



**PLANNING COMMISSION
MEETING AGENDA
THURSDAY January 8, 2026 6:00 PM**

**Location: Kalamazoo Charter Township Hall, 1720 Riverview Drive, Kalamazoo, MI 49004
AGENDA:**

1. Call to order, roll call, recognition of visitors
2. Approval of the minutes of prior PC meetings
 - a. December 4, 2025
 - b. Workshop held November 20, 2025
3. Approval of Agenda
4. Correspondence
 - a. Enforcement Report (if any)
 - b. Oshtemo Master Plan 63-day comment period
5. Old Business
 - a. Continuation of adjourned discussion on overlay district for small lots in R-1 and R-2
6. New Business
 - a. PUBLIC HEARING - 1320 Bixby Day Care Center Special Land Use Application and Site Plan Review
 - b. PUBLIC HEARING – Text Amendment to Article 3 regarding non-conforming lots
7. Public Comment
8. Report of Board Representative—Lisa Mackie
9. Report of ZBA Representative—Fred Nagler
10. Planning Commissioner comments
11. Township Staff/Planner/Attorney reports and requests
 - a. Planning Consultant
 - i. Workshop date in February to finish work on land use matrix chart
 - b. Township Attorney
12. Adjournment
13. Next meeting is scheduled for February 5, 2026

The public is welcome to attend this meeting. Please contact the Planning & Zoning Department if you have any questions regarding the proposed agenda, at (269) 381-8080.

1 Charter Township of Kalamazoo
2 Kalamazoo County, Michigan
3 Minutes of a Planning Commission Meeting Conducted on December 4, 2025
4

5 The Kalamazoo Township Planning Commission conducted a regular meeting on December 4,
6 2025 at the Township Hall, 1720 Riverview Drive, Kalamazoo, MI 49004. Present were:

7
8 Fred Nagler, Chairman
9 Chris Mihelich
10 Mike Seals
11 Warren Cook
12 Denise Hartsough
13 Bill Chapman
14 Lisa Mackie
15

16 Additionally present were Planning Consultant Hillary Taylor, Township Attorney Roxanne Seeber
17 and approximately 10 guests.
18

19 **Call to order, roll call, recognition of visitors.**

20 The chairman called the meeting to order at 7:00 p.m. All members were present.
21

22 **Approval of Meeting Agenda**

23 A draft agenda had been placed in the members' packets and was available at the meeting. No
24 changes were proposed. Upon motion of Seals, supported by Mihelich, the agenda for the
25 meeting was adopted unanimously.
26

27 **Approval of Past Meeting Minutes**

28 The draft minutes of the November 6, 2025, Planning Commission meeting had been distributed
29 to members in their packets. Cook corrected a misspelling on Page 5, line 7. Hartsough removed
30 a redundant phrase from Page 1, line 43. Chapman moved, supported by Cook, to approve the
31 minutes of the November 6, 2025, meeting as amended. The motion passed unanimously.
32

33 **Enforcement report**

34 Taylor reported recent complaints regarding fencing, roosters and sidewalk plowing.
35

36 **Correspondence**

37 Taylor reported on a letter received as part of the conditional rezoning requests. Nagler noted
38 its receipt.
39

40 **Old Business**

41 The next item on the agenda was the continuation of a hearing for conditional rezoning of several
42 identified properties adjacent to the Hillside Gravel Mining operation at 2702 Ravine Road.
43 Nagler noted that the public hearing on the application was previously closed. Taylor reported

1 on a revision to the application, the crux of which was that earth removal would be occurring on
2 the properties in accordance with Subsection 8.02s. Seeber explained that the new application
3 was intended to recognize and correct the nonconforming nature of earth removal/mining that
4 was occurring on the parcels, due to the applicant's desire to expand the operation, lawfully onto
5 the properties it was already using. The condition, then, was that the applicant would only do
6 gravel mining/earth removal and associated activities on the sites. The applicant offered a second
7 condition to return any parcel that is sold to a third party that is not affiliated with Hillside to its
8 former zoning classification. This condition, said Seeber, appeared to satisfy the Planning
9 Commission's concerns regarding the potential for other types of industrial uses on the parcels
10 if they were ever sold or transferred to a third party.

11 Tim Stewart of Hurley and Stewart indicated that they had scaled back the operation to address
12 only those activities which are presently occurring. He felt that the present conditions were in
13 line with the desire of the Planning Commission. He stated that they just wanted to continue the
14 mining that was already occurring and to clean up the nonconformity. Seeber indicated that any
15 mining activities on the parcels would require a special use application and annual review by the
16 Planning Commission. There were no questions by members of the Planning Commission.
17 Mackie noticed that the agenda listed the matter as a public hearing. She felt it would be
18 appropriate to offer public comment. Nagler agreed and opened the floor for public comment.
19 No one spoke for or against the application. Hartsough moved to recommend approval of the
20 conditional rezoning for each of the parcels to the Kalamazoo Township Board. Seals seconded
21 the motion and it passed unanimously.

22 Seeber stated that the next step was to get the rezoning ordinance to the Township Board for
23 consideration and to draft up a statement of conditions for each of the parcels. Nagler thanked
24 the applicant for its patience.

25 **New Business**

26 **1330 Healy Street change in use/site plan review.**

27 The next item on the agenda was Transit Technicals proposed change in use and site plan review
28 for a vehicle repair facility at 1330 Healy Street. Taylor introduced the matter, indicating that the
29 building was 12, 881 square feet. A vehicle repair facility is a permitted use in the I-2 district in
30 which the property is located. The property met all of the site plan review standards contained in
31 Section 21.03D of the Ordinance. There were no proposed changes to the building. It was in
32 compliance with all setbacks. There was a large gravel parking lot on the site. No new lighting
33 or alterations to existing landscaping were intended. If a sign was necessary, a separate sign
34 application would be required. Taylor indicated that the only addition was a 6-foot secure fence
35 with Knox box. Fred DeHaan indicated that the company had been searching for a Kalamazoo

1 location for the last couple of years and this one fit the bill. The company mostly undertakes
2 electronics installations and training for work on transit vehicles for the Rapid and Kalamazoo
3 Transit.

4 Many times, they do field services for on-site vehicle problems. They also wished to use the site
5 as a training hub for new technicians. The vehicles they work on are 40,000 to 45,000 pounds.
6 The company did not wish to place any additional concrete on the site because the vehicles they
7 work on generally do not come on site and if they did, the concrete would be ruined in short
8 order. The applicant proposed to meet the site plan requirements of two concrete pads for
9 each of the two bays, and an ADA-compliant parking space. He outlined the concrete in front for
10 parking customer vehicles. DeHaan pointed out the gravel area on the side of the building. The
11 building, he said, had previously been used as a tiny warehouse. Mackie knew that there were
12 a number of positions available at Metro Transit and they were becoming hard to fill. DeHaan
13 stated that many people are aging out of the technical positions. Hartsough inquired about gravel
14 tracking by the busses. Seals inquired about environmental issues with gravel. DeHaan stated
15 that there would be no oil changes, brake installations or tire repairs on the site. They were only
16 working on electronics and technical aspects of the transit service buses only.

17 Taylor stated that Section 4.01E allows the Planning Commission to waive paving requirements.
18 She felt that dust control may be required. Chapman inquired if the fencing would be like that
19 at the jail. The group discussed this indicating that it would not be quite as prohibitive as that at
20 the jail, but that stored vehicles, if any, would be located behind a secured fence. There were
21 no additional comments or inquiries on the application. Mackie moved, supported by Mihelich to
22 approve the change in use and site plan as proposed, pending favorable review and adherence to
23 suggestions of the fire marshal. The motion passed unanimously.

24 **Public Hearing Special Use 1320 Bixby.**

25 The next item on the agenda was the first of two public hearings on the request of Kafayat Haley
26 for special use and site plan approval for a Group Child Care Home (6 to 12 children during
27 regulated hours) at her residence addressed as 1320 Bixby Road within the Township. The
28 standards for approval for a Group Child Care home are contained in Section 8.02.T. 1, & 3-5 of
29 the Zoning Ordinance and in the Zoning Enabling Act at Section 206(4) (a) through (f) which
30 override the Township's General Special Use standards. Taylor explained that she had mailed out
31 notices of public hearing to adjoining property owners within 300 feet but that the notice did not
32 get into the paper in time for the meeting. As such, the Planning Commission could commence
33 a public hearing at this meeting, but it would have to be continued to January 8 due to publication
34 requirements.

1 Taylor noted that a group day care home was a special land use in R-2. The proposal was for 7-
2 12 children. There were 6 parking spaces provided and 6 required. Each would be 9' x 18.5 feet.
3 The owner, she said, may need a sealed plan. She indicated that the application may additionally
4 require review and approval by the Township Engineer. She stated that standards are contained
5 on the chart. The property met the maximum 2-story limit because it was only one story in
6 height. The driveway, she said, was only 7 feet wide. She wasn't sure that there was enough
7 maneuvering lane to allow pickups and drop offs, reasoning that they may block each other in.

8 The applicant and property owner Kafayat Haley, and her daughter Riannat Sanusi were present
9 to discuss the application. The applicant is a former elementary school teacher that raised all of
10 her children by herself. She would be providing meals and learning opportunities. Her daughter
11 is one of the people that live in the house and would be providing some of the childcare services.
12 Sanusi spoke on behalf of the application. She stated that they can easily fit six cars in the
13 driveway. There are two parking spaces for the two drivers in the house. There are 4 extra
14 spaces in the driveway. The parents just drive in, drop off, and pick up. They do not spend any
15 extra time on site. They "stack" parking and make sure that there is always room for the parents'
16 cars that are coming and going on site. She has an agreement from the neighboring property
17 owners to allow for the staging of vehicles. Mackie noted that the driveway may be a little longer
18 than the applicant thinks it is. Seals stated that the property in question is at a huge bend on
19 Bixby. It will be hard to see the comings and goings. He suggested that an agreement from the
20 neighbors to the south for the staging of vehicles was in order.

21 The chairman opened a public hearing on the request. Stephen Spencer, 1812 Junction stated
22 that it's not likely that 4 cars will fit into the short driveway. The house was an abandoned
23 manufactured home which was vacant for years. It had been brought back to livable conditions.
24 The south side of the driveway and the fence in the back yard makes access to the house itself
25 difficult. Mihelich was concerned that the drop off was not far enough away from the busy road.
26 In his experience, there is a good amount of traffic on Bixby during normal drop-off times.
27 Spencer indicated that the neighborhood is pretty quiet. He is worried about the noise from kids
28 in the yard.

29 Sanusi indicated that the customers only need 5 or 10 minutes for drop off and pickup. Two
30 employees' cars, including her own would be there all day. Hartsough inquired about fencing.
31 Sanusi stated that it is a wood fence 8 feet in height. It is treated lumber with a lock.

32 Seeber stated that a group day care home was addressed separately in the Zoning Enabling Act
33 with only certain requirements that could be addressed by the Township Planning Commission,
34 even if it was in the ordinance. She had sent these standards to Taylor in November. She
35 explained that there isn't much room for debate with respect to a group childcare home. The
36 Zoning Enabling Act provides that a child care group home, defined as "a private home in which

1 more than 6 but not more than 12 minor children are given care and supervision for periods of
2 less than 24 hours a day unattended by a parent or legal guardian, except children related to an
3 adult member of the household. Group childcare home includes a home in which care is given
4 to an unrelated minor child for more than 4 weeks during a calendar year. Group childcare home
5 includes a private home with increased capacity.” Seeber indicated that a group childcare home
6 must be in the bonafide residence of the operator.

7 The Zoning Enabling Act provides that:

8 In a Township “a group child care home shall be issued a special use permit, conditional
9 use permit or other similar permit if the group child care home meets all of the following
10 standards:

- 11 (a) Is located not closer than 1,500 feet to any of the following:
 - 12 (i) Another licensed group child care home.
 - 13 (ii) An adult foster care small group home or large group home licensed under the
14 adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
 - 15 (iii) A facility offering substance use disorder services to 7 or more people that is
16 licensed under part 62 of the public health code, 1978 PA 368, MCL 333.6230 to 333.6251.
 - 17 (iv) A community correction center, resident home, halfway house, or other
18 similar facility that houses an inmate population under the jurisdiction of the department
19 of corrections.
- 20 (b) Has appropriate fencing for the safety of the children in the group child care home
21 as determined by the local unit of government.
- 22 (c) Maintains the property consistent with the visible characteristics of the
23 neighborhood.
- 24 (d) Does not exceed 16 hours of operation during a 24-hour period. The local unit of
25 government may limit but not prohibit the operation of a group childcare home between
26 the hours of 10 p.m. and 6 a.m.
- 27 (e) Meets regulations, if any, governing signs used by a group child care home to
28 identify itself.
- 29 (f) Meets regulations, if any, requiring a group child care home operator to provide off-
30 street parking accommodations for his or her employees.

31
32 (7) This section does not prohibit a local unit of government from inspecting a family or
33 group childcare home for the home's compliance with and enforcing the local unit of
34 government's zoning ordinance. For a county or township, an ordinance shall not be more
35 restrictive for a family or group childcare home than 1973 PA 116, MCL 722.111 to
36 722.128.”

1 Seeber stated that the application should be considered under the Zoning Enabling Act standards
2 and what the Township is allowed to control. Of these, she wasn't sure if there was another of
3 the listed facilities within 1500 feet. The Township cannot control the number of employees.
4 Consideration of perimeter fencing was for the safety of the children. The applicant had agreed
5 to hours of operation.

6 Nagler asked Seeber to repeat the parking standards from the Zoning Enabling Act. She stated
7 that there had to be one space per employee. Additionally, Seeber stated that two additional
8 off-street parking locations had to be on site, unless there were alternative arrangements made
9 that were satisfactory to the Planning Commission. Nagler calculated that under the ZEA, only 4
10 total off-street parking spaces were required. Seeber stated that she would send the Zoning
11 Enabling Act provisions to Taylor for the January 8 Planning Commission meeting.

12 Cook moved, supported by Seals to table the public hearing and consideration of the matter to
13 the January 8, 2026 Planning Commission meeting. The motion passed unanimously.

14 **Text Amendment for Overlay District**

15 The next item on the agenda was a public hearing on consideration of an amendment to add a
16 new chapter to the zoning ordinance creating an "overlay" district and standards for certain
17 undersized lots in R-1 and R-2. Taylor indicated that the overlay district has been under
18 consideration by the Planning Commission for over a year. It had been talked about at length.
19 Both she and the assessor had attended meetings and provided a lot of information regarding the
20 proposal and the desire of the board to move ahead with respect to the issue. Taylor recalled
21 that the Planning Commission's work session on November 20 focused mostly on the proposed
22 amendment. She stated that the matter had been placed into ordinance form and was being
23 advanced to the Planning Commission at this time for a decision. She indicated that in her
24 opinion, the crux of the matter was to allow the development of undeveloped parcels and get
25 them added to the tax rolls.

26 Mackie understood that the Planning Commission had voiced a preference at the November 20
27 meeting to consider amendments to the nonconforming use standards to accomplish the same
28 thing. However, the matter had been with the Planning Commission for quite a while and she
29 was interested in perhaps moving the overlay district ahead as an experiment, if nothing else.

30 Seeber stated that there was considerable confusion about the plan for an overlay district when
31 she started coming to the Planning Commission meetings in July. At that time, she said, the draft
32 overlay district was for the entire Township. To her this did not make sense. The list contained
33 several parcels that were vacant, but next to industrial uses; or were in a PUD; or for other reasons
34 did not appear to be ready for development with single-family homes. Pretty much the entire

1 Township is on public water and sewer, so that should not have been a deciding factor in
2 determining what parcels were eligible for development.

3 At that time, she had encouraged the Planning Commission to consider whether certain areas
4 would be more readily available for single-family development than others. She also reminded
5 the group that a matrix with overhaul of the zoning ordinance had been introduced, as had the
6 long-standing issue with the house on Foster that was located in I-2 and could not get a mortgage.
7 The three issues had been brought nearly simultaneously to the Planning Commission and each
8 of them was presented as needing enormous changes to the entire Township and zoning
9 ordinance, rather than attempting to just address the issues at hand. She felt that the Planning
10 Commission was overwhelmed with large ordinance changes. She understood the frustration.

11 The Planning Commission had begun to talk about changing the lawful nonconforming use
12 standards to allow undersized residential parcels to be used for single-family residential use. She
13 reminded the group that they had discussed doing a sliding scale for setbacks and/or for
14 comparison of setbacks on adjoining size; and/or lot coverage comparisons so that the undersized
15 parcels could be developed with single family residences that worked within the neighborhoods
16 that they were located. Additionally, Seeber reminded that group, that many of these infill lots
17 are 1) in plats; 2) owned by the adjoining property owner; and 3) joined into a single zoning lot
18 via the merger clause. This, she said, was all sound planning and zoning theory, but the discussion
19 had apparently come too late as the pressure to adopt an overlay ordinance intensified without
20 a limitation. She had finally discussed the situation with the Superintendent and learned that
21 the overlay district was only to apply to R-1 and R-2. This was new information to her. As such,
22 she had been asked to draft up an overlay for the November 20 Planning Commission meeting
23 one day before the meeting; which she was not asked to attend.

24 She had produced the proposed ordinance at the direction of Taylor before the November 20
25 meeting. It was only for R-1 and R-2. She had not had the opportunity to consider the proposal
26 for the entire-township overlay until she wrote the proposed ordinance, the standards of which
27 was now to apply only to R-1 and R-2 districts.

28 She had made several changes to the planner's July 2025 proposal for overlay district. First, she
29 said, she had defined "eligible parcel" in terms of size and amenities (water and sewer). The
30 definition also provided that an eligible parcel could not be created from a split or part of a new
31 residential development. In other words, she said, the parcel has to be existing now and not be
32 created to take advantage of the changes to setback and lot coverage. Next, she said, she
33 considered the proposed standards which did not contain a sliding scale but instead had definite
34 numbers. This meant that there was no comparison to parcels in the neighborhood but set a
35 standard that was going to be applicable to the entire Township (until it was narrowed to just R-
36 1 and R-2).

1 Seeber stated that she had not known of the number of undersized lots in the Township until she
2 had been asked to consider an issue on West Main where the lot was only 7500 square feet in
3 size and contained a house and a garage. Thus, she said, she took the eligible lot sizes from the
4 McKenna document at face value; however, she had made a significant change to the front yard
5 setback. The planner's document from July had a 10-foot front yard setback. She had changed
6 this to 20 feet because 10 feet was not enough room to park a car on the driveway. She wasn't
7 sure that 20 feet was, but it was a lot more reasonable than 10 feet.

8 Lastly, Seeber said, while it didn't appear to be the best way to address the issue and because
9 she had been notified at the last minute that only R-1 and R-2 zoning districts were eligible, she
10 had narrowly tailored the amendment, as specified, to the point that she could live with it. Had
11 the Planning Commission started in July with R-1 and R-2, it may have done what her zoning law
12 hat would have told her was the right thing and just addressed the nonconforming use section.
13 However, she understood her seldom-used planning hat to address the "optics". In other words,
14 if owners of infill lots were looking to see if they were eligible for new construction, then looking
15 at the single chapter with the infill standards may be an answer to the inquiry.

16 Seeber indicated that there had been increasing pressure to address this issue from the
17 administration and planner and at this point, the draft new chapter could be adopted more
18 quickly than making adjustments to the nonconforming use section, which could take a lot of
19 time. Additionally, she did not want to see the Planning Commission blamed for a delay when it
20 really was not their fault.

21 Seeber stated that she had, at the direction of Taylor, noticed the changes to the nonconforming
22 use section drafted by Mihelich for a public hearing on January 8, 2026. Whether the Planning
23 Commission accepted or rejected the amendment at hand, however, the Township Board would
24 be able to consider it. Seeber indicated that it takes two readings for the Township Board to
25 adopt an ordinance. She also suggested that the entire chapter could be repealed if the Planning
26 Commission amended the lawful nonconforming use standards in the future. If the goal was to
27 get something on paper that developers and property owners could see and use, she was okay
28 with the text amendment proposed, even if it was just to find out whether there was interest in
29 developing these parcels under the new chapter.

30 The chairman opened a public hearing on the proposal. No one spoke for or against the
31 ordinance. The chairman closed the public hearing.

32 Mihelich expressed concern about the scale of the proposal. He was not sure that adding a new
33 chapter to the zoning ordinance was the way to go. A lot of it hinges on what the Zoning
34 Administrator tells the developer or property owner. He had been interested in a similar parcel
35 and had been told by a prior Zoning Administrator that it was not buildable. If there was some

1 level of education as to what can already be done on a lawfully nonconforming lot, much of what
2 appeared to be a very big issue would go away. Additionally, he stated that some of the issues
3 could be addressed with a variance request. He inquired as to the number of people that were
4 reaching out to the Township and to KABA to determine whether one of the small lots was
5 buildable. In short, Mihelich was not sure that which had been thrust upon the Planning
6 Commission was the only way to go. There was significant publication and mapping costs
7 involved. The Planning Commission should be the problem solvers, he suggested. Adding
8 another entire chapter to state what should be obvious under nonconformities seemed to be just
9 additional work. He wanted to see the zoning ordinance be as concise as possible.

10 Seals inquired as to how many parcels would be placed onto the tax rolls if the ordinance was
11 adopted. If the goal was to get these parcels developed, the issue would be notification and
12 communication to the owners of them. He was torn between rewriting the nonconformity
13 section, which was more solid in terms of zoning, than getting something done quickly, only to
14 revoke it when it was done correctly. If the Township gets the word out and the overlay proves
15 successful, that would be helpful to know. He agreed that there is a housing crisis in Kalamazoo.
16 If something isn't done now, the Township may miss out on the next wave of development in the
17 spring. Consideration for construction needs a lot of prep time. If there isn't a mechanism to
18 build in the Township right now, it's likely that a whole building season will be missed. Seals
19 reasoned that if the overlay is the quick answer, then people will be able to plan now. However,
20 if the Township waits too long, then there won't be any interest. Mihelich indicated that the
21 majority of the parcels are privately-owned. He wasn't sure that there would be a big rush to
22 develop under any ordinance. He did not believe that the demand would happen overnight.

23 Seeber stated that the time cost for the overlay was already incurred by the Township over the
24 last several months. There is no map amendment needed. In terms of costs, the Planning
25 Commission must hold a public hearing. The publication cost for that has already been incurred.
26 As for the next costs, the Township Board needs to publish a summary notice of submission and
27 notice of adoption which she tries to squeeze into the least number of words possible. Seals was
28 concerned that January adoption would be too late. No one will buy a property on speculation
29 after January. Taylor indicated that they had held meetings early in 2025 to determine the level
30 of interest in the vacant parcels. Several non-profits were interested, including the land bank,
31 KNHS and Habitat for Humanity.

32 Mackie voiced concern about the amount of energy that had been put into the overlay. There had
33 been less discussion about the alternative. She suggested that the overlay could be sent to the
34 Board for adoption while the Planning Commission focused on the alternative amendment to the
35 nonconforming use section. Seeber suggested that if there was additional consideration on the
36 nonconforming use section, the merger clause would also need to be amended. If a person that

1 owns two adjoining platted lots they have become merged into one zoning lot. If the goal is to
2 let any vacant platted lot stand alone for development, the ordinance would need to address it.
3 Hartsough was more concerned about doing it correctly. Seals indicated that a January adoption
4 may be too late, even for non-profits. Mihelich indicated that the properties in question were
5 largely privately owned. Was there a market? Taylor stated that there are nonprofits looking at
6 the properties. Hartsough inquired about the timeline. Seeber stated that the Township Board
7 had held its only meeting in December on the 8th. Its next meeting is the second Monday in
8 January. Hartsough commented that the Board's first January meeting would occur after the
9 January Planning Commission meeting. Thus, doing nothing with the proposed amendment at
10 the Planning Commission meeting tonight does not put potential adoption back any more than 2
11 weeks. Seals stated that the land bank is running out of room to build in the city. Mackie
12 suggested that the narrowly tailored overlay presented was not inherently bad.

13 Nagler suggested that publication costs were not something the Planning Commission should be
14 concerned about. He indicated that the Township Board is aware that the Planning Commission
15 has another possible solution. If approval is recommended, then the Planning Commission could
16 be done with it and leave it up to the Board. Mackie and Nagler both voiced being torn about
17 what position the Planning Commission should take on the matter. Hartsough indicated that she
18 would like to address the Township Board if the Planning Commission recommends approval.
19 Mackie stated that as a board member, the Planning Commission's recommendation is taken
20 seriously. Seals asked if nonprofits had come to the Township Board looking for places to build.
21 Taylor stated that the matter was staff driven. Mihelich suggested that the builders know they
22 can go to the Zoning Board of Appeals. Seeber stated that they typically do not want to pay for
23 it. She suggested that the overlay would resolve much of the issues the Zoning Board of Appeals
24 had seen in the last couple of years. Nagler didn't see much of a benefit to postponing a decision
25 one way or the other. Mackie was concerned about moving the matter to the Board if the
26 recommendation was unfavorable. Michelich moved, supported by Hartsough to table the
27 matter to the January 8, 2026, Planning Commission meeting. The motion passed 6-1 with Nagler
28 voting in the negative. Cook inquired as to what would happen if the Planning Commission sat
29 on the matter for too long. Seeber suggested that the Board would ask for a recommendation
30 and that the Planning Commission, if unable to make one, could simply forward the matter to the
31 Board without recommendation.

32 **Public Comment**

33 None.

34 **Board Representative Comments**

35 Mackie reported that the staff had met with the project manager for the new township hall. Prein
36 and Newhof presented the 2026 nonmotorized pathway project update to the Board.

1 **ZBA Member Comments**

2 Nagler reported that there was no meeting.

3 **Planning Commissioner Comments**

4 Mihelich struggles with a 312-page Zoning Ordinance for 12 square miles of Township. He felt
5 that the issue was more education of the public than making wholesale zoning changes. His goal
6 was to make the ordinance more user friendly and less unwieldy. He suggested that a unified
7 development ordinance being considered by many communities would be a possible answer to
8 some of the issues. He felt that there was a lot of repetition in the ordinance. It's hard to find
9 anything in it. The word "setback" is mentioned 27 different times with different numbers. Cook
10 stated that there has been a unified development ordinance floating around since 1980. He was
11 hopeful it could be considered by the Township.

12 Chapman and Hartsough had no comments. Seals appreciated the conversation. Not all
13 decisions need to result in 100% agreement. He is very familiar with the construction season
14 because he worked for Consumers Power for years. The courthouse project was delayed for a
15 year because of construction issues.

16 Nagler appreciated the well thought out and good discussion. Mihelich suggested that he sent
17 a proposal for text amendments to Article 3 nonconformities. Seeber indicated that she would
18 try to get that into ordinance format for the January 8 Planning Commission meeting. She
19 inquired about the tap-in fee for sewer. Mackie did not know off hand what it was, but they both
20 agreed that it was a substantial amount. Seeber suggested that the cost may also be one of the
21 reasons for construction reticence.

22 Taylor provided a proposed calendar for 2026. She thanked Michelich and Seals for their time on
23 the Planning Commission and indicated that they were up for renewal. If they wanted to remain
24 on the Planning Commission, they should fill out the application on the Township website and
25 submit it. Cook requested an updated roster with contact information. Taylor stated that she
26 would get it. Mackie stated that applying to stay on the Planning Commission is not necessary. If
27 a person whose time is expiring wishes to retain the seat, he should send an email to the Township
28 Supervisor with that information. Hartsough stated that when her term of office was coming
29 due, the supervisor called and asked if she wished to stay on. She appreciated that. Seeber
30 suggested that an email to supervisor and superintendent would also work.

31 **Approval of 2026 Calendar.**

32 Hartsough moved, supported by Cook to approve the 2026 calendar. The motion passed
33 unanimously.

34 There being no further business to come before the Planning Commission, Nagler adjourned the
35 meeting at 7: 36 p.m.

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SYNOPSIS OF ACTIONS

The Kalamazoo Charter Township Planning Commission undertook the following actions at its meeting of December 4, 2025:

1. Held a public hearing and tabled a request for group child care at 1320 Bixby; and
2. Tabled consideration of an amendment to the zoning ordinance adding a chapter addressing undersized lots in R-1 and R-2; and
3. Adopted its 2026 calendar by resolution; and
4. Approved a change in use for automotive repair facility for transit technology upgrades and training at 1330 Healy; and
5. Recommended approval of a conditional rezoning for several parcels adjacent to Hillside Gravel; and
6. Took public comment.

1 Kalamazoo Charter Township Planning Commission
2 Minutes of Workshop Session – November 20, 2025

3
4 A workshop session of the Kalamazoo Township Planning Commission was conducted on
5 November 20, 2025, commencing at 5:13 p.m. at the Township Hall.

6
7 Present were:

8 Fred Nagler, Chairperson

9 Warren Cook (Arrived at 5:29 PM)

10 Chris Mihelich

11 Lisa Mackie

12 Bill Chapman

13 Denise Hartsough

14 Mike Seals

15
16 Also present were Township Planning Consultant Hillary Taylor and Township Assessor David
17 Becker.

18
19 **ROLL CALL AND RECOGNITION OF VISITORS**

20 The Chairman called the meeting to order and called the roll.

21
22 **PUBLIC COMMENT**

23 Public comment was offered.

24
25 **WORKSHOP SESSION**

26 The Planning Commission held a workshop session with the Planning Consultant and Township
27 Assessor to review zoning matters related to small platted lots and residential use classifications.

28
29 **1. Small Lots Overlay District and Nonconforming Lots**

- 30
- 31 • Assessor David Becker presented an overview of the Township’s existing small platted
32 lots and current housing conditions. He noted that:
33
 - 34 ○ Over 340 small lots exist within the Township, many originally platted 70–90
35 years ago at approximate dimensions of 44’ x 132’.
 - 36 ○ These lots generally have existing water and sewer infrastructure, but are
37 considered nonconforming under the current ordinance and require ZBA
38 variances for construction.
 - 39 ○ This requirement limits marketability and taxable value and has contributed to
40 the long-term underutilization of these parcels.
 - 41 ○ Construction of new homes has averaged approximately three (3) units per year
42 over the past decade, with more demolitions occurring than new builds in recent
43 years.

- 1 ○ Residential sales remain strong—approximately 600+ sales per year—with 85%
2 owner occupancy, identifying the Township as an attractive “starter-home”
3 community with strong demand yet limited supply.
- 4 ○ Conversely, there is minimal demand for vacant commercial or industrial parcels,
5 with very few inquiries or sales.
- 6 ○ Increasing the number of buildable residential lots could improve housing
7 availability, attract new investment, and broaden the Township’s tax base.
- 8
- 9 ● The Commission discussed the advantages of both the proposed overlay district and an
10 amendment to the base nonconforming lot regulations, noting that each approach
11 could help address the development limitations on small platted lots.
- 12 ● Staff reported that the Township Board requested that the Small Lots Overlay District
13 move forward, and the Township Attorney has already noticed a public hearing for
14 December 4, 2025.
15 Earlier draft language amending Section 3.04(C)(2) was circulated in September but had
16 been misdirected to a former zoning administrator, contributing to the delay in
17 presenting it to the Planning Commission.
- 18 ● Next Steps:
19
- 20 ○ The Commission will hold the December 4, 2025 public hearing on the overlay
21 district as required by the notice, with the option of opening and tabling the
22 hearing to allow further review.
- 23 ○ Staff will prepare draft amendments to Section 3.04(C)(2) regarding
24 nonconforming lots for the January 8, 2026 Planning Commission meeting.
- 25 ○ The Commission anticipates reviewing both the overlay and the proposed
26 ordinance amendment and forwarding recommendations on each to the
27 Township Board for final consideration.
- 28
- 29 ● Assessor Becker will update his spreadsheet of the identified small lots to indicate which
30 parcels would become buildable under each proposed approach.

31 32 **2. Review of Residential Use Matrix**

- 33
- 34 ● The Commission reviewed portions of the residential use matrix prepared by the
35 Planning Consultant.
- 36 ● Discussion included:
37
- 38 ○ Adding triplexes and quadplexes as defined and regulated residential building
39 types.
- 40 ○ The need to revisit multifamily development standards, including unit sizes,
41 density calculations, and parking requirements, to improve clarity and feasibility
42 for future development proposals.
- 43 ○ Confirmation that the recently updated home-based business and home
44 occupation standards remain satisfactory at this time.

1
2 These items will be addressed more comprehensively in upcoming ordinance review sessions.

3
4 **ADJOURNMENT**

5 There being no further business to come before the Planning Commission, the meeting was
6 adjourned at 6:32 p.m.

7
8
9 Respectfully Submitted,

10
11
12
13 Lisa Mackie, Township Clerk

14
15

CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN

**PLANNING COMMISSION NOTICE OF OPPORTUNITY TO COMMENT ON
OSHTEMO CHARTER TOWNSHIPS PROPOSED COMPREHENSIVE PLAN**

PLEASE TAKE NOTICE that the Oshtemo Charter Township Board approved the distribution of the proposed 2045 Comprehensive Plan for the Township on December 9, 2025.

PLEASE TAKE NOTICE that written comments on the proposed Comprehensive Plan may be submitted to the Planning Commission within sixty-three (63) days following the Township Board's approval for distribution, which occurred on December 9, 2025.

PLEASE TAKE NOTICE that the Planning Commission will hold a public hearing on the proposed Comprehensive Plan on March 12, 2026, commencing at 6:00 PM at the Oshtemo Charter Township Hall located at 7275 W. Main Kalamazoo, MI 49009.

PLEASE TAKE FURTHER NOTICE that the Planning Commission intends to distribute the Comprehensive Plan by electronic mail unless a request for a paper copy is submitted. Anyone requesting a paper copy of the Comprehensive Plan may contact the Planning Director, Jodi Stefforia, by phone at (269) 216-5232 or by email at jstefforia@oshtemo.org and may view the same in the Township website located at <https://www.oshtemo.org/Departments/Planning-Zoning-Department/Master-Land-Use-Plan>

Please direct comments to:

Jodi Stefforia – Planning Director
Planning Commission
Oshtemo Charter Township
7275 West Main Street
Kalamazoo, MI 49009
(269) 216-5232

By: Jodi Stefforia – Planning Director Oshtemo Charter Township Planning Commission

CHARTER TOWNSHIP OF KALAMAZOO

KALAMAZOO COUNTY, MI

ORDINANCE NO. _____

ADOPTED: _____

EFFECTIVE: _____

ZONING ORDINANCE TEXT AMENDMENT

The Charter Township of Kalamazoo Ordains:

SECTION 1

ADDITION OF ARTICLE 22 TO THE TOWNSHIP ZONING ORDINANCE

A new article 22 is hereby added to the Kalamazoo Township Zoning Ordinance, as amended, to read as follows:

“Section 22.01 Purpose

The purpose of the Residential Flexible Standards (RFS) Overlay District is to create appropriate property development standards to encourage new home construction on previously-existing substandard parcels in the R-1 Residential and the R-2 Residential Zoning Districts.

The Residential Flexible Standards (RFS) Overlay District is intended to promote the following: 1) Consistency with the Township’s Master Plan; 2) Development that can be conveniently, efficiently, and economically served by existing and planned utilities and services; 3) Design flexibility for smaller lots that results in added housing units than the number that could be achieved using conventional district regulations; 4) Preservation of neighborhood character; and 5) A mix of attractive and functional residential uses compatible with the nearby and surrounding residential uses. The RFS standards established for this district, would specifically to parcels meeting the criteria established in Section 22.02, hereby identified as “qualifying parcel” and supersedes the certain development standards enumerated in 22.03 herein, of the underlying zoning district classification in which the qualifying parcel is located.

Section 22.02 Overlay District Parameters and Applicability.

- A. Establishment of Overlay District.** There is hereby established a Residential Flexible Standards Overlay District on all properties in the R-1 “Single Family Residential” and R-2 “Single Two-Family Residential” District Zoning Classifications within the Township. Qualifying Parcels in this Overlay District shall be eligible for certain reductions in setbacks and lot coverage percentages overriding those standards contained in the underlying zoning district for the parcel.
- B. Parcel Eligibility Standards.** In order to be deemed a “qualifying parcel” that is eligible for the “flexible property development standards” established in Section 22.03 herein, a parcel must be:

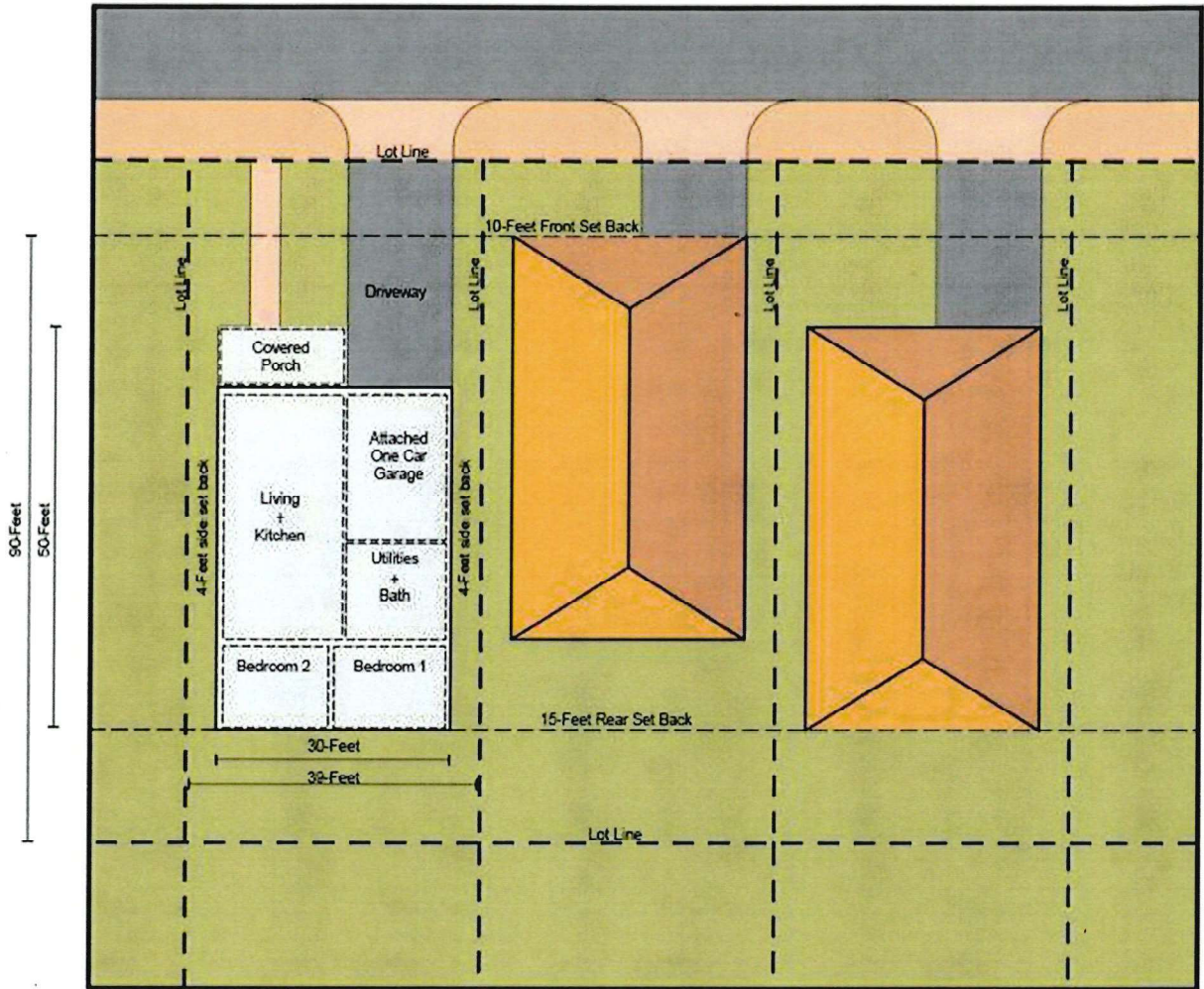
1. Presently existing at the time this overlay district is established.
 - A. New residential housing developments are not eligible.
 - B. Not created as a result of a split.
 - C. Not a merged parcel under Section 3.04C of this Ordinance.
2. Presently located in the R-1 "Single Family Residential" zoning district or the R-2 "Single and Two-Family Residential" zoning district.
 - A. Not created as a result of rezoning.
3. Have public water or public sewer or both available
4. Have one or more of the following characteristics:
 - 7500 square feet or less in area.
 - Less than 50 feet in width
 - Less than 100 feet in lineal parcel depth.
- Be less than 9,000 square feet in total area with an asymmetric shape with varying opposing lot lines with more than 15 feet of differential.

Section 22.03 Development Standards: The development standards shall apply to qualifying parcels and shall supersede only those specific standards that are modified by this Section.

1. Side Yard Setbacks: Minimum of 5 feet to any defined side yard, so long as all Building safety and Fire Code separations standards are met including, but not limited to, minimum spacing between structures and incorporation of fire-rated walls and windows, when necessary.
2. Rear Yard Setback: 20 feet or the average distance of the established rear yard setbacks of each of the two directly adjacent structures on the same side of the street, whichever is less.
3. Front Yard Setback: 20 feet or the average distance of the existing setbacks of directly adjacent structures, whichever is less.
4. Lot Coverage: Maximum of 60%.
5. Parking: There shall be not less than (1) dedicated on-site parking space per home that is built on a qualifying parcel. Each dedicated parking space shall be designed and constructed to meet the provisions of Section 4.01 B. 2.

Nothing in this Section shall be construed as to waive or modify any other requirement of this Ordinance or any other ordinance that is not specifically enumerated in this Section. The minimum dwelling square footage applicable in the zoning district shall be met. All constructed dwellings must meet the definition of "dwelling" as defined in this Zoning Ordinance and shall adhere to all building/residential codes and fire codes.

Illustrative example of new dwelling construction in Overlay Zone see following page:



Sample Site Plan"

SECTION 2
SEVERABILITY

If any part or provision of this Ordinance is deemed unconstitutional or otherwise of no force or affect, the elimination of that section shall not affect the others, which shall continue in effect.

SECTION 3
REPEAL & EFFECTIVE DATE

Conflicting Ordinance Provisions are repealed. This Ordinance is effective on the 8th day after publication, after adoption.

Charter Township of Kalamazoo
Kalamazoo County, Michigan
Lisa Mackie, Clerk

1720 Riverview Drive
Kalamazoo, MI 49001
269-381-8080
www.ktwp.org



Kalamazoo Charter Township
1720 Riverview Drive
Kalamazoo, MI 49007-4686
Telephone: (269) 381-8080
www.kalamazootownship.org

December 29, 2025

To: Planning Commissioners
From: Hillary Taylor, Kalamazoo Township Planning Consultant
Subject: Application material updates for 1320 Bixby Road

Greetings Planning Commissioner,

The applicant has provided additional information for the application for a Special Land Use Application for a group child care home. Please see the attached email and associated pictures.

During the meeting on December 4, 2025 the Planning Commission asked staff to research the following from the Michigan Zoning Enabling Act requirements:

4) For a county or township, a group child care home shall be issued a special use permit, conditional use permit, or other similar permit if the group child care home meets all of the following standards:

- (a) Is located not closer than 1,500 feet to any of the following:
 - (i) Another licensed group child care home.
 - (ii) An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
 - (iii) A facility offering substance use disorder services to 7 or more people that is licensed under part 62 of the public health code, 1978 PA 368, MCL 333.6230 to 333.6251.
 - (iv) A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the department of corrections.

Please see the attached map which shows the 1,500 foot radius around the proposed group child care home. Staff found that there is another licensed group child care home within 1,500 feet. Additionally, staff found that there is a juvenile detention center, or correction center located within 1,500 feet of the proposed group child care home. The Michigan Zoning Enabling Act does not stipulate what action should or should not be taken if these facilities are located within 1,500 feet. I spoke with Charnell Lennox, and area manager for the southwest of the Child Care Licensing facility of the State of Michigan. She stated that while zoning is required to obtain a child care license, she was aware of day care group homes being located on the same street.

If you have questions as to what must be done to establish compliance, contact planner@ktwp.org or call 269-381-8080.

Regards,

A handwritten signature in black ink, appearing to read "H. Taylor". The signature is fluid and cursive, with the first letter of each word being capitalized and larger than the others.

Hillary Taylor
Kalamazoo Township Planning Consultant

MICHIGAN ZONING ENABLING ACT (EXCERPT)
Act 110 of 2006

125.3206 Residential use of property; adult foster care facilities; family, group child care homes, or qualified residential treatment programs.

Sec. 206.

(1) Except as provided in subsection (2), each of the following is a residential use of property for the purposes of zoning and a permitted use in all residential zones and is not subject to a special use or conditional use permit or procedure different from those required for other dwellings of similar density in the same zone:

(a) A state licensed residential facility.

(b) A facility in use as described in section 3(4)(k) of the adult foster care facility licensing act, 1979 PA 218, MCL 400.703.

(c) A qualified residential treatment program that provides services for 10 or fewer individuals.

(2) Subsection (1) does not apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

(3) For a county or township, a family child care home is a residential use of property for the purposes of zoning and a permitted use in all residential zones and is not subject to a special use or conditional use permit or procedure different from those required for other dwellings of similar density in the same zone.

(4) For a county or township, a group child care home shall be issued a special use permit, conditional use permit, or other similar permit if the group child care home meets all of the following standards:

(a) Is located not closer than 1,500 feet to any of the following:

(i) Another licensed group child care home.

(ii) An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.

(iii) A facility offering substance use disorder services to 7 or more people that is licensed under part 62 of the public health code, 1978 PA 368, MCL 333.6230 to 333.6251.

(iv) A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the department of corrections.

(b) Has appropriate fencing for the safety of the children in the group child care home as determined by the local unit of government.

(c) Maintains the property consistent with the visible characteristics of the neighborhood.

(d) Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group child care home between the hours of 10 p.m. and 6 a.m.

(e) Meets regulations, if any, governing signs used by a group child care home to identify itself.

(f) Meets regulations, if any, requiring a group child care home operator to provide off-street parking accommodations for his or her employees.

(5) For a city or village, a group child care home may be issued a special use permit, conditional use permit, or other similar permit.

(6) A licensed or registered family or group child care home that operated before March 30, 1989 is not required to comply with this section.

(7) This section does not prohibit a local unit of government from inspecting a family or group child care home for the home's compliance with and enforcing the local unit of government's zoning ordinance. For a county or township, an ordinance shall not be more restrictive for a family or group child care home than 1973 PA 116, MCL 722.111 to 722.128.

(8) The establishment of any of the facilities listed under subsection (4)(a) after issuance of a special use permit, conditional use permit, or other similar permit pertaining to the group child care home does not affect renewal of that permit.

(9) This section does not prohibit a local unit of government from issuing a special use permit, conditional use permit, or other similar permit to a licensed group child care home that does not meet the standards listed under subsection (4).

(10) The distances required under subsection (4)(a) shall be measured along a road, street, or place maintained by this state or a local unit of government and generally open to the public as a matter of right for the purpose of vehicular traffic, not including an alley.

History: 2006, Act 110, Eff. July 1, 2006 ;-- Am. 2007, Act 219, Imd. Eff. Dec. 28, 2007 ;-- Am. 2018, Act 513, Eff. Mar. 28, 2019 ;-- Am. 2022, Act 206, Imd. Eff. Oct. 7, 2022

LICENSING RULES FOR FAMILY AND GROUP CHILD CARE HOMES

With Updates Effective December 13, 2019

**BUREAU OF
COMMUNITY AND HEALTH SYSTEMS
CHILD CARE LICENSING DIVISION**



www.michigan.gov/michildcare

INTRODUCTION

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS CHILD CARE LICENSING DIVISION

Licensing Rules for Family and Group Child Care Homes

This publication contains the administrative rules that govern family and group child care homes in the State of Michigan. These rules set forth the minimum standards for the care and protection of children attending Michigan's family and group child care homes.

(By authority conferred on the director of the department of licensing and regulatory affairs by section 2 of the child care organizations act, 1973 PA 116, as amended, MCL 722.112, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2004-4, and 2015-1, MCL 330.3101, 445.2001, 445.2011, 400.226, and 400.227)

R 400.1901, R 400.1902, R 400.1903, R 400.1905, R 400.1906, R 400.1907, R 400.1908, R 400.1909, R 400.1910, R 400.1911, R 400.1912, R 400.1913, R 400.1914, R 400.1915, R 400.1916, R 400.1917, R 400.1918, R 400.1919, R 400.1920, R 400.1921, R 400.1922, R 400.1923, R 400.1924, R 400.1931, R 400.1932, R 400.1933, R 400.1934, R 400.1935, R 400.1936, R 400.1941, R 400.1942, R 400.1943, R 400.1944, R 400.1945, R 400.1951, R 400.1952, R 400.1961, R 400.1962, and R 400.1963 of the Michigan Administrative Code are amended, R 400.1904 is rescinded, and R 400.1904a, R 400.1904b, R 400.1925, and R 400.1926 are added.

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A Staff/Child Ratio Rule

B Promulgation and Rules Comments, Process

C Contested Case Hearings

GENERAL LICENSING INFORMATION

According to 1973 PA 116, a license is issued to a specific person(s) for a specific address and is not transferable.

When changing from a family to a group home, the number of children in care may not be more than 6 until the group home license becomes effective.

If a provider is licensed as a group child care home but is caring for 6 or less children, the group child care home rules still apply.

Local municipalities have zoning ordinances that may apply to family and group child care homes. It is the applicant's responsibility to comply with local zoning ordinances.

If a child care provider has any questions about how to comply with the rules or how to improve the quality of care, technical assistance or consultation may be requested from a licensing consultant.

If a parent or guardian has reason to believe the family or group child care home in which he/she has placed his/her child is not complying with the appropriate rules, she/he should discuss it with the child care provider. If the provider does not make adequate corrections, the parent may file a complaint with the Department. The local licensing office can assist in this process.

No one person, agency or law can guarantee protection and a healthy, stimulating environment for Michigan's children in child care. We can, however, work together cooperatively as parents, providers, communities and government agencies to achieve this common goal.

LICENSING AND REGULATORY AFFAIRS
BUREAU OF COMMUNITY AND HEALTH SYSTEMS
LICENSING FAMILY AND GROUP CHILD CARE HOMES

Filed with the secretary of state on December 6, 2019
These rules take effect 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by section 2 of the child care organizations act, 1973 PA 116, as amended, MCL 722.112, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2004-4, and 2015-1, MCL 330.3101, 445.2001, 445.2011, 400.226, and 400.227)

R 400.1901, R 400.1902, R 400.1903, R 400.1905, R 400.1906, R 400.1907, R 400.1908, R 400.1909, R 400.1910, R 400.1911, R 400.1912, R 400.1913, R 400.1914, R 400.1915, R 400.1916, R 400.1917, R 400.1918, R 400.1919, R 400.1920, R 400.1921, R 400.1922, R 400.1923, R 400.1924, R 400.1931, R 400.1932, R 400.1933, R 400.1934, R 400.1935, R 400.1936, R 400.1941, R 400.1942, R 400.1943, R 400.1944, R 400.1945, R 400.1951, R 400.1952, R 400.1961, R 400.1962, and R 400.1963 of the Michigan Administrative Code are amended, R 400.1904 is rescinded, and R 400.1904a, R400.1904b, R 400.1925, and R 400.1926 are added, as follows:

R 400.1901 Definitions.

Rule 1. (1) As used in these rules:

- (a) "Act" means 1973 PA 116, MCL 722.111 to 722.128.
- (b) "Adult" means a person 18 years of age and older.
- (c) "Applicant" means an individual who applies for a license to operate a family or group child care home.
- (d) "Basement" means a story of a building or structure having ½ or more of its clear height below average grade for at least 50% of the perimeter.
- (e) "Child care assistant" means an individual who is 14 to 17 years of age, who participates in child care activities in a family or group child care home, and who shall not have unsupervised access to or provide unsupervised care or supervision of children.
- (f) "Child care background check system" means the database maintained by the department to document comprehensive background checks and eligibility determinations, pursuant to section 5n of the act, MCL 722.115n.
- (g) "Child care home" means a family child care home and a group child care home.
- (h) "Child care staff member" means that term as defined in section 1(a) of the act, MCL 722.111(a).
- (i) "Child passenger restraint device" means a device that is used to restrain, seat, or position a child weighing 65 pounds or less that meets the requirements of federal motor vehicle safety standard No. 213, child restraint systems, 49 CFR 571.213 (2019), which is hereby adopted by reference.
- (j) "Child-use space" means the rooms and floor levels of the home approved by the department for child care.
- (k) "Cleaned" means washed vigorously with soap and water and rinsed with clean water.
- (l) "Combustible" means materials that will ignite and burn when subjected to a fire or excessive heat.
- (m) "Comprehensive background check" means a department review of an individual as required in sections 5n and 5q of the act, MCL 722.115n and 722.115q.
- (n) "Conducive to the welfare of children" means that term as defined in section 5m(13)(b) of the act, MCL 722.115m(13)(b).
- (o) "Continuously employed child care staff member" and "continuously connected adult household member" means an individual who has not been disconnected for more than 180 days from the child care background check system and has continuously resided in Michigan for the immediately preceding 5-year period, as required in sections 5n(15) and 5n(16) of the act, MCL 722.115n(15) and 722.115n(16).

- (p) "Conviction" means that term as defined in section 1(i) of the act, MCL722.111(i).
- (q) "Criminal history check" means that term as defined in section 1(j) of the act, MCL 722.111(j).
- (r) "Department" means the department of licensing and regulatory affairs.
- (s) "Eligible" means that term as defined in section 1(m) of the act, MCL722.111(m).
- (t) "Family child care home" means that term as defined in section 1(o)(iii) of the act, MCL 722.111(o)(iii).
- (u) "Field trip" means children and personnel leaving the child care home premises for an excursion, trip, or program activity.
- (v) "Fire alarm" means a device that is used to alert all persons in the home of fire conditions. The device must be heard in all parts of the home that are approved for use by children.
- (w) "Foster child" means a person who resides in a foster home, who was placed in the foster home by a placing agent, who is not living with a parent or legal guardian, who is less than 18 years of age or becomes 18 years of age while residing in the foster home and continues to reside in the foster home as a dependent adult, and who is not related to an adult member of the foster family by blood, adoption, or marriage.
- (x) "Group child care home" means that term as defined in section 1(o)(iv) of the act, MCL 722.111(o)(iv).
- (y) "Heat detector" means a single or multiple station alarm responsive to heat.
- (z) "Ineligible" means that term as defined in section 1(n) of the act, MCL 722.111(n).
- (aa) "Licensee" means that term as defined in section 1(q) of the act, MCL 722.111(q).
- (bb) "Means of egress" means the exit route from any point in the home to the outside at ground level.
- (cc) "Member of the household" means that term as defined in section 1(s) of the act, MCL 722.111(s).
- (dd) "Minor" means a person less than 18 years of age.
- (ee) "MiRegistry" is the electronic data system for child care providers to verify and track employment, training, and educational accomplishments, which is maintained by the department of education. MiRegistry offers a statewide calendar of online and classroom training opportunities. MiRegistry can be accessed online at <http://www.miregistry.org>.
- (ff) "Nonprescription medication" means any over-the-counter medication that may be orally ingested or applied to the skin, including but not limited to: aspirin, acetaminophen, cold and flu medicines, mosquito repellants, antiseptics, ointments, powders, and diaper rash products.
- (gg) "Nighttime care" means child care provided between midnight to 5:00 a.m.
- (hh) "Parent" means a child's natural or adoptive parent who is legally responsible for the child or the child's legal guardian.
- (ii) "Permanently resides" means the address is the individual's primary residence and his or her presence in the home is not contingent upon caring for children.
- (jj) "Personnel" means a licensee, child care staff member, and child care assistant.
- (kk) "Premises" means the location of the child care home where the licensee and family reside and includes the attached yard, garage, basement, non-child use space, and any other outbuildings.
- (ll) "Related" means that term as defined in section 1(y) of the act, MCL 722.111(y).
- (mm) "Routine transportation" means regularly scheduled travel on the same day of the week, at the same time, to the same destination. Any deviation is non-routine transportation.
- (nn) "Safety belt" means an automobile lap belt or lap-shoulder belt combination designed to restrain and protect a passenger or driver of a vehicle from injury.
- (oo) "Sanitized" means to wipe or spray the surface with a sanitizing solution, let the surface air dry or wipe dry after two minutes, or according to the manufacturer's directions, with a single service towel.
- (pp) "Serious injury" means that term as defined in section 2b of 1973 PA 116, MCL 722.112b.
- (qq) "Smoke detector" means a device that detects visible or invisible particles of combustion.
- (rr) "Supervised volunteer" means an individual who is 16 years of age or older, provides services for a child care home that are not compensated, and who is supervised at all times when children are in care.
- (ss) "Transportation" means the taking of children by means of a vehicle to or from a family or group child care home and to and from all other activities planned by or through the family or group child care home.

(tt) "Unsupervised volunteer" means an individual who is 18 years of age or older, provides services for a child care home that are not compensated, and who has been determined eligible by the department to be unsupervised with children.

(uu) "Vehicle" means an automobile, truck, or van that transports persons upon a highway.

(vv) "Water activities" mean activities in residential pools, lakes, ponds, or other bodies of water. Water activities do not include water play activities such as water table play, slip and slide activities, wading pools, or playing in sprinklers.

(2) A term defined in the act has the same meaning when used in these rules.

History: 2005 AACCS; 2009 AACCS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1902 Applicant; licensee; requirements.

Rule 2. (1) An applicant and a licensee shall meet all of the following requirements:

(a) Be 18 years of age or older.

(b) Have a high school diploma, general educational development (GED) certificate, or approved training track and hours for child care home providers through MiRegistry.

(c) Permanently reside in the child care home as a member of the household.

(d) Have proof of certification in both of the following:

(i) Infant, child, and adult cardiopulmonary resuscitation (CPR).

(ii) First aid.

(e) Have documentation of completed training in both of the following:

(i) Recognition and reporting of child abuse and neglect.

(ii) Prevention and control of infectious disease, including immunizations.

(f) Attend an orientation provided by the department.

(2) An applicant or licensee shall be of responsible character and shall be suitable and able to meet the needs of children and provide for their care, supervision, and protection.

(3) All persons, including minors, residing in the child care home shall meet all of the following requirements:

(a) Be suitable to meet the needs of children.

(b) Be able to ensure that services and facilities are conducive to the welfare of children.

(c) Act in a manner that is conducive to the welfare of children.

(d) Demonstrate a willingness and ability to comply with the act and these rules.

(4) The applicant and licensee shall submit all required information and reports using the specified forms, which are available on the child care licensing division's website: www.michigan.gov/michildcare. These forms are also available at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, Child Care Licensing Division, 611 W Ottawa, Lansing, MI 48933- 1070.

History: 2005 AACCS; 2009 AACCS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1903 Licensee responsibilities.

Rule 3. (1) A licensee shall be responsible for all of the following:

(a) When the child care home is in operation, the licensee shall be present in the home on a daily basis and provide direct care and supervision for the majority of time children are in care, except for any of the following circumstances:

(i) Vacation or personal leave, which must not exceed 20 days within a calendar year. The 20 days of vacation or personal leave means the licensee is absent the entire day or at least 51% of the day when the child care home is operating. A licensee may have a short periodic absence from the home.

(ii) Medical treatment and subsequent recovery.

(b) The exceptions in subrule (1)(a) of this rule do not include other part-time or full-time employment that occurs during the hours of operation of the child care home.

- (c) Provide for a child care staff member, who has valid CPR and first aid certifications, to act on behalf of the licensee when the licensee is unable or unavailable to provide direct care.
- (d) Inform parents when a child care staff member is providing care in the absence of the licensee.
- (e) Maintain a record of the dates of licensee absences. These records must be maintained for a minimum of 4 years.
- (f) Post the current license in a conspicuous place within the child care home during the hours of operation.
- (g) Report to the department within, 3 business days, any changes in the household composition or when any new or existing member of the household or child care personnel has any of the following:
 - (i) An arrest.
 - (ii) A conviction.
 - (iii) An arraignment for an offense that if convicted would lead to that individual's ineligibility to be connected with a child care home.
 - (iv) Is being investigated by the state department of health and human services for an allegation of child abuse or neglect.
 - (v) Is under court supervised parole or probation.
 - (vi) Has been admitted to, or released from, a correctional facility.
 - (vii) Has been admitted to or released from a health facility or agency that was providing mental health or substance use disorder treatment services to the individual.
- (h) The report required in subdivision (g) of this subrule shall be made using the department's form named Notification of Changes in Status – Family and Group Child Care Homes, which is labeled BCAL-1485.
- (i) Notify personnel of their duty to report to the licensee any actions listed in this rule.
- (j) For any member of the household or personnel who has been treated on an inpatient or outpatient basis for an emotional, mental, or substance use disorder during the last 2 years, the licensee shall provide to the department a written statement verifying the individual's fitness to care for or be associated with children. This statement must be obtained from the medical or mental health professional who is directly involved in the individual's treatment plan or the administrator of the health facility or agency that provided services to the individual.
- (k) Immediately report to children's protective services any suspected child abuse or neglect and ensure compliance with the child protection law, 1975 PA 238, MCL 722.621 to 722.638.
- (l) Have a written policy and procedure for the screening and supervision of volunteers, if applicable, including volunteers who are parents of a child in care.
 - (2) The licensee shall ensure that a child is released only to persons authorized in writing by the parent.
 - (3) The licensee shall permit parents of enrolled children who are in attendance to visit the child at the child care home at any time during hours of operation, as required in section 3a of the act, MCL 722.113a.
 - (4) The licensee shall cooperate with the department in connection with an inspection or investigation, as required in section 10(1) of the act, MCL 722.120(1). Cooperation includes, but is not limited to, all of the following:
 - (a) Admit authorized members of the department into the approved child caring areas of the child care home and provide access to all records, individuals, and other materials necessary to determine compliance with the act and these rules.
 - (b) Allow the department to perform routine investigative functions during the course of an investigation, inspection, or examination. Routine investigative functions include, but are not limited to, both of the following:
 - (i) Interviewing potential witnesses, such as child care staff members, members of the household, and volunteers.
 - (ii) Taking photographs to assess and document the conditions of the child care home and its compliance with the act and these rules.
 - (c) Provide accurate and truthful information to the department, and encourage witnesses to provide accurate and truthful information to the department.
 - (5) The licensee shall ensure that all personnel, members of the household, and conduct themselves in a manner that is conducive to the welfare of children.
 - (6) The licensee shall have present at all times at least 1 person who can accurately comprehend all of the following information:
 - (a) The act, these rules, and any additional communications from the department.

- (b) Child information cards.
- (c) Written directions about a child's care.
- (d) Information about food, cleaning, and chemical labels that can impact a child's well-being.
- (e) Written medication directions for a child.
- (f) Information needed to effectively implement emergency procedures.
- (7) The licensee shall cooperate with the department by ensuring that all individuals requiring a comprehensive background check are entered into the child care background check system and processed for eligibility as required by sections 5n and 5q of the act, MCL 722.115n, 722.115q, and R 400.1925.
- (8) To comply with section 3c of the act, MCL 722.113c, a licensee shall have a policy and procedure on smoking and vaping that includes all of the following:
 - (a) Ensure that smoking and vaping do not occur in child-use space, on the premises of a child care home while children are in care, and in a vehicle when used to transport children who are in care.
 - (b) Conspicuously post on the premises a notice stating that smoking and vaping are prohibited on the premises during child care hours.
 - (c) Notify parents if smoking or vaping occurs in the child care home and on the premises when children are not in care.
- (9) Provide identifying information to the department on both of the following individuals who are associated with the child care license:
 - (a) Licensee.
 - (b) Adult household member.
- (10) The information required in subrule (9) of this rule shall be provided to the department on the department's form named Child Care Licensing Information Request, which is labeled BCHS CC-001.

History: 2005 AACCS; 2009 AACCS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1904 Rescinded.

History: 2005 AACCS; 2009 AACCS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1904a Child care staff member; employment requirements.

- Rule 4a. (1) An individual who is employed as a child care staff member in a child care home shall be 18 years of age or older, pursuant to section 1 of the act, MCL 722.111.
- (2) Before caring for children at a child care home, an individual shall provide the licensee with all of the following:
 - (a) A valid certification in infant, child, and adult CPR.
 - (b) A valid certification in first aid.
 - (c) Proof of training in the prevention of infectious disease, including immunizations. Hours of training in the prevention of infectious disease from MiRegistry will be allowed to count for training hours to meet this requirement.
- (3) Prior to contact with children, the individual shall be determined by the department to be eligible to serve as a child care staff member, pursuant to sections 5n and 5q of the act, MCL 722.115n, 722.115q, and as required by R 400.1925.
- (4) A child care staff member shall conduct himself or herself in a manner that is conducive to the welfare of children and be able to meet the needs of children and provide for their care, supervision, and protection.
- (5) A child care staff member may substitute for the licensee pursuant to R400.1903(1)(c).

History: 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1904b Child care assistant; requirements.

Rule 4b. (1) A child care assistant shall be 14 to 17 years of age.

(2) Prior to contact with children, the individual shall be determined by the department to be eligible to serve as a child care assistant, as required by R 400.1925.

(3) Within 90 days of hire, a child care assistant shall provide the licensee all of the following:

(a) A valid certification in infant, child, and adult CPR.

(b) A valid certification in first aid.

(c) Proof of training in the prevention of infectious disease, including immunizations. Hours of training in the prevention of infectious disease from MiRegistry will be allowed to count for training hours to meet this requirement.

(4) A child care assistant shall be supervised directly at all times by the licensee or a child care staff member who is present on site and can observe the child care assistant.

(5) A child care assistant shall conduct himself or herself in a manner that is conducive to the welfare of children.

(6) A child care assistant shall not substitute for the licensee or a child care staff member.

(7) A child care assistant shall not drive a vehicle that is transporting children.

(8) The licensee is responsible for the actions of a child care assistant who has contact with or access to children who are cared for in a child care home.

History: 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1905 Training.

Rule 5. (1) A licensee shall complete not less than 10 clock hours of training each calendar year related to child development, program planning, and administrative management for a child care business, not including CPR, first aid, and infectious disease, including immunizations, training.

(2) A child care staff member and a child care assistant shall complete not less than 5 clock hours of training each calendar year related to child development and caring for children, not including CPR, first aid, and infectious disease, including immunizations, training.

(3) A licensee shall ensure that child care staff members and child care assistants, prior to caring for children, have training that includes information on all of the following:

(a) Safe sleep practices to prevent sudden infant death syndrome.

(b) Recognition of and the reporting of child abuse and neglect.

(c) Prevention of shaken baby syndrome, abusive head trauma, and child maltreatment.

(4) Within 90 days after receiving a child care license or of being hired at a child care home, a licensee, a child care staff member, and a child care assistant shall complete training on all of the following topics:

(a) Child development.

(b) Administration of medication.

(c) Prevention of and response to emergencies due to food and allergic reactions.

(d) Handling and storage of hazardous materials and the appropriate disposal of bio-contaminants.

(e) Precautions in transporting children.

(f) Building and physical premises safety.

(g) All hazards emergency preparedness and response planning.

(5) Training hours may include completion of any of the following:

(a) Sessions offered by community groups, faith-based organizations, and child care home associations.

(b) Trainings, workshops, seminars, and conferences on early childhood, child development, or child care administration offered by early childhood organizations.

(c) Workshops and courses offered by local or intermediate school districts, colleges, and universities.

(d) Online courses.

(e) Training and courses offered through MiRegistry.

(6) Completion of the required training must be verified by a document, signed by the trainer or an authorized individual, which must be kept on file or available online at MiRegistry.

(7) CPR and first aid training certification must be maintained according to the expiration dates on the individual's certification cards.

(8) The department may require additional training for violations based on the act or these rules. The additional training may include, but is not limited to, the safe sleep training available on MiRegistry or attending another orientation session conducted by the department.

(9) When the department of licensing and regulatory affairs or the department of education publishes a notice that a new health and safety update document or a new health and safety update training activity has been published on MiRegistry, the licensee shall ensure that all personnel read and acknowledge the document or complete the activity within 6 months of the notice.

History: 2005 AACCS; 2009 AACCS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1906 Records of a licensee; child care staff member; child care assistant.

Rule 6. (1) A licensee shall maintain a file for each child care staff member and each child care assistant that includes all of the following:

(a) The individual's first and last name, address, telephone number, and date of hire.

(b) Daily records detailing arrival times and departure times at the child care home.

(c) A statement signed by a licensed physician or his or her designee that attests to the individual's mental and physical health., and which must be updated as follows:

(i) For an applicant or licensee, within 1 year before issuance of the initial license and at the time of subsequent renewals.

(ii) For a child care staff member and a child care assistant, within 1 year prior to caring for children and at the time of subsequent renewals of the child care home's license.

(d) Other physician attestations and records as required in R 400.1919.

(e) Training records, as defined in R 400.1905(5), which may also be viewed online at MiRegistry during an on-site inspection.

(f) A completed and signed Michigan Child Care Background Check Consent and Disclosure form as required in R 400.1925.

(g) A written statement, signed and dated by the child care staff member or child care assistant at the time of hiring, indicating all of the following information:

(i) The individual is aware that abuse and neglect of children is unlawful.

(ii) The individual knows that he or she is mandated by law to report child abuse and neglect.

(iii) The individual has received a copy of the licensee's discipline policy.

(2) The records in this rule must be retained for the duration of the individual's employment and a minimum of 4 years after the individual has left the employment of the licensee.

History: 2005 AACCS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1907 Child's record.

Rule 7. (1) Prior to a child's initial attendance, a licensee shall obtain the following documents:

(a) A completed child information card on a form provided by the department or a comparable substitute approved by the department.

(b) A child in care statement or receipt using a form provided by the department and signed by the parent certifying all of the following:

(i) Receipt of a written disciplinary policy.

(ii) Condition of the child's health.

(iii) Acknowledgement that the parent has been offered either a copy of the licensing rules for a child care home or has been given the website for an electronic copy of these rules.

(iv) Agreement as to who will provide food for the child.

(v) Acknowledgement that firearms are on the premises, if applicable.

(vi) If the child care home was built prior to 1978, then the licensee shall inform the parents of each child in care and all personnel of the potential presence of lead-based paint or lead dust hazards, unless the licensee maintains documentation from a lead testing professional that the home is lead safe.

(c) Documentation that immunizations and boosters, as recommended by the state department of health and human services, are any of the following:

(i) Have been completed.

(ii) Are in progress.

(iii) Are not being administered due to religious, medical, or other reasons based on a waiver signed by the parent.

(d) If a parent objects to emergency medical treatment on religious grounds, the parent shall provide a signed statement that he or she assumes responsibility for all emergency care.

(2) Records in subrule (1) of this rule must be reviewed and updated annually or when information changes.

(3) Dated daily attendance records of children in care must be maintained and include the child's first and last name and the time of arrival and departure. Electronic records may be used. If electronic records are used, they must be available to the department at the time of the inspection. If electronic attendance records are not available during an on-site inspection, the child care home is in violation of this rule.

(4) Children's records required by the department must be immediately accessible and stored in a location known to all personnel.

(5) The records in this rule must be retained for a minimum of 4 years from the date a child is no longer being cared for in the child care home.

History: 2005 AACCS; 2009 AACCS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1908 Capacity.

Rule 8. (1) The licensee shall ensure that the actual number of unrelated children in care at any 1 time does not exceed the number of children for which the child care home is licensed, not more than 6 children for a family child care home and not more than 12 children for a group child care home.

(2) This rule is not subject to the variance specified in R 400.1963.

History: 2005 AACCS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1909 Concurrent licensing.

Rule 9. (1) A licensee who is concurrently licensed as a children's foster home provider shall so inform the parents of the children in care.

(2) A licensee who provides care for both child care and foster care children shall not care for more than 12 children, including all of the following:

(a) Children who are under 17 years of age and who are related to the licensee by blood, marriage, adoption, or legal guardianship.

(b) The capacity of foster children identified on the foster care license.

(c) All other children who are cared for on a part-time or full-time basis.

(3) A licensee shall notify the department when applying for a foster care license.

(4) The department has the right to refuse concurrent licensing for child care if the health and safety of child care children could be at risk.

History: 2005 AACCS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1910 Ratio of personnel to children.

Rule 10. (1) The ratio of personnel to children present in the home at any 1 time must be not less than 1 member of the personnel to 6 children. The ratio must include all children in care who are not related to any personnel and any of the following children who are less than 6 years of age:

(a) Children of the licensee.

- (b) Children of a child care staff member or child care assistant.
- (c) Children related to any member of the household by blood, marriage, or adoption.
- (2) For each member of the personnel, not more than 4 children shall be under the age of 30 months, with not more than 2 of the 4 children under the age of 18 months.

History: 2005 AACCS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1911 Care; supervision; children.

- Rule 11. (1) A licensee shall ensure appropriate care and supervision of children at all times.
- (2) A licensee or a child care staff member shall be present in the home at all times when children are in care.
 - (3) A licensee and child care staff members shall be up and awake at all times when children are in care, except as provided in R 400.1922(2) of these rules.
 - (4) A licensee and child care staff members shall know the location of each child at all times.
 - (5) A licensee and child care staff members shall never leave a child unattended or with a minor in a vehicle.
 - (6) A licensee or child care staff member shall at all times directly supervise children who are engaged in water activities or are near collections or bodies of water.

History: 2005 AACCS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1912 Infant; child; resting; sleeping; supervision.

- Rule 12. (1) Infants, birth to 12 months of age, shall be placed on their backs for resting and sleeping.
- (2) Infants unable to roll from their stomachs to their backs, and from their backs to their stomachs, shall be placed on their backs when found in any other position.
 - (3) When infants can easily turn over from their stomachs to their backs and from their backs to their stomachs, they shall be initially placed on their backs, but allowed to adopt whatever position they prefer for sleeping.
 - (4) If a child has a health issue or a special need that requires the child sleep in an alternate position or in something other than a crib, porta-crib, or play yard for infants and toddlers, or cot or mat for toddlers, documentation from the child's health care provider is required. The documentation must include specific sleeping instructions and time frames for how long the child needs to sleep in this manner and include an anticipated end date.
 - (5) Personnel shall maintain supervision and monitor infants' breathing, sleep position, bedding, and possible signs of distress, except as provided in R 400.1922.
 - (6) Video surveillance equipment and baby monitors must not be used in place of subrule (5) of this rule.

History: 2005 AACCS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1913 Discipline; child handling.

- Rule 13. (1) A licensee shall develop and have on file a written policy regarding the discipline of children.
- (2) Developmentally appropriate positive methods of discipline that encourage self control, self-direction, self-esteem, and cooperation must be used.
 - (3) Personnel shall not do any of the following:
 - (a) Hit, spank, shake, bite, pinch, or inflict other forms of corporal punishment.
 - (b) Use any substance in a child's mouth such as, but not limited to, soap, hot sauce, or vinegar.
 - (c) Restrict a child's movement by binding or tying him or her.
 - (d) Inflict mental or emotional stress, such as humiliating, shaming, threatening a child, or using derogatory remarks.
 - (e) Deprive a child of meals, snacks, rest, or necessary toilet use.
 - (f) Confine a child in an enclosed area such as a closet, locked room, box, or similar enclosure.
 - (g) Use time out for children under 3 years old.

- (4) Reasonably appropriate discipline or restraint may be used to prevent a child from harming himself or herself, or to prevent a child from harming other persons or property, or to allow a child to gain control of himself or herself excluding those forms of punishment prohibited by subrule (3) of this rule.
- (5) This rule is not subject to the variance specified in R 400.1963.

History: 2005 AACCS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1914 Daily activity program.

Rule 14. (1) Personnel shall engage in positive interactions with children. For infants and toddlers, interactions may include, but are not limited to, all of the following:

- (a) Nurturing contact, such as talking to, holding, rocking, cuddling, and giving eye contact throughout the day and during daily routines such as feeding and diapering.
- (b) Promptly responding to a child's cries and other signs of distress.
- (2) A licensee shall plan daily activities so that each child may do any of the following:
- (a) Develop and use language.
- (b) Develop and use large and small muscles.
- (c) Use materials and take part in activities that encourage creativity.
- (d) Learn new ideas and skills.
- (e) Participate in imaginative play.
- (f) Rest, sleep, or both.
- (3) All of the following developmentally appropriate opportunities must be provided daily:
- (a) A balance of active and quiet play, group and individual activities.
- (b) Indoor and outdoor play, except during inclement or extreme weather, or unless otherwise ordered by a health care provider.
- (c) Early language and literacy experiences throughout the day accumulating for not less than 30 minutes.
- (d) Early math and science experiences.
- (4) Television, video tapes, movies, electronic devices, and computers must be limited to not more than 2 hours per day and to programs designed for children's education, enjoyment, or both. Other activities must be available to children during television and movie viewing.
- (5) Programs and movies with violent or adult content, including soap operas, must not be permitted in child-use space while children are in care.
- (6) The use of television, video tapes, movies, electronic devices, and computers by children in care must be suitable to the age of the child in terms of content and length of use.
- (7) For children with special needs, a licensee shall work with the parents, medical personnel, or other relevant professionals to provide care in accordance with the child's identified needs and learning supports.

History: 2005 AACCS; 2009 AACCS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1915 Indoor space; play equipment and materials.

Rule 15. (1) A child care home shall provide not less than 35 square feet per child of safe, usable, accessible indoor floor space, not including bathrooms and storage areas.

- (2) Only space that has received prior approval for child use by the department may be used for child care.
- (3) A variety of easily accessible activity choices must be available to a child that are safe and appropriate for a child at his or her stage of development. The number of choices must be based on the number of children who are permitted to attend the licensed child care home. All of the following apply to activity choices available:
- (a) Materials may include, but are not limited to, any of the following:
- (i) Books.
- (ii) Art supplies.
- (iii) Blocks and accessories.
- (iv) Large muscle equipment.

- (v) Manipulative toys.
- (vi) Musical equipment.
- (vii) Dramatic play materials.
- (b) All materials and equipment must be kept clean, free of hazards, and in good repair.
- (c) Toys and other play equipment soiled by secretion or excretion must be cleaned with soap and water, rinsed, and sanitized before being used by a child.
- (4) A licensee shall not use any equipment, materials, or furnishings recalled or identified by the U.S. Consumer Product Safety Commission as being hazardous. These products are identified on the commission's website at <http://www.cpsc.gov>.
- (5) As required by section 15 of the children's product safety act, 2000 PA 219, MCL 722.1065, a licensee shall conspicuously post in the child care home an updated copy of the list of recalled or unsafe children's products that is provided by the department through its Michigan Child Care Matters (MCCM) online newsletter and available at the department's website www.michigan.gov/mccmatters.
- (6) All children shall be protected from materials that could be swallowed or present a choking hazard. Toys or objects with removable parts less than 1 ¼ inches in diameter and less than 2 ¼ inches in length, as well as balls smaller than 1 ¾ inches in diameter are prohibited for children under 3 years of age.
- (7) Trampolines and bounce houses must not be used indoors by children in care.

History: 2005 AACs; 2009 AACs; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1916 Bedding and sleeping equipment.

- Rule 16. (1) All bedding and sleeping equipment must be in accordance with U.S. Consumer Product Safety Commission standards as approved for the age of the child using the equipment and must be clean, comfortable, safe, and in good repair. The standards are available at <http://www.cpsc.gov>.
- (2) All bedding and sleeping equipment must be cleaned before being used by another child.
 - (3) All bedding used by children must be washed when soiled and weekly at a minimum.
 - (4) All cribs, play yards, or porta-cribs must be equipped with a firm, tight-fitting mattress with a waterproof, washable covering, as recommended and approved by the U.S. Consumer Product Safety Commission.
 - (5) Play yard mattresses must be purchased from the manufacturer of the play yard and be manufactured after February 19, 2014. Play yards must meet the Consumer Product Safety Commission safety standards for play yards, 16 CFR part 1221 (2019). Licensees shall comply with this subrule by December 31, 2019. These standards are available at <http://www.cpsc.gov>. They are also available for inspection and distribution at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, Child Care Licensing Division, 611 W Ottawa, Lansing, MI 48933-1070.
 - (6) Infants, birth to 12 months of age, shall rest or sleep alone in an approved crib, play yard, or porta-crib. This equipment must meet all of the following requirements:
 - (a) Cribs, porta-cribs and play yards must comply with the product safety standards issued by the Consumer Product Safety Commission, 16 CFR 1219 (2019), 16 CFR 1220 (2019), and 16 CFR 1221 (2019), which are available at <http://www.cpsc.gov>. These standards are also available for inspection and distribution at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, Child Care Licensing Division, 611 W Ottawa, Lansing, MI 48933-1070.
 - (b) A tightly fitted or snug bottom sheet must cover the crib or porta-crib mattress with no additional padding placed between the sheet and the mattress.
 - (c) Stacking cribs must not be used.
 - (7) An infant's head shall remain uncovered during sleep.
 - (8) Soft objects, bumper pads, stuffed toys, blankets, quilts or comforters, pillows, and other objects that could smother an infant must not be placed with, under, or within reach of a resting or sleeping infant.
 - (9) An infant who is less than 2 months of age may be swaddled with a sleeping sack swaddle attachment.
 - (10) If an infant who is older than 2 months of age has a health issue or special need that requires the child to use a sleeping sack swaddle attachment, documentation of this health issue or special need from the child's health care

provider is required. This documentation must include specific sleeping instructions and time frames for how long the child needs to sleep in this manner, including an end date.

(11) Blankets must not be draped over cribs, porta-cribs, or play yards while they are in use.

(12) Children 12 to 24 months of age shall rest or sleep alone in an approved crib, porta-crib, play yard, or on a cot or mat sufficient for the child's length, size, and movement.

(13) None of the following are approved sleeping equipment for children 24 months of age or younger:

(a) Infant car seats.

(b) Infant seats.

(c) Infant swings.

(d) Bassinets.

(e) High chairs.

(f) Water beds.

(g) Adult beds.

(h) Soft mattresses.

(i) Sofas.

(j) Bean bags.

(k) Other soft surfaces.

(14) Children 24 months of age or younger who fall asleep in a space that is not approved for sleeping shall be moved to approved sleeping equipment appropriate for their size and age.

(15) Children over 24 months of age shall have an individual, age appropriate, clean, comfortable, and safe place to sleep or rest. The floor may be used only when padded, warm, and free from drafts and when there is a mat, sleeping bag, blanket, or similar piece of bedding between the floor and the child.

History: 2005 AACS; 2009 AACS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1917 Telephone.

Rule 17. (1) Personnel shall have immediate access to an operable telephone within the child care home at all times.

(2) The telephone number must be made available to the department, personnel, and parents.

(3) The licensee shall inform the department, personnel, and parents of any change in telephone number.

History: 2005 AACS; 2009 AACS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1918 Medication; administration; procedures.

Rule 18. (1) Medication, prescription or nonprescription, must be given to a child in care by a licensee or a child care staff member only. A child care assistant shall not give medication to a child in care.

(2) Medication, prescription or nonprescription, must be given or applied only with prior written permission from a parent.

(3) All medication must be in the original container, stored according to instructions, and clearly labeled for a named child.

(4) Prescription medication must have the pharmacy label indicating the physician's name, child's first and last name, instructions, and name and strength of the medication, and must be given in accordance with those instructions.

(5) All medication must be kept out of the reach of children and returned to the child's parent when he or she determines it is no longer needed or when it has expired.

(6) A licensee or child care staff member shall give or apply prescription or nonprescription medication according to the directions on the original container unless otherwise authorized by a written order of the child's physician.

(7) A record of the date, time, and the amount of all medication given or applied must be maintained on a form provided by the department or a comparable substitute approved by the department.

(8) Topical nonprescription medication, including but not limited to sunscreen, insect repellent, and diaper rash ointment, is exempt from subrules (1) and (7) of this rule.

(9) The records required in this rule must be retained for a minimum of 4 years.

History: 2005 AACCS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1919 Communicable disease; immunization; mental and physical health; physician attestation; tuberculosis.

Rule 19. (1) An applicant shall obtain a written statement, signed by a licensed physician or his or her designee within 1 year before issuance of the initial license, that attests to the applicant's mental and physical health. The attestation must be renewed at the time of subsequent license renewals.

(2) A licensee shall obtain from a child care staff member and a child care assistant a written statement, signed by a licensed physician or his or her designee within 1 year prior to caring for children, that attests to the child care staff member's or child care assistant's mental and physical health. The attestation must be renewed at the time of subsequent renewals of the child care home's license.

(3) An applicant, licensee, child care staff member, child care assistant, and a member of the household who is age 14 or older shall provide written evidence of freedom from communicable tuberculosis (TB) prior to caring for children or living in the child care home.

(4) An individual who lives in a child care home or who cares for children in a child care home, who has a suspected or confirmed case of a communicable disease, shall not come into contact with children in the home's care. Communicable disease includes, but is not limited to, any of the following:

- (a) Tuberculosis.
- (b) Influenza.
- (c) Measles.
- (d) Whooping cough.
- (e) Strep throat.
- (f) Scarlet fever.
- (g) Chicken pox.

(5) If immunizations, as recommended by the state department of health and human services, have not been given or completed for all minors who live in the child care home, then the licensee shall inform the parent of each child in care at the home and all personnel.

(6) The documents required in this rule must be retained by the licensee for a minimum of 4 years from the date the individual no longer resides in or cares for children in the child care home.

History: 2005 AACCS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1920 Outdoor play area and equipment.

Rule 20. (1) A child care home shall provide a clean, safe, and hazard free outdoor play area, on the premises or within a reasonable walking distance of the home.

(2) The play area size must be 1 of the following:

- (a) Not less than 400 square feet for a family child care home.
- (b) Not less than 600 square feet for a group child care home.

(3) A licensee shall provide an adequate and varied supply of outdoor play equipment, materials, and furniture, that is all of the following:

- (a) Appropriate to the developmental needs and interests of children.
- (b) Appropriate to the number of children.
- (c) Safe and in good repair.

(4) The outdoor play area and equipment must be organized to meet all of the following requirements:

- (a) To separate active and quiet activities.
- (b) For a clear and unobstructed view of the whole play area.

- (c) To ensure that there are safe distances between equipment.
- (5) When swings, climbers, slides, and other similar play equipment with a designated play surface above 30 inches are used, they must:
 - (a) Not be placed over concrete, asphalt, or a similar surface, such as hard-packed dirt or grass.
 - (b) Be safe, in good repair, and age-appropriate.
 - (c) Be placed at least 6 feet from the perimeter of other play structures or obstacles.
 - (6) Trampolines must not be used outdoors by children in care.
 - (7) Bounce houses are permissible outdoors with direct supervision by a licensee or child care staff member, and pursuant to the manufacturer's recommendations.
 - (8) Children in care shall not be permitted to ride all-terrain vehicles, motor bikes, go-carts, recreational, or other motorized vehicles.

History: 2005 AACS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1921 Water hazards; water activities.

- Rule 21. (1) A licensee shall ensure that barriers exist to prevent children from gaining access to any swimming pool, drainage ditch, well, natural or constructed pond, or other body of open water located on or adjacent to the property where the child care home is located. These barriers must be a minimum of 4 feet in height and appropriately secured to prevent children from gaining access to such areas.
- (2) A hot tub or spa pool must not be used when children are in care.
 - (3) A hot tub or spa pool, whether indoors or outdoors, must be made inaccessible to children in care by the use of a locked hard cover.
 - (4) A wading pool may be used when all of the following requirements are met:
 - (a) It is clean and free of debris.
 - (b) It is emptied and cleaned after each play period or immediately when it becomes dirty or contaminated.
 - (c) It remains empty at all times when not in use.
 - (5) Before use of a residential pool or any other body of water by children in care, a licensee shall ensure that the water is clean, safe, and sanitary, and that the children will be appropriately and adequately supervised.
 - (6) Public swimming areas may be used only if a lifeguard is present.
 - (7) If there are 2 groups of children, 1 group in the water and 1 group out of the water, then the personnel to child ratios, as required in R 400.1910, must be maintained for each group, with the exception that the personnel to child ratio for children under 3 years of age who are in the water must be 1-to-1 at all times.
 - (8) Rescue equipment must be readily accessible at all times.
 - (9) A working telephone must be immediately accessible in the water activity area.
 - (10) A licensee shall obtain and keep on file written permission from a child's parent for the child's participation in either of the following:
 - (a) Before each outdoor water activity at a swimming pool, lake, or other body of water off the child care home premises.
 - (b) Once per season for water activities occurring on the child care home premises.
 - (11) The emergency plan in R 400.1945 must include procedures for water emergencies.

History: 2005 AACS; 2009 AACS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1922 Nighttime care.

- Rule 22. (1) In a home where children are in care between the hours of midnight and 5 a.m., not more than 2 adjoining floor levels may be used at any 1 time to sleep children.
- (2) If child care staff members and children in care are sleeping, then at least 1 child care staff member shall be on the same floor level as the sleeping children.
- (3) Homes shall not use a third or higher floor as a resting or sleeping area for children in care unless there are 2 stairways to ground level.
- (4) If nighttime care is provided, then children shall sleep in age appropriate cribs and beds. Port-a-cribs and play yards are not allowed for nighttime care.

History: 2005 AACCS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1923 Diapering and toilet learning.

- Rule 23. (1) Diapering of infants and toddlers shall only occur in a designated changing area.
- (2) The designated changing area must comply with all of the following:
- (a) Be used exclusively for changing wet or soiled diapers or underwear.
 - (b) Be located away from food preparation and meal service areas.
 - (c) Have access to a hand washing sink that is not used for food preparation.
 - (d) Have a nonabsorbent, easily sanitized surface with a changing pad between the child and the surface.
 - (e) Be cleaned and sanitized after each use.
 - (f) Have diapering and changing supplies within easy reach.
 - (g) Have a plastic-lined, tightly covered container that is used exclusively for disposable diapers and diapering supplies that must be emptied and sanitized at the end of each day.
- (3) Diapers or training pants must be changed when wet or soiled.
- (4) Only single use disposable wipes or other single use cleaning cloths must be used to clean a child during the diapering or toileting process.
- (5) All of the following requirements apply when cloth diapers or training pants are used:
- (a) Each cloth diaper must be covered with an outer waterproof covering. Outer coverings must be removed as a singular unit with wet or soiled diapers or training pants.
 - (b) Diapers, training pants, and outer coverings must not be reused until machine washed and sanitized.
 - (c) No rinsing of the contents may occur at the child care home.
 - (d) Soiled diapers must be placed in a plastic-lined, covered container used only for that child's soiled diapers.
 - (e) Soiled diapers or training pants must be stored and handled in a manner that will not contaminate any other items and must not be accessible to children.
 - (f) A child's parent shall remove soiled diapers or training pants from the child care home every day.
 - (g) A child's supply of clean diapers or training pants must be used only for that child.
- (6) Toilet learning must be planned cooperatively between the parent and the licensee so the toilet routine established is consistent.
- (7) If toilet learning equipment such as potty chairs and modified toilet seats, are used, then both of the following apply:
- (a) They must be able to be easily cleaned and sanitized.
 - (b) Potty chairs must be emptied, rinsed, and sanitized after each use.
- (8) If disposable gloves are used, then they must only be used once for a specific child and must be removed and disposed of in a safe and sanitary manner immediately after each diaper change.

History: 2005 AACCS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1924 Hand washing.

Rule 24. (1) All personnel shall wash their hands appropriately and in the following manner:

(a) Before and after all of the following:

(i) Preparing and serving food, eating, and feeding.

(ii) Giving medication.

(b) After all of the following:

(i) Diapering.

(ii) Using the toilet or helping a child use the toilet.

(iii) Handling bodily fluids, such as mucus, blood, vomit, from sneezing, wiping, and blowing noses, from mouths, or from sores.

(iv) Handling animals and pets.

(v) Cleaning or handling garbage.

(2) Personnel shall ensure that children wash their hands at all of the following times:

(a) Before and after meals, snacks, or food preparation experiences.

(b) After toileting or diapering.

(c) After contact with any bodily fluids.

(d) After playing in sand or water.

(e) After handling animals and pets.

(f) When soiled.

(3) Hand sanitizers and wipes may be used as a temporary measure during outings, such as field trips and outdoor activities, until soap and running water are available.

(4) When an infant is too heavy to hold for handwashing, cannot stand safely to wash hands at a sink, is not developmentally ready to hold head, and for children with special needs who are not capable of washing their own hands, staff may wash the child's hands with non-toxic disposable wipes.

History: 2005 AACCS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1925 Comprehensive background check; fingerprinting.

Rule 25. (1) Pursuant to sections 5n and 5q of the act, MCL 722.115n and 722.115q, prior to an individual having any unsupervised contact with children, the department shall determine the individual's eligibility to be any of the following:

(a) A licensee.

(b) An adult member of the household.

(c) A child care assistant.

(d) A child care staff member.

(e) An unsupervised volunteer.

(2) An applicant or licensee shall do all of the following:

(a) Ensure that each individual who requires an eligibility determination pursuant to subrule (1) of this rule completes, signs, and submits all of the information required in subrule (5) of this rule, and in subrule (6) of this rule if applicable, on a form prescribed by the department. The forms are available on the department's website for the child care background check system, www.michigan.gov/ccbc. The form(s) must be signed and dated prior to the individual's appointment to be fingerprinted.

(b) Maintain a copy of the completed and signed form(s) for each individual entered into the child care background check system under the license.

(c) Provide to the department, upon request, a copy of the individual's completed and signed form(s).

(d) Establish and activate an account and accurately enroll each individual listed in subrule (1) in the child care background check system.

(e) Within the department's child care background check system, accurately complete and maintain the connection, disconnection, or withdrawn status of each individual associated with the license.

- (f) Immediately disconnect each individual from the system once he or she is no longer a licensee, adult member of the household, child care assistant, child care staff member, or an unsupervised volunteer under the license.
- (3) An individual may serve as a child care staff member pending an eligibility determination by the department, in accordance with section 5n(8) of the act, MCL 722.115n(8), and shall be supervised at all times by the licensee or a child care staff member who has been determined eligible.
- (4) For an individual who is determined ineligible by the department, a licensee shall immediately do all of the following:
- (a) Prohibit the individual from being on the premises of the child care home.
 - (b) Prohibit the individual from having any contact with children in care.
 - (c) Disconnect the individual from the child care background check system.
- (5) An individual who requires a comprehensive background check pursuant to sections 5n and 5q of the act, MCL 722.115n and 722.115q, shall submit to the department, on a form prescribed by the department, all personally identifiable information necessary to conduct the comprehensive background check, including all of the following:
- (a) Full legal name.
 - (b) All other names used in the past, including any maiden name or alias, the approximate date the other name was used, and the reason for the name change.
 - (c) Suffix, if applicable.
 - (d) Social Security number.
 - (e) Date of birth.
 - (f) Place of birth.
 - (g) Country of citizenship.
 - (h) Height.
 - (i) Weight.
 - (j) Hair color.
 - (k) Eye color.
 - (l) Sex.
 - (m) Race.
 - (n) Current address.
 - (o) If the individual resided outside the state of Michigan during the last 5 years, then provide each of those addresses.
 - (p) Driver's license identification number and state issuing the license or a state identification number and state issuing it, if available.
 - (q) Phone number.
 - (r) Email address, if available.
 - (s) Any other information deemed reasonably necessary by the department to determine the eligibility of the individual based on a name-based registry match.
- (6) The department shall maintain the confidentiality of all personally identifiable information submitted pursuant to this rule to the extent permitted by law.

History: 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1926 Conducive to the welfare of children.

Rule 26. (1) In carrying-out its duties under section 5m of the act, MCL 722.115m, to determine whether or not a service, facility, applicant, licensee, child care staff member, child care assistant, or member of the household is conducive to the welfare of preschool or school-age children, the department shall deem any of the following behaviors as not conducive to the welfare of children: possession or use of alcohol, tobacco products, marihuana and, except as provided in subrule (2) of this rule, any controlled substance in a child-use area, or on the premises of a child care home while children are in care.

(2) The exception to subrule (1) of this rule is the possession or use of a controlled substance outside of child-use space that is prescribed to the individual, and which does not impair the individual's ability to supervise, care, and protect children, and the medication is stored in a secure manner that is not accessible to children.

History: 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1931 Food preparation and service.

Rule 31. (1) A licensee shall ensure that all of the following requirements are met:

(a) Each child shall be provided with nutritional and sufficient food pursuant to the minimum meal requirements of the child care food program, as administered by the Michigan department of education. These minimum meal requirements are based on the dietary guidelines for Americans made by the National Academy of Medicine, which are available at <https://www.fns.usda.gov/cacfp/meals-and-snacks>. This subrule does not apply to children whose parents provide their food.

(b) Children shall be offered food at intervals as individually appropriate, but not to exceed more than 4 hours unless the child is asleep.

(c) Drinking water must be available at all times.

(2) A licensee shall ensure that food is prepared, served, and stored in a safe and sanitary manner by meeting all of the following requirements:

(a) Food served to children individually or family style must be discarded at the end of the meal if not eaten.

(b) Prepared food that has not been served to individuals or placed in family-style containers must be properly cooled, if applicable, then promptly covered and stored appropriately.

(c) Children under 3 years of age shall not be served or allowed to eat foods that could easily cause choking including, but not limited to, popcorn and uncut round foods such as grapes, seeds, nuts, hard candy, and hot dogs.

(3) If a parent has agreed to provide the food, then the licensee shall have a written agreement with the parent and shall be responsible for providing adequate food if the parent does not.

(4) Food brought by parents must be labeled with the child's first and last name and, if perishable, be refrigerated, and be fed only to the child for whom the item is labeled.

(5) A licensee shall inform parents if home canned foods are served.

(6) Unpasteurized products must not be used.

(7) Children shall be encouraged to taste new foods, but shall not be required to eat anything they do not want.

(8) Bottles used for feeding must be labeled with the child's first and last name and date, refrigerated, and served only to the child on the label.

(9) Warming bottles and beverage containers in a microwave oven or a slow cooker is prohibited.

(10) Bottle warmers must be placed where children cannot access them or reach the cords for the warmers.

(11) Bottle warmers must be shut off when not in use.

(12) The contents of a bottle that has been used for feeding for a period that exceeds 1 hour from the beginning of the feeding, or has been unrefrigerated for 1 hour or more must be discarded.

(13) Children shall not have beverage or food containers when they are in bed or when they are walking around or playing.

(14) The propping of bottles is prohibited.

(15) Breastfeeding must be supported by making reasonable accommodations for a mother who chooses to breastfeed her child at the child care home.

History: 2005 AACCS; 2009 AACCS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1932 Home maintenance and safety.

Rule 32. (1) The structure, premises, and furnishings of a child care home must be in good repair and maintained in a clean, safe, and comfortable condition.

(2) All dangerous and hazardous materials or items must be stored securely and out of the reach of children.

- (3) All steps, stairs, porches, and elevated structures to which children in care have access must be protected to prevent falls, and must be free of ice and snow accumulation.
- (4) A handrail is required for 3 or more steps, or a total rise of 24 inches or more.
- (5) Parents shall be notified before pesticide or fertilizer treatments.
- (6) There must be no flaking or deteriorating paint on interior and exterior surfaces, equipment, and toys accessible to children.
- (7) If the child care home was built prior to 1978, then the licensee shall inform parents of each child in care and all personnel, in writing, prior to any remodeling, renovating or re-painting that could potentially disturb lead-based paint or produce lead dust. Providers are encouraged to use EPA Renovation, Repair and Painting (RRP) trained and certified individuals when remodeling child care areas to ensure lead safety for their children in care.
- (8) Open-flame devices and candles must not be used, except for birthdays or religious celebrations, and they must be inaccessible to children and extinguished when done.

History: 2005 AACS; 2009 AACS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1933 Water supply; sewage disposal; water temperature.

Rule 33. (1) The water supply must be from a municipal water supply or an onsite well approved by the local health department.

- (2) All sewage must be disposed of through a public system or, in the absence thereof, in a manner approved by the local health department.
- (3) A child care home shall have a minimum of 1 flush toilet and 1 handwashing sink with hot and cold running water.
- (4) Hot water temperature must not exceed 120 degrees Fahrenheit at water faucets accessible to children.

History: 2005 AACS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1934 Heating; ventilation; lighting; radon.

Rule 34. (1) Each room that is used by children in care must have adequate ventilation and be maintained at a safe and comfortable temperature so children do not become overheated, chilled, or cold. Both of the following apply:

- (a) The temperature must be not less than 65 degrees Fahrenheit at a point 2 feet above the floor.
- (b) Measures must be taken to cool the children when the temperature exceeds 82 degrees Fahrenheit.
- (2) Windows and doors that are used for ventilation must be screened and in good repair.
- (3) A carbon monoxide detector, bearing a safety certification mark of a recognized testing laboratory, such as UL (Underwriters Laboratories) or ETL (Electrotechnical Laboratory), must be placed on all levels approved for child care.
- (4) A licensee shall test the child care home for the concentration of radon gas before the initial license is issued and every 4 years thereafter at the time of license renewal.
- (5) The lowest level of the child care home must not have levels of radon gases that exceed 4 picocuries per liter of air, except as provided in subrule (6) of this rule. Documentation of the results must be kept on file in the child care home.
- (6) If the levels of radon gases exceed 4 picocuries per liter of air in the lowest level of the child care home, the licensee shall notify the parents of children in care and have a radon mitigation system installed. The licensee has up to 12 months from the date of the first measurement to meet the standard in subrule (5) of this rule.
- (7) All child-use areas must have adequate natural or artificial lighting.

History: 2005 AACS; 2009 AACS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1935 Firearms.

Rule 35. (1) All firearms must be unloaded and properly stored in a secure, safe, locked environment inaccessible to children during hours of operation or while children are in care at a child care home. A secure and locked environment means a locked commercial gun safe, or a trigger lock installed and locked according to the manufacturer's recommendations to prevent discharge.

(2) Ammunition must be stored in a separate locked location inaccessible to children during hours of operation or while children are in care at a child care home.

(3) Firearms must not be traded or sold on the premises during hours of operation or while children are in care.

(4) Law enforcement officers who are required to keep their firearms loaded and ready for use at all times, may do so, as long as the firearm is inaccessible to children.

History: 2005 AACS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1936 Animals and pets.

Rule 36. (1) A licensee shall notify parents of any animals and pets in the home.

(2) Animals and pets that are potentially aggressive or in poor health shall be separated from children in care at all times.

(3) Children having contact with animals and pets shall be supervised by a child care staff member who is physically close enough to remove a child immediately if the animal shows signs of distress or the child shows signs of treating the animal inappropriately.

(4) Animals and pets shall not be allowed in food preparation and eating areas during meal or snack time.

(5) Litter boxes, pet food, pet dishes, and pet toys must be inaccessible to children.

History: 2005 AACS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1941 Heat-producing equipment.

Rule 41. (1) All flame-producing and heat-producing equipment must be maintained in a safe condition and shielded to protect against burns. This subrule applies to all of the following:

(a) A furnace.

(b) A water heater.

(c) A fireplace.

(d) A radiator and pipes.

(e) Wood burning equipment.

(2) Combustible materials and equipment must not be stored within 4 feet of furnaces, other flame or heat-producing equipment, or fuel-fired water heaters.

(3) Portable heating devices must not be used when children are in care.

(4) Furnaces, other flame or heat-producing equipment used to heat the home when children are in care, and fuel-fired water heaters must be inspected by 1 of the following entities:

(a) A licensed heating contractor for a fuel-fired furnace.

(b) A licensed heating contractor or licensed plumbing contractor for a fuel-fired water heater.

(c) A mechanical inspector for the local jurisdiction or licensed mechanical inspector for a wood stove or other solid fuel appliance.

(5) The inspection specified in subrule (4) of this rule must be conducted before the initial license is issued and every 4 years thereafter at the time of license renewal.

(6) For outdoor wood stoves or open-air wood boilers, the initial installation inspection by a local heating or mechanical inspector shall meet the requirements of this rule.

History: 2005 AACS; 2009 AACS 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1942 Electrical service; maintenance.

- Rule 42. (1) The electrical service of a child care home must be maintained in a safe condition. When warranted, an electrical inspection by an electrical inspecting authority may be required.
- (2) All electrical outlets, including outlets on multiple outlet devices, accessible to children must have safety covers or be tamper resistant outlets.
- (3) Electrical cords must be arranged so they are not hazardous to children.

History: 2005 AACS; 2009 AACS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1943 Exit requirements for each floor level used by children.

- Rule 43. (1) A child care home shall have at least 2 remotely located exits for every floor level occupied by children.
- (2) At least 1 exit from each floor level must provide a direct, safe means of unobstructed travel to the outside at street or ground level.
- (3) A window may be used as a second exit if it complies with all of the following provisions:
- (a) Is accessible to children and personnel.
 - (b) Is clearly identified.
 - (c) Can be readily opened.
 - (d) Is of a size and design to allow for the evacuation of all children and personnel.
- (4) If a level of a home that is above the second floor is used for children in care, then the building must be of 1-hour-fire-resistive construction and must have 2 stairways to ground level. At least 1 of the required stairways and all other vertical openings must be enclosed by, at a minimum, 1-hour-fire-resistive construction to provide a protected means of egress direct to the outside at ground level.
- (5) All exits must be unobstructed and accessible at all times.
- (6) The means of egress must be adequately lit at all times that children are in care.
- (7) Doors located in a required path of escape must be readily openable from the side of egress without the use of a key or special knowledge. Double cylinder locks, key operated locks, and similar devices are not allowed on any door in a required path of escape.
- (8) Interior door hardware must be designed to allow opening from the outside during an emergency if locked.
- (9) All closet door latches must be of the design so that children can open the door from inside the closet.
- (10) A room or space, including an attic, that is accessible only by a ladder or folding stairway or through a trapdoor must not be used by children in care.
- (11) For a basement window exit that is over 44 inches above floor level and approved prior to January 1, 2006, only steps and platforms must be used to access the window exit, and they must be permanently secured to the wall or floor. Ladders must not be used as a means for exiting.
- (12) An emergency escape window to the outside is required for basements approved for child use after January 1, 2006. All of the following provisions apply:
- (a) The total unobstructed window area for egress must be at least 5 square feet.
 - (b) The unobstructed opening must be at least 20 inches wide.
 - (c) The unobstructed opening must be at least 24 inches high.
 - (d) The bottom of the opening must be not more than 44 inches above the floor.
 - (e) If the sill height is below grade, then it must open into a window well with at least 9 square feet of area, 3 feet in length and 3 feet in width. The area of the window well must allow the emergency escape window to be fully opened. If the well depth is over 44 inches, then it must have permanently affixed steps that are approved by the local building inspector.

History: 2005 AACS; 2009 AACS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1944 Smoke detectors; fire extinguishers.

Rule 44. (1) Operable smoke detectors approved by a nationally recognized testing laboratory must be installed and maintained on each floor of the home, including the basement, and in all sleeping areas and bedrooms used by children in care.

(2) Heat detectors may be utilized in kitchens.

(3) A home shall have at least 1 functioning multipurpose fire extinguisher, with a rating of 2A-10BC or larger, properly mounted not higher than 5 feet from the floor to the top of the fire extinguisher, on each floor level approved for child use.

History: 2005 AACS; 2009 AACS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1945 Emergency; plan; drill.

Rule 45. (1) An applicant or licensee shall have a written emergency response plan for the care of children that must be posted in a conspicuous location within the child care home. The plan must address the following types of emergencies:

(a) Fire evacuation.

(b) Tornado watches and warnings.

(c) Serious accident or injury.

(d) Water emergencies, if applicable.

(e) Crisis management including, but not limited to, all of the following:

(i) Intruders.

(ii) Active shooters.

(iii) Bomb threats.

(iv) Other man- or woman-caused events.

(2) The written plan must include all of the following:

(a) A plan for evacuation.

(b) A plan for safely moving children to a relocation site.

(c) A plan for shelter-in-place.

(d) A plan for lockdown.

(e) A plan for contacting parents and reuniting families.

(f) A plan for continuing operations during or after a disaster.

(g) A plan for how infants and toddlers will be accommodated in all types of emergencies.

(h) A plan for how children with special needs will be accommodated in all types of emergencies.

(i) A plan for how children with chronic medical conditions will be accommodated in all types of emergencies.

(3) A licensee shall inform all personnel of the overall emergency response plan and of his or her individual duties and responsibilities in the event of an emergency specified in subrule (1) of this rule.

(4) Fire drills must be practiced while children are in care at least once quarterly, and a written record that includes the date and time it takes to evacuate must be maintained.

(5) At least 2 tornado drills must be practiced while children are in care between March and November, and a written record of these drills that includes the date must be maintained.

(6) Smoke detectors must be used as the alarm for fire drills.

(7) The records required in this rule must be retained for a minimum of 4 years.

History: 2005 AACS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1951 Transportation.

Rule 51. (1) A vehicle used to transport children in care must be maintained in a good, safe working condition.

(2) A licensee shall ensure that the driver of a vehicle transporting children is an adult, who has a valid driver's license, valid vehicle registration, and proof of current automobile insurance.

- (3) A licensee shall notify the parents in advance when drivers other than child care staff members are used to transport children.
- (4) If the driver will have unsupervised access to children, the driver shall complete a comprehensive background check and be determined eligible by the department in compliance with section 5n of the act, MCL 722.115n.
- (5) Each child passenger restraint device and each safety belt must be installed, anchored, and used according to the manufacturer's specifications and must be maintained in a safe working condition.
- (6) The transportation of all children must be conducted pursuant to state law.
- (7) Each child transported shall remain seated and properly restrained by a child passenger restraint device appropriate for his or her age. The manufacturer's rated seating capacity for the vehicle must not be exceeded.
- (8) A licensee shall provide a driver with a copy of the child information card, or comparable facsimile, for each child being transported in a vehicle.
- (9) The driver of each vehicle transporting children shall carry in the vehicle, and be familiar with, the contents of a first aid kit. The first aid kit, must contain, at a minimum, all of the following:
 - (a) Adhesive tape.
 - (b) Bandages (assorted sizes).
 - (c) Cold pack.
 - (d) Disposable gloves.
 - (e) Gauze pads and roller gauze (assorted sizes).
 - (f) Hand sanitizer.
 - (g) Plastic bags.
 - (h) Scissors and tweezers.
 - (i) Triangular bandage.

History: 2005 AACs; 2009 AACs; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1952 Child transportation; parent permission; child information card; required when off-premises.

Rule 52 (1) A licensee shall obtain and keep on file written permission from a child's parent before a child is transported in a vehicle. Written permission must be obtained for both of the following:

- (a) Routine transportation, at least annually.
- (b) Nonroutine transportation, before each trip.
- (2) At the time of initial enrollment, a licensee shall obtain written permission from a child's parent for the child to go on field trips that do not involve a vehicle including, but not limited to, walking to a park or in the neighborhood.
- (3) A licensee shall have a copy of each child's information card and a first aid kit, containing the items listed in R 400.1951(9), accessible at all times when children leave the premises.

History: 2005 AACs; 2009 AACs; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1961 Parent notification required; incidents; accidents; illness; disease; isolation.

Rule 61. (1) A licensee shall promptly report to a child's parent any of the following:

- (a) Any incidents, accidents, suspected illness, or other changes observed in the health of a child.
- (b) A child who is exposed to a communicable disease so the child may be observed for symptoms of the disease.
- (2) A licensee shall isolate a child who is too ill to remain in the group in an area where the child can be supervised and made as comfortable as possible.
- (3) Bedding, toys, utensils, toilets, and lavatories, used by an individual who is ill, must be appropriately cleaned and sanitized before being used by another individual.

History: 2005 AACs; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1962 Department notification required; incidents; injury; accident, illness, death, or fire.

Rule 62. (1) A licensee shall make a verbal or email report to the department within 24 hours of the occurrence of any of the following:

- (a) A child is lost or left unsupervised.
 - (b) An incident involving inappropriate contact or an allegation of inappropriate contact.
 - (c) A serious injury of a child.
 - (d) A fire on the premises of the home that requires the use of fire suppression equipment or results in loss of life or property.
- (2) A licensee shall make a verbal report to the department within 24 hours of the death of a child.
- (3) A licensee shall make a verbal or email report to the department within 24 hours of notification by a parent that a child received medical treatment or was hospitalized for an injury, accident, or medical condition that occurred while the child was in care.
- (4) A licensee shall submit a written report to the department of the occurrences outlined in subrules (1), (2), and (3) of this rule, in a format provided by the department, within 72 hours of the verbal or emailed report to the department.
- (5) A licensee shall keep a copy of the report on file for a minimum of 4 years.

History: 2005 AACCS; 2020 MR 23, Eff. Dec. 13, 2019.

R 400.1963 Rule variance.

Rule 63. (1) Upon written request of an applicant or licensee, the department may grant a variance from an administrative rule if the alternative proposed provides clear and convincing evidence that the health, welfare, and safety of children is protected.

(2) The decision of the department must be entered upon the records of the department and a signed copy must be sent to the applicant or licensee. A variance may remain in effect for as long as the licensee continues to comply with the conditions of the variance, or it may be time-limited.

History: 2005 AACCS; 2020 MR 23, Eff. Dec. 13, 2019.

APPENDIX A

ADULT/CHILD RATIO						
Age Groups of Children						
Children less than 18 mo. old	+	Children 18-29 mo. old	+	Children 30 mo. and older	=	TOTAL
0	+	0	+	6	=	6
0	+	1	+	5	=	6
0	+	2	+	4	=	6
0	+	3	+	3	=	6
0	+	4	+	2	=	6
1	+	0	+	5	=	6
1	+	1	+	4	=	6
1	+	2	+	3	=	6
1	+	3	+	2	=	6
2	+	0	+	4	=	6
2	+	1	+	3	=	6
2	+	2	+	2	=	6

Each caregiver may supervise up to 6 children at any one time in any of the above combinations of age groups of children

APPENDIX B

PROMULGATION PROCESS/SUGGESTED CHANGES

The promulgation process was lengthy. This was due in part to the Department’s desire to develop rules that are clear, reasonable, necessary, fair and enforceable. Serious consideration was given to the recommendations of the Ad Hoc Committee, licensees, many child care organizations, interested citizens, parents, and staff. In the interest of continuing to serve the public by considering its wishes, the Department would welcome any comments or suggestions that you feel will help improve future revisions of these regulations. Your comments will be reviewed when changes in the rules are being considered. 1973 PA 116 requires the Department to conduct a review of the rules every other year and a major review by an Ad Hoc Committee every five years. You are invited to send your comments to:

Division Director
Child Care Licensing Division
Michigan Department of Licensing and Regulatory Affairs
PO BOX 30664
LANSING MI 48909
www.michigan.gov/michildcare

In forwarding comments or suggestions, please use an outline similar to the one below. Send to the Division Director for the Department’s consideration and review.



Rule Number	Subrule Number
SUGGESTED CHANGE:	
REASON FOR CHANGE:	
Signature	Date
Print Name	
Address (Number, Street)	
City, State, Zip Code	

APPENDIX C

CONTESTED CASE HEARINGS

(By authority conferred on the director of the department of consumer and industry services by section 2 of Act No. 116 of the Public Acts of 1973, as amended, section 10 of Act No. 218 of the Public Acts of 1979, as amended, and Executive Reorganization Order No. 1996-1, being §§722.112, 400.710, and 330.3101 of the Michigan Compiled Laws)

R 400.16001 Definitions.

Rule 1. (1) As used in these rules:

- (a) "Act" means Act No. 116 of the Public Acts of 1973, as amended, being §722.111 et seq. of the Michigan Compiled Laws.
 - (b) "Act No. 218" means Act No. 218 of the Public Acts of 1979, as amended, being §400.701 et seq. of the Michigan Compiled Laws.
 - (c) "Noncompliance" means a violation of the act or act 218, an administrative rule promulgated under the act or act 218, or the terms of a license or a certificate of registration.
 - (d) "Substantial noncompliance" means repeated violations of the act or act 218 or an administrative rule promulgated under the act or act 218, or noncompliance with the act or act 218, or a rule promulgated under the act or act 218, or the terms of a license or a certificate of registration that jeopardizes the health, safety, care, treatment, maintenance, or supervision of individuals receiving services or, in the case of an applicant, individuals who may receive services.
 - (e) "Willful noncompliance" means, after receiving a copy of the act or act 218, the rules promulgated under the act or act 218 and, for a license, a copy of the terms of a license or a certificate of registration, an applicant or licensee knew or had reason to know that his or her conduct was a violation of the act or act 218, rules promulgated under the act or act 218, or the terms of a license or a certificate of registration.
- (2) Except as provided in subrule (1) of this rule, a term defined in Act No. 306 of the Public Acts of 1969, as amended, being §§24.201 et seq. of the Michigan Compiled Laws, shall have the same meaning when used in these rules.
- (3) The definitions in this rule apply to matters under the act and act 218 for contested case hearings.

History: 1998-2000 AACS.



LARA is an equal opportunity employer/program.



Re: Child Care Center Group Home verification of allowed location

From Planner <planner@ktpw.org>

Date Tue 12/23/2025 11:06 AM

To Bryan Ergang <bnergang@ktpw.org>

Cc David Becker <drbecker@ktpw.org>; Scott Jackson <sajackson@ktpw.org>

Thank you!

Hillary Taylor

Kalamazoo Township Planning & Zoning

269-381-8080 ext. 128

1720 Riverview Drive, Kalamazoo MI 49004

From: Bryan Ergang <bnergang@ktpw.org>

Sent: Tuesday, December 23, 2025 10:48 AM

To: Planner <planner@ktpw.org>

Cc: David Becker <drbecker@ktpw.org>; Scott Jackson <sajackson@ktpw.org>

Subject: RE: Child Care Center Group Home verification of allowed location

Good morning Hillary,

My apologies for the delay. You are correct, both the courthouse and juvenile detention facility are within the boundaries you provided.

I am also going to copy your request to Scott Jackson, who is going to take over upon my retirement next month.

Respectfully,

Bryan



Bryan N. Ergang

Chief of Police

1720 Riverview Drive

Kalamazoo, MI 49004

Office: (269) 888-2176 / Fax: (269) 552-4468

E-mail: bnergang@ktwp.org

Web: www.ktwp.org

Township of Kalamazoo Police Department

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Pride ~ Integrity ~ Compassion ~ Respect

From: Planner <planner@ktwp.org>

Sent: Tuesday, December 23, 2025 10:13 AM

To: Bryan Ergang <bnergang@ktwp.org>

Cc: David Becker <drbecker@ktwp.org>

Subject: Re: Child Care Center Group Home verification of allowed location

Hi Chief Ergang,

Just following up on this email. The Planning Commission will ask for this information at the January 8, 2026 meeting. I would like to send out packets on December 30, 2025 with your response. It appears that the courthouse and juvenile detention center is located within 1500 feet of this proposed group day care. Can you confirm this location? Thank you.

Regards,

Hillary Taylor

Kalamazoo Township Planning & Zoning

269-381-8080 ext. 128

1720 Riverview Drive, Kalamazoo MI 49004

From: Planner

Sent: Thursday, December 18, 2025 9:39 AM

To: Bryan Ergang <bnergang@ktwp.org>

Cc: David Becker <drbecker@ktwp.org>

Subject: re: Child Care Center Group Home verification of allowed location

Good Morning Chief Ergang,

David Becker suggested that I ask you about the attached map. The blue square is the address of 1320 Bixby, where an applicant would like to located a child care group home to provide care to 6-12 children. The following rules apply:

4) For a county or township, a group child care home shall be issued a special use permit, conditional use permit, or other similar permit if the group child care home meets all of the following standards:

(a) Is located not closer than 1,500 feet to any of the following:

(i) Another licensed group child care home.

(ii) An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.

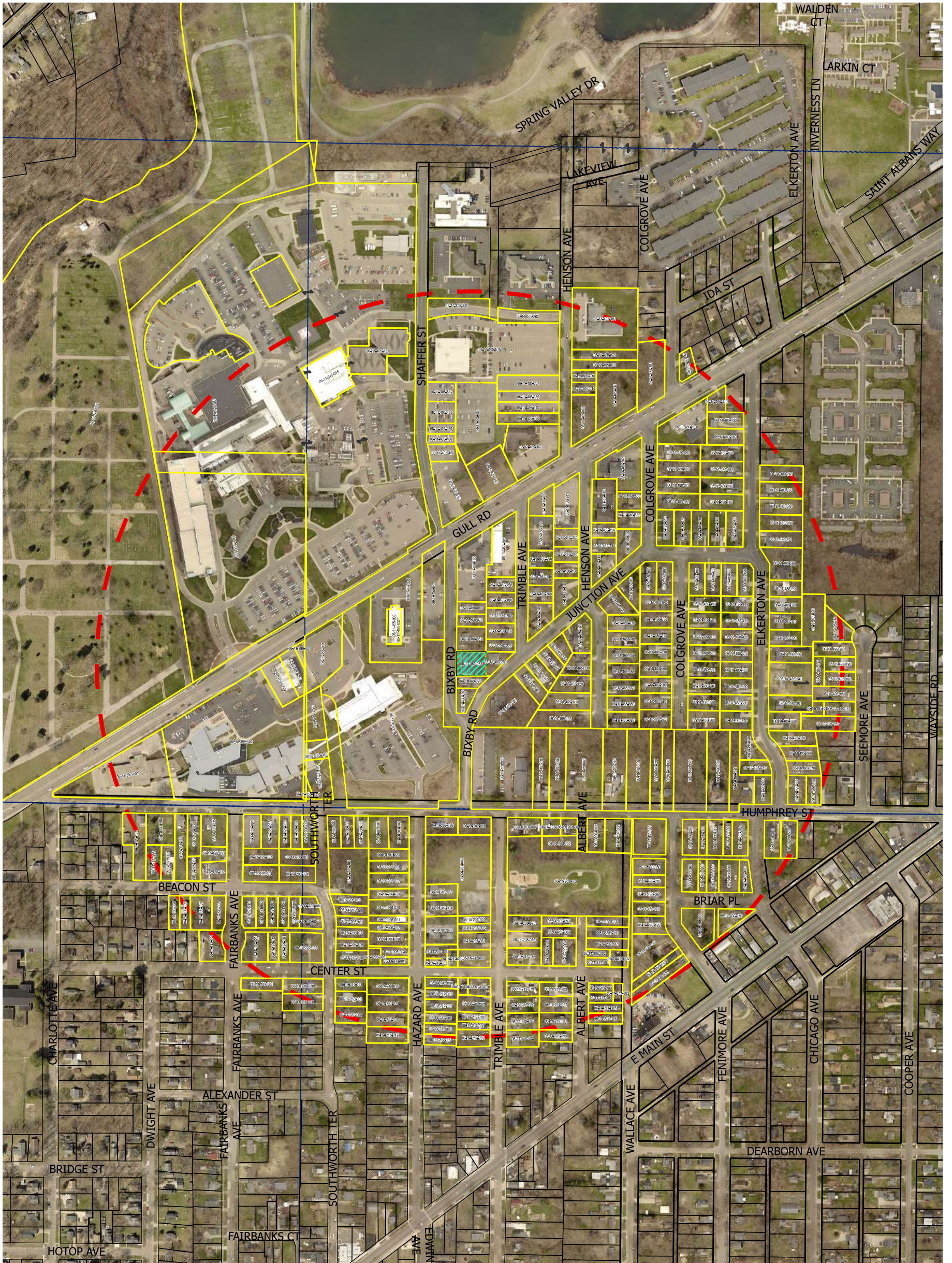
(iii) A facility offering substance use disorder services to 7 or more people that is licensed under part 62 of the public health code, 1978 PA 368, MCL 333.6230 to 333.6251.

(iv) A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the department of corrections.

Will you please look at the map and determine if there is a "correction center" located within the 1500 foot radius buffer? Your comments by Friday 12/19 are appreciated.

Regards,

*Hillary Taylor
Kalamazoo Township Planning & Zoning
269-381-8080 ext. 128
1720 Riverview Drive, Kalamazoo MI 49004*

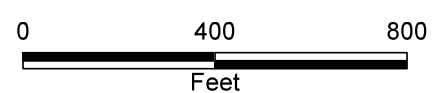


Legend

- Parcels Within 1500' Radius of 1320 Bixby
- 1500' Radius Boundary
- 1320 Bixby Road

This map is intended for reference purposes only. While it is intended to be an accurate graphic representation, its accuracy cannot be guaranteed. Therefore, neither Kalamazoo Charter Township nor Prein&Newhof shall be held liable for its contents. Any conclusions or information derived from this map is at the users sole risk.

**Kalamazoo Township
1320 Bixby Road
1,500 foot Radius Buffer**




Driveway and fence pictures

From Kafayat <karinola373@gmail.com>

Date Mon 12/22/2025 9:26 PM

To Planner <planner@ktwp.org>

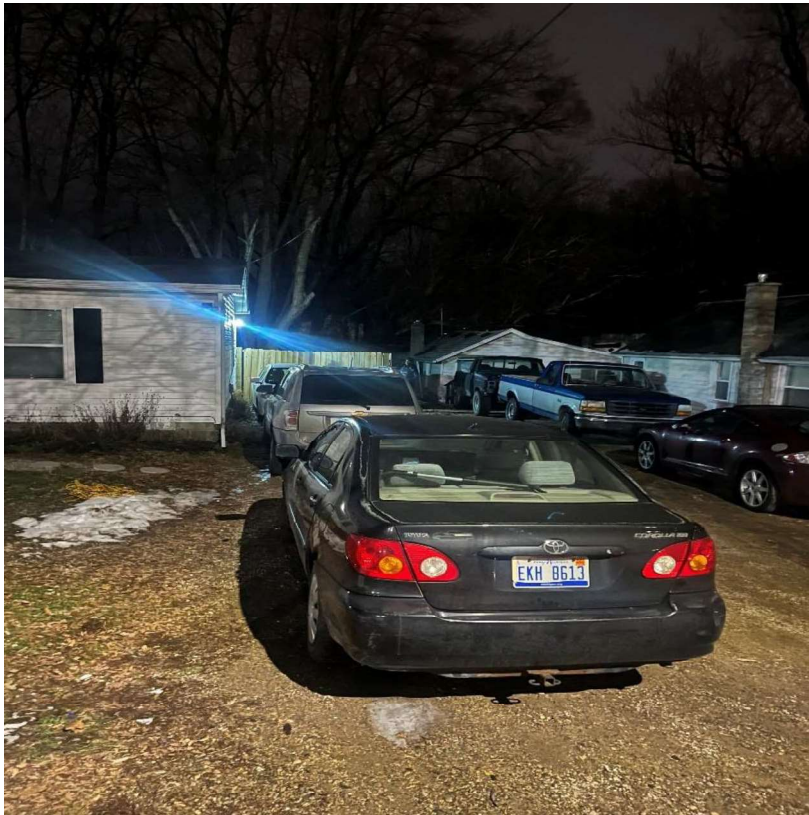
 1 attachment (3 MB)

driveway_fence pictures.pdf;

[THIS IS AN EXTERNAL MESSAGE]

Hi Hillary, these are the pictures of the fence and driveway. I stated at the last meeting that the fence was 8 feet but it was 6 feet. The driveway already is a shared drive way. We talked to our neighbor about the daycare and the driveway requirement, and we had a verbal agreement about sharing the driveway. He is not the home owner. He is simply renting the house beside us, but he gave his verbal consent. He is a trucker and he is rarely at home. Ultimately the driveway shows it can accommodate six cars. There is a property line that divides the driveway. This can be seen in one of the pictures of the driveway. I stated in the last meeting, the parents will not be dropping off their kids at the same time. There will be scheduled drop off time and pick up time.

Thanks you,
Kafayat Haley



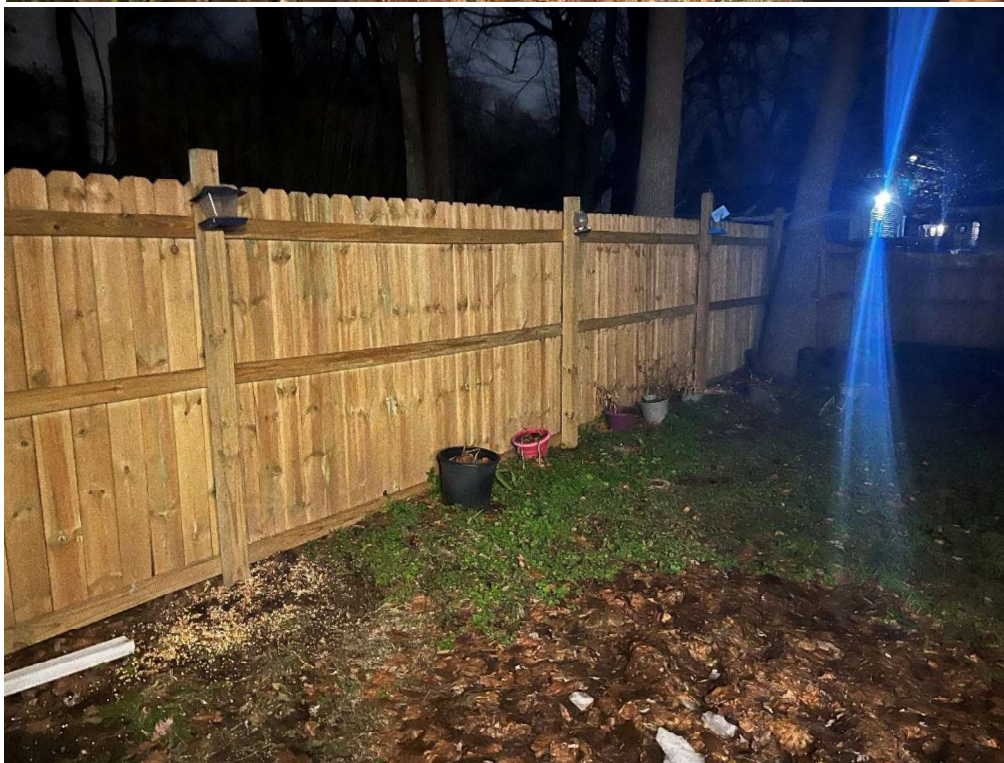


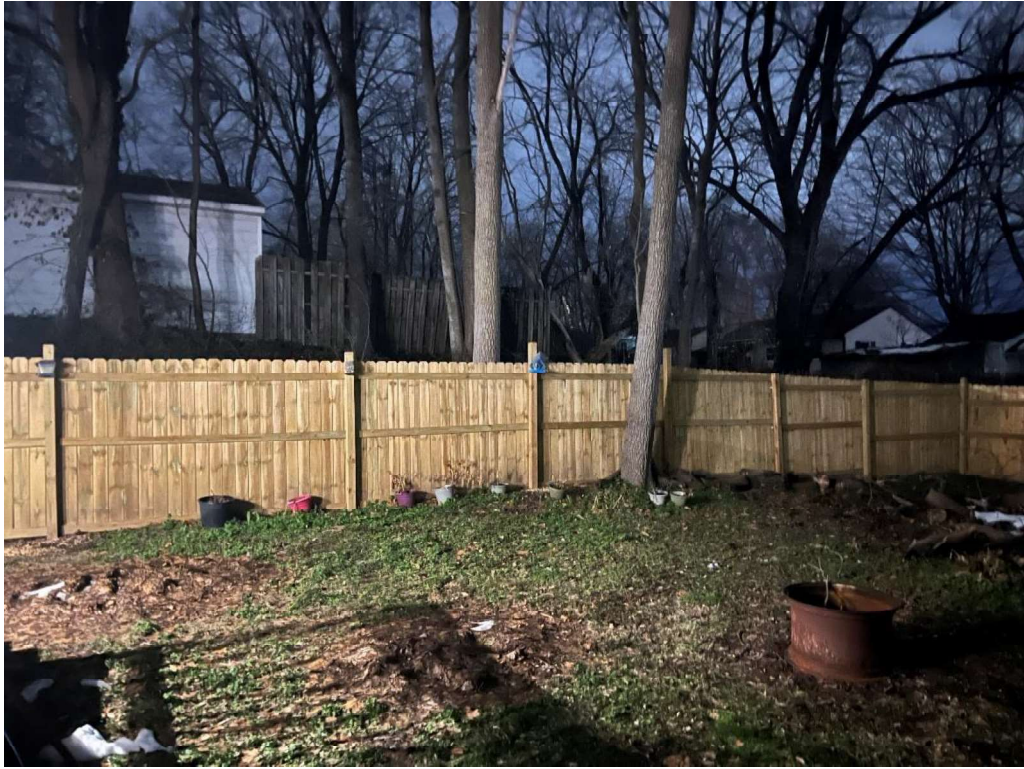












ARTICLE 3.00 Nonconformities

Section 3.01 Intent

Nonconformities are uses, structures, buildings, or lots which do not conform to one or more provisions or requirements of this Ordinance or a subsequent amendment, but which were lawfully established prior to the time of adoption of the Ordinance or amendment. Such nonconformities are not compatible with the current or intended use of land in the district in which they are located. Therefore, it is the intent of this Ordinance to permit such nonconformities to continue under certain conditions, but to discourage their expansion, enlargement, or extension. Accordingly, the purpose of this section is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue and in the cases of residential homes in commercial and industrial zones, to be rebuilt if destroyed by calamity or "Act of God".

The following table summarizes the nonconforming regulations contained in this Article:

Summary of Nonconformity Regulations

<u>Issue</u>	<u>Requirements</u>
Period of non-use before nonconformity must cease	<i>Nonconforming use of open land:</i> 180 days <i>Nonconforming use of structure or building:</i> 12 months
Establishment of new conforming use	Nonconforming use must cease
Change in ownership	No effect on nonconformity
Nonconforming single family use	May be enlarged, subject to conditions (see 3.03.J) Special rules for qualified properties in R-1 and R-2
Substitution of one nonconformity for another	Permitted under certain conditions (see 3.03.K and 3.05)
Nonconforming contiguous lots under same ownership	Must be combined if vacant
Expansion of nonconforming use within building	Permitted subject to conditions
Expansion of nonconforming use beyond existing building	Not permitted
Enlargement of nonconforming structure	Not permitted
Maintenance; structural repairs	Generally permitted (see 3.05.C)
Renovation; modernization	Maximum value: 50% of assessed value
Rebuilding after catastrophe	Permitted if damage is less than 50% of pre-catastrophe fair market value (except as permitted in 3.03.J) 3.05 Z. Single family dwelling in I-1 or I-2 Zoning Districts allowed to rebuild on same footprint in case of catastrophe regardless of percentage of damage

Section 3.02 Definitions

For the purposes of this article, the following words and phrases shall have the meaning ascribed to them:

A. Effective Date

Whenever this article refers to the "effective date," the reference shall be deemed to include the effective date of any amendments to this Ordinance if the amendments created a nonconforming situation.

B. Nonconforming Building or Nonconforming Structure

A building, structure, or portion thereof that does not meet the limitations on building size, location on a lot, or other regulations for the district in which such building or structure is located.

C. Nonconforming Lot

A lot existing at the effective date of this Ordinance, or amendments thereto, that does not meet the minimum area or dimensional requirements of the district in which the lot is located.

D. Nonconforming Sign

A sign that on the effective date of this Ordinance does not conform to one or more regulations set forth in the Ordinance.

E. Nonconforming Use

A use which was lawfully in existence at the effective date of this Ordinance, or amendment thereto, and which does not now conform to the use regulations of this Ordinance for the zoning district in which it is now located.

F. Structural Nonconformity

A nonconformity that exists when the height, size, or minimum floor space of a structure, or the relationship between an existing building and other buildings or lot lines, does not conform to the standards of the district in which the property is located. Also sometimes referred to as a *Dimensional Nonconformity*.

Section 3.03 General Requirements

The following regulations shall apply to all nonconforming uses, structures, and lots:

A. Continuation of Nonconforming Uses and Structures

Any lawful nonconforming use existing on the effective date of this Ordinance or amendment thereto may be continued and shall not be considered to be in violation of this Ordinance, provided that (unless otherwise noted in this Article) the use shall not be enlarged or extended to occupy a greater area of land, nor moved in whole or in part to another portion of the lot.

Any lawful building or structure existing on the effective date of this Ordinance or amendment thereto may be continued and shall not be considered in violation of this Ordinance, provided that (unless otherwise noted in this Article) the building or structure involved shall not be structurally altered, enlarged, or moved unless such modifications conform to the provisions of this Ordinance for the district in which it is located.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

B. Buildings Under Construction

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. "Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has begun preparatory to rebuilding, such work shall be deemed to be actual construction, provided that such work shall be diligently carried on until completion of the building involved.

C. Discontinuation of Nonconforming Uses

1. Nonconforming Uses of a Structure

When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for twelve (12) consecutive months without a present intention to reinstate the nonconforming use, the structure (or structure and land in combination) shall not thereafter be used except in conformance with the provisions of the district in which it is located.

2. Nonconforming Uses of Open Land

If any nonconforming use of open land ceases for any reason for a period of more than one hundred eighty (180) days, any subsequent use of such land shall conform to the provisions set forth of the district in which it is located.

3. Seasonal Uses

In applying this sub-section to seasonal uses, the time during the off-season shall not be counted.

D. Purchase or Condemnation

In order to accomplish the elimination of nonconforming uses and structures which constitute a nuisance or are detrimental to the public health, safety and welfare, Kalamazoo Township may acquire, by purchase, condemnation or otherwise, private property for the purpose of removal of nonconforming uses pursuant to Section 208(3) of Public Act 110 of 2006, as amended.

E. Recording of Nonconforming Uses and Structures

The Township shall be responsible for maintaining records of nonconforming uses and structures as accurately as is feasible, and for determining legal nonconforming uses and structures in existence on the effective date of this Ordinance. Failure on the part of a property owner to provide the Township with necessary information to determine legal nonconforming status may result in denial of required or requested permits.

F. Establishment of a Conforming Use or Structure

In the event that a nonconforming principal use or structure is superseded by a conforming principal use or structure on a site, the nonconforming use or structure shall be immediately and permanently removed.

G. Change of Tenancy or Ownership

In the event there is a change in tenancy, ownership, or management, an existing nonconforming use or structure shall be allowed to continue provided there is no change in the nature or character of such nonconformity.

H. Variances

Any use for which a variance has been granted as provided in this Ordinance shall not be deemed a nonconformity.

I. Unlawful Nonconformities

No building, structure, or use shall be permitted to continue in existence if it was unlawful at the time it was established.

J. Nonconforming Single-Family Structures

1. Notwithstanding the limitations outlined in this article, any structure used for single family residential purposes and maintained as a nonconforming use may be replaced with a similar structure or of a larger size, *so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements.*

2. See Section 3.05 D.3. for rebuilding authority for nonconforming single-family dwellings in I-1 and I—2 Zoning Districts

K. Substitution

A nonconforming use may be changed to another nonconforming use upon approval of the Zoning Board of Appeals provided that no structural alterations are required to accommodate the new nonconforming use, and that the proposed use is equally or more appropriate in the district than the existing nonconformity. In permitting such a change, the Zoning Board of Appeals may require conditions to accomplish the purposes of this Ordinance.

L. Change of Location

Should a nonconforming structure be moved to another parcel or to another location on the same parcel for any reason whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

M. Medical Marijuana Facilities

1. No marijuana facility operating or purporting to operate prior to March 1, 2018, shall be deemed to have been a legally existing use nor shall the operation of such marijuana facility be deemed a legal nonconforming use under this ordinance.
2. A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any amendment thereto.

Section 3.04 Nonconforming Lots of Record

The following regulations shall apply to any nonconforming lot of record or nonconforming lot described in a deed or land contract executed and delivered prior to the effective date of this Ordinance or amendment thereto:

A. Use of Nonconforming Lots

Any nonconforming lot shall be used only for a use permitted in the district in which it is located. Notwithstanding limitations imposed by other provisions of this Ordinance, a permitted use may be erected on any single lot of record in existence at the effective date of adoption or amendment thereto. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, provided that the lot can be developed as proposed without any significant adverse impact on surrounding properties or the public health, safety, and welfare.

1. **Special rules for Nonconforming Vacant Lots or Parcels in R-1 and R-2 Districts.** The following definitions, rules and standards apply to nonconforming qualifying parcels in R-1 and R-2.
 - a. **Definition of “qualifying parcel”.** In order to be deemed a “qualifying parcel” that is eligible for development under this section a parcel must be:
 1. Presently existing at the time this section was added; and lawful when it was originally created.
 - A. New residential housing developments are not eligible.
 - B. Not created as a result of a split.
 - C. Not a merged parcel under Section 3.04C of this Ordinance.
 2. Presently located in the R-1 “Single Family Residential” zoning district or the R-2 “Single and Two-Family Residential” zoning district.
 - A. Not created as a result of rezoning.
 3. Have public water or public sewer or both available.
 4. Have one or more of the following characteristics:
 - 7500 square feet or less in area.
 - Less than 50 feet in width
 - Less than 100 feet in lineal parcel depth; or
 - Be less than 9,000 square feet in total area with an asymmetric shape with varying opposing lot lines with more than 15 feet of differential.
 - b. **Determination of qualifying lot or parcel.** A property owner or developer that wishes to have a lot or parcel deemed a qualifying parcel shall make application and a sketch plan showing proposed setbacks and layouts to the zoning administrator, who shall note the qualifying parcel on said application and determine the minimum setbacks, and maximum lot coverage and height based on the following standards.
 - c. **Development standards specific to qualifying parcels:**

1. **Side yard setbacks.** Minimum setback is 50% of that of the underlying zoning district, but in no event may be less than 5 feet.
2. **Lot coverage limitation.** Lot coverage maximum is 1.5 times that in the underlying zoning district (R-1 or R-2), maximum coverage 40% (50%) in overlay
3. **Front/rear yard averaging.** For each setback calculation the maximum for either is calculated as follows: A. the minimum setback (front or rear yard) applicable in the zoning district or B. The average setback (calculated separately) of the two nearest principal structures' front or rear yard, based on their building lines, whichever is less. If there are no adjoining parcels with principal structures, calculate the setback based on the nearest principal structure on the same side of the street on the same street.
4. **Corner lot averaging.** Corner lots have two front yards. For corner lots, the first front yard (with address and driveway) maximum shall be calculated based on Section 3. above. The second front yard shall be not less than 10 feet and shall provide visual clearance for vehicles. Off-street parking requirements shall be met.
5. All height, parking, landscaping and use rules in the underlying zoning district apply to qualifying parcels.
6. Consistency with these development standards shall be determined by the Zoning Administrator prior to granting a zoning permit for construction on a qualifying lot.
7. The zoning administrator may require a survey and/or a site plan prior to granting a zoning permit on a qualifying parcel.

B. Variance from Area and Bulk Requirements

If the use of nonconforming lot requires a variance from the area or bulk requirements, then such use shall be permitted only if a variance is granted by the Zoning Board of Appeals.

C. Nonconforming Lots Under the Same Ownership

1. If two or more lots or combination of lots with contiguous frontage in single ownership are of record at the time of adoption or amendment of this Ordinance, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of a parcel be made which creates a lot with width or area less than the requirements stated in this Ordinance. These provisions shall not apply to contiguous lots in single ownership where each of the lot is occupied by an existing home.
2. Any lot laid out in an approved plat or existing as an unplatted parcel which was lawful in size at the time it was created and which fails to comply with the minimum size requirements of a subsequent Kalamazoo Township Zoning Ordinance or a subsequent Kalamazoo Township Subdivision Control Ordinance, may be used for the uses permitted in the zoning district in which it is located, provided all setback requirements are complied with.

D. Combination of Nonconforming Lots

The Township Assessor may permit the combination, in whole or in part, of nonconforming lots of record into building sites less than the size requirements established by this Ordinance, provided that the combination of lots reduces the degree of nonconformity and results in a parcel which is capable of accommodating a structure that is in conformance with the building area and setback requirements of this Ordinance.

Section 3.05 Modification to Nonconforming Uses or Structures

No nonconforming use or structure shall be enlarged, extended, or structurally altered, nor shall any nonconformity be changed to a different nonconformity which increases the intensity of use or nonconformity, except as permitted in this Section.

Applicability

The following regulations shall apply to any nonconforming use or structure, including:

1. Nonconforming uses of open land.
2. Nonconforming use of buildings designed for a conforming use.
3. Nonconforming use of buildings specifically designed for the type of use that occupies them but not suitable for a conforming use.
4. Buildings designed and used for a conforming use but not in conformance with area and bulk, parking, loading, or landscaping requirements.
5. Nonconforming structures, such as fences and signs.

Enlargement, Extension, or Alteration

1. Increase in Nonconformity Prohibited

Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of any nonconformity. For example, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

- a. An increase in the total amount of space devoted to a nonconforming use, or
- b. Greater nonconformity with respect to dimensional restrictions, such as setback requirements, height limitations, density requirements, or other requirements in the district in which the property is located.

2. Permitted Extension

Any nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building. No nonconforming use of land shall be enlarged, increased, or extended to occupy a greater area of land, nor shall any such use be moved in whole or in part to any portion of the lot or parcel than was occupied on the effective date of this Ordinance or amendment thereto.

3. Alterations that Decrease Nonconformity

Any nonconforming structure or any structure or portion thereof containing a nonconforming use, may be altered if such alteration serves to decrease the nonconforming nature of the structure or use.

4. Variance to Area and Bulk Requirements

If a proposed alteration is deemed reasonable by the Zoning Board of Appeals by virtue of the fact that it would decrease the nonconforming nature of a structure or use, but such alteration requires a variance from the area or bulk requirements, then such alteration shall be permitted only if a variance is granted by the Zoning Board of Appeals.

C. Repairs, Improvements, and Modernization

1. Required Repairs

Repairs or maintenance deemed necessary by the Building Official to keep a nonconforming building structurally safe and sound are permitted. However, if a non-conforming structure or a structure containing a nonconforming use becomes physically unsafe and/or unlawful due to lack of maintenance and repairs and is declared as such by the Building Official, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.

2. Additional Permitted Improvements

Additional repairs, improvements, or modernization of nonconforming structures, beyond what is required to maintain the safety and soundness of the structure, shall be permitted provided such repairs or improvements do not exceed fifty percent (50%) of the assessed value of the structure during any period of twelve (12) consecutive months. Any such repairs, improvements, and modernization shall not result in enlargement of the cubic content of the nonconforming structure. The provisions in this paragraph shall apply to all structures except as otherwise provided in this Article for single-family residential uses and for reconstruction of structures damaged by fire or other catastrophe.

D. 3.06 Non-conforming structures affected by natural disaster

1. Scope. This Section 3.06 refers to those situations in which a non-conforming structure is damaged by flood, tornado, earthquake, hailstorm, wildfire, and/or high levels of precipitation or any other natural disaster over which the owner has no control, often referred to as “acts of God”. It also applies to fires that are not intentionally set by the owner/occupant of the property solely for the purpose of demolition or partial demolition of a nonconforming structure. For purposes of this section, such occurrences shall be collectively called “catastrophe” and such damages shall be referred to herein as “catastrophic damages”.

2. **Catastrophic damage to part or portion of nonconforming structures in all residential, commercial and mobile home park zoning districts.** a. **Damage in excess of 50%.** Except as provided in Section 3, of this subsection, any nonconforming structure or structure housing a nonconforming use in the R-1, R-2, RM-1, RM-2, RM-3, MHP, C-1 or C-2, zoning districts that is damaged by catastrophe as defined herein in excess of fifty percent (50%) of the structure’s pre-catastrophe fair market value (as determined by the Township Assessor) shall not be rebuilt, repaired, or reconstructed except in complete conformity with the provisions of this Ordinance. b. **Damage of less than 50% .** Any nonconforming structure or structure housing a nonconforming use in any zoning district that is damaged by catastrophe by less than or equal to fifty percent (50%) of the structure’s pre-catastrophe fair market value (as determined by the Township Assessor) may be restored to its pre-catastrophe status, provided that restoration is completed within a period of twelve (12) months from the date of such fire, flood, or other catastrophe. Restoration of structures located in the floodplain shall comply with Section 2.07(E).

3. Special Provision for full reconstruction of nonconforming Single-family dwellings in I-1 or I-2.

- a. **Findings.** It is recognized that the township’s zoning of certain parcels containing single-family dwellings to I-1 and I-2 were made nonconforming, a problem that is more prevalent in the present day because the owners of those single-family dwellings wish to sell or transfer them after several years (in some cases decades) of nonconforming use. While one of the goals of zoning is the eventual elimination of nonconforming uses, it is apparent that lots containing single family dwellings in the I-1 and I-2 are not attractive to permitted or special land uses; nor to adjoining industrial or other nonpermitted uses. Difficulty in obtaining financing as well as the length of the nonconformity, together with the general lack of interest in them by industrial uses places owners, many of which are long-term residents, at a disadvantage. This section is intended to cure that problem.
- b. In cases of catastrophe as defined in this section, non-conforming single-family dwellings in the I-1 and I-2 District Zoning Classifications are not subject to Section 1. a. (this section, above) and may be repaired and/or rebuilt regardless of the amount of damage thereto. A non-conforming single-family dwelling in either the I-1 or I-2 District Zoning Classification does not lose its non-conforming status in the case of catastrophe and may be repaired, reconstructed or rebuilt to its non-conforming status regardless of the percentage of damage suffered by said single-family dwelling.

4. Proposals to rebuild, repair, reconstruct, or restore require nonconforming structure under this section shall be submitted to the Township Zoning Administrator and Building Official for approvals (if required) and permits.