

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*, Division 3, *B2 Local Business and Residential District*, Section 50-9-45, *By-right public, civic, and institutional uses*, Division 5, *B4 General Business District*, Section 50-9-105, *By-right public, civic, and institutional uses*, and Division 6, *B5 Major Business District*, Section 50-9-135, *By-right 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*, Division 11, *SD2—Special Development District, Mixed-Use*, Section 50-11-265, *By-right 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*, Division 3, *B2 Local Business and Residential District*, Section 50-9-45, *By-*
20 *right public, civic, and institutional uses*, Division 5, *B4 General Business District*, Section 50-9-
21 105, *By-right public, civic, and institutional uses*, and Division 6, *B5 Major Business District*,
22 Section 50-9-135, *By-right public, civic, and institutional uses*; Article XI, *Special Purpose Zoning*
23 *Districts and Overlay Areas*, Division 7, *PR Parks and Recreation*, Section 50-11-145, *By-right*

1 *public, civic, and institutional uses*, Division 9, *MKT Market and Distribution District*, Section
2 50-11-205, *By-right public, civic, and institutional uses*, Division 10, *SD1—Special Development*
3 *District, Small-Scale, Mixed-Use*, Section 50-11-235, *By-right public, civic, and institutional uses*,
4 Division 11, *SD2— Special Development District, Mixed-Use*, Section 50-11-265, *By-right public,*
5 *civic, and institutional uses*, and Division 12, *SD4— Special Development District, Riverfront*
6 *Mixed Use*, Section 50-11-291, *By-right public, civic, and institutional uses*, and Section 50-11-
7 297, *Conditional public, civic, and institutional uses*; Article XII, *Use Regulations*, Division 1,
8 *Use Table*, Subdivision C, *Public, Civic and Institutional Uses*, Section 50-12-43, *Day care,*
9 Division 2, *General Use Standards*, Section 50-12-130, *Public, civic, and institutional uses—*
10 *Spacing*, Division 3, *Specific Use Standards*, Subdivision B, *Public, Civic, and Institutional Uses*,
11 Section 50-12-183, *Child care homes and centers*, and Section 50-12-185, *Family day care home;*
12 *group day care home*, and Division 5, *Accessory Uses and Structures*, Subdivision C, *Specific*
13 *Accessory Use Standards*, Section 50-12-512, *Child care center*; Article XIV, *Development*
14 *Standards*, Division 1, *Off-Street Parking, Loading, and Access*, Subdivision B, *Off-Street Parking*
15 *Schedule "A"*, Section 50-14-39. *Day care*, and Division 7, *Operational Performance Standards*,
16 Section 50-14-587, *Noise*; and Article XVI, *Rules of Construction and Definitions*, Division 2,
17 *Words and Terms Defined*, Subdivision D, *Letter "C"*, Section 50-16-152, *Words and terms (Ch—*
18 *Cm)*, Subdivision G, *Letter "F"*, Section 50-16-201, *Words and terms (Fa—Fg)*, and Subdivision
19 H, *Letter "G"*, Section 50-16-222, *Words and terms (Gn—Gz)*.

20 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**
21 **THAT:**

22 **Section 1.** Chapter 50 of the 2019 Detroit City Code, *Zoning*, is amended as follows:

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

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

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

5 (1) Family day care home.

6 (2) Group day care home.

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

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

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

11 (2) Child care center

12 (3) Educational institution.

13 ~~(3) Group day care home.~~

14 (4) Neighborhood center, non-profit.

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

16 (6) Outdoor recreation facility.

17 (7) Religious institution.

18 (8) Residential-area utility facilities, public.

19 (9) School building adaptive reuses—public, civic, and institutional.

20 (10) School, elementary, middle/junior high, or high.

DIVISION 4. R3 LOW DENSITY RESIDENTIAL DISTRICT

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

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

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

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

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

- (1) Cemeteries, including those containing mausoleums, crematories, or columbaria.
- (2) Educational institution.
- (3) Fire or police station and similar public building.
- (4) ~~Group day care home.~~

1 (4) Residential-area utility facilities, public.

2 (5) School building adaptive reuses—public, civic, and institutional.

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

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

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

7 (1) Adult day care center.

8 (2) Child care center.

9 (3) Family day care home.

10 (4) Group day care home.

11 (5) Library.

12 (6) Museum.

13 (7) Neighborhood center, non-profit.

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

15 (9) Outdoor recreation facility.

16 (10) Religious institution.

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

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

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

21 (1) Educational institution.

22 (2) Fire or police station and similar public building.

23 (3) ~~Group day care home.~~

- 1 (3) Hospital or hospice.
- 2 (4) Residential-area utility facilities, public.
- 3 (5) School building adaptive reuses—public, civic, and institutional.

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

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

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

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

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

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

- 1 (1) Electric transformer station.
- 2 (2) Fire or police station and similar public building.
- 3 (3) Gas regulator station.
- 4 ~~(4) Group day care home.~~
- 5 (4) School building adaptive reuses—public, civic, and institutional.
- 6 (5) Telephone exchange building.
- 7 (6) Water works, reservoir, pumping station, or filtration plant.

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

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

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

11 District are as follows:

- 12 (1) Adult day care center.
- 13 (2) Child care center.
- 14 (3) Educational institution.
- 15 (4) Family day care home.
- 16 (5) Group day care home.
- 17 (6) Hospital or hospice.
- 18 (7) Library.
- 19 (8) Museum.
- 20 (9) Neighborhood center, non-profit.
- 21 (10) Outdoor art exhibition grounds; sculpture gardens.
- 22 (11) Outdoor recreation facility.
- 23 (12) Religious institution.

1 (13) School, elementary, middle/junior high, or high.

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

3 Conditional public, civic, and institutional uses within the R6 High Density Residential
4 District are as follows:

5 (1) Electric transformer station.

6 (2) Fire or police station and similar public building.

7 (3) Gas regulator station.

8 ~~(4) Group day care home.~~

9 (4) School building adaptive reuses—public, civic, and institutional.

10 (5) Telephone exchange building.

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

12 **ARTICLE IX. BUSINESS ZONING DISTRICTS**

13 **DIVISION 2. B1 RESTRICTED BUSINESS DISTRICT**

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

15 By-right public, civic, and institutional uses in the B1 Residential Business District are as
16 follows:

17 (1) Adult day care center.

18 (2) Child care center.

19 (3) Educational institution.

20 (4) Family day care home.

21 (5) Group day care home.

22 (6) Governmental service agency.

23 (7) Hospital or hospice.

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

DIVISION 3. B2 LOCAL BUSINESS AND RESIDENTIAL DISTRICT

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

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

- 11 (1) Adult day care center.
- 12 (2) Child care center.
- 13 (3) Educational institution.
- 14 (4) Family day care home.
- 15 (5) Group day care home.
- 16 (6) Governmental service agency.
- 17 (7) Hospital or hospice.
- 18 (8) Library.
- 19 (9) Museum.
- 20 (10) Neighborhood center, nonprofit.
- 21 (11) Outdoor art exhibition grounds; sculpture gardens.
- 22 (12) Outdoor recreation facility.
- 23 (13) Religious institution.

1 (14) Schools, elementary, middle/junior high, or high.

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

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

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

6 (1) Adult day care center.

7 (2) Armory.

8 (3) Auditoriums, public.

9 (4) Child care center.

10 (5) Educational institution.

11 (6) Family day care home.

12 (7) Group day care home.

13 (8) Fire or police station, post office, courthouse, and similar public building.

14 (9) Governmental service agency.

15 (10) Hospital or hospice.

16 (11) Library.

17 (12) Museum.

18 (13) Neighborhood center, non-profit.

19 (14) Outdoor art exhibition grounds; sculpture gardens.

20 (15) Outdoor recreation facility.

21 (16) Religious institution.

22 (17) School, elementary, middle/junior high, or high.

1 **DIVISION 6. B5 MAJOR BUSINESS DISTRICT**

2 **Sec. 50-9-135. By-right public, civic, and institutional uses.**

3 By-right public, civic, and institutional uses within the B5 Major Business District are as
4 follows:

- 5 (1) Adult day care center.
- 6 (2) Auditoriums, public.
- 7 (3) Child care center.
- 8 (4) Educational institution.
- 9 (5) Electric transformer station.
- 10 (6) Family day care home.
- 11 (7) Fire or police station, post office, courthouse, and similar public building.
- 12 (8) Group day care home.
- 13 (9) Gas regulator station.
- 14 (10) Governmental service agency.
- 15 (11) Hospital or hospice.
- 16 (12) Library.
- 17 (13) Museum.
- 18 (14) Neighborhood center, non-profit.
- 19 (15) Outdoor entertainment facility.
- 20 (16) Outdoor recreation facility.
- 21 (17) Power or heating plant with fuel storage on site.
- 22 (18) Religious institution.

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

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

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

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

10 (1) Child care center

11 (2) Electric transformer station.

12 (3) Gas regulator station.

13 (4) Museum.

14 (5) Outdoor recreation facility.

15 (6) Public aquarium.

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

17 (8) Telephone exchange building.

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

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

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

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

- 1 (1) Educational institution.
- 2 (2) Family day care home.
- 3 (3) Fire or police station, post office, courthouse, and similar public building.
- 4 (4) Museum.
- 5 (5) Outdoor recreation facility.
- 6 (6) Religious institution.

7 **DIVISION 10. SD1—SPECIAL DEVELOPMENT DISTRICT, SMALL-SCALE, MIXED**
8 **USE**

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

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

- 12 (1) Adult day care center.
- 13 (2) Child care center.
- 14 (3) Educational institution.
- 15 (4) Family day care home.
- 16 (5) Fire or police station, post office and similar public building.
- 17 (6) Group day care home.
- 18 (7) Library.
- 19 (8) Museum.
- 20 (9) Neighborhood center, non-profit.
- 21 (10) Outdoor recreation facility.
- 22 (11) Religious institution.
- 23 (12) School, elementary, middle/junior high, or high.

- 1 (2) Child care centers.
- 2 (3) Electric transformer station.
- 3 (4) Family day care home.
- 4 (5) Fire or police station, post office and similar public building.
- 5 (6) Gas regulator station.
- 6 (7) Group day care home.
- 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.~~
- 18 (4) Hospital or hospice.
- 19 (5) Museum.
- 20 (6) Post office.
- 21 (7) Public aquarium.
- 22 (8) Religious institution.
- 23 (9) School, elementary, middle/junior high, or high.

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

ARTICLE XII. USE REGULATIONS

DIVISION 1. USE TABLE

Subdivision C. Public, Civic and Institutional Uses

Sec. 50-12-43. Day care.

Regulations regarding day care uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)						
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	T	M	P	W	M		S	S	S	S		
Day care	Adult day care center			R	R	R	R	R	R	R	R	R	R							L														R	
	Child care center	<u>C</u>	<u>C</u>	R	R	R	R	R	R	R	R	R	R							L			R		<u>R</u>		<u>C</u>	R	R	R	R				
	Family day care home	R	R	R	R	R	R	<u>R</u>	<u>R</u>		<u>R</u>	R							L			R				<u>R</u>	R	<u>R</u>	R						
	Group day care home	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>		<u>R</u>	<u>R</u>							L									<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	
	All other																		L																

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>	N/A	<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 ~~contiguous~~ adjacent to the child care center. If sufficient space is not
5 available immediately contiguous to the child care center, the outdoor play area
6 may be located in an off-site park or other outdoor facility that has been identified
7 in 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 ~~if 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;

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.~~

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

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

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

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

9 (c) In an R1 or R2 District, upon approval of a group day care home, the Buildings,
10 Safety Engineering, and Environmental Department must issue notice of such approval by mail to
11 the occupants of all structures located on the same block face as, and within 500 linear feet of, the
12 group day care home. Each such notice must identify the address and the operator of the group day
13 care home, as well as the contact information for applicable State and local regulatory authorities,
14 such as the Michigan Department of Licensing and Regulatory Affairs and the Buildings, Safety
15 Engineering, and Environmental Department Property Maintenance Division.

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

18 (e) If a residential dwelling unit in which a family day care home or group day care
19 home operates includes a rear yard, such yard must be fenced.

20 (f) A family day care home or group day care home must not operate in such a manner
21 so as to create a nuisance-in-fact, whether arising from traffic, parking, noise, or other disturbance
22 of the peace, to surrounding property.

1 (g) The regulations set forth in this section may not be waived by the Board of Zoning
2 Appeals.

3 **DIVISION 5. ACCESSORY USES AND STRUCTURES**

4 **Subdivision C. Specific Accessory Use Standards**

5 **Sec. 50-12-512. Child care center.**

6 (a) ~~Notwithstanding the prohibition of child care centers in the B6, M1, M2, M3, M4,~~
7 ~~PC, TM, and PR Districts,~~ In any zoning district, a child care centers that are is operated in
8 conjunction with a place of employment, shopping center, entertainment venue, or other principal
9 use, where children are cared for while parents or guardians ~~are occupied~~ remain located on the
10 premises or in the immediate vicinity, ~~may be permitted~~ are permissible as an accessory use to
11 such principal uses, subject to the use regulations specified in Section 50-12-183 of this Code.

12 (b) ~~Notwithstanding the prohibition of child care centers in~~ In the R1 and R2 Districts,
13 a child care centers, such as, but not limited to, "Head Start" programs, may be permitted is
14 permissible as an accessory use ~~in existing buildings occupied by a principal use specified as a~~ to
15 any public, civic, or institutional principal use identified in Division 1, Subdivision C, of this article
16 ~~that is also permitted in the R1 or R2 District,~~ subject to the use regulations specified in Section
17 50-12-183 of this Code, ~~provided, that in the event the principal use, such as, but not limited to, a~~
18 ~~school or religious institution, is discontinued, the child care center would be prohibited as a~~
19 principal use.

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ARTICLE XIV. DEVELOPMENT STANDARDS

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

Subdivision B. Off-Street Parking Schedule "A"

Sec. 50-14-39. Day care.

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

DIVISION 7. OPERATIONAL PERFORMANCE STANDARDS

Sec. 50-14-587. Noise.

The following noise standards shall generally apply:

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

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

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

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

ARTICLE XVI. RULES OF CONSTRUCTION AND DEFINITIONS

DIVISION 2. WORDS AND TERMS DEFINED

Subdivision D. Letter "C"

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

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

	<p>occupancy. A mere change of ownership shall not constitute a change of use or occupancy.</p>
<p>Child care home and center</p>	<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 1 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 2 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 3 hours per day for an indefinite period or for not more than 8 hours per day for a period not to exceed 4 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 3 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. 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 4 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 which a child has been placed under Section 5(6) of the Michigan Child Care Organizations Act.</u></p>
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

1 **Subdivision G. Letter "F"**

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

3 For the purposes of this chapter, the following words and phrases beginning with the letters
 4 "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 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 1 but fewer than 7 minor children are received for care and supervision by a permanent resident of the household, who is licensed by the State of Michigan to</u></p>

	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 4 weeks during a calendar year. A family day care home does not include an individual providing babysitting services for another individual.
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	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><u>A day care establishment located within a permitted private residential home in which more than 6 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 4 weeks during a calendar year.</u></p>
<p>Group living (use category)</p>	<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; • 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, health,

4 safety, and welfare of the people of the City of Detroit.

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

Approved as to form:

Conrad L. Mallett
Corporation Counsel