shall not constitute a change of use or occupancy.
Child care home and center	<p>A facility licensed by the Michigan Department of Licensing and Regulatory Affairs, other than a private residence or home, receiving one or more preschool or school-age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child Care Center or Day Care Center includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a Child Care Center, Day Care Center, "Head Start" program, Day Nursery, Nursery School, Parent Cooperative Preschool, Play Group, or Drop-In Center. Child Care Center or Day Care Center does not include any of the following:</p> <p>(1) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not longer than three hours per day for an indefinite period, or not longer than eight hours per day for a period not to exceed four weeks during a 12-month period;</p> <p>(2) A facility operated by a religious organization where children are cared for not longer than three hours while persons responsible for the children are attending religious services;</p> <p>(3) Family day care home, group day care home, foster family home, foster family group home.</p> <p><u>A facility, other than a private residence, receiving one or more children under 13 years of age for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. Child care center includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. Child care center does not include any of the following:</u></p> <p><u>(i) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than three hours per day for an indefinite period or for not more than 8 hours per day for a period not to exceed four weeks during a 12-month period.</u></p> <p><u>(ii) A facility operated by a religious organization where children are in the religious organization's care for not more than three hours while persons responsible for the children are attending religious services.</u></p> <p><u>(iii) A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion.</u></p>

	<p><u>This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.</u></p> <p><u>(iv) A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.</u></p> <p><u>(v) A program that primarily provides therapeutic services to a child.</u></p>
Child caring institution	<p>A child care facility licensed by the Michigan Department of Licensing and Regulatory Affairs, other than a juvenile correctional facility, that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the institution for that purpose, and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child Caring Institution includes a Maternity Home for the care of unmarried mothers who are minors and an Agency Group Home that is described as a Small Child Caring Institution owned, leased, or rented by a licensed agency providing care for more than four but less than 13 minor children. Child Caring Institution also includes institutions for mentally retarded or emotionally disturbed minor children. Child caring institution does not include a hospital, nursing home, home for the aged, boarding school, adult foster care family home, adult foster care small group home, family day care home, group day care home, foster family home, or foster family group home.</p> <p><u>A child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the child caring institution for that purpose and operated throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility.</u></p> <p><u>Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home, that is described as a small child caring institution, owned, leased, or rented by a licensed agency providing care for more than four but less than 13 minor children. Child caring institution also includes an institution for developmentally disabled or emotionally disturbed minor children.</u></p> <p><u>Child caring institution does not include a hospital, nursing home, or home for the aged licensed under Article 17 of the Michigan Public Health Code, a boarding school licensed under Section 1335 of the Michigan Revised School Code, a hospital or facility operated by the state or licensed under the Michigan Mental Health Code, or an adult foster care family home or an adult foster care small group home licensed under the Michigan Adult Foster Care Facility Licensing Act in</u></p>

	which a child has been placed under Section 5(6) of the Michigan Child Care Organizations Act.
City	The word "City" means the City of Detroit.
Clear vision triangle	That area formed by extending the two curb lines a distance of 45 feet from their point of intersection, and connecting these points with an imaginary line, thereby making a triangle

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Subdivision G. Letter "F"

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Sec. 50-16-201. Words and terms (Fa—Fg).

4

For the purposes of this chapter, the following words and phrases beginning with the letters

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"Fa" through "Fg," shall have the meaning respectively ascribed to them by this section:

Term	Definition
Family	<p>(1) One person, or a group of two or more persons living together, and interrelated by bonds of consanguinity, marriage, legal adoption, or guardianship, and occupying the whole or part of a dwelling as a separate housekeeping unit with a common and a single set of culinary facilities. The persons thus constituting a family may also include domestic servants employed solely on the premises. It may also include not more than four foster children provided, that the home is licensed as a foster home by the State of Michigan.</p> <p>(2) Two persons, interrelated by bonds of consanguinity, marriage, legal adoption, or guardianship, and one person not so interrelated, occupying the whole or part of a dwelling as a separate housekeeping unit with a common and a single set of culinary facilities.</p> <p>(3) Two persons not interrelated by bonds of consanguinity, marriage, legal adoption, or guardianship, provided, that such group lives together and occupies a dwelling as a single housekeeping unit with a single set of culinary facilities, and provided, that both members of the group have full access to all portions of the dwelling.</p> <p>A dwelling occupied under this definition shall not be operated as a rooming house or an adult foster care home or child caring institution. See also "functional family."</p>
Family day care home	<p>A licensed day care center as an accessory use in a residential dwelling unit where at least one but fewer than seven minor children are received for care and supervision for periods of less than 24 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. The term "family day care home" includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year. For the purpose of this definition, the term "private home" means</p>

	<p>a private residence where the licensee or registrant permanently resides as a member of the household, which residency shall not be contingent upon caring for children. Notwithstanding its status as an accessory use, a family day care home requires a permit. A family day care home may not operate unless also licensed by the Michigan Department of Human Services.</p> <p><u>A day care establishment located within a permitted private residential home in which at least one but fewer than seven minor children are received for care and supervision by a permanent resident of the household, who is licensed by the State of Michigan to provide such care and supervision and whose residency is not contingent upon such care and supervision, for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the household. Family day care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year. A family day care home does not include an individual providing babysitting services for another individual.</u></p>
Family, functional	A group of persons that does not otherwise meet the definition of "family," living in a dwelling unit as a single housekeeping unit and intended to live together as a group for the indefinite future. This definition shall not include any private club, fraternity, hotel, motel, rooming house or any other group of persons whose association is temporary or commercial in nature. (See Section 50-12-157 of this Code for specific use regulations that may apply to dwelling units occupied by a functional family.)
Farm stand	A temporary structure, accessory to an urban garden or urban farm for the display and sale of vegetables or produce, flowers, orchard products, locally-produced packaged food products and similar non-animal products grown or produced on the general property of the urban garden or urban farm upon which the stand is located.
Farmers' market	A pre-designed non-municipality-owned or -operated area, with or without temporary structures, where vendors and individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale, sell vegetables or produce, flowers, orchard products, locally-produced packaged food products and/or animal agricultural products.

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Subdivision H. Letter "G"

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Sec. 50-16-222. Words and terms (Gn—Gz).

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For the purposes of this chapter, the following words and phrases beginning with the letters

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"Gn" through "Gz," shall have the meaning respectively ascribed to them by this section:

Term	Definition
Governmental service agency	A facility, generally operated by an agency of the government, that provides assistance, benefits, licenses, or advisory services to members of the public. These services may include counseling, legal aid, vocational rehabilitation, aid to the handicapped, welfare, or other social services.
Grade, established	For purposes of regulating and determining the height or bulk of a building or structure, the term "established grade" shall mean the elevation of the sidewalk grade as fixed by the City. In those cases where no sidewalk exists or when the natural level of the ground is higher or lower than the grade established by the City Engineer, the average natural level of the ground shall be taken as the established grade.
Grade, existing or natural	The vertical elevation of the existing ground surface prior to excavation or filling.
Grade plane	A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.
Greenhouse	A building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for personal use and/or for subsequent sale. A greenhouse may or may not be a permanent structure. Garden centers are not greenhouses. Garden centers, which may include a nursery or greenhouse as an accessory use, import most of the items sold—items such as plants, potting soil, and garden equipment. Garden centers shall be considered "stores of a generally recognized retail nature" for regulatory purposes.
Gross floor area	The sum of the gross horizontal floor areas including: Areas occupied by fixtures and equipment for display or sale of merchandise, and mezzanines and other partial floor areas. Such area shall be measured from the exterior faces of exterior walls or from the centerline of walls separating two buildings or structures, excluding stairwells at each floor, elevator shafts at each floor, floors or parts of floors devoted exclusively to vehicular parking or loading, and all floors below the first or ground floor, except when used for or intended to be used for service by customers, patrons, clients, patients, or tenants.
Group "A" cabaret	An establishment open to the public which sells or serves alcoholic liquor for consumption on the premises with or without food, and either allows dancing with or without live entertainment, or provides three or more live entertainers at one time with or without dancing.

Group "B" cabaret	An establishment which sells or serves alcoholic liquor for consumption on the premises with or without food, and is a club, as defined within Section 107(5) of the Michigan Liquor Control Code of 1998, being MCL 436.1107(5), which is licensed by the Michigan Liquor Control Commission.
Group "C" cabaret	An establishment open to the public which sells or serves alcoholic liquor for consumption on the premises with or without food, provides only one or two entertainers at one time, and does not allow dancing.
Group day care home	<p>An accessory use to a private home, licensed by the Michigan Department of Human Services, where more than six but not more than 12 minor children are given care and supervision for periods of less than 24 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. Group day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year. Notwithstanding its status as an accessory use, a group day care home requires a permit.</p> <p><u>A day care establishment located within a permitted private residential home in which more than six but not more than 12 minor children are given care and supervision by a permanent resident of the household, who is licensed by the State of Michigan to provide such care and supervision and whose residency is not contingent upon such care and supervision, for compensation for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the household. Group day care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.</u></p>
Group living (use category)	<p>Residential occupancy of a dwelling unit by a group of people who do not meet the definition of the term "household living." The size of the group may be larger than the average size of a family. Tenancy is arranged on a monthly or longer basis. Uses where Tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the retail sales and service and community service categories). Generally, group living structures have a common eating area for residents. The residents may receive care, training, or treatment, as long as the care givers also reside at the site.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> • Adult foster care facility; • Assisted living facility; • Convalescent, nursing, or rest home; • Emergency shelter; • Fraternity or sorority house; • Home for the aged; • Residential substance abuse service facility;

	<ul style="list-style-type: none">• Rooming house;• Shelter for victims of domestic violence. <p>Lodging where tenancy may be arranged for periods of less than 30 days is to be considered a hotel or motel use and classified in the retail sales and service category. Lodging where the residents meet the definition of a "family" and where tenancy is arranged on a month-to-month basis, or for a longer period is classified as household living. Facilities for people who are under judicial detainment and under the supervision of sworn officers are included in the detention facilities category.</p>
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2 **Section 2.** All ordinances or parts of ordinances in conflict with this ordinance are repealed.

3 **Section 3.** This ordinance is declared necessary for the preservation of the public peace,
4 health, safety, and welfare of the people of the City of Detroit.

5 **Section 4.** This ordinance shall become effective eight (8) days after publication in
6 accordance with MCL 125.3401(6) and Section 4-118, paragraph 3 of the 2012 Detroit City
7 Charter.

Approved as to form:



Conrad L. Mallett
Corporation Counsel