REVISED DRAFT ORDINANCE
FOR FUTURE CITY COUNCIL CONSIDERATION
STRIKE-THROUGH

DRAFT ~~3/28/25~~ 4/22/2025

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 18.305

AN ORDINANCE TO AMEND THE CITY OF NOVI ZONING ORDINANCE, AMENDING ARTICLE 4, USE STANDARDS, AT SECTION 4.12.1 AND 4.12.3 DAY CARE CENTERS, AND ADULT DAY CARE CENTERS, TO ALLOW EXPANDED ACCOMODATION FOR DAY CARE CENTERS AT CERTAIN LOCATIONS AND OF A MINIMUM SIZE, AND OTHER CHANGES AS DETERMINED NECESSARY.

THE CITY OF NOVI ORDAINS:

Part I. That The City of Novi Zoning Ordinance is amended, by amending Section 4.12 in Article 4, Use Standards, to read as follows:

4.12 GROUP DAY CARE HOMES, DAY CARE CENTERS, AND ADULT DAY CARE CENTERS

1. In the RA, R-1, R-2, R-3, and R-4 districts, group day care homes, day care centers, and adult day care centers are permitted as a special land use, as follows:

   A. Group Day Care Homes, subject to the following:

      i. [unchanged]

      ii. [unchanged]

      iii. [unchanged]

      iv. [unchanged]

      v. [unchanged]

      vi. [unchanged]

      vii. [unchanged]

   B. Day Care Centers accommodating no more than fifty (50) children, and Adult Day Care Centers accommodating no more than twenty-five (25) persons, subject to the following:

      i. The minimum parcel size for a Day Care Center or Adult Day Care Cener shall be one (1) acre.

      ii. Outside recreation area required, unless modified by the Planning Commission based on justification provided by the applicant, as follows:

         a. For each person cared for, there shall be provided and maintained a minimum of one-hundred fifty (150) square feet of outdoor recreation area.

b. Such recreation area shall have a total minimum area of not less than two-thousand eight-hundred (2800) square feet.

c. The recreation area shall be securely fenced and screened from any adjoining lot in any residential district, with appropriate fence and landscape materials as reviewed by the City's Landscape Architect to provide opaque screening for the outside activities. These screening requirements are in addition to the requirements of Section 5.5

~~ii. The minimum parcel size for a Day Care Center or Adult Day Care Center shall be one (1) acre.~~

iii. The hours of operation shall be limited to the period between 6 a.m. and 7 p.m.

iv. The parcel shall abut and have access to a major thoroughfare or section line collector road. The driveways shall be designed so that vehicles can exit the site without having to back onto a major thoroughfare.

v. The licensee shall register with the City Clerk and the licensed premises may be subject to a fire department inspection and shall provide a smoke detector in all daytime sleeping areas.

vi. Any refuse bins or outside trash receptacles shall be located as far away as is practical from properties zoned for residential uses.

vii. The exterior building facades shall comply with Section 5.15. Additionally, the City's Facade Consultant shall review the proposed architectural style of the structure to ensure the residential character of the neighborhood is maintained with regard to design and facade elements. The following materials shall be allowed up to a maximum of twenty-five (25) percent of the building facade, with a finding that these materials will be compatible with the adjacent residential areas: wood siding, painted siding, tongue and groove siding, batten siding, and aluminum siding. These materials are subject to footnote 11 of the Schedule Regulating Facade Materials, in Section 5.15.

viii. A noise impact statement is required subject to the standards of Section 5.14.10.B.

C. Day care centers exceeding fifty (50) children, but not more than seventy-five (75) children, subject to the provisions of Section 4.12.1.B.ii through Section 4.12.1.b.viii, and provided the following conditions are met:

i. The minimum parcel size shall be 1.5 acres.

ii. The site shall be located at the corner of a major thoroughfare and another public street with at least 200 feet of frontage along the major thoroughfare.

iii. Building setbacks shall meet the setback requirements of the Zoning District, but in no case shall a building be closer than 25 feet to any property line.

~~C~~D. Day care centers exceeding fifty (50) children, but not more than one-hundred and twenty (120) children, and adult day care centers exceeding twenty-five (25) persons, but not more than sixty (60) persons, providing the following conditions are met:

i. The minimum parcel size shall be 3 acres.

ii. Subject to the standards contained in S~~ubs~~ection 4.12.1.B.ii through Section 4.12.1.B.viii.

iii. ~~The parcel~~ At least one lot line must abut land zoned ~~only~~ NCC, OS-1, OSC, TC, TC-1, RC, FS, I-1, P-1, C, ~~and~~ or OST, or that is part of a site occupied by a use other than one-family residential in a RA, R-1, R-2, R-3 and R-4 Districts.

~~iii. The hours of operation shall be limited to the period between 6 a.m. and 7 p.m.~~

~~iv. The exterior building facades shall comply with Section 5.15. Additionally, the City's Facade Consultant shall review proposed architectural style of the structure to insure the residential character of the neighborhood is maintained with regard to design and facade elements. The following materials shall be allowed up to a maximum of twenty-five (25) percent of the building facade, with a finding that these materials will be compatible with the adjacent residential areas: wood siding, painted siding, tongue and groove siding, batten siding, vinyl siding and aluminum siding. These materials are subject to footnote 11 of the Schedule Regulating Facade Materials, in Section 5.15.~~

~~v. A noise impact statement is required subject to the standards of Section 5.14.10.B.~~

2. [unchanged]

3. In the NCC district, day care centers and adult day care centers are permitted subject to the regulations in Sections 4.12.1.B.ii through Section 4.12.1.B.viii., except that day care centers may accommodate in excess of fifty (50) children, and adult day care centers may exceed twenty-five (25) persons.

PART II.

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or

liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV.

Repealer. All other Ordinance or parts of Ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V.

Effective Date: Publication. Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 A.M. to 5:00 P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2025.

_____

JUSTIN FISCHER, MAYOR

_____

CORTNEY HANSON, CITY CLERK

Ayes:

Nays:

Abstentions:

Absent:

REVISED DRAFT ORDINANCE
FOR FUTURE CITY COUNCIL CONSIDERATION
CLEAN

DRAFT 4/22/2025

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 18.305

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1. In the RA, R-1, R-2, R-3, and R-4 districts, group day care homes, day care centers, and adult day care centers are permitted as a special land use, as follows:

    A. Group Day Care Homes, subject to the following:

        i. [unchanged]

        ii. [unchanged]

        iii. [unchanged]

        iv. [unchanged]

        v. [unchanged]

        vi. [unchanged]

        vii. [unchanged]

    B. Day Care Centers accommodating no more than fifty (50) children, and Adult Day Care Centers accommodating no more than twenty-five (25) persons, subject to the following:

        i. The minimum parcel size for a Day Care Center or Adult Day Care Center shall be one (1) acre.

        ii. Outside recreation area required, unless modified by the Planning Commission based on justification provided by the applicant, as follows:

            a. For each person cared for, there shall be provided and maintained a minimum of one-hundred fifty (150) square feet of outdoor recreation area.

b. Such recreation area shall have a total minimum area of not less than two-thousand eight-hundred (2800) square feet.

c. The recreation area shall be securely fenced and screened from any adjoining lot in any residential district, with appropriate fence and landscape materials as reviewed by the City's Landscape Architect to provide opaque screening for the outside activities. These screening requirements are in addition to the requirements of Section 5.5

iii. The hours of operation shall be limited to the period between 6 a.m. and 7 p.m.

iv. The parcel shall abut and have access to a major thoroughfare or section line collector road. The driveways shall be designed so that vehicles can exit the site without having to back onto a major thoroughfare.

v. The licensee shall register with the City Clerk and the licensed premises may be subject to a fire department inspection and shall provide a smoke detector in all daytime sleeping areas.

vi. Any refuse bins or outside trash receptacles shall be located as far away as is practical from properties zoned for residential uses.

vii. The exterior building facades shall comply with Section 5.15. Additionally, the City's Facade Consultant shall review the proposed architectural style of the structure to ensure the residential character of the neighborhood is maintained with regard to design and facade elements. The following materials shall be allowed up to a maximum of twenty-five (25) percent of the building facade, with a finding that these materials will be compatible with the adjacent residential areas: wood siding, painted siding, tongue and groove siding, batten siding, and aluminum siding. These materials are subject to footnote 11 of the Schedule Regulating Facade Materials, in Section 5.15.

viii. A noise impact statement is required subject to the standards of Section 5.14.10.B.

C. Day care centers exceeding fifty (50) children, but not more than seventy-five (75) children, subject to the provisions of Section 4.12.1.B.ii through Section 4.12.1.b.viii, and provided the following conditions are met:

i. The minimum parcel size shall be 1.5 acres.

ii. The site shall be located at the corner of a major thoroughfare and another public street with at least 200 feet of frontage along the major thoroughfare.

iii. Building setbacks shall meet the setback requirements of the Zoning District, but in no case shall a building be closer than 25 feet to any property line.

D. Day care centers exceeding fifty (50) children, but not more than one-hundred and twenty (120) children, and adult day care centers exceeding twenty-five (25) persons, but not more than sixty (60) persons, providing the following conditions are met:

i. The minimum parcel size shall be 3 acres.

ii. Subject to the standards contained in Section 4.12.1.B.ii through Section 4.12.1.B.viii.

iii. At least one lot line must abut land zoned NCC, OS-1, OSC, TC, TC-1, RC, FS, I-1, P-1, C, or OST, or that is part of a site occupied by a use other than one-family residential in a RA, R-1, R-2, R-3 and R-4 Districts.

2. [unchanged]

3. In the NCC district, day care centers and adult day care centers are permitted subject to the regulations in Sections 4.12.1.B.ii through Section 4.12.1.B.viii., except that day care centers may accommodate in excess of fifty (50) children, and adult day care centers may exceed twenty-five (25) persons.

PART II.

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV.

Repealer. All other Ordinance or parts of Ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V.

Effective Date: Publication. Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 A.M. to 5:00 P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2025.

_____

JUSTIN FISCHER, MAYOR

_____

CORTNEY HANSON, CITY CLERK

Ayes:

Nays:

Abstentions:

Absent:

CITY COUNCIL
MEETING MINUTES
FIRST READING
4/7/25

$137,900.00. Both contract terms are one year with three one-year renewal options.

Roll call vote on CM 25-04-42 **Yeas: Smith, Staudt, Thomas, Fischer, Casey, Gurumurthy, Heintz**
Nays: None

3. Approval of the FIRST READING of a Text Amendment allowing increased capacity in day care centers per conditions stated in the amendment.

The City Manager stated that the draft ordinance proposes new parameters to allow up to 75 children in day care centers on residential parcels at least 1.5 acres in size, located at the intersection of two streets, subject to minimum building setback requirements, and subject to Special Land Use consideration by the Planning Commission. This has been before the Planning Commission on two different occasions prior coming to Council for the first reading.

Member Heintz asked if there was a reason the parcel of land needs to by at least 1.5 acres as opposed to a smaller residential daycare center like houses. City Manager Cardenas replied that he believes it is because the petitioner that specifically made this request has a parcel around 1.5 acres. Barb McBeth, City Planner, reiterated that this person would be eligible under this standard of the ordinance. They would also be looking at a minimum size of a parcel that would be able to accommodate a daycare of up to 75 children, taking into consideration building setbacks and the number of people inside the building and play area. Member Heintz said the reason he asks is because he's had different residents talking to him saying that they're capped at, just for home daycares, the number of kids they can have. He inquired if only parcels with 1.5 acres were discussed. Ms. McBeth responded that there are a number of different standards for daycare facilities in the City. Daycares in the home, like Member Heintz mentioned, is often run by the people that own the home and are limited to six children and not typically be what they were talking about here. They would be talking about more of a commercial kind of daycare, not necessarily in somebody's home but more of a commercial building. Member Heintz commented those have different regulations or rules on that. Ms. McBeth stated that's correct and they are only focusing on these kinds of commercial daycares in the residential district at this time.

Member Thomas wanted to know if staff reached out to other daycares or checked what other communities were doing. She wants to understand how staff came up with what the standards should be. Ms. McBeth responded that they did take a look at other communities' ordinance and found there was quite a diversity of standards included in their ordinance and the other communities generally regulated it through their ordinance the size of the parcel, maybe the location on a major thoroughfare or on a corner lot, and typically the number of children that would be in a home. They looked at the daycare facilities in the City and looked at the commercial daycares in the business districts as well as some of those in the residential districts, but they didn't reach out to any individual daycare owners other than the applicant. Member Thomas said she noticed that adult daycares are going down from 60 people to 25, which seems substantial as it is less than half that would be allowed and she has concerns. She wants to know how that number came about and how does the City know that it can't sustain a higher number of adult daycare. Her concern is they've talked a lot about the aging community and how they're expecting the aging population to grow. She wants to know if they have an understanding of how many adult daycares there are in the community today and how it was determined that it should be cut in more than half. Ms. McBeth again, the part of the ordinance that they're amending is intended to

talk about child daycare centers, but adult daycare centers are also covered in this section of the ordinance. They are only talking about in this section of the ordinance, facilities that would be in residential districts, usually on relatively smaller lots. She thinks that they all are familiar with child daycare centers in these areas. The Planning Commission, when they discussed it one or both times, said that they were uncomfortable with the idea of having 60 adults in a daycare facility of this size and there needs to be a bigger facility. The Commission felt that there would be a much higher standard of care so they agreed that they could reduce that number and present it to the City Council with the understanding that other standards in the ordinance already cover adult daycares. Adult daycares are allowed in the commercial districts, the office districts and a whole variety of districts as well. Member Thomas then wanted to know if known how man adult daycares facilities are in the community today and if any of them are above that 25. Ms. McBeth stated that research was not done because this came up at a later time, but the research could be done and brought back for the second reading.

Mayor Pro Tem Casey wanted to know why this is so specific about such requirements about the details of the lot such as it being on a major thoroughfare or having 200 feet of frontage on a major throughfare or having two entrances. Ms. McBeth said with the zoning ordinance they try to think of areas where a use may or may not be appropriate so to think of a lot within a subdivision with all the traffic that might come into the subdivision and disrupt the residential character of that subdivision. Their preference would be that it would be on a major thoroughfare and have enough width to provide good access in and out of the center and not be disruptive to the residential neighborhood as much as possible. They also considered the site that a minimum acreage would make sense for these because they're talking about 75 children and that's a lot of area inside the building as well as outside. They did a little bit of math and studied with the Planning Commission, and they believe that about one and a half acres could accommodate a daycare of up to 75 children and still have all the parking spaces and outside play area. The Mayor Pro Tem said she appreciates the answer because that makes a lot more sense to her now. Her next question is understanding the role of the City in the zoning ordinance for where in the City these types of childcare facilities. Taking a look at the zoning there's requirements in there that speak to the outdoor requirements and perhaps most of that is going to be covered by the licensing requirements of the state. She wanted to know if they run the risk of getting out of sync with the State requirements because the State requires a certain amount of square foot per child by age. City Attorney Schultz commented that he doesn't know whether they're out of sync on any particular regulation and they're preempted from regulating certain things and they don't regulate those things. They look at the licensing through the State as a separate thing and the zoning through the City. Mayor Pro Tem Casey then wanted to know if the City got into a situation where perhaps they did get out of sync with the State, what would that require of the applicant for example, what if the City requires less space than the City does, does that require any change to the ZBA. Attorney Schultz responded that the City couldn't actually allow something that the State does not allow and what the City may be allowed to do is a more restrictive regulation, so they stay within their range and make sure to not exceed that. The Mayor Pro Tem concluded by saying that she agrees with the previous speaker in needing to understand the logic, rationale and data behind making a decision on the adult daycare center piece. She'll expect to get further information for the second reading before she makes any decision at that point.

Member Staudt said this is a complex issue and there have been good points brought up. He would have liked to have seen this come through the Ordinance Review Committee. This is a lot more than just some basic zoning ordinances that are being reviewed and he felt bypassed on this. He would have liked to have seen this come through so they could have asked some of these specific questions and had time to think about it. He wanted to know how many daycare centers

are going to currently be affected by this ordinance directly. Ms. McBeth replied that currently in the residential districts they think there are a handful that would be covered by this ordinance, but they don't believe those daycares would be negatively impacted. Member Staudt said this feels like spot zoning. Before he agrees to a final resolution of this, he'd like to have answers to the questions about the new limit for adults and he'd also like to know who the businesses are that would be affected by this and whether anybody has reached out to them and let them know that the ordinance is going to change. He'll approve the first reading, but the second reading is going to be contingent on some good answers.

CM 25-04-43 **Moved by Staudt, seconded by Casey; MOTION FAILED: 3-4**

Approval of Text Amendment 18.305 to amend various sections of the Zoning Ordinance to allow increased accommodation in day care centers subject to certain standards and conditions, including recommendations made by the Planning Commission, along with other minor changes, subject to further modifications as determined necessary by the city manager's office or city attorney's office. FIRST READING

Member Smith said that something that would help in the future with the second reading is a comparison of how the zoning would compare with what the State requires. If someone has an acre and a half, how many children could be in that area.

Member Gurumurthy agrees with the previous speakers regarding the data to back up how they came up with the 25 number and specifically the impact that's going to cause. She encouraged further review of why daycares surrounded by residential can be 1.5 acres with 50 to 75 kids and daycares abutting nonresidential can have 120 kids and it's still 1.5 acres. If you have more kids, the minimum acres should be more than 1.5 acres.

Mayor Fischer echoes a lot of the same comments. The first thing that struck him was the fact that they're talking about how the size has to be exactly 1.5 acres, located at the intersection of a major thoroughfare and another street so it can't be someone right in the middle and this feels absolutely like a spot choice criteria and that makes him uncomfortable. He can't remember the last time they had a first reading that had this much discussion and consternation. He thinks it has to do with the fact this has to do with children and has to do with some complex issues. This should have gone to Ordinance Review where all of these questions could have been dissected at a committee level.

Roll call vote on CM 25-04-43 **Yeas: Staudt, Casey, Smith**
Nays: Thomas, Fischer, Gurumurthy, Heintz

CM 25-04-44 **Moved by Staudt, seconded by Casey; MOTION CARRIED: 7-0**

Refer text amendment 18.305 to the Ordinance Review Committee.

Roll call vote on CM 25-04-44 **Yeas: Thomas, Fischer, Casey, Gurumurthy, Heintz, Smith, Staudt**
Nays: None

PLANNING COMMISSION
MEETING MINUTES EXCERPT
MARCH 12, 2025

In the matter 27629 Haggerty Road – HEFCO JSP24-22, motion to approve the Stormwater Management Plan based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance.

ROLL CALL VOTE TO APPROVE 27629 HAGGERTY ROAD-HEFCO JSP24-22 STORMWATER MANAGEMENT PLAN MOVED BY MEMBER BECKER AND SECONDED BY MEMBER RONEY. *Motion carried 5-0.*

2. **TEXT AMENDMENT 18.305 – PROPOSED AMENDMENTS TO DAY CARE STANDARDS**
   Public hearing for Text Amendment 18.305 to add a new Subsection to 4.12, Group Day Care Homes, Day Care Centers, and Adult Day Care Centers to increase Day Care Center capacity in certain locations and subject to conditions, to clarify standards, and to amend various additional sections of the ordinance as determined necessary.

City Planner Barbara McBeth stated that City staff drafted the ordinance amendment to modify the standards for commercial daycare centers that are in residentially zoned districts. The zoning ordinance currently allows daycare centers in single family residential districts under certain conditions and are subject to special land use approval by the Planning Commission.

City Planner Barbara McBeth noted that the ordinance currently provides two categories for commercial daycares in the residential district. The first category is provided in section 4.12.1.B currently allows day care centers on single family residential parcels at least 1 acre in size, and when abutting a major thoroughfare. The ordinance provides limitations on the number of people being cared for – no more than 50 children in a day care center. The second category is provided in section 4.12.1.C that currently allows up to 120 children being cared for in day care centers when the single-family parcel abuts non-residential uses.

City Planner Barbara McBeth explained that the text amendment came about after staff met with Little Seeds Daycare owner Angie Altaii. Mrs. Altaii expressed an interest in increasing the number of children up to 75 in her existing facility located at the northeast corner of Ten Mile and Wixom Road. Mrs. Altaii indicated that there is great demand for daycare services in the region and that her daycare business has the space available within the existing building to expand enrollment.

Staff researched other communities' ordinances and found there are several differing standards for daycare centers in those communities. In addition, new information is being shared from the American Planning Association as well as from the State of Michigan that shows the demand for daycare facilities exceeds what is available for many communities.

The draft ordinance proposes a third option that would allow up to 75 children in daycare centers on residential parcels at least 1.5 acres in size, that are at the intersection of a major thoroughfare and another street, and subject to minimum building setbacks to the property lines to ensure adequate setback from other residential uses.

To further ensure that any adjacent existing single family residential properties are adequately separated from the proposed daycare, any buildings to be used as a daycare shall be setback from the property lines a distance that is equal to what is required in the zoning district, but in no case, less than 25 feet from any property line. Special Land Use consideration by the Planning Commission and the required public hearing is required.

City Planner Barbara McBeth stated when the draft ordinance was introduced to the Planning Commission a month ago, several questions were raised. One question related to the likely minimum building size that would be needed for the increase in the number of children up to 75 in the commercial daycares. Staff's research found calculations that the State of Michigan uses in licensing

daycares: a minimum of 50 square feet per child for infant and toddler care, and 25 square feet per child for preschoolers and school-age children. Staff's calculations reflect that the minimum building size for 25% toddler/75% preschool mix would be 2,325 square feet, excluding hallways, offices, kitchens and other spaces. Based on this information, staff believes the minimum building size needed and licensed for up to 75 children will be able to be accommodated on the minimum lot size proposed of1.5 acres.

A second concern was related to the size of the outside play area for daycare facilities and whether there is consistency between Novi's standards to the state's standards. The daycare ordinance was recently amended to allow outside recreation to be modified by the Planning Commission based on justification provided by the applicant. The language allows flexibility by the Planning Commission when making a decision following a Special Land Use consideration for a new daycare.

The third consideration raised at the previous meeting related to the difference between adult day care centers and day care centers for children. There was no change proposed to the standards for adult day care standards with this amendment. However, based on the concerns raised, the reference in Section D that previously allowed up to 60 adults in adult day care centers in certain situations, is now proposed to be limited to 25 adults as a maximum (when located in the residential districts).

Lastly, City Planner Barbara McBeth stated the map included in the packets shows fourteen properties in Novi that may benefit from the ordinance amendment. It was noted that some of the properties are vacant and others may be developed with a church or alternate use.

The Planning Commission is asked to hold the public hearing and provide a recommendation to the City Council. Mrs. Altaii and her attorney Dennis Cowan were present.

Acting Chair Avdoulos invited the applicant to address the Planning Commission.

Mrs. Altaii, the owner of Little Seeds Daycare, thanked the Planning Commission for the opportunity to return for the public hearing. Mrs. Altaii also thanked City staff for their hard work in proposing the text amendment. She noted Little Seeds is hopeful that the Planning Commission and the public will be favorable to their request to use the space that they currently have which would allow them to meet the demands of the public. Mrs. Altaii stated that there are currently ten families on their waitlist who are expecting infants, these families already have children enrolled at Little Seeds. Little Seeds is unable to accept these infants until the daycare has more space.

Mr. Dennis Cowan, attorney for Little Seeds Daycare, shared two statistics regarding daycare centers. The first being, in the last three years 10% of licensed childcare centers have closed in the State of Michigan. Secondly, 670,000 children in the State of Michigan are under the age of five. Sixty percent of those children have all available parents working, which creates the need for additional space in existing childcare centers. Mr. Cowan thanked the Planning Commission for their consideration.

Acting Chair Avdoulos opened the Public Hearing and invited members of the audience who wished to participate to approach the podium. Seeing no one, Acting Chair Avdoulos closed the Public Hearing and turned the matter over to the Planning Commission for consideration.

Member Becker thanked the City staff for looking into how the text amendment fits with State requirements. Member Becker stated he thinks it is important to understand that this text amendment would potentially benefit other childcare locations.

Member Dismondy had no comment and stated he was in support.

Member Verma inquired whether the text amendment applies daycare centers for children or adults.

City Planner Barbara McBeth stated this text amendment is intended for child daycare centers only. It

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was noted historically; adult and child daycare centers were tied together in the ordinance. It was previously brought to the attention of staff that sixty adults in a facility may be too many, so it has been suggested that number be brought back to twenty-five.

Member Roney had no comment.

Acting Chair Avdoulos stated he appreciates the work that went into the amendment and is in support.

Motion to recommend approval to the City Council of the proposed ordinance amendment made by Member Becker and seconded by Member Roney.

> **In the matter of Text Amendment 18.305 – Proposed Amendments to Day Care Standards, motion to recommend approval to the City Council of the proposed ordinance amendment.**

ROLL CALL VOTE TO RECOMMEND APPROVAL TO CITY COUNCIL OF THE PROPOSED ORDINANCE AMENDMENT MOVED BY MEMBER BECKER AND SECONDED BY MEMBER RONEY. *Motion carried 5-0.*

3. **JSP24-05 WADE ONE – HELIOS**
   Public Hearing at the request of Integrity Building Group for a Special Land Use Permit and Preliminary Site Plan approval. The subject property is zoned I-1 Light Industrial and is located in Section 15, south of Grand River Avenue and east of Taft Road. The applicant is proposing to operate a single business out of an existing industrial building. Helios is a company that manufactures stone-cutting equipment and assembly/shipping of purchased equipment.

Staff Planner Dan Commer stated a Special Land Use application and Preliminary Site Plan were submitted to the City's Planning and Review Center for consideration on behalf of Wade One – Helios by Integrity Building Group in an existing building at 45241 Grand River Avenue.

The current zoning of the site is I-1 Light Industrial. Industrial office sales, laboratory testing, and manufacturing are all Special Land Uses in the I-1 Light Industrial zoning district when the site abuts residential. In this case, the site abuts R-4 and R-A Single-Family Residential to the south, and I-1 Light Industrial to the north, east, and west.

The Future Land Use shows Industrial, Research, Development, and Technology for the site in addition to the property to the north, east, and west, and Single-Family Residential to the south.

The Planning Commission is asked to hold the public hearing tonight to consider approval or denial of the Special Land Use permit and Preliminary Site Plan. Representatives for the applicant are present to discuss the project and answer any questions. Staff is also available for questions.

Acting Chair Avdolous invited the applicant to address the Planning Commission.

Mr. John Biggar and Mr. Brian Mooney from Integrity Building Group were present. Mr. Biggar stated as was mentioned in Staff's report, the property is coming before the Planning Commission for special land use because it abuts residential. He noted when they purchased the property it was in the I-2 PRO status from when Keifer was going to develop it. Mr. Biggar expressed going forward, as Novi goes through its Master Plan process, it is good to have consistency for the regulation of the lands around the property related to the water usage. There are portions in the I-1 and portions in the R-4 and R-A districts.

Mr. Biggar stated Helios is a company that imports state of the art stone cutting machinery from Italy. It was noted that Helios is one of a few companies in the United States with the capability to fulfill some of the more complex stone cutting orders requested by architects. There are instances where architects must send stones to Italy to be cut to specific specifications. Helios has the capability with their machinery to fulfill the architect's specifications. Helios will be selling the stone cutting machines here in the United States to various companies around the country giving them the capacity of more advanced

PLANNING COMMISSION
MEETING MINUTES EXCERPT
FEBRUARY 12, 2025

In the matter of Quick Pass Car Wash JSP24-13, motion to approve the Woodland Permit based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan.

This motion is made because the plan is otherwise in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance.

ROLL CALL VOTE TO APPROVE JSP24-13 QUICK PASS CAR WASH WOODLAND PERMIT MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH. ***Motion carried 5-0.***

Motion to approve the JSP24-13 Quick Pass Car Wash Stormwater Management Plan made by Member Avdoulos and seconded by Member Lynch.

In the matter Quick Pass Car Wash JSP24-13, motion to approve the Stormwater Management Plan based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan.

This motion is made because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance.

ROLL CALL VOTE TO APPROVE JSP24-13 QUICK PASS CAR WASH STORMWATER MANAGEMENT PLAN MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH. ***Motion carried 5-0.***

MATTERS FOR CONSIDERATION

1. **INTRODUCE TEXT AMENDMENT 18.305 – PROPOSED AMENDMENTS TO DAY CARE STANDARDS**
   Set public hearing for Text Amendment 18.305 to add a new Subsection to 4.12, Group Day Care Homes, Day Care Centers, and Adult Day Care Centers to increase Day Care capacity in certain locations and subject to conditions, to clarify standards, and to amend various additional sections of the ordinance as determined necessary.

City Planner Barbara McBeth gave a brief overview of the text amendment and the reason why it is being proposed. City staff drafted the ordinance amendment to modify the standards for commercial daycare centers that are in residentially zoned districts.

City Planner Barbara McBeth stated that the zoning ordinance currently allows daycare centers and adult daycare centers in single family residential districts under certain conditions. Daycare centers are subject to special land use approval by the Planning Commission.

The ordinance currently provides two categories for commercial daycares in the residential district. The first category is provided in section 4.12.1.B currently allows commercial day care centers and adult day care centers (those not located in a single-family home) on single family residential parcels at least 1 acre in size, and when abutting a major thoroughfare. The ordinance provides limitations on the number of people being cared for – no more than 50 children in a day care center, and no more than 25 adults in an adult day care center.

The second category is provided in section 4.12.1.C that currently allows a greater number of people being cared for in day care centers when the single-family parcel abuts non-residential uses: up to 120 children, and no more than 50 adults.

City Planner Barbara McBeth stated the idea of the text amendment came about after staff met with Little Seeds Daycare owner Angie Altaii. Mrs. Altaii expressed an interest in increasing the number of children cared for in the existing facility which is located at the northeast corner of Ten Mile and Wixom Road. Mrs. Altaii indicated that there is great demand for daycare services in the region in general and that her daycare business has the space available within the existing building to expand enrollment. Mrs.

Altaii wishes to expand enrollment of the Little Seeds Daycare up to 75 children while the current ordinance allows for a maximum of 50 children.

After talking with Mrs. Altaii, staff researched other community's ordinances and found there are several differing standards for daycare centers in those communities. In addition, new information is being shared from the American Planning Association as well as from the State of Michigan that shows the demand for daycare facilities in many communities is not being filled.

City Planner Barbara McBeth stated as drafted the ordinance proposes a third option that would allow up to 75 children in daycare centers on residential parcels at least 1.5 acres in size, that are at the intersection of a major thoroughfare and another street, and subject to minimum building setbacks to the property lines to ensure adequate setback from other residential uses. To further ensure that any adjacent existing single family residential properties are adequately separated from the proposed daycare, any buildings shall be setback from the property lines a distance that is equal to what is required in the zoning district, but in no case, less than 25 feet from any property line. Special Land Use consideration by the Planning Commission and the required public hearing would be required for this option, as it applies to all commercial day care facilities proposed in residential districts.

City Planner Barbara McBeth directed the attention of the Planning Commission to the screen which showed a map with fourteen properties in Novi that may benefit from the ordinance amendment. It was noted that some of the properties are vacant and others may be developed with a church or alternate use. At least one of the properties has a daycare on it currently.

The Planning Commission is asked to set the public hearing for an upcoming meeting. Mrs. Altaii and her attorney Dennis Cowan were present.

Chair Pehrson invited the applicant to come forward if they wished to add anything.

Mr. Dennis Cowan with PlunKett Cooney addressed the Planning Commission on behalf of Little Seeds Daycare. Mr. Cowan stated one of the pressing issues in all communities is child daycare. He expressed that Novi is a growing community of families. In addition to Novi's long-term residents, there are families who come to Novi from other states and countries. Mr. Cowan stated these families may not have the infrastructure of family and friends; therefore, they look to licensed centers for their daycare needs. He stated Mrs. Altaii is looking to add primarily infants at her location, but each business will have that opportunity if they qualify.

Mr. Cowan elaborated that the daycare business is highly regulated. As an example of the regulations for daycare facilities, Mr. Cowan referenced a fifty-five-page document that covers everything from food prep to diaper changing for the daycare center. He stated it is a two-step process to become a licensed facility. The first step is the appropriate approvals from the municipality, in this case Novi. Secondly, the plans would have to be approved by the department of Licensing and Regulation after which they will conduct their own inspection along with the appropriate City inspections before the daycare space can be used. Mr. Cowan turned it over to Mrs. Altaii for further discussion.

Mrs. Altaii stated that she is the owner of the Little Seeds Daycare and that she took over the property in 2022. Mr. Altaii shared it is important to note that the previous owner had existed in the space for over thirty years and had been operating on a variance granted by the City which allowed up to sixty children. Little Seeds Daycare was granted a continuation of that variance and currently has sixty children enrolled at max capacity. Mrs. Altaii noted the waitlist for infants is between six to twelve months.

Mrs. Altaii stated since coming before the Planning Commission in May, the State has asked Little Seeds Daycare to become a partner in the Great Start Readiness Program. This is a universal Pre-K program which the State is planning to roll out with no income limits as of 2026. Little Seeds Daycare is the second partner in this program, next to Novi Public Schools. Mrs. Altaii indicated they are the only other program that can offer this service. As a result of this partnership Little Seeds has been asked to add another classroom, exasperating the need to add an infant classroom. Mr. Altaii stated they are looking to

renovate the space they already have, which is currently not being used, to add an extra infant classroom.

Chair Pehrson asked City Planner Barbara McBeth how the number of one hundred and twenty children came about.

City Planner Barbara McBeth stated that it is currently in the ordinance for one hundred and twenty children in residential districts that abut a non-residential district. An example would be on the edge of a residential district abutting an office district or at the edge of an area abutting an OST District.

Chair Pehrson inquired if these locations could be true residences or part of a church.

City Planner Barbara McBeth stated that the locations that are being talked about with this amendment would not necessarily abut a non- residential use. They could be surrounded by residential properties. Additionally, they could be part of a church or a vacant parcel. Barbara McBeth indicated the fourteen properties shown on the map are residential properties that are surrounded by residential that are at least 1.5 acres in size.

Chair Pehrson inquired if part of the equation is to deal with the square footage of the building itself in relation to the number of people being looked after.

City Planner Barbara McBeth stated that is one of the State's standards.

Chair Pehrson stated he understands the concept of childcare. When thinking about adult care, he stated the thinking shifts to more of a home where people reside as opposed to a drop-off situation like daycare. He inquired if that is in line with the thinking, or if this is a shift in that regard.

City Planner Barbara McBeth stated that the adult daycare and the child daycare were carried through together in the ordinance because they are considered similar types of uses. She noted that we don't have a lot of adult daycare facilities in a commercial establishment, some people have something that they run out of their home. That is not what is being talked about in this case. Adult daycare was carried through with this amendment because it had been in the ordinance for smaller daycare, but modification can be made if the Planning Commission is uncomfortable with that.

Chair Pehrson expressed he would like to understand more about the concept, regarding adult daycare. He stated sixty adults seems like a huge number in thinking about the space that would take up. Chair Pehrson stated he would like to see more finite delineation between child and adult daycare centers.

Member Becker stated he has visited some residential adult homes, and you would not be able to accommodate twenty-five adults. He noted if it was not a residential setting you could accommodate twenty-five adults if it were a daytime drop off situation. Regarding home facilities the State would say you cannot have twenty-five adults in a home because that is a different category. Member Becker requested clarification on if the amendment is replacing wording or if another category is being added.

City Planner Barbara McBeth stated that three categories are being proposed. One new category is being added in case we have any uses that are currently existing which would remain on a smaller parcel with fewer children.

Member Becker stated that the last time daycare facilities were discussed, the State had certain requirements that were more lenient than the City of Novi's requirements. Member Becker inquired if we have balanced the wording, so we are not in conflict with the State.

City Planner Barbara McBeth stated that we can certainly look at that this time around.

Member Lynch stated that he is familiar with the property and expressed that the applicant makes a valid argument. Member Lynch said that a goal the Commission holds is to make sure the ordinance is not

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manipulated. He noted this proposal will come back to the Planning Commission so if it is suspected or seen that there is manipulation, there will be an opportunity to reject the proposal.

City Planner Barbara McBeth confirmed that this text amendment will come back to the Planning Commission in about a month.

Member Roney stated he has no issues.

Member Avdoulos stated he has nothing further to add and it was addressed appropriately.

Motion to set the public hearing for a future date as determined by staff made by Member Avdoulos and seconded by Member Lynch.

> **In the matter of Text Amendment 18.305 Proposed Amendments to Day Care Standards, motion to set the public hearing for a future date to be determined by staff.**

ROLL CALL VOTE ON MOTION TO SET THE PUBLIC HEARING MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH. *Motion carried 5-0.*

2. **JSP24-25 EL CAR WASH NOVI II**
   Consideration of El Car Wash Novi II for Preliminary Site Plan approval. The subject property is 0.54 acres in size, is zoned TC Town Center District, and is located on the east side of Novi Road, north of Grand River. The applicant is proposing to reutilize the existing car wash building for a new car wash.

Staff Planner Diana Shanahan stated the applicant is proposing to reutilize the existing non-conforming car wash on Novi Road. The .54-acre parcel is located on the east side of Novi Road, north of Grand River. The site and surrounding area are zoned Town Center with TC-1 to the southeast. The future land use map indicates Town Center Commercial for this property as well as all the surrounding properties. The subject property does not contain any regulated natural features.

The existing car wash was constructed in 1981 and is a non-conforming use in the TC District. As indicated on the site plan, the applicant El Car Wash II is proposing to renovate the existing car wash. Improvements will include new vacuum stations, two new drive-up pay stations, an attendant booth, repaving, utility improvements, façade updates, and sculpture artwork as an amenity for the Town Center District.

The applicant is requesting a landscape waiver for the lack of a loading zone screen. This waiver is supported by staff as there is no space for loading zone screening on the site. A waiver is requested for insufficient green belt area. This waiver is also supported by staff as an existing condition. A waiver is requested for insufficient interior parking lot trees. This waiver is supported by staff as the proposed plan will improve the existing conditions to the best of its ability given the site constraints. The plan provides enhancements by introducing additional landscaping while accommodating the limitations of the site. A waiver for insufficient parking lot access way perimeter trees along the south edge is being requested. This waiver is supported by staff as an existing condition, as the site offers no space for additional trees. The final waiver is for insufficient foundation landscaping area coverage. This waiver is supported by staff as the proposed landscaping is an enhancement to current conditions.

The proposed plan will require variances to be granted by the Zoning Board of Appeals for three items. These items are the parallel parking space, the lack of a bypass lane, and a shortage of vehicle stacking spaces prior to the tunnel.

The Planning Commission is asked to approve or deny the Preliminary Site Plan. Steven Barrett and the El Car Wash II team are here tonight representing the project as well as staff to answer any questions.

Reid Cooksey from Stonefield Engineering and Design stated that they are taking an existing car wash on Novi Road in the Town Center District and modernizing it. They are looking to bring new flair to the site. Mr. Cooksey stated they are modernizing not only the façade but also the operations. He noted there

NARRATIVE PROVIDED BY
LITTLE SEEDS DAY CARE OWNER

To whom it may concern,

I am writing to ask for your consideration and support for our request to revise the variance of our special land use to allow us to accommodate 12 additional children (infants, specifically) on our existing premises. Little Seeds opened its doors in Novi nearly 2 years ago and is a reputable childcare provider serving the community of working parents in Novi. We also provide high quality preschool and pre-K options for families that are outside of the public school sector. We have a waiting list for infants and toddlers that is approximately 6-12 months long and being able to renovate the existing building already on premise would allow us to shorten this waiting list to 1-2 months or may take care of it entirely for a short period of time. Further, renovating this property would put to good use a currently dilapidated building that has been waiting 3 decades for its time to shine!

Our plans to increase the amount of available infant slots is aligned with the Governor's pledge to increase childcare slots across the state and we plan to use some grant funds to make the necessary repairs this building needs. We have also been approached by Oakland County Public Schools, who has asked us to partner with them to provide a GSRP (Great Start to Readiness Program) preschool within our existing facility. This partnership is important to the Novi community – which, as of last fiscal year, had only has 1 other GSRP partner - and will help support the roll out of the Governor's "Universal Pre-K Promise" that is coming down the pipeline. The latest budget passed in Michigan increased the poverty limit for eligible families from 350% to 400% - this will expand eligibility for many of our families as we are a lower priced center and many of our families seek us out for this reason. There is also a whole new group of children in our area that will now qualify. If we utilize an existing classroom for preschool, this will further exacerbate the need for the additional infant slots we are requesting.

Thank you for supporting our small business, the children and families in our community!

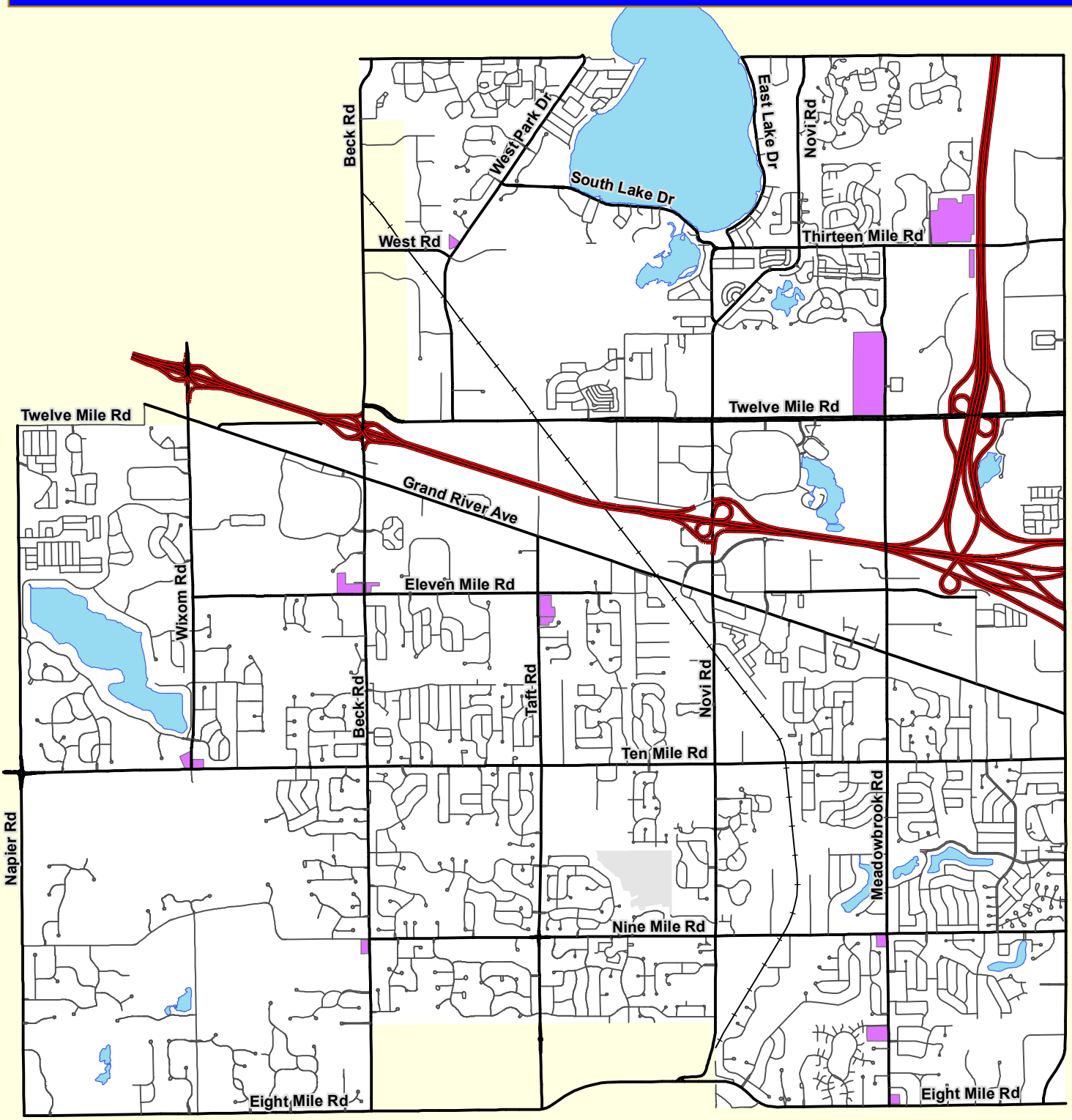
Here are some additional resources to consider if you are looking for more information:

- *Child care needs map* for our state that is one of the reasons for the legislature's investments in and major emphasis on childcare over the past couple of years: https://cep.msu.edu/projects/child-care-mapping-project/maps-and-charts/areas-with-high-needs-and-urgency?view=draft
  NOTE: Oakland County is labeled "urgent" need for additional childcare slots.
- https://www.michigan.gov/mileap/early-childhood-education/prek-for-all
- Details about recent budget passed: https://www.bridgemi.com/michigan-government/michigans-23b-education-deal-free-community-college-all-pre-k-many
- GSRP website: https://greatstarttoquality.org/free-preschool-programs/
  GSRP Oakland County Public School specific site:
  https://www.greatstartoakland.org/professionals/gsrp

PROPERTIES *POTENTIALLY* IMPACTED
BY PROPOSED
EXPANDED DAY CARE TEXT AMENDMENT

Properties Impacted by Proposed Expanded Daycare Text Amendment

City of Novi



Map Author:
Date:
Project:
Version #:

Amended By:
Date:
Department:

MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

Map Legend

- Freeway
- Major Streets
- Minor Streets
- Railroad
- Impacted Parcels (14)
- Lake

City of Novi
Community Development Dept
Novi City Hall
45175 Ten Mile Rd
Novi, MI 48375
cityofnovi.org

Feet
0 875 1,750 3,500 5,250

1 inch = 4,310 feet

PLANNING'S STUDY OF
NOVI'S EXISTING CHILDCARE CENTERS

Study of Novi's Existing Childcare Centers for Application of Proposed Ordinance Standards						
Name	Address	Zoning	Acreage	Capacity	Adjacent to Non-Residential Zoning	Affected by new ordinance
A Growing Place	40700 Ten Mile Road	R-4	3.43	85	No	No - 75+ Already Allowed
Everbrook Academy	26195 Beck Road	R-3*	3.95	136	No	No - PSLR Overlay District
KinderCare Learning Center	24250 Homestead Court	R-4	2.28	149	No	No - 75+ Already Allowed
Little Seeds Child Development Center	**49700 10 Mile Road**	**R-A**	**2.25**	**60**	**No**	**Yes**
Novi Early Childhood Center (Novi Community School District)	25745 Taft Road	R-A	80.73	n/a	No	No - School
Novi Cooperative Preschool (Novi Methodist Church)	41671 Ten Mile Road	R-4	5.01	17	Yes	No - Not at an Intersection
Novi Woods Montessori (Oakland Montessori Academy)	42800 13 Mile Road	R-4	1.69	Unavailable	Yes	No - Not at an Intersection
The Train Station (Brightmoor Christian Church)	40800 13 Mile Road	R-A	40.10	90	No	No - 75+ Already Allowed
Walled Lake Preschool (Walled Lake Consolidated Schools)	40839 13 Mile Road	R-A	18.78	n/a	No	No - School
The Goddard School of Novi	48600 Grand River Avenue	B-3	4.32	154	Yes	No - Zoned Non-Residential
The Goddard School of Novi	39659 W 13 Mile Rd	OST	2.09	169	Yes	No - Zoned Non-Residential
The Learning Experience - Novi	26120 Town Center Drive	OST	1.77	144	Yes	No - Zoned Non-Residential

RELEVANT
CURRENT ORDINANCE STANDARDS

4.11 UTILITY AND PUBLIC SERVICE BUILDINGS

In the RA, R-1, R-2, R-3, and R-4 districts, utility and public service buildings and uses (without storage yards) are permitted as a special land use when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity and when the architecture is in keeping with the surrounding area. A noise impact statement is required subject to the standards of Section 5.14.10.B.

4.12 GROUP DAY CARE HOMES, DAY CARE CENTERS, AND ADULT DAY CARE CENTERS

1. In the RA, R-1, R-2, R-3, and R-4 districts, group day care homes, day care centers, and adult day care centers are permitted as a special land use, as follows:
   A. Group Day Care Homes, subject to the following:
      i. Outside recreation area required, as follows:
         a. There shall be provided and maintained an outdoor recreation area of not less than two-thousand (2000) square feet.
         b. Recreation area shall be securely fenced and screened from any adjoining lot in any residential district with appropriate fence and landscape materials as reviewed by the City's Landscape Architect to provide opaque screening for the outside activities. These screening requirements are in addition to the requirements of Section 5.5.
      ii. The minimum parcel size for a Group Day Care Home shall be one-half (0.5) acre.
      iii. The licensee shall occupy the dwelling as a residence.
      iv. The licensee shall register with the City Clerk and the licensed premises may be subject to a fire department inspection and shall provide a smoke detector in all daytime sleeping areas.
      v. Any sign accessory to the home is prohibited.
      vi. The hours of operation shall be limited to the period between 6:00 a.m. and 7:00 p.m.
      vii. The parcel shall abut a major thoroughfare or section line collector road, but may have access from a local street. The driveways shall be designed so that vehicles can exit the site without having to back onto a major thoroughfare.
   B. Day Care Centers accommodating no more than fifty (50) children, and Adult Day Care Centers accommodating no more than twenty-five (25) persons, subject to the following:
      i. Outside recreation area required, as follows:
         a. For each person cared for, there shall be provided and maintained a minimum of one-hundred fifty (150) square feet of outdoor recreation area.
         b. Such recreation area shall have a total minimum area of not less than two-thousand eight-hundred (2800) square feet.
         c. The recreation area shall be securely fenced and screened from any adjoining lot in any residential district, with appropriate fence and landscape materials as reviewed by the City's Landscape Architect to provide opaque screening for the outside activities. These screening requirements are in addition to the requirements of Section 5.5
      ii. The minimum parcel size for a Day Care Center or Adult Day Care Center shall be one (1) acre.
      iii. The hours of operation shall be limited to the period between 6 a.m. and 7 p.m.
      iv. The parcel shall abut and have access to a major thoroughfare or section line collector road. The driveways shall be designed so that vehicles can exit the site without having to back onto a major thoroughfare.
      v. The licensee shall register with the City Clerk and the licensed premises may be subject to a fire department inspection and shall provide a smoke detector in all daytime sleeping areas.

vi. Any refuse bins or outside trash receptacles shall be located as far away as is practical from properties zoned for residential uses.

vii. The exterior building facades shall comply with **Section 5.15**. Additionally, the City's Facade Consultant shall review the proposed architectural style of the structure to insure the residential character of the neighborhood is maintained with regard to design and facade elements. The following materials shall be allowed up to a maximum of twenty-five (25) percent of the building facade, with a finding that these materials will be compatible with the adjacent residential areas: wood siding, painted siding, tongue and groove siding, batten siding, vinyl siding and aluminum siding. These materials are subject to footnote 11 of the Schedule Regulating Facade Materials, in **Section 5.15**.

viii. A noise impact statement is required subject to the standards of **Section 5.14.10.B**.

C. Day care centers exceeding fifty (50) children, but not more than one-hundred and twenty (120) children, and adult day care centers exceeding twenty-five (25) persons, but not more than sixty (60) persons, providing the following conditions are met:

i. Subject to the standards contained in **Subsection 4.12.1.B.ii**.

ii. The parcel must abut land zoned only NCC, EXPO, OS-1, OSC, TC, TC-1, RC, FS, I-1, P-1, C, and OST.

iii. The hours of operation shall be limited to the period between 6 a.m. and 7 p.m.

iv. The exterior building facades shall comply with **Section 5.15**. Additionally, the City's Facade Consultant shall review proposed architectural style of the structure to insure the residential character of the neighborhood is maintained with regard to design and facade elements. The following materials shall be allowed up to a maximum of twenty-five (25) percent of the building facade, with a finding that these materials will be compatible with the adjacent residential areas: wood siding, painted siding, tongue and groove siding, batten siding, vinyl siding and aluminum siding. These materials are subject to footnote 11 of the Schedule Regulating Facade Materials, in **Section 5.15**.

v. A noise impact statement is required subject to the standards of **Section 5.14.10.B**.

2. Day care centers and adult day care centers are a permitted use in the B-2, OST, TC, TC-1 districts and EXO Overlay district and a special land use in the OS-1, OSC, and PSLR districts, all subject to the following:

i. In the B-2, OST, OS-1, OSC, TC, TC-1, PSLR districts and EXO Overlay district:

a. Outdoor recreation areas shall be provided, consisting of at least one -hundred fifty (150) square feet for each person cared for, with a minimum total area of three-thousand five-hundred (3,500) square feet. All such outdoor recreation areas shall be fenced with self-closing gates. The recreation area may extend into an exterior side yard up to twenty-five (25) percent of the distance between the building facade and the property line.

b. The hours of operation shall be limited to the period between 6 a.m. and 7 p.m. for those facilities abutting residential zoning districts.

c. Facilities shall be located either within a permitted office, or commercial structure, or in a freestanding building on a site coordinated with surrounding development (i.e., traffic flow, parking access, drop off areas, architecture and relationship to other buildings).

d. Screening and landscaping of outdoor recreation areas, recreation area fences and parking lots shall comply with **Section 5.5.**

e. Off-street parking shall comply with **Section 5.2.12.** and **Section 5.3.**

ii. In the B-2, OST, OS-1, OSC, TC, TC-1 districts and EXO Overlay district:

a. Not more than fifty (50) percent of front yard or exterior side yard setback between the minimum required parking setbacks of thirty-five (35) feet and building facade line may be used for parking. The balance of this area shall be maintained in lawn and landscaping.

b. Vehicular access to the site shall not be directly to or from a major arterial or arterial.

c. Facilities abutting residential zoning districts shall be reviewed under the facade standards provided in **Section 4.12.1.B.vii.**

3. In the NCC district, day care centers and adult day care centers are permitted subject to the regulations in **Sections 4.12.1.B.i through Section 4.12.1.B.viii.**, except that day care centers may accommodate in excess of fifty (50) children, and adult day care centers may exceed twenty-five (25) persons.

4.13 PRIVATE NONCOMMERCIAL RECREATIONAL AREAS, INSTITUTIONAL OR COMMUNITY RECREATION CENTERS, AND NONPROFIT SWIMMING POOL CLUBS

In the RA, R-1, R-2, R-3, and R-4 districts, private noncommercial recreational areas, institutional or community recreation centers, nonprofit swimming pool clubs, not including indoor ice skating rinks and indoor tennis courts are permitted as a special land use, all subject to the following conditions:

1. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one (1) property line abutting a major thoroughfare and the site shall be so planned as to provide all access in accordance with **Section 5.13** of this Ordinance.

2. Front, side and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking, structures or recreation facilities permitted in these minimum yards, except that off-street parking may be permitted to within twenty-five (25) feet of a street, and except required entrance drives and walls used to obscure the use from abutting residential districts.

3. Off-street parking shall be provided so as to accommodate not less than one-half (½) of the member families and/or individual members. The Planning Commission may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the Planning Commission on the basis of usage.

4. Whenever a swimming pool is constructed under this Ordinance, said pool and pool area shall comply with the standards of this Ordinance regulating the location of accessory uses and with applicable State regulations. In those instances where a conflict exists between State and local regulations, the more restrictive standard shall govern.

5. A noise impact statement is required subject to the standards of **Section 5.14.10.B.**

4.14 GOLF COURSES

In the RA, R-1, R-2, R-3, and R-4 districts, golf courses, consisting of at least nine holes and not including driving ranges, "pitch and putt," miniature or "par 3" courses, which may or may not be operated for profit are permitted as a special land use, subject to the following conditions:

1. The site shall be so planned as to provide all access in accordance with **Section 5.13** of this Ordinance.