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TO: City Planning Commission

FROM: M. Rory Bolger, City Planner

RE: **Proposed and Revised Childcare Facilities Text Amendment—Summation Report**

DATE: February 21, 2024

On February 22, 2024, the City Planning Commission will revisit the proposed Chapter 50, *Zoning*, text amendment related to Childcare Facilities under “unfinished business.” This will be the eighth meeting at which the ordinance has appeared on the agenda.

DELIBERATIONS

The City Planning Commission has been briefed, has reviewed, has discussed and has held hearings on the proposed text amendment to Chapter 50, *Zoning*, related to Childcare Facilities at its meetings of May 4, 2023, June 29, 2023 (public hearing), September 7, 2023, November 2, 2023, December 7, 2023, January 5, 2024 (vote), February 15, 2024 (public hearing).

The draft ordinance has been revised at the Commission’s request and the frank and thorough discussions have left staff with the following appreciation:

- Concerns relative to the proposed changes to **definitions** have not been voiced by the public or CPC;
- Concerns relative to the proposed changes in the permissibility and regulation of **Family Day Care Homes** (in-home childcare for 1-6 children) have not been voiced by the public or CPC;
- Concerns relative to the proposed changes in the permissibility and regulation of **Child Care Centers** (out-of-home childcare) have not been voiced by the public or CPC;
- The most commonly voiced concern that has been raised by the public and CPC members relates to the proposed changes to the permissibility and regulation of **Group Day Care Homes** (in-home childcare for 7-12 children) as a by-right use.

The concern over Group Day Care Homes prompted the Commission’s vote on January 5, 2024 to modify the draft ordinance to specify four additional provisions to regulate Group Day Care Homes. At the February 15, 2024 meeting, the Commission was not prepared to vote on that revised ordinance.

POSSIBLE APPROACHES TO REGULATING GROUP DAY CARE HOMES

CPC Staff has continued its internal discussion regarding possible approaches to regulating Group Day Care Homes and offers the following for Your Honorable Body’s consideration:

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| 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 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). |

Variations on Option 3 could also be considered if the Commission wishes to otherwise facilitate the transition of Family Day Care Homes to Group Day Care Homes and to reduce the “red tape” for these applicants. For example, a by-right Group Day Care Home could be allowed, but subject to a six-month trial period during which not more than seven children could be cared for. Satisfactory completion of the six-month trial period would then allow the Group Day Care Home to care for the State-specified maximum number of children.

Alternately, the City could depart from the State’s definition of Group Day Care Home and allow on a by-right basis a lesser set-maximum number of children, such as nine.

CPC staff awaits discussion, direction and action at the CPC meeting.

- cc: Antoine Bryant, Director, P&DD
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