

CITY COUNCIL
CITY OF GREENVILLE
Montcalm County, Michigan

Councilmember Lehman, supported by Councilmember Barrus, moved the adoption of the following ordinance:

ORDINANCE NO. 24-01

AN ORDINANCE TO AMEND CHAPTER 46, "ZONING," OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO REVISE REFERENCES TO STATE LICENSED RESIDENTIAL CARE FACILITIES AND PROVIDE SPECIAL LAND USE REQUIREMENTS FOR VARIOUS ADULT FOSTER CARE FACILITIES.

THE CITY OF GREENVILLE ORDAINS:

Section 1. Amendment of Section 46-1. Section 46-1 of Article I, "In General," Chapter 46, "Zoning," of the Code of Ordinances of the City of Greenville is amended such that the following definitions are inserted in alphabetical order:

Adult foster care facility means a governmental or nongovernmental establishment that provides supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation to adults, pursuant to Act 218 of 1979, (MCL 400.701 *et. seq.*) as amended. An Adult Foster Care Facility does not include any of the following:

- (a) A nursing home licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.
- (b) A home for the aged licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.
- (c) A hospital licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.
- (d) A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106.
- (e) A county infirmary operated by a county department of social services or family independence agency under section 55 of the social welfare act, 1939 PA 280, MCL 400.55.
- (f) A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under 1973 PA 116, MCL 722.111 to 722.128, if the number of residents

who become 18 years of age while residing in the institution, camp, or home does not exceed the following:

- (1) Two, if the total number of residents is 10 or fewer.
- (2) Three, if the total number of residents is not less than 11 and not more than 14.
- (3) Four, if the total number of residents is not less than 15 and not more than 20.
- (4) Five, if the total number of residents is 21 or more.

(g) A foster family home licensed or approved under 1973 PA 116, MCL 722.111 to 722.128, that has a person who is 18 years of age or older placed in the foster family home under section 5(7) of 1973 PA 116, MCL 722.115.

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

(i) A facility created by 1885 PA 152, MCL 36.1 to 36.12.

Adult foster care family home means a private residence with the approved capacity to receive at least 3 but not more than 6 adults to be provided with foster care. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

Adult foster care small group home means an adult foster care facility, other than an adult foster care family home, with the approved capacity to receive 12 or fewer adults to be provided with foster care.

Adult foster care large group home means an adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

Home for the aged means a supervised personal care facility that provides 24-hour room, board, and supervised personal care to 21 or more unrelated, non-transient individuals 55 years of age or older. A home for the aged includes a supervised personal care facility for 20 or fewer individuals 55 years of age or older if the facility is operated in conjunction with and as a distinct part of a licensed nursing home.

Section 2. Amendment of Section 46-1. Section 46-1 of Article I, "In General," Chapter 46, "Zoning," of the Code of Ordinances of the City of Greenville is amended such that the following definitions are deleted in their entirety:

State-licensed residential care facility means a facility defined as an adult foster care facility by the Adult Foster Care Licensing Act (MCL 400.701 et seq.), having as its principal function the receiving of adults for foster care and licensed by the state under the Act. It shall include 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. It shall not include an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

- (1) A state-licensed residential family care facility is a State-licensed residential care facility which provides resident services or care for six or fewer persons.
- (2) A state-licensed residential group care facility is a State-licensed residential care facility which provides resident services or care for more than six persons.
- (3) The state-licensed residential family care licensee shall be a member of the household, and an occupant of the residence, but shall not be counted toward the total number of residents for purposes of the definition of the facility.

State-licensed residential facility means a structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act (MCL 400.701 et seq.) or Public Act No. 116 of 1973 (MCL 722.111 et seq.).

State-licensed residential family care facility means a state-licensed residential facility with the approved capacity to provide residential services for not more than six individuals. The adult foster care family home licensee shall be a member of the household and an occupant of the dwelling unit.

State-licensed residential group home care facility means a state licensed residential facility with the approved capacity to provide residential services for more than six but not more than 12 individuals. The adult foster care family home licensee shall be a member of the household and an occupant of the dwelling unit.

Section 3. Amendment of Section 46-41(b)(1)(a). Section 46-41(b)(1)(a) of Article II, “Administration and Enforcement,” Chapter 46, “Zoning,” of the Code of Ordinances of the City of Greenville is amended to read in its entirety as follows:

- a. All uses proposed on a parcel or lot or combination of parcels or lots which total three acres or more, except the following:
 1. Single- and two-family dwellings.
 2. Adult foster care family homes and adult foster care small group homes.
 3. Family day care homes.
 4. Farms.
 5. Accessory uses or structures.
 6. Properties located in the Industrial Park District.

Section 4. Amendment of Section 46-131. Section 46-131 of Article IV, “Zoning Districts Established; Zoning Map,” Chapter 46, “Zoning” of the Code of Ordinances of the City of Greenville is amended to read in its entirety as follows:

Sec. 46-131. - Zoning districts.

For the purposes of regulating and restricting the location of buildings and sites for specific uses and also for the purpose of regulating and restricting volume, height, and area of buildings hereafter erected or altered, the following zoning districts are hereby designated within the city:

- (1) R-1 single-family residential district.
- (2) R-2 single- and two-family residential district.
- (3) R-3 single- and multiple-family residential district.
- (4) O-1 office district.
- (5) C-1 neighborhood commercial district.
- (6) C-2 general commercial district.
- (7) C-3 central business district.
- (8) IND industrial district.
- (9) MHP manufactured home park district.
- (10) F-1 floodplain district.
- (11) PUD planned unit development.
- (12) MUD mixed use district.
- (13) North Lafayette District.
- (14) IPD industrial park district.

Section 5. Amendment of Section 46-154(b)(3). Section 46-154(b)(3) of Article V, “Zoning District Regulations,” Chapter 46, “Zoning” of the Code of Ordinances of the City of Greenville is amended to read in its entirety as follows:

- (3) Adult foster care family homes and adult foster care small group homes for 6 or fewer adults.

Section 6. Amendment of Section 46-154(c)(7). Section 46-154(c)(7) of Article V, “Zoning District Regulations,” Chapter 46, “Zoning” of the Code of Ordinances of the City of Greenville is amended to read in its entirety as follows:

- (7) Adult foster care small group homes for 7 to 12 adults and group day care homes.

Section 7. Amendment of Section 46-155(b)(4). Section 46-155(b)(4) of Article V, “Zoning District Regulations,” Chapter 46, “Zoning” of the Code of Ordinances of the City of Greenville is amended to read in its entirety as follows:

- (4) Adult foster care family homes and adult foster care small group homes for 6 or fewer adults.

Section 8. Amendment of Section 46-155(c)(8). Section 46-155(c)(8) of Article V, “Zoning District Regulations,” Chapter 46, “Zoning” of the Code of Ordinances of the City of Greenville is amended to read in its entirety as follows:

- (8) Adult foster care small group homes for 7 to 12 adults and group day care homes.

Section 9. Amendment of Section 46-156(b)(6). Section 46-156(b)(6) of Article V, “Zoning District Regulations,” Chapter 46, “Zoning” of the Code of Ordinances of the City of Greenville is amended to read in its entirety as follows:

- (6) Adult foster care family homes and adult foster care small group homes.

Section 10. Amendment of Section 46-156(c)(9). Section 46-156(c)(9) of Article V, “Zoning District Regulations,” Chapter 46, “Zoning” of the Code of Ordinances of the City of Greenville is amended to read in its entirety as follows:

- (6) Adult foster care large group homes and homes for the aged.

Section 11. Amendment of Section 46-158(c). Section 46-158(c) of Article V, “Zoning District Regulations,” Chapter 46, “Zoning” of the Code of Ordinances of the City of Greenville is amended to include a new subsection (9) which reads in its entirety as follows:

- (9) Adult foster care large group homes and homes for the aged.

Section 12. Amendment of Section 46-165(b). Section 46-165(b) of Article V, “Zoning District Regulations,” Chapter 46, “Zoning” of the Code of Ordinances of the City of Greenville is amended to include a new subsection (14) which reads in its entirety as follows:

- (14) Adult foster care family homes and adult foster care small group homes for 6 or fewer adults.

Section 13. Amendment of Section 46-165(c). Section 46-165(c) of Article V, “Zoning District Regulations,” Chapter 46, “Zoning” of the Code of Ordinances of the City of Greenville is amended to include a new subsection (7) which reads in its entirety as follows:

(7) Adult foster care small group homes for 7 to 12 adults, adult foster care large group homes, and homes for the aged.

Section 14. Amendment of Section 46-207(25). Section 46-207(25) of Article VI, “Special Land Uses,” Chapter 46, “Zoning” of the Code of Ordinances of the City of Greenville is amended to read in its entirety as follows:

(25) Adult foster care small group homes for 7 to 12 adults, adult foster care large group homes, and homes for the aged.

Section 15. Amendment of Section 46-233. Section 46-233 of Article VI, “Special Land Uses,” Chapter 46, “Zoning” of the Code of Ordinances of the City of Greenville is amended to read in its entirety as follows:

Sec. 46-233. – Adult foster care small group homes for 7 to 12 adults, Adult foster care large group homes, and homes for the aged.

The following provisions apply to adult foster care small group homes for 7 to 12 adults, adult foster care large group homes, and homes for the aged:

- (1) The facility shall be located on a lot that meets the minimum dimensional requirements for the district in which it is located.
- (2) The facility shall not be located on a lot that has frontage on Lafayette Street north of Benton Street.
- (3) The facility shall be located not closer than 800 feet to any of the following facilities, as measured from the property lines:
 - a. A licensed group child care home.
 - b. Another licensed adult foster care small group home for 7 to 12 adults, adult foster care large group home, or home for the aged.
- (4) The facility shall be located not closer than 1,500 feet to any of the following facilities, as measured from the property lines:
 - a. A facility offering substance abuse treatment and rehabilitation service to 7 or more people, licensed by the state of Michigan.
 - b. A community correction center, residence home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

- (5) The facility shall maintain a residential appearance and be consistent in terms of color, building materials, roofline, and architecture with other buildings in the district in which it is located and in the vicinity.
- (6) The facility shall continually have on file with the city documentation of all valid license(s) as required by the State of Michigan.
- (7) In addition to the on-site parking required for the residence itself, the facility shall provide on-site, off-street parking for all employees on a paved driveway or similar facility customary to the district in which it is located.
- (8) The Planning Commission may require additional landscaping and/or screening beyond what is required by Section 46-257 to screen parking areas, outdoor areas, and/or maintain the character of the neighborhood in which it is located.

Section 16. Amendment of Section 46-258(i)(2). Section 46-258(i)(2) of Chapter 46, “Zoning” of the Code of Ordinances of the City of Greenville is amended such that the row related to “Adult foster care” in the table titled “Institutional, Recreational, and Cultural Uses” is amended to read in its entirety as follows:

Adult foster care family homes or adult foster care small group homes for 7 to 12 adults	One space per each three persons receiving care
Adult foster care large group homes or homes for the aged	One space per each three persons receiving care

Section 17. Conflict and Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 18. Publication and Effective Date. This Ordinance shall be published in the *Daily News*, a newspaper of general circulation in the City within 10 days of its adoption, and shall be effective 15 days after its adoption provided it has been published.

YEAS: (7) Councilmembers: Scoby, Lehman, Barrus, Moss, Cunliffe, Linton and Johnson

NAYS: (0)

ABSTAIN: (0)

ABSENT: (0)

ORDINANCE DECLARED ADOPTED.

Dated: January 16, 2024

Krissi Brott
Greenville City Clerk

CERTIFICATION

I, the undersigned City Clerk of the City of Greenville, Michigan (the “City”), certify that the above ordinance is a true and complete copy of an ordinance adopted at a regular meeting of the Greenville City Council held on January 16, 2024, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including a summary of its contents and its effective date, was published in the *Daily News* on *January 20, 2024*. I further certify that the above ordinance was entered into the Ordinance Book of the City on January 16, 2024, and was effective January 31, 2024.

Dated: January 16, 2024

Krissi Brott
Greenville City Clerk

Introduced: December 19, 2023

Adopted: January 16, 2024

Published: January 20, 2024

Effective: January 31, 2024