

MEMORANDUM



TO: VICTOR CARDENAS, CITY MANAGER
FROM: BARBARA MCBETH, AICP, CITY PLANNER
SUBJECT: CHILD CARE TEXT AMENDMENT – ADMIN PACKET
DATE: APRIL 22, 2025

The City Council's Ordinance Review Committee met on Monday, April 21 and considered the draft text amendments associated with Child Care Centers and Adult Day Care Centers. The following information provides a summary of the information that was presented to the Committee. Following discussion, the **recommendation of the Committee was to bring the amendments back to the City Council for First Reading**, noted below:

1. **Follow the Planning Commission's recommendations** that would increase the maximum number of children cared for in Child Care Centers from 50 to 75, subject to the standards provided in the draft ordinance.
2. **Do not follow the Planning Commission's recommendation** to reduce the number of Adults Cared for in Adult Day Care facilities in the relevant section of the ordinance under review, but instead, **keep the maximum number at 60 adults.**

Updated draft ordinance language, as recommended by the Committee, is attached. One additional modification to increase the minimum parcel size from 1.5 acres to 3 acres for larger Day Care centers (up to 120 children or 60 adults) is included in the draft ordinance. This change will not affect any existing facilities.

BACKGROUND

Planning staff met with the Little Seeds Day Care owner, Angie Altaii, who has expressed an interest in increasing the number of children cared for in the existing facility at the northeast corner of Ten Mile Road and Wixom Road. She indicated that there is a great demand for day care services in the region and that her day care business has space available within the existing building to expand enrollment. The **attached** narrative was provided by Ms. Altaii to the City to further explain the need for day care facilities in Novi.

Ms. Altaii wishes to increase the enrollment of the Little Seeds Day Care up to 75 children, while the current ordinance allows a maximum of 50 children in similarly situated day care centers (where the property fronts on a major thoroughfare and is located within and is surrounded by single family residential zoning districts).

Staff explained that the ordinance provides limitations on the number of children to be cared for in day care businesses in residential districts and that the standards of the ordinance cover properties throughout the City. **The best means to address the property owner's request would be to draft an ordinance amendment to allow an increase in the number of children served at new or existing facilities throughout the city.** The intent of this proposed amendment is to allow **greater flexibility for childcare providers** to meet the growing demand for early childhood development programs by expanding their enrollment, under specific conditions.

Seeing an Increased Demand for Child Care Services

The proposed ordinance amendment is also supported by the demonstrated need for additional daycare facilities across the state. The 2024 Michigan Economic Development Corporation's Childcare Readiness Toolkit, which recognizes that a robust childcare system that meets the needs of all families requiring childcare services is an economic development issue. Additionally, Oakland County Public Schools has asked for partners to provide GSRP (Great Start to Readiness Program) preschools within the county. This partnership is important to the Novi community – which, as of last fiscal year, had only 1 other GSRP partner. The American Planning Association has presented information that demonstrates the need for additional daycare facilities and encourages its members to consider ordinance updates to allow daycare facilities to expand.

Existing Ordinance Standards

Ordinance Sections 4.12.1.B and 4.12.1.C allow day care centers and adult day care centers in single-family residential zoning districts, under certain conditions. Day care centers are subject to Special Land Use approval by the Planning Commission for locations in the Single-Family Residential Districts, including the RA, R-1, R-2, R-3 and R-4 Districts.

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.

Section 4.12.1.C 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 60 adults. This section of the ordinance limits those residential parcels eligible for consideration for a new day care center to parcels that abut certain non-residential districts. The intent of this ordinance provision is to allow for the larger day care facilities on residential parcels that abut non-residential uses, because the day care facility can provide a transitional use between single family residential properties and commercial properties.

Novi's zoning ordinance allows day care facilities in several different situations, with the two bullet points in italics that are under review for change at this time:

- Family Day Care home: 1-6 children in a private home, no overnight care

- Group Day Care home: 7-12 children in a private home, no overnight care
- Day Care Center: 1-50 children in residential districts (if parcel abuts certain non-residential districts up to 120 children). Not a private home, no overnight care.
- Adult Day Care Center: 1-25 functionally impaired people for facilities in residential districts (unless parcel abuts certain non-residential districts, up to 60 persons).
- Other districts accommodate Day Care Center and Adult Day Care Centers in excess of these numbers, with no limits on the numbers in the B-2, B-3, OST, TC, TC-1 and EXO Overlay Districts as a permitted use, and in the OS-1, OSC, and PSLR Districts as a Special Land Use.

Proposed Ordinance Amendment

The suggested ordinance amendment **proposes a third option to the Day Care Center options that would allow up to 75 children in child care centers on residential parcels:**

- At least 1.5 acres in size with at least 200 feet of frontage on a major thoroughfare,
- Located 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 a public hearing would be required for this option, as it applies to all commercial day care facilities proposed in residential districts. These changes are found in the attached new Section C.

Staff prepared the **attached map** that shows 14 other potential locations for daycare facilities to be proposed if this ordinance amendment is adopted.

City Council's Review

The City Council considered the proposed ordinance amendment at the April 7th meeting, and provided a number of comments and questions. **Some of the questions raised by the City Council at the April 7 meeting are addressed below:**

What is the reason for the minimum parcel size of 1.5 acres and other standards?

Staff is proposing ordinance standards to try to ensure that existing residential homes will be adequately buffered from the effects of having a commercial Child Care business with up to 75 children from our residential neighborhoods.

Staff looked at a number of factors including the minimum building size that would be likely with a Child Care Center of 75 students, using the state standard of fifty square feet of area for infants and 35 square feet for preschoolers and school-age children, with an assumption of a 50/50 mix being an area of 3200 square feet with an additional 1000 square feet for offices, hallways, entryways, restrooms, etc. making the minimum building size of approximately 4200 square feet.

Taking into consideration the minimum outside play space, the required parking spaces and access drives, building setbacks, drop-off and pick-up areas, and stormwater management requirements, the entire site area would likely exceed an acre in size. Staff is anticipating that any extra area would be used for additional buffers and/or setbacks from adjacent residential areas. Given the busy morning and afternoon hours for Child Care Centers, vehicular traffic to and from the site should be adequately spaced from adjoining driveways to as not to cause traffic hazards. Frontage on a second street would be preferred as it would allow options for safe points of access.

Will this amendment affect the Child Care Centers in residential homes?

No, this ordinance amendment is not intended to change the regulations for Day Care Centers in homes.

Were other jurisdictions ordinances reviewed as a part of the proposed amendment?

Yes, staff reviewed ordinances from West Bloomfield, Farmington Hills, and Troy, and found that in those ordinances, Adult Day Care Centers were **not** grouped together with Child Care Centers. Here is a summary of some other community's standards for Child Care Centers, **but it is worth noting that generally, they do include location, size, and adjacency requirements similar to what is proposed in the draft ordinance:**

West Bloomfield's ordinance allows Child Care Centers in residential districts on parcels of land at least 2 acres in size, with 200 feet of frontage on a major or secondary thoroughfare, with minimum building setbacks of 40 feet from any property line and no less than 5000 square feet of outdoor play space.

Farmington Hills' Ordinance allows Child Care Centers in residential districts and certain non-residential districts, provided at least one side lot line abuts certain non-residential districts, the site shall be no less than one acre, all buildings shall be setback 40 feet from the property line, and at least 150 square feet of play area for each child cared for (as required by State Law). Residential districts require a minimum of 5000 square feet of outdoor play area.

Troy's Ordinance provisions for Child Care Centers require frontage on either a major or minor arterial street, a separate drop-off and pickup area is required adjacent to the main building entrance, and an outdoor play area of at least 1000 square feet is provided. Day Care Centers are a permitted use in most of the commercial zoning districts, and a special land use in the residential districts.

What is the reason for reducing the maximum number of adults being cared for from 60 to 25 in the residential zoning districts?

See the accompanying memo related to the Adult Day Care aspect.

What are the relevant State Law requirements for Child Care facilities?

See **attached** highlighted excerpt from the State Law.

One conflict on differing requirements for the minimum outside play area noted in the past has been addressed through an earlier text amendment. The Planning Commission is permitted to take into consideration the requests of applicants to reduce the required play area below the City standards, instead of applicants seeking relief from the ZBA. Child Care owners have noted that they would adhere to the State's minimum requirements, which may be lower than the City's standards. A typical reason for reducing the area is that the caretakers coordinate or stagger outside playtime that allows for less dedicated play space.

How many existing Day Care Centers are going to be affected by the ordinance?

Staff reviewed other Child Care Centers in Novi and found that none of the existing Child Care Centers will be affected by the ordinance as drafted. Several of the Child Care facilities are part of a public school and not subject to ordinance standards. Other existing Child Care Centers in residential areas that exceed 50 children, were likely approved prior to the ordinance limiting the number of children and are considered legal non-conforming uses. Please see the attached spreadsheet.

Novi doesn't have any Adult Day Care Centers so none would be affected by ordinance changes. See the accompanying memo with additional information.

NEXT STEPS

The updated draft ordinance will return to the City Council for First Reading.

C:

