

**AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE
CITY OF SOUTHGATE
BY ADDING ADULT DAY CARE FACILITY AND ADULT FOSTER CARE FACILITY.**

Preamble

**AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF
SOUTHGATE BY ADDING SECTION 973 ADULT DAY CARE FACILITY AND
ADULT FOSTER CARE FACILITY.**

DEFINITIONS:

Adult Day-Care Facility

- (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 (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 release from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

Adult Foster Care Facility

A state-licensed establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, MCL 400.701, et. Seq.; MSA 16.610 (61), et. Seq., as amended. The following additional definitions shall apply in the application of this Ordinance:

- (1) **Adult Foster Care Family Home:** A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

- (2) **Adult Foster Care Small Group Home:** An owner-occupied facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

Adult Day-Care Facilities

- (1) Adult family day-care homes service six (6) or fewer adults shall be considered a residential use of property and a permitted use in all residential districts. The adult day-care home shall receive adults for care and supervision for periods of less than twenty-four (24) hours a day.
- (2) Adult group day-care home with greater than six (6) but no more than twelve (12) adults is subject to the following:
 - (a) The proposed use of the residence for group day-care shall not change the essential character of the surrounding residential area, and shall not create a nuisance in fact or law relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.
 - (b) Where outdoor areas are provided, they shall be enclosed by a fence that is at least four (4) feet in height, but no higher than six (6) feet.
 - (c) The hours of operation do not exceed sixteen (16) hours within a twenty-four (24) hour period with no activity between the hours of 10:00 PM and 6:00 AM.
 - (d) Appropriate license with the State of Michigan shall be maintained.

Adult Foster Care Facilities

- (1) Intent. It is the intent of this section to establish standards adult foster care facilities that will insure compatibility with adjacent land uses and maintain the character of the neighborhood.
- (2) Adult Foster Care Facilities.
 - (a) Application of Regulations.
 - i. A State licensed adult foster care family home and adult foster care small group home serving six (6) persons or less shall be considered a residential use of property and a permitted use in all residential districts, provided they conform to all applicable building codes and ordinances.
 - ii. The City may, by issuance of a special land use permit, authorize the establishment of adult foster care small group homes serving more than six (6) persons.
 - (b) Adult foster care small group homes serving between seven (7) and twelve (12) adults, shall be considered as a use subject to special conditions and subject to the requirements and standards of Section # and the following additional standards:
 - i. 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 one thousand five hundred (1,500) square feet per adult, excluding employees and/or care givers.
 - ii. The property is maintained in a manner that is consistent with the character of the neighborhood. Including but not limited to meeting the International Property Maintenance Code and all other applicable codes and ordinances.
 - iii. Appropriate licenses with the State of Michigan shall be maintained. Copies shall be provided to the Building Department annually.

- (C) Any foster care facilities serving more than (12) adults shall not be permitted in any residential district.

Section 2. **Saving Clause.** Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 3. **Severability.** Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

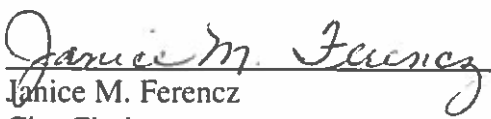
Section 4. **Conflicting Ordinances.** All prior existing ordinances adopted by the City of Southgate inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

Authentication

This is to certify that the undersigned do hereby authenticate the foregoing record of the ordinance herein set forth.



Joseph G. Kuspa
Mayor



Janice M. Ferencz
City Clerk

Adopted: February 3, 2016

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