


**ITEM 8.B.2. – ZONING ORDINANCE TEXT
AMENDMENT PERTAINING TO ADULT
FOSTER CARE**

Williams & Works

MEMORANDUM

TO: Leslie Couturier, Zoning Administrator
East Bay Charter Township

FROM: Jay Kilpatrick, AICP 

DATE: November 21, 2008

RE: Zoning Ordinance Text Amendment Pertaining to Adult Foster Care

Draft

Christwood Hills Assisted Living Center LLC at 3735 Yorkshire Drive, requests consideration of an amendment to the Township's Zoning Ordinance to include Adult Foster Care (AFC) facilities as a special land use in the LDR district. This matter is scheduled for initial consideration at the December 9th meeting and may be scheduled for hearing in January.

Currently, the applicant is operating an AFC at the Yorkshire address under the terms of Section 622, 2, a, which provides that an AFC with less than seven residents is considered a single family dwelling and not subject to additional regulation. This is also consistent with Section 206 of the Michigan Zoning Enabling Act. However, both the Zoning Ordinance and state law permit a higher degree of regulation for larger facilities. Under the Zoning Ordinance an Adult Foster Care facility is treated as a special land use if more than six, but not more than twelve residents are accommodated in the MDR, RR and AG districts. In addition, AFCs of seven or more residents are treated as special land uses in the HDR and MHC districts. The applicant proposes that Section 401 Low Density Residential, be amended to include AFCs with more than six but not more than twelve residents in the LDR district, subject to the same standards applied in the MDR, RR and AG districts as set forth in Section 622.

Current Standards. In addition to the general review and approval standards for special land uses found at Section 602, Section 622 provides the following standards for AFCs:

"2. REGULATIONS AND CONDITIONS.

- a. Adult Foster Care homes serving less than seven (7) residents shall be considered a single family dwelling and shall not be subject to the requirements of this Section 622.
- b. Adult Foster Care homes shall, as a condition of special land use approval, at all times maintain all valid state and local licenses.
- c. An adult foster care home serving seven (7) or more residents shall not be located within fifteen hundred (1,500) feet of any other adult foster care home.

- d. All exterior lighting shall be equipped with cut-off fixtures to prevent light from casting off the site. Exterior light standards shall be no higher than twenty (20) feet.
- e. All signs shall be in compliance with the provisions of **Section 215** of this Ordinance.
- f. All off-street parking shall be in compliance with **Article VII** of this Ordinance.
- g. Landscaping and Buffering shall be provided in accordance with **Section 229** of this Zoning Ordinance.”

By simply amending Section 401 to include Adult Foster Care Homes (7 - 12 residents) to the list of special land uses, the above standards would be applied and the applicant would be able to apply to the Planning Commission for approval to expand their existing facility.

This will slightly expand the range of uses permitted in the LDR district. However, approval would not be automatic. It must be understood that a special land use application requires a complete site plan and the Planning Commission is able to apply the specific standards above and the general special use standards along with the standards for site plan review to any such application. There may well be circumstances when one or more of those standards cannot be met and the Planning Commission would be required to deny the application.

Comparison to the Master Plan. In my opinion, this change is not explicitly compatible with the Master Plan, but with careful planning, it may be possible to incorporate this use without conflicting with the Plan. The future land use plan describes the Low to Medium Density Residential future land use designation as including “suburban-style single family neighborhoods ... relatively homogenous in form and land uses, scaled for passenger car travel and developed primarily for families with small and school-age children.” It goes on to indicate that small commercial nodes may be encouraged, if restricted to uses that serve the immediate neighborhood. Finally, it calls for residential densities of up to three dwellings per acre.

In East Bay Township, the standard household includes 2.15 persons, but it would be erroneous to equate a 12-resident AFC facility to 5.6 dwellings ($12 \div 2.15 = 5.6$) as the density impact of the proposed use is not analogous to individual dwellings. Adult foster care residents typically would not have their own cars, so the traffic impact of a larger facility would not be significantly different than that of a single family home. Such a facility would not have any impact on schools, but it may require some greater level of emergency services than would a single family home. Finally, the 1,500 foot isolation distance between such larger facilities will limit their community-wide impact as the Township would not see more than about three of them per square mile.

At the neighborhood level, however, a larger facility may have some impact. The building itself could be significantly larger than nearby homes and on a smaller lot could be out of character in that neighborhood. Therefore, it may be appropriate to consider minimum parcel area standards and/or buffer or screening standards. Such standards have not been employed to date in the more

intensely developed zoning districts, but there is nothing to prevent the Township from considering them in the case of the LDR district. With a minimum lot area in LDR of 12,000 square feet where public water and sewer are provided, and 40,000 square feet where those services are not offered, the Township could require some additional lot area or setback to prevent a larger AFC from dominating a neighborhood.

In the current case, the applicant's facility occupies two lots in the Holiday Forest site condo with a total combined parcel area of about 28,000 square feet. This is more than twice the minimum parcel area in the LDR district. In addition, since the existing building straddles the intervening lot line, the site offers significantly greater side yards than the LDR minimum 10-foot. This suggests a useful precedent the Planning Commission may consider. While I would not suggest that a rigid standard for larger lots or setbacks is always needed, the provisions of Section 622 could be revised to provide explicit authority to require additional separation where needed. The following provision could be added to Section 622:

“h. Where the Planning Commission finds that a proposed Adult Foster Care facility would be inordinately out of scale or character with buildings in the surrounding neighborhood, it may require additional side or rear yard setback, additional land area and/or additional landscaping and buffering to mitigate the imposing character of such use.”

With these adjustments, I believe the adjusted text would be sufficiently compatible with the Master Plan and could be supported. If the Planning Commission agrees, we will develop a proposed amendment to be considered at a public hearing at the January meeting.