CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
APPROVAL OF AGENDA
APPROVAL OF MINUTES – Meeting of March 23, 2021, Work Session April 6, 2021
COMMUNICATIONS
CITIZEN COMMENTS
OLD BUSINESS

1. CAPITAL IMPROVEMENT PLAN: Presentation and consideration of the proposed Berkley Capital Improvement Plan.

2. DISCUSSION: Matter of discussing ordinance amendments to expand permitted uses in the Downtown District.

NEW BUSINESS


4. MEETING DATES: Matter of reviewing and approving updated 2021 calendar with additional dates for Work Sessions.

LIAISON REPORTS
COMMISSIONER / STAFF COMMENTS
ADJOURN

Notice: Official Minutes of the City Planning Commission are stored and available for review at the office of the City Clerk. If you would like to attend the electronic Planning Commission meeting, follow the link below or call the telephone number.

Join Zoom Meeting: https://berkleymich.zoon.us/j/93323204434
Dial by Phone: 1-312-626-6799
Meeting ID: 933 2320 4434
THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:00 PM, MARCH 23, 2021 VIA ELECTRONIC MEETING BY CHAIR KRISTEN KAPELANSKI.

The minutes from this meeting are in summary form capturing the actions taken on each agenda item. To view the meeting discussions in their entirety, this meeting is broadcasted on the city’s government access channel, WBRK, every day at 9AM and 9PM. The video can also be seen, on-demand, on the city’s YouTube channel: https://www.youtube.com/user/cityofberkley.

PRESENT:  
Joe Bartus, Berkley Michigan  
Lisa Kempner, Berkley Michigan  
Greg Patterson, Berkley Michigan  
Kristen Kapelanski, Berkley Michigan

Julie Stearn, Berkley Michigan  
Mark Richardson, Berkley Michigan  
Matt Trotto, Berkley Michigan  
Martin Smith

ABSENT:

None

ALSO, PRESENT:
Matt Baumgarten, City Manager  
Dan Hill, Public Policy Assistant  
Erin Schlutow, Community Development Director  
Ross Gavin, City Council Liaison

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APPROVAL OF AGENDA
It was moved by Commissioner Kempner to approve the Agenda supported by Commissioner Trotto.

AYES:  
Dahlin, Kempner, Patterson, Richardson, Trotto, Bartus, Kapelanski

NAYS:  
None

ABSENT:  
Smith

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APPROVAL OF MINUTES
It was moved by Commissioner Patterson to approve the minutes from the regular Planning Commission meeting on February 23, 2021 and supported by Commissioner Kempner.

AYES:  
Kempner, Patterson, Richardson, Trotto, Bartus, Dahlin, Kapelanski

NAYS:  
None

ABSENT:  
Smith

It was moved by Commissioner Patterson to approve the minutes from the Work Session on March 2, 2021. Motion supported by Commissioner Kempner.

AYES:  
Patterson, Richardson, Trotto, Bartus, Dahlin, Kempner, Kapelanski

NAYS:  
None

ABSENT:  
Smith

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COMMUNICATIONS
None

CITIZEN COMMENTS
Chair Kapelanski read instructions for public to submit comments during the virtual meeting.

None.

1. CAPITAL IMPROVEMENT PLAN: Presentation and discussion of the proposed Berkley Capital Improvement Plan.

   Community Development Director Schlutow provided a description of the purpose of the CIP and the role of the Planning Commission.

   City Manager Matt Baumgarten presented the draft Capital Improvement Plan.

   Commissioners asked questions related to the proposed CIP.

   The City Manager noted that the item would return to the Planning Commission at the April meeting.

2. DISCUSSION: Matter of discussing ordinance that requires special land use approval for office uses on the first floor in the Downtown District.

   Community Development Director Schlutow summarized March 17, 2020 memo related to expanding uses in the Downtown District.

   Commissioners discussed options to expand offices as permitted uses that would promote foot traffic that is desired.

   Commissioner Kempner noted it would be beneficial to keep office uses as special land uses, as they do not come up very often, and to focus on the uses that are desired based on survey results. This includes retail and entertainment uses.

   Commissioners discussed possibilities of limiting office uses in the District and if special land use is the way to do that. Commissioners discussed reviewing all possible land uses in the District to determine what needs to be amended.

   Community Development Director noted the item would return to the Planning Commission at the April meeting with definitions and examples from other communities to continue the discussion.

3. DISCUSSION: Matter of discussing ordinances that require special land use approval for outdoor dining.

   Community Development Director summarized March 17, 2021 memo related to allowing outdoor dining for restaurants as a permitted use rather than special land use.
Commissioners discussed possibility to allow outdoor dining by right rather than special land use. Some commissioners were in favor, provided that regulations are in place to ensure the outdoor area meet certain requirements.

Commissioners asked about the resolutions related to outdoor dining, temporary closure of side streets, possibility of permeant side street closures.

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LIAISON REPORTS
Chair Kapelanski asked staff about the status of recently reviewed text ordinance amendments, as well as the special land use request that was reviewed at the previous meeting.

Commissioner Richardson noted that the Environmental Committee did not meet, as they could not secure a quorum. Will meet again in May.

Commissioner Trotto attended the DDA meeting and noted that nothing that much came out of the meeting.

City Manager Baumgarten provided an update on City summer events.

Commissioner Kempner reminded everyone that the virtual Open House will take place March 25, 2021 and a reminder to register.

Commissioner Kempner apologized for lateness.

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STAFF/COMMISSIONER COMMENTS
Community Development Director Schlutow also reminded everyone to attend the virtual Open House, and the next Master Plan Work Session will take place on April 6, 2021.

Motion to adjourn by Commissioner Patterson. Motion supported by Commissioner Kempner.

AYES: Richardson, Smith, Trotto, Bartus, Dahlin, Kempner, Patterson, Kapelanski
NAYS: None
ABSENT: None

With no further business, the meeting was adjourned at 8:28pm.
THE WORK SESSION OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:00 PM, APRIL 6, 2021 VIA ELECTRONIC MEETING BY CHAIR KRISTEN KAPELANSKI

PRESENT: Joe Bartus, Berkley Michigan Matt Trotto, joined at 7:42pm
Lisa Kempner, Berkley Michigan Shiloh Dahlin, Berkley Michigan
Greg Patterson, Berkley Michigan
Mark Richardson, Berkley Michigan

ABSENT: Martin Smith

ALSO, PRESENT: Megan Masson-Minock, Carlisle Wortman Associates
Erin Schlutow, Community Development Director
Ross Gavin, City Council Liaison

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CITIZEN COMMENTS
Chair Kapelanski read instructions for public to submit comments during the virtual meeting.

None.

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Megan Masson-Minock went over the housing and commercial corridor survey results. Commissioners inquired about City Council involvement and the rate of response from the community.

Megan Masson-Minock went over the timeline for adoption.

Megan Masson-Minock went over the discussion points for Housing Types and Commercial Corridors that were drafted from the Open House engagement. Commissioners went through each point and offered comments on each point and included other considerations.

After a robust discussion, Megan Masson-Minock noted that they would take the comments and incorporate into draft text. A draft is expected to be completed in May.

Commissioners noted that they feel confident that Megan will be able to incorporate the community and commissioner feedback into draft text that will benefit the community.

Meeting ended at 8:34pm.
MEMORANDUM

To: Berkley City Council
From: Matt Baumgarten, City Manager
       Erin Schlutow, Community Development Director
Subject: 2021 – 2028 Capital Improvement Plan
Date: April 20, 2021

The Capital Improvement Plan (CIP) serves as the City’s multi-year planning instrument used to identify priority needs and financing sources for public infrastructure improvements. Such improvements shall be based upon the requirements of the local unit of government for all types of public structures and improvements. The purpose of a CIP is to plan for the future public improvements that are needed within a community.

The CIP document includes several areas of projects: city parks and facilities improvements, municipal buildings and parking lot improvements, and museum fire hall improvements.

The proposed 2021 – 2028 Berkley Capital Improvement Plan has been prepared in accordance with the Michigan Planning Enabling Act (2008, as amended) and is included in your packet for review and consideration.

City Manager Baumgarten will be in attendance to present the CIP and answer any questions.

A motion is necessary to adopt the CIP and recommend adoption by the City Council.
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### CITY OF BEROKEY CAPITAL IMPROVEMENT PLAN

#### Municipal Building

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**Total for Municipal Building**: $350,000 $500,000 $0 $0 $0 $0 $0 $0

#### Public Works

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<td>Potential WM Project-No Roadwork (Includes Engineering)</td>
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<td>Concrete Repairs from Underground Utility Work</td>
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**Total for Public Works**: $5,570,000 $3,868,000 $3,605,000 $3,415,000 $3,410,000 $3,437,000 $3,459,000

#### Public Safety

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**Total for Public Safety**: $15,000
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</table>
MEMORANDUM

To: Berkley City Council
From: Erin Schlutow, Community Development Director
Subject: Business Uses in Downtown District
Date: April 20, 2021

At the March 23, 2021 meeting, the Planning Commission discussed reviewing the permitted uses in the Downtown District. For your reference, below is a list of uses permitted by right and permitted by special land use in the Downtown District.

Sec. 138-417. – Principal permitted uses.

Principal uses permitted in the downtown district are as follows:

1. Restaurants, carryout or standard, except drive through uses
2. Bars, cocktail lounges, or taverns
3. Retail uses, dealing with the sale of new merchandise, such as, but not limited to the following:
   a. Gift shops
   b. Clothing stores, including shoes, hats and accessories
   c. Jewelry store
   d. Kitchenware, small appliance stores
   e. Furniture stores
   f. Toy stores
4. Retail uses, dealing with the sale of previously owned merchandise, such as, but not limited to the following:
   a. Antique shops
   b. Art galleries
5. Personal service uses, including the following:
   a. Hair salons
   b. Nail salons
   c. Tanning salons
6. Dance studios and health clubs
7. Food uses, not including convenience stores, such as, but not limited to the following:
   a. Produce markets
   b. Specialty food stores
   c. Wine shops
   d. Butcher shops
   e. Bakeries
8. Movie theaters, stage theaters, and comedy clubs
9. Residences, when located above the first floor
10. Offices or agencies, when located above the first floor
11. Marihuana retailers and medical marihuana provisioning centers
Sec. 138-418. – Special uses.

The following special uses shall be permitted in the downtown district, subject to the regulations in article VI administration and enforcement, division 6 special uses, of this chapter.

1. Office or agencies, when located on the first floor
2. Banks
3. Convenience stores
4. Outdoor sales or eating areas, when developed as accessory to primary uses and structures
5. Repair shops or workshops such as, but not limited to, clothing, shoes, watches, televisions, small appliances, electrician, painter, and upholstery
6. Resale shops

Downtown Plan

The Downtown Plan includes a Zoning Strategy for three character areas: Gateway West, Downtown Core and Gateway South. The existing Downtown District is located in the Downtown Core character area. It is suggested that a mix of independent retail, service, dining and entertainment uses should be permitted.

Entertainment Uses

The Zoning Ordinance currently permits commercial recreation uses in the LB, Gateway, Coolidge, and Twelve Mile Districts. Unfortunately, the definition section does not include language specific to commercial recreation, there is some guidance in the list of permitted uses for each district.

Commercial recreational uses such as bowling alleys, billiard halls, indoor archery ranges, indoor skating rinks, indoor tennis courts, athletic or health clubs, schools of dance, schools of martial arts, or similar forms of indoor commercial recreation.

The Zoning Ordinance does not specify what constitutes “indoor commercial recreation” or “entertainment” uses and this can be open to interpretation. I have consulted with the Planner’s Dictionary, which can be helpful in suggesting definition language that has been implemented in other communities.

Recreation, commercial indoor: A commercial recreational land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletic and health clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, tennis court. (Glenwood Springs, CO)

Entertainment, commercial indoor: Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters and concert or music halls. (Blacksburg, VA)

Entertainment Establishment: any establishment (indoors or outdoors) where entertainment, either passive or active, is provided for the pleasure of the patrons, either independence or in
conjunction with any other use. Such entertainment includes but is not limited to vocal and instrumental music, dancing, karaoke, comedy, and acting. (San Jose, CA)

The above definitions allow for additional entertainment options that are not clearly identified, as the nature of “entertainment” has changed. While visits to the movie theater or attending a concert are still popular outings, there has been an increase in themed and art-based, creative entertainment options that should be considered as part of a “similar use”.

Such themed and creative entertainment options include photography studios, escape rooms, creative art studios, virtual reality centers. The list is not comprehensive, as new ideas and business opportunities come about everyday.

**Comparable Communities**

In preparation of this discussion, I have reviewed ordinance language in Ferndale and Madison Heights, specifically looking at regulations for the entertainment uses. Below specify the districts in which the uses are permitted. For your reference, the zoning maps for each community is included in the packet.

<table>
<thead>
<tr>
<th>Ferndale</th>
<th>Madison Heights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Painting with a Twist - 200 W. Nine Mile Rd</td>
<td>Escape Room Zone – 31401 John R Rd.</td>
</tr>
<tr>
<td>Art, music, dance, craft, ceramic, glass, cooking, and similar schools and studios</td>
<td>Video arcade businesses and indoor and/or outdoor recreational businesses</td>
</tr>
<tr>
<td>Permitted by Right in the CBD, C-2, C-3, OS, MXD-1, MXD-2 District</td>
<td>Permitted by Special Land Use in the B-1, B-2, B-3</td>
</tr>
</tbody>
</table>

There are other communities that allow indoor entertainment uses, the above were selected to demonstrate how the group activity, indoor recreation, entertainment uses can be regulated.

**Recommendation**

We recommend discussing a proposed text ordinance amendment to allow for entertainment, commercial indoor recreation uses, either by right or special land use, in the Downtown District, along with corresponding definition of each term. Definitions should include language “including, but not limited to”, in order to account for future entertainment uses that have not yet come to Berkley.

If you have any questions related to this item, please let me know.
City of Ferndale
Zoning Map
Oakland County, MI

Zoning Districts
- R-1 Single Family Residential
- R-2 Single/Two-Family Residential
- R-3 Single/Multiple-Family Residential
- R-4 Multiple-Family Residential
- OS Office/Service
- CBD Central Business District
- C-2 General Commercial
- C-3 Extended Business
- M-1 Limited Industrial
- M-2 General Industrial
- MXD-1 Mixed Use 1
- MXD-2 Mixed Use 2
- P-1 Vehicle Parking
- PUD Planned Unit Development
- Transit Oriented Development Overlay

Note: *The property is subject to a conditional rezoning agreement.
MEMORANDUM

To: Berkley Planning Commission

From: Erin Schlutow, Community Development Director

Subject: State Licensed Residential Facilities

Date: April 20, 2021

It has come to the attention of city staff that regulations are not in place for state licensed residential facilities in the single-family residential district; more specifically, for in-home day cares. Historically, businesses operating from a residential dwelling have been viewed and regulated as Home Occupations.

Definition:

*Home occupation*: An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes. There shall be no exterior display other than 1 nonilluminated name plate, which is not more than 2 square feet in area which may be attached to the building. No stock in trade or commodity sold shall be kept on the premises. Nursing homes, tea rooms, tourist homes, beauty parlors, retail business or trade shall not be considered home occupations.

In the Single-Family Residential Districts, the Zoning Ordinance does require special land use approval for nursery schools, day nurseries and child care centers. However, these uses are not specifically defined, and the site regulations suggest that they are referring to commercial facilities.

**State Acts**

In the absence of definitions for nursery schools, day nurseries and child care centers in our Ordinance, we defer to the Michigan Zoning Enabling Act (PA 110 of 2006) and the Child Care Organizations Act (PA 116 of 1973).

**Michigan Zoning Enabling Act**

“family child care home” and “group child care home” mean those terms as defined in section 1 of 1973 PA 116, and only apply to the bona fide private residence of the operator of the family or group child care home.

**Child Care Organizations Act**

“Child care center” means 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.

“Family child care home” means a private home in which 1 but fewer than 7 minor children are received for 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 by blood, marriage, or adoption. Family child 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 child care home does not include an individual providing babysitting services for another individual.

“Group child care home” means a private home in which more than 6 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 household by blood, marriage, or adoption. Group child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

**Ordinance Discussion**

In preparation of this discussion with the Planning Commission, a quick Google search was performed, as well as search for in-home child care providers licensed by LARA. In each instance, there were zero results in the City of Berkley.

In order to get ahead of possible situations in the future, it is recommended that we review and discuss family child care home and group child care home uses in the single-family residential districts. Without discussion, the City would continue to regulate home child care uses as a Home Occupation. This does not include permits, inspections, or other approvals from city staff, as the intent is for a Home Occupation to occur without changes or impacts to the neighborhood.

Additionally, it is recommended to review all State Licensed Residential Facilities. This would include adult foster care facilities, foster care family homes, foster care family group homes, family day care homes, and group day care homes. Definitions for all State Licensed Residential Facilities is included under separate cover, for your convenience.

**Comparable Communities**

In preparation of this discussion, I have compiled ordinance language from City of Clawson, City of Huntington Woods, City of Oak Park, and City of Rochester Hills.

If you have any questions, please do not hesitate to contact me.
State-licensed residential facility means any structure constructed for residential purposes that is licensed by the state pursuant to Public Act No. 116 of 1973 (MCL 722.111 et seq.), or Public Act No. 218 of 1979 (MCL 400.701 et seq.). This definition includes adult foster care facilities, foster care family homes, foster care family group homes, family day care homes, and group day care homes. These acts provide for the following types of residential structures:

1) Adult foster care facility. A residential structure that is licensed to provide foster care, but not continuous nursing care, for unrelated adults over the age of 17. Foster care facilities are subject to all provisions of Public Act No. 218 of 1979, as amended (MCL 400.701 et seq.).

   a. Foster care means the supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, for two or more consecutive weeks for compensation.

   b. Adult foster care facility does not include any of the following:

      1. A licensed child caring institution, children's camp, foster family home or foster family group home, subject to the limitations contained in section 3(4)(f) of Michigan Public Act 218 of 1979, as amended (MCL 400.703).

      2. A licensed family foster home that has a person who is 18 years of age or older placed in foster family home under section 5(7) of Michigan Public Act 116 of 1973, as amended (MCL 722.115).

      3. An establishment commonly described as an alcohol or substance abuse rehabilitation center; a residential facility for persons released from or assigned to adult correctional institutions; a maternity home; or a hotel or a rooming house that does not provide or offer to provide foster care.


   c. The following types of adult foster care facilities are provided for by this article (to the extent necessary all applicable ordinances, regulations apply):

      1. Adult foster care family home. A private residence with the approved capacity to receive not more than six adults who shall be provided foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

      2. Adult foster care small group home. An adult foster care facility with the approved capacity of not more than 12 adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license only if seven or more residents will live in the home.

      3. Adult foster care large group home. An adult foster care facility with the approved capacity to receive at least 13, but not more than 20, adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license.

      4. Adult foster care congregate facility. An adult foster care facility with the approved capacity to receive more than 20 adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license.

2) Foster day care home. A private home in which 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. 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.

3) Foster family home. A private home in which one, but not more than four, minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, are given care and supervision for
24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or a legal guardian.

4) Foster family group home. A private home in which more than four, but fewer than seven, minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or a legal guardian.

5) Group child day care home. A private home in which more than six, but not more than 12, 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 child 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.

R-1, R-2 Districts (Single Family Residential):

Permitted by Right: State licensed residential facilities with six or fewer residents. This shall include family day care homes, foster family homes, foster family group homes and adult foster care family homes.

Special Land Use: State-licensed residential facilities with seven or more residents. This shall include group child day care homes and adult foster care small group homes (seven to 12 residents), adult foster care congregate facilities and adult foster care large group homes (more than 12 residents).

Supplemental Regulations with Special Land Use:

1) Facilities with more than six but fewer than 12 residents shall be subject to the following:
   a. Is located not closer than 1,500 feet to any of the following:
      1. Another licensed group child care home.
      2. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Michigan Public Act 218 of 1979 (MCL 400.701 et seq.)
      3. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under article 6 of the public health code, Michigan Public Act 368 of 1978 (MCL 333.6101 et seq.)
      4. A community correction center, resident home, halfway house or other similar facility with houses an inmate population under the jurisdiction of the department of corrections.
      5. The distances required above shall be measured along a road, street, or place maintained by the state, county or city and generally open to the public as a matter of right for the purpose of vehicular traffic, not including an alley.
   b. Has appropriate fencing for the safety of the children in the group day care home, as determined by the planning commission.
   c. Does not exceed 16 hours of operation during a 24-hour period. The planning commission may limit, but not prohibit, the operation of a group child care home between the hours of 10:00 p.m. and 6:00 a.m.
   d. Meets all city sign regulations used by a group day care home to identify itself.
   e. Provides adequate off-street parking accommodations for his/her employees.
   f. A licensed or registered family or group child day care home that operated before March 30, 1989, is not required to comply with the requirements of this section.
The requirements of the section do not prevent the city from inspecting and enforcing a family or group child day care home for the home's compliance with this chapter, or any applicable conditions attached to the license or offered by the applicant/licensee.

2) Facilities with seven or more residents shall be subject to the following:
   a. The lot location shall be such that at least one property line abuts a collector street, secondary thoroughfare or major thoroughfare. The ingress and egress for off-street parking areas for residents, employees and guests shall be directly from said thoroughfare.
   b. Concentrations of such facilities shall be avoided.
   c. The foster care home shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted nor substantially diminish or impair property values within the neighborhood.
   d. The principal and accessory buildings shall be a minimum of 100 feet from any residential structure in the district.

Rochester Hills

Permitted in the RE, R-1, R-2, R-3, R-4, RM-1

Permitted – state licensed facilities, 6 or fewer

Conditional – more than 7, not more than 12

STATE LICENSED RESIDENTIAL FACILITY. Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Michigan Public Act 116 of 1973 (the Child Care Licensing Act) or Michigan Public Act 218 of 1979 (the Adult Foster Care Facility Licensing Act). This definition includes adult foster care facilities, foster family homes, foster family group homes, family day care homes, and group day care homes (see Human Services Facilities Subject to State Licensing Chart).

A. Adult foster care facility means a residential structure that is licensed to provide foster care, but not continuous nursing care, for unrelated adults over the age of 17. Adult foster care facilities are subject to all applicable provisions, definitions, and regulations of Michigan Public Act 218 of 1979, as amended (MCL 400.701 et seq.).
   1. Foster care means the provision of supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.
   2. Adult foster care facility does not include any of the following:
      a. A licensed child caring institution, children's camp, foster family home, or foster family group home, subject to the limitations contained in Section 3(4f) of Michigan Public Act 218 of 1979, as amended (MCL 400.703).
      b. A licensed foster family home that has a person who is 18 years of age or older placed in the foster family home under section 5(7) of Michigan Public Act 116 of 1973, as amended (MCL 722.115).
      c. An establishment commonly described as an alcohol or a substance abuse rehabilitation center; a residential facility for persons released from or assigned to adult correctional institutions; a maternity home; or a hotel or rooming house that does not provide or offer to provide foster care.
      d. A veterans' facility created by 1885 PA 152, MCL 36.1 to 36.12.
   3. The following types of adult foster care facilities are provided for by this ordinance:
a. *Adult foster care family home* means a private home with the approved capacity to receive not more than six adults to be provided with foster care. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

b. *Adult foster care small group home* means an adult foster care facility with the approved capacity to receive not more than 12 adults to be provided with foster care. Facilities with the approved capacity for seven or more adults are subject to conditional use approval.

c. *Adult foster care large group home* means an adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care. Facilities are subject to conditional use approval.

d. *Adult foster care congregate facility* means an adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care. Facilities are subject to conditional use approval.

B. *Family day care home* means a private home in which 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. 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.

C. *Foster family home* means a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

D. *Foster family group home* means a private home in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

E. *Group child day care* home means a private home in which 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 child 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.

F. *Private home* means a private residence in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency.
<table>
<thead>
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<th>Number of Persons</th>
<th>Private Home?</th>
<th>Supplemental Use Standards</th>
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<td><strong>Less Than 24-Hour Care</strong></td>
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<td><strong>Persons under age 18</strong></td>
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<td>Family Day Care Home</td>
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<td>Yes</td>
</tr>
<tr>
<td>Group Child Day Care Home</td>
<td>7-12</td>
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</tr>
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**SECTION 138-4.440 - State Licensed Residential Facilities**

The following regulations apply to all state licensed residential facilities, as defined by this ordinance and as licensed by the State of Michigan; and to all other managed or state licensed residential facilities.

State licensed residential facilities with fewer than seven residents include family day care homes, foster family homes, foster family group homes, and adult foster care family homes.

State licensed residential facilities with more than six but not more than 12 residents include group child day care homes, and adult foster care small group homes.

1. **Licensing.** In accordance with applicable state laws, all state licensed residential facilities shall be registered with or licensed by the State of Michigan, and shall comply with applicable standards for such facilities.

2. **Separation Requirements.** New state licensed residential facilities with seven or more residents shall be located a minimum of 1,500 feet from any other state licensed residential facility with seven or more residents, as measured between the nearest points on the property lines of the lots in question. The Planning Commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood or in the City overall.

3. **Compatibility with Neighborhood.** Any state licensed residential facility and the property included therewith shall be maintained in a manner consistent with the visible characteristics of the neighborhood in which it is located.

4. **Group Child Day Care Homes.** In addition to the preceding subsection, the following regulations shall apply to all group child day care homes (with more than six but fewer than 12 residents), as defined in this ordinance.
   a. **Outdoor Play Area.** A minimum of 150 square feet of outdoor play area shall be provided and maintained per child at the licensed capacity of the day care home, provided that the overall play area shall not be less than 1,500 square feet. The play area shall be located in the rear yard area of the group day care home premises and shall be suitably fenced and screened.
b. **Pick-Up and Drop-Off.** Adequate areas shall be provided for employee and resident parking, and pick-up and drop-off of children or adults, in a manner that minimizes pedestrian-vehicle conflicts and allows maneuvers without affecting traffic flow on the public street.

c. **Hours of Operation.** Group child day care homes shall not operate more than 16 hours per day.

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**Huntington Woods**

**DAY CARE FACILITY:** The following definitions shall apply in the construction and application of this Ordinance:

**A. ADULT DAY CARE FACILITIES:**

1. **Adult Family Day Care Home:** A private home in which six (6) or less adults eighteen (18) years of age or older receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

2. **Adult Group Day Care Home:** A private home in which more than six (6) but not more than twelve (12) adults eighteen years of age or older receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

3. **Adult Day Care Center:** A facility, other than a private residence, receiving one (1) or more persons, eighteen (18) years of age or older, for care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled or physically handicapped that require supervision on an ongoing basis. An adult day care center does not include alcohol or substance abuse, rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

**B. CHILD DAY CARE FACILITIES:**

1. **Child Family Day Care Home:** A private home in which one (1) to six (6) minor children are received for care and supervision for periods of less than twenty-four (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. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

2. **Child Group Day Care Home:** A private residence in which between seven (7) but not more than twelve (12) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.

3. **Child Day Care Center:** A facility, other than a private residence, receiving more than one (1) or more minor children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two (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, child kindergarten, play group, or drop-in center.

Section 40-5.02 - Family Day Care Homes, Group Day Care Homes, Day Care Center, and Child and Adult Foster Care

A. A family day care home shall be a permitted home occupation, subject to regulations contained in Section 40-5.03, and further subject to the following regulations:
   1. The owner or occupant shall obtain a license for the operation of the dwelling from the city clerk as a family day care home pursuant to Chapter 8 of the City Code.
   2. The dropping off and picking up of children shall not be allowed between the hours of 10:00 p.m. and 6:00 a.m.
   3. No family day care home may operate within a distance of 750 feet from any existing registered family day care home or group day care home, measured from the nearest property line of the proposed use to the nearest property line of the existing use, except upon review and approval by the Planning Commission as a Special Use, and upon proof and specific findings by the Commission that the resulting concentration of uses will not adversely affect the peace and tranquility of the residential character of the surrounding area.

B. A group day care home may be a permitted home occupation as a Special Use, subject to the Special Use standards as set forth in Article 8 and the Home Occupation standards of Section 40-5.03, and subject to the following conditions and requirements:
   1. The owner or occupant of the dwelling shall, after approval of the operation by the Planning Commission, obtain a license therefor pursuant to Chapter 8 of the City Code.
   2. That the proposed use will not result in on-street parking requirements, traffic congestion, or hazardous traffic conditions.
   3. No family day care home may operate within a distance of 750 feet from any existing registered family day care home or group day care home, measured from the nearest property line of the proposed use to the nearest property line of the existing use, except upon review and approval by the Planning Commission, and upon proof and specific findings by the Commission that the resulting concentration of uses will not adversely affect the peace and tranquility of the residential character of the surrounding area.
   4. One (1) off-street parking space per employee and/or caregiver shall be provided.
   5. No group day care home shall be conducted unless a Special Use is granted by the Planning Commission upon finding that:
      a) The proposed group day care home meets all the conditions and requirements set forth in Article 8.
      b) The proposed group day care home meets any other conditions and requirements applicable to a particular proposed group day care home.
      c) The proposed group day care home is not likely to be dangerous or detrimental to residents of the neighborhood or contrary to public health, safety, or general welfare.
      d) The proposed group day care home and its location will be desirable to the public convenience or welfare and consistent with the spirit and purpose of this section.
      e) The proposed group day care home will preserve the residential character of the affected neighborhood.
      f) That the use not result in on-street parking requirements, traffic congestion or hazardous traffic conditions.

C. A day care center. The following conditions shall apply:
   1. Frontage and access on an arterial street.
2. A separate drop-off and pickup area shall be required adjacent to the main building entrance, located off a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.

3. A site plan, prepared in accordance with Article 7 shall be required to be submitted.

4. There shall be an outdoor play area of at least one thousand (1,000) square feet provided on the premises. Said play area shall not be located within the front setback. This requirement may be waived if a public play area is available five hundred (500) feet from the subject parcel.

5. One (1) off-street parking space per employee and/or caregiver shall be provided.

6. Appropriate licenses with the State shall be maintained.

D. Adult Foster Care Facilities.

1. Adult foster care family homes serving six (6) persons or less. A state-licensed adult foster care home, foster family home, or foster family group home serving six (6) persons or less shall be considered a residential use of property and a permitted use in all residential districts.

2. Child foster care group and adult foster care small group home.
   a) A site plan, prepared in accordance with Article 7 shall be required to be submitted.
   b) The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of two thousand (2,000) square feet per adult, excluding employees and/or caregivers.
   c) The property is maintained in a manner that is consistent with the character of the neighborhood.
   d) One (1) off-street parking space per employee and/or caregiver shall be provided.
   e) Appropriate licenses with the State of Michigan shall be maintained.

3. Congregate care and Adult foster care large group homes serving between thirteen (13) and twenty (20) persons
   a) Frontage and access on an arterial street.
   b) A separate drop-off and pickup area shall be required adjacent to the main building entrance, located off of a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
   c) A site plan, prepared in accordance with Article 7 shall be required to be submitted.
   d) The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of two thousand (2,000) square feet per adult, excluding employees and/or caregivers.
   e) The property is maintained in a manner that is consistent with the character of the neighborhood.
   f) One (1) off-street parking space per employee and/or caregiver shall be provided.
   g) Appropriate licenses with the State of Michigan shall be maintained.

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Family day care home. A private home where care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, are provided for a fee to no more than six minor children at one time. It includes a home that gives care to unrelated minor children for more than four weeks during a calendar year.
**Group day care home.** A private home in which more than six, but not more than 12, minor children are given care and supervision for periods less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family. It includes a home that gives care to unrelated minor children for more than four weeks during a calendar year.

**Group child care facility.** A facility, other than a private residence, 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. This 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 group child care facility, child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Group child care facility" does not include any of the following:

a) 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 more than three hours per day for an indefinite period, or not more than eight hours per day for a period not to exceed four weeks during a 12-month period.

b) A facility operated by a religious organization where children are cared for not more than three hours while persons responsible for the children are attending religious services.

**State licensed residential facility.** A structure constructed for residential purposes that is licensed by the state pursuant to Act No. 218 of the Public Acts of 1979, as amended, or Act No. 116 of the Public Acts of 1973, as amended, which provides resident services or care for six or fewer persons under 24-hour supervision for persons in need of that supervision or care, as provided for in Act No. 207 of the Public Acts of 1921, as amended. This section does not apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions. A proposed residential facility shall not be located within a 1,500-foot radius of another state-licensed residential facility.

Permitted by Right – R-1

4. The operation of a state licensed:

a) Family day care home, as defined in Article II, subject to all of the following regulations:
   1) The owner or occupant shall register the dwelling with the city clerk as a family day care home, showing proof of certification as such by the State of Michigan Family Independence Agency; and
   2) The dropping off and picking up of children shall not be allowed prior to 6:00 a.m. or after 10:00 p.m.

b) Group day care home, as defined in Article II, subject to all of the following regulations:
   1) The owner or occupant shall register the dwelling with the city clerk as a family day care home, showing proof of certification as such by the State of Michigan Family Independence Agency; and
   2) The dropping off and picking up of children shall not be allowed prior to 6:00 a.m. or after 10:00 p.m.; and
   3) All outdoor use areas shall be enclosed by a four-foot high chain link fence to insure child safety; and
   4) The property shall be maintained consistently with the visible characteristics of the neighborhood; and
5) The day care operator shall ensure that parents' cars do not block public right-of-way or ingress to neighboring properties; and
6) The day care operator shall ensure pedestrian safety by designating play areas separated from parking and driveways.
7) The operation of a state licensed residential facility as defined in Article II.
MEMORANDUM

To: Berkley Planning Commission
From: Erin Schlutow, Community Development Director
Subject: PC Meeting Dates – 2021 Calendar Year UPDATED
Date: April 20, 2021

The Berkley Planning Commission is scheduled to meet on the fourth Tuesday of the month. The following schedule for the 2021 Planning Commission meetings is submitted for your consideration.

Tuesday, January 5, 2021 – WORK SESSION
Tuesday, January 26, 2021
Tuesday, February 2, 2021 – WORK SESSION
Tuesday, February 23, 2021
Tuesday, March 2, 2021 – WORK SESSION
Tuesday, March 23, 2021
Tuesday, April 6, 2021 – WORK SESSION
Tuesday, April 27, 2021
Tuesday, May 4, 2021 – WORK SESSION
Tuesday, May 25, 2021
Tuesday, June 1, 2021 – WORK SESSION
Tuesday, June 22, 2021
Tuesday, July 6, 2021 – WORK SESSION
Tuesday, July 27, 2021
Tuesday, August 24, 2021
Tuesday, September 28, 2021
Tuesday, October 26, 2021
Tuesday, November 23, 2021
Tuesday, December 21, 2021